**History of the United States, Vols 1-6 - George Bancroft**

George Bancroft

History of the United States

Volume 1, To 1688

HISTORY OF

THE UNITED STATES OF AMERICA

AS COLONIES

IN THREE PARTS

PARTS I & II

Preface

Bancroft, Hist. of the U.S., vol.1, preface

THE adoption of the federal government marks the chief division in the history of the United States. The period which leads to that epoch has within itself perfect unity and completeness. The narrative which has been carried forward to this broad line of demarkation is therefore now laid before the public in a compact form after a revision by its author, which must be his last.

Bancroft, Hist. of the U.S., vol.1, preface

Each one of the several parts into which the long period naturally arranges itself has its special universal interest. The formation in the New World of a people of European origin with a political life of its own was the most pregnant event of the seventeenth century. This subject is brought to its conclusion in the present volume.

Bancroft, Hist. of the U.S., vol.1, preface

The epoch which will trace the young American states from the British revolution of 1688 far into the eighteenth century asserts its claim to a world-wide character, though of a different nature. The wars of religion were ended, and material interests swelled the sails of the age. The striving for commerce, which in those days meant a monopoly of commerce, absorbed the great nations of the earth; and a monopoly of commerce meant the establishment or the acquisition of dependent colonies. After the death of William III, who would have watched over the rights of the Netherlands, the unity of the history of Britain will in vain be sought for among its ruling princes, of whom all were insignificant; or in its great families in an age when the aristocracy was absolutely supreme, and yet when little is to be told about its chiefs but their factious altercations for the lead. The unity resides in the struggle for lordship over the commerce of the world. Every question, dynastic or ministerial, was drawn into this mighty ocean stream, where, in the great naval race, the flag of England was ever foremost. In these struggles Africa and Asia were the scenes of wonderful deeds; but every effort, every contention, every war pointed to the rivalry of the powers of Europe in North America. The climax of this period for England is marked by the double victory of the elder Pitt, as minister, through Wolfe on the Plains of Abraham, and, though he had ceased to be minister, as still the animating soul of the English army and fleet which made the conquest of Havana.

Bancroft, Hist. of the U.S., vol.1, preface

In the epochs that next followed, no one disputes that the paramount interest in the history of the world rests on the colonies held by Britain in North America.

Bancroft, Hist. of the U.S., vol.1, preface

In this last revision, as in the first composition, it is the fixed purpose to secure perfect accuracy in the relation of facts, even to their details and their coloring, and to keep truth clear from the clouds, however brilliant, of conjecture and tradition. No well-founded criticism that has been seen, whether made here or abroad, with a good will or a bad one, has been neglected.

Bancroft, Hist. of the U.S., vol.1, preface

The next aim is lucidity in the ordering of the narrative, so that the reader may follow the changes of public affairs in their connection, and with every page be carried forward in the story.

Bancroft, Hist. of the U.S., vol.1, preface

There is no end to the difficulty in choosing language which will awaken in the reader the very same thought that was in the mind of the writer. In the form of expression, many revisions are hardly enough to assure strict correctness and propriety. Repetitions and redundancies have been removed; greater precision has been sought for; the fitter word that offered itself accepted; and, without the surrender of the right of history to pronounce its opinion, care has been taken never unduly to forestall the judgment of the reader, but to leave events as they sweep onward to speak their own condemnation or praise.

WASHINGTON, D.C., October 1882.

Introduction

Bancroft, Hist. of the U.S., vol.1, p.3

THE United States of America constitute an essential portion of a great political system, embracing all the civilized nations of the earth. At a period when the force of moral opinion is rapidly increasing, they have the precedence in the practice and the defence of the equal rights of man. The sovereignty of the people is here a conceded axiom, and the laws, established upon that basis, are cherished with faithful patriotism. While the nations of Europe aspire after change, our constitution engages the fond admiration of the people, by which it has been established. Prosperity follows the execution of even justice; invention is quickened by the freedom of competition; and labor rewarded with sure and unexampled returns. Domestic peace is maintained without the aid of a military establishment; public sentiment permits the existence of but few standing troops, and those only along the seaboard and on the frontiers. A gallant navy protects our commerce, which spreads its banners on every sea, and extends its enterprise to every clime. Our diplomatic relations connect us on terms of equality and honest friendship with the chief powers of the world, while we avoid entangling participation in their intrigues, their passions, and their wars. Our national resources are developed by an earnest culture of the arts of peace. Every man may enjoy the fruits of his industry; every mind is free to publish its convictions. Our government, by its organization, is necessarily identified with the interests of the people, and relies exclusively on their attachment for its durability and support. Even the enemies of the state, if there are any among us, have liberty to express their opinions undisturbed; and are safely tolerated where reason is left free to combat their errors. Nor is the constitution a dead letter, unalterably fixed: it has the capacity for improvement, adopting whatever changes time and the public will may require, and safe from decay so long as that will retains its energy. New states are forming in the wilderness; canals, intersecting our plains and crossing our highlands, open numerous channels to internal commerce; manufactures prosper along our watercourses; the use of steam on our rivers and railroads annihilates distance by the acceleration of speed. Our wealth and population, already giving us a place in the first rank of nations, are so rapidly cumulative that the former is increased fourfold, and the latter is doubled, in every period of twenty-two or twenty-three years. There is no national debt, the government is economical, and the public treasury full. Religion, neither persecuted nor paid by the state, is sustained by the regard for public morals and the earnestness of an enlightened faith. Intelligence is diffused with unparalleled universality; a free press teems with the choicest productions of all nations and ages. There are more daily journals in the United States than in the world beside. A public document of general interest is, within a month, reproduced in at least a million of copies, and is brought within the reach of every freeman in the country. An immense concourse of emigrants of the most various lineage is perpetually crowding to our shores, and the principles of liberty, uniting all interests by the operation of equal laws, blend the discordant elements into harmonious union. Other governments are convulsed by the innovations and reforms of neighboring states; our constitution, fixed in the affections of the people, from whose choice it has sprung, neutralizes the influence of foreign principles, and fearlessly opens an asylum to the virtuous, the unfortunate, and the oppressed of every nation.

Bancroft, Hist. of the U.S., vol.1, p.3

And yet it is but little more than two centuries since the oldest of our states received its first permanent colony. Before that time the whole territory was an unproductive waste. Throughout its wide extent the arts had not erected a monument. Its only inhabitants were a few scattered tribes of feeble barbarians, destitute of commerce and of political connection. The axe and the ploughshare were unknown. The soil, which had been gathering fertility from the repose of ages, was lavishing its strength in magnificent but useless vegetation. In the view of civilization the immense domain was a solitude.

Bancroft, Hist. of the U.S., vol.1, p.3

It is the object of the present work to explain how the change in the condition of our land has been brought about; and, as the fortunes of a nation are not under the control of blind destiny, to follow the steps by which a favoring Providence, calling our institutions into being, has conducted the country to its present happiness and glory. 1834.

Bancroft, Hist. of the U.S., vol.1, p.3

THE foregoing words, written nearly a half-century ago, are suffered to remain, because the intervening years have justified their expression of confidence in the progress of our republic. The seed of disunion has perished; and universal freedom, reciprocal benefits, and cherished traditions bind its many states in the closest union. 1882.

Part 1: The English People Found a Nation in America, 1492-1660

PART I

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The English People Found a Nation in America

From 1492 to 1660

Chapter 1:

Early Voyages,

French Settlements in America

Bancroft, Hist. of the U.S., vol.1, p.7

THE enterprise of Columbus, the most memorable maritime enterprise in the history of the world, formed between Europe and America the communication which will never cease.

Bancroft, Hist. of the U.S., vol.1, p.7 - p.8

Nearly three centuries before the Christian era, Aristotle, following the lessons of the Pythagoreans, had taught that the earth is a sphere, and that the water which bounds Europe on the west washes the eastern shores of Asia. Instructed by him, the Spaniard Seneca believed that a ship, with a fair wind, could sail from Spain to the Indies in a few days. The opinion was revived in the middle ages by Averroes, the Arab commentator of Aristotle. Science and observation assisted to confirm it; and poets of ancient and of more recent times had foretold that empires beyond the ocean would one day be revealed to the daring navigator. The genial country of Dante and Buonarotti gave birth to Christopher Columbus, by whom these lessons were so received and weighed that he gained the glory of fulfilling the prophecy. Accounts of the navigation from the eastern coast of Africa to Arabia had reached the western kingdoms of Europe; and adventurous Venetians, returning from travels beyond the Ganges, had filled the world with dazzling descriptions of the wealth of China as well as marvellous reports of the outlying island empire of Japan. It began to be believed that the continent of Asia stretched over far more than a hemisphere, and that the remaining distance round the globe was comparatively short. Yet from the early part of the fifteenth century the navigators of Portugal had directed their explorations to the coast of Africa; and, when they had ascertained that the torrid zone is habitable even under the equator, the discovery of the islands of Madeira and the Azores could not divert them from the purpose of turning the southern capes of that continent and steering past them to the land of spices, which promised untold wealth to the merchants of Europe, new dominions to its princes, and heathen nations to the religion of the cross. Before the year 1474, and perhaps as early as 1470, Columbus was attracted to Lisbon, which was then the great centre of maritime adventure. He came to insist with immovable resoluteness that the shortest route to the Indies lay across the Atlantic. By the words of Aristotle, received through Averroes, and by letters from Toscanelli, the venerable cosmographer of Florence who had drawn a map of the world with eastern Asia rising over against Europe, he was riveted in his faith, and lived only in the idea of laying open the western path to the Indies.

Bancroft, Hist. of the U.S., vol.1, p.8 - p.9

After more than ten years of vain solicitations in Portugal, he left the banks of the Tagus to seek the aid of Ferdinand and Isabella, rich in nautical experience, having watched the stars at sea from the latitude of Iceland to near the equator at Elmina. Though yet longer baffled by the skepticism which knew not how to comprehend the clearness of his conceptions, or the mystic trances which sustained his inflexibility of purpose, or the unfailing greatness of his soul, he lost nothing of his devotedness to the sublime office to which he held himself elected from his infancy by the promises of God. When half resolved to withdraw from Spain, travelling on foot, he knocked at the gate of the monastery of La Rabida, at Palos, to crave the needed charity of food and shelter for himself and his little son whom he led by the hand, the destitute and neglected seaman, in his naked poverty, was still the promiser of kingdoms; holding firmly in his grasp "the keys of the ocean sea," claiming, as it were from Heaven, the Indies as his own, and "dividing them as he pleased." It was then that through the prior of the convent his holy confidence found support in Isabella, the queen of Castile; and in 1492, with three poor vessels, of which the largest only was decked, embarking from Palos for the Indies by way of the west, Columbus gave a New World to Castile and Leon, "the like of which was never done by any man in ancient or in later times."

Bancroft, Hist. of the U.S., vol.1, p.9

Successive popes of Rome had already conceded to the Portuguese the undiscovered world from Cape Bojador in Africa easterly to the Indies. To prevent collision between Christian princes, on the fourth of May, 1493, Alexander VI published a bull, in which he drew an imaginary line from the north pole to the south a hundred leagues west of the Azores, assigning to Spain all that lies to the west of that boundary, while all to the east of it was confirmed to Portugal.

Bancroft, Hist. of the U.S., vol.1, p.9

The commerce of the middle ages, concentrated upon the Mediterranean Sea, had enriched the Italian republics, and had been chiefly engrossed by their citizens. After the fall of the Byzantine empire the Christian states desired to escape the necessity of strengthening the Ottoman power by the payment of tribute on all intercourse with the remoter east. Maritime enterprise, transferring its home to the borders of the Atlantic, set before itself as its great problem the discovery of a pathway by sea to the Indies; and England, which like Spain and Portugal looked out upon the ocean, became a competitor for the unknown world.

Bancroft, Hist. of the U.S., vol.1, p.9 - p.10

The wars of the houses of York and Lancaster had terminated with the intermarriage of the heirs of the two families; the spirit of commercial activity began to be successfully fostered; and the marts of England were frequented by Lombard adventurers. The fisheries of the north had long tempted the merchants of Bristol to an intercourse with Iceland; and had matured the nautical skill that could buffet the worst storms of the Atlantic. Nor is it impossible that some uncertain traditions respecting the remote discoveries which Icelanders had made in Greenland toward the north-west, "where the lands nearest meet," should have excited "firm and pregnant conjectures." The achievement of Columbus, revealing the wonderful truth of which the germ may have existed in the imagination of every thoughtful mariner, won the admiration which belonged to genius that seemed more divine than human; and "there was great talk of it in all the court of Henry VII." A feeling of disappointment remained, that a series of disasters had defeated the wish of the illustrious Genoese to make his voyage of essay under the flag of England. It was, therefore, not difficult for John Cabot, a denizen of Venice, residing at Bristol, to interest that politic king in plans for discovery. On the fifth of March, 1496, he obtained under the great seal a commission empowering himself and his three sons, or either of them, their heirs, or their deputies, to sail into the eastern, western, or northern sea with a fleet of five ships, at their own expense, in search of islands, provinces, or regions hitherto unseen by Christian people; to affix the banners of England on city, island, or continent; and, as vassals of the English crown, to possess and occupy the territories that might be found. It was further stipulated in this "most ancient American state paper of England," that the patentees should be strictly bound, on every return, to land at the port of Bristol, and to pay to the king one fifth part of their gains; while the exclusive right of frequenting all the countries that might be found was reserved to them and to their assigns, without limit of time.

Bancroft, Hist. of the U.S., vol.1, p.10 - p.11

Under this patent, which, at the first direction of English enterprise toward America, embodied the worst features of monopoly and commercial restriction, John Cabot, taking with him his son Sebastian, embarked in quest of new islands and a passage to Asia by the north-west. After sailing prosperously, as he reported, for seven hundred leagues, on the twenty-fourth day of June, 1497, early in the morning, almost fourteen months before Columbus on his third voyage came in sight of the main, and more than two years before Amerigo Vespucci sailed west of the Canaries, he discovered the western continent, probably in the latitude of about fifty-six degrees, among the dismal cliffs of Labrador. He ran along the coast for many leagues, it is said even for three hundred, and landed on what he considered to be the territory of the Grand Cham. But he encountered no human being, although there were marks that the region was inhabited. He planted on the land a large cross with the flag of England, and, from affection for the republic of Venice, he added the banner of St. Mark, which had never before been borne so far. On his homeward voyage he saw on his right hand two islands, which for want of provisions he could not stop to explore. After an absence of three months the happy discoverer re-entered Bristol harbor, where due honors awaited him. The king gave him money, and encouraged him to continue his career. The people called him the great admiral; he dressed in silk; and the English, and even Venetians who chanced to be at Bristol, ran after him with such zeal that he could enlist for a new voyage as many as he pleased.

Bancroft, Hist. of the U.S., vol.1, p.11

A second time Columbus had brought back tidings from the isles which to the end of his life he steadfastly believed to be the outposts of India. It appeared to be demonstrated that ships might pass by the west into those rich eastern realms where, according to the popular belief, the earth teemed with spices, and imperial palaces glittered with pearls and rubies, with diamonds and gold. On the third day of the month of February next after his return, "John Kaboto, Venician," accordingly obtained a power to take up ships for another voyage, at the rates fixed for those employed in the service of the king, and once more to set sail with as many companions as would go with him of their own will. With this license every trace of John Cabot disappears. He may have died before the summer; but no one knows certainly the time or the place of his end, and it has not even been ascertained in what country this finder of a continent first saw the light.

Bancroft, Hist. of the U.S., vol.1, p.11 - p.12

His second son, Sebastian Cabot, probably a Venetian by birth, a cosmographer by profession, succeeded to the designs of his father. He reasoned justly, that, as the degrees of longitude decrease toward the north, the shortest route to China and Japan lies in the highest practicable latitude; and with youthful fervor he devoted himself to the experiment. In May, 1498, Columbus, radiant with a glory that shed a lustre over his misfortunes and griefs, calling on the Holy Trinity with vows, and seeing paradise in his dreams, embarked on his third voyage to discover the main land, and to be sent back in chains. In the early part of the same month Sebastian Cabot, then not much more than twenty-one years of age, chiefly at his own cost, led forth two ships and a large company of English volunteers, to find the north-west passage to Cathay and Japan. A few days after the English navigator had left the port of Bristol, Vasco da Gama, of Portugal, as daring and almost as young, having turned the Cape of Good Hope, cleared the Straits of Mozambique, and sailed beyond Arabia Felix, came in sight of the mountains of Hindostan; and his happy crew, decking out his little fleet with flags, sounding trumpets, praising God, and full of festivity and gladness, steered into the harbor of Calicut. Meantime Cabot proceeded toward the north till icebergs compelled him to change his course. The coast to which he was now borne was unobstructed by frost. He saw there stags larger than those of England; and bears that plunged into the water to take fish with their claws. The fish swarmed in such shoals they seemed even to stay the speed of his vessels, so that he gave to the country the name of Bacallaos, a word of German origin, which still lingers on the eastern side of Newfoundland, and has passed into the language of the Italians, as well as the Portuguese and Spanish, to designate the cod. Coasting the shore, he found the natives of those regions clad in skins of beasts; but they were not without the faculty of reason, and in many places were acquainted with the use of copper. In the early part of his voyage he had been so far to the north that in the month of July the light of day was almost continuous; before he turned homeward, in the late autumn, he believed he had attained the latitude of the Straits of Gibraltar and the longitude of Cuba. A gentle westerly current appeared to prevail in the northern sea.

Bancroft, Hist. of the U.S., vol.1, p.12

Such is the meagre account given by Sebastian Cabot, through his friend Peter Martyr, the historian of the ocean, of that great voyage which was undertaken by the authority of "the most wise" Prince Henry VII, and made known to England a country "much larger than Christendom."

Bancroft, Hist. of the U.S., vol.1, p.12 - p.13

Thus the year 1498 stands singularly famous in the annals of the sea. In May, Vasco da Gama reached Hindostan by way of the Cape of Good Hope; in August, Columbus discovered the firm land of South America and the river Oronoco, which seemed to him to flow from some large empire, or perhaps even from the terrestrial paradise itself; and, in the summer, Cabot, the youngest of them all, made known to the world the coast line of the present United States as far as the entrance to the Chesapeake. The fame of Columbus was embalmed in the poetry of Tasso; Da Gama is the hero of the national epic of Portugal; but the elder Cabot was so little celebrated that even the reality of his voyage has been denied; and Sebastian derived neither benefit nor immediate renown from his expedition. His main object had been the discovery of a north-western passage to Asia, and in this respect his voyage was a failure; while Da Gama was cried up by all the world for having found the way by the south-east. For the next half century it was hardly borne in mind that the Venetian and his son had, in two successive years, reached the continent of North America, before Columbus came upon the low coast of Guiana. But England acquired through their energy such a right to North America as this priority could confer. The successors of Henry VII recognised the claims of Spain and Portugal only so far as they actually occupied the territories to which they laid pretension; and, at a later day, the English parliament and the English courts derided a title founded not upon occupancy, but upon the award of a Roman pontiff.

Bancroft, Hist. of the U.S., vol.1, p.13

"Lord, into thy hands I commend my spirit," were the words of Columbus, as on Ascension Day, 1506, he breathed his last. His great discovery was the triumph of free mind. In the year of his death, Copernicus, like him, emancipated from authority, attained the knowledge of the true theory of our solar system.

Bancroft, Hist. of the U.S., vol.1, p.13 - p.14

For nearly sixty years, during a period while marine adventure engaged the most intense public curiosity, Sebastian Cabot, from whom England derived a claim to our shores, was reverenced for his knowledge of cosmography and his skill in navigation. On the death of Henry VII he was called out of England by the command of Ferdinand, the Catholic king of Castile, and was appointed one of the council for the New Indies, ever cherishing the hope to discover "that hidden secret of nature," the direct passage to Asia. In 1518 he was named Pilot Major of Spain, and no one could guide a ship to the Indies whom he had not first examined and approved. He attended the congress which in April, 1524, assembled at Badajoz to decide on the respective pretensions of Portugal and Spain to the islands of the Moluccas. A company having been formed at Seville for commerce with the Indies, in April, 1526, he took command of an expedition with plans of passing into the Pacific, examining the south-western coast of the American continent, and opening a trade with the Moluccas. His larger purposes being defeated by a mutiny, he entered the Plata, and discovered the Parana and Paraguay. Returning to Seville in July, 1530, he was reinstated in his high office by the Emperor Charles V.

Bancroft, Hist. of the U.S., vol.1, p.14

Manuel, king of Portugal in its happiest years, grieving at his predecessor's neglect of Columbus, was moved by emulation to despatch an expedition for west and north-west discovery. In the summer of 1501 two caravels, under the command of Gaspar Cortereal, ranged the coast of North America for six or seven hundred miles, till, somewhere to the south of the fiftieth degree, they were stopped by ice. Of the country along which he sailed he admired the verdure, and the stately forests in which pines, large enough for masts and yards, promised an object of gainful commerce. But, with the Portuguese, men were an article of traffic; and Cortereal freighted his ships with more than fifty Indians, whom, on his return in October, he sold as slaves. The name of Labrador, transferred from the territory south of the St. Lawrence to a more northern coast, is perhaps the only permanent trace of Portuguese adventure within the limits of North America.

Bancroft, Hist. of the U.S., vol.1, p.14

The French competed without delay for the New World. Within seven years of the discovery of the continent the fisheries of Newfoundland were known to the hardy sailors of Brittany and Normandy, and they continued to be frequented. The island of Cape Breton took its name from their remembrance of home; and in France it was usual to esteem them the discoverers of the country. A map of the Gulf of St. Lawrence was drawn in 1506 by Denys, a citizen of Honfleur.

Bancroft, Hist. of the U.S., vol.1, p.14

In 1508, savages from the north-eastern coast had been brought to France; ten years later plans of colonization in North America were suggested by De Lery and Saint-Just.

Bancroft, Hist. of the U.S., vol.1, p.14 - p.15

There exists a letter to Henry VIII, from St. John, Newfoundland, written in August, 1527, by an English captain, in which he declares he found in that one harbor eleven sail of Normans and one Breton, engaged in the fishery. The French king, engrossed by the unsuccessful rivalry with Charles V, could hardly respect so humble an interest. But Chabot, admiral of France, a man of bravery and influence, acquainted by his office with the fishermen on whose vessels he levied some small exactions for his private emolument, interested Francis in the design of exploring and colonizing the New World. James Cartier, a seaman of St. Malo, was selected to lead the expedition. His several voyages had a permanent effect in guiding the attention of France to the region of the St. Lawrence. On the twentieth of April, 1534, he, with two ships, left the harbor of St. Malo; and prosperous weather brought him on the tenth of May to the coasts of Newfoundland. Having almost circumnavigated the island, he turned to the south, and, crossing the gulf, entered the bay, which he called Des Chaleurs, from the heats of midsummer. Finding no passage to the west, in July he sailed along the coast, as far as the smaller inlet of Gaspe. There, upon a point of land at the entrance of the haven, a lofty cross was raised, bearing a shield with the lilies of France and an appropriate inscription. Leaving the bay of Gaspe, Cartier in August discovered the great river of Canada, and ascended it till he could discern land on either side. As he was unprepared to remain during the winter, on the ninth of that month he steered for Europe, and on the fifth of September his fleet entered the harbor of St. Malo. His native city and France were filled with the fame of his discoveries.

Bancroft, Hist. of the U.S., vol.1, p.15

The court listened to the urgency of the friends of Cartier; a new commission was issued; three well-furnished ships were provided by the king; and some of the young nobility of France volunteered to join the new expedition. The whole company, repairing to the cathedral, received absolution and the bishop's blessing, and in May, 1535, sailed for the New World, full of hopes of discoveries and plans of colonization.

Bancroft, Hist. of the U.S., vol.1, p.15 - p.16

After a stormy voyage they arrived within sight of Newfoundland. Carried to the west of it by a route not easily traced, in August, on the day of Saint Lawrence, they gave the name of that martyr to a part of the noble gulf which opened before them; a name which has gradually extended to the whole, and to the river. After examining the isle of Anticosti, they reached in September a pleasant harbor in the isle since called Orleans. The natives, Indians of Algonkin descent, received them with unsuspecting hospitality. After exploring the island and adjacent shore, Cartier moved his two large vessels safely into the deep water of the river now known as the St. Charles, and in his galiot sailed up the majestic stream to the chief Indian settlement on the Island of Hochelaga. The language of its inhabitants proves them to have been of the Huron family of tribes. The town lay at the foot of a hill, which he climbed. As he reached the summit he was moved to admiration by the prospect before him of woods and waters and mountains. Imagination presented it as the emporium of inland commerce, and the metropolis of a continental province; filled with bright anticipations, he called the hill Mont-Real, and time, that has transferred the name to the island, is realizing his visions. Cartier gathered from the Indians some indistinct account of the countries now contained in northern Vermont and New York; of a cataract at the west end of Lake Ontario; and of the waters now known as the bay of Hudson. Rejoining his ships, the winter, rendered frightful by the ravages of the scurvy, was passed where they were anchored. At the approach of spring, a cross, erected upon the land, bore a shield with the arms of his country, and an inscription declaring Francis to be the rightful king of this new-found realm, to which the Breton mariner gave the name of New France. On the sixth of July, 1536, he regained St. Malo.

Bancroft, Hist. of the U.S., vol.1, p.16 - p.17

The description which Cartier gave of the country on the St. Lawrence furnished arguments against attempting a colony. The severity of the climate terrified even the inhabitants of the north of France; and no mines of silver and gold, no veins abounding in diamonds and precious stones, had been promised by the faithful narrative of the voyage. Three or four years, therefore, elapsed before plans of colonization were renewed. Yet imagination did not fail to anticipate the establishment of a state upon the fertile banks of a river which surpassed all the streams of Europe in grandeur, and flowed through a country situated between nearly the same parallels as France. Soon after a short peace had terminated the third desperate struggle between Francis I and Charles V, attention to America was again awakened; men at court deemed it unworthy a gallant nation to abandon the acquisition; and in January, 1540, a nobleman of Picardy, Francis de la Roque, Lord of Roberval, a man of provincial distinction, sought and obtained a commission as lord of the unknown land then called Norimbega, and viceroy, with full regal authority, over the immense territories and islands which lie near the gulf or along the river St. Lawrence. But the ambitious nobleman could not dispense with the services of the former naval commander, who possessed the confidence of the king. Cartier was accordingly in October appointed captain-general and chief pilot of the expedition; he was directed to collect persons of every trade and art; to repair with them to the newly discovered territory; and to dwell there among the natives. To make up the complement of his men, he might take from the prisons whom he would, excepting only those arrested for treason or counterfeiting money. The enterprise was watched with jealousy by Spain.

Bancroft, Hist. of the U.S., vol.1, p.17

The division of authority between Cartier and Roberval defeated the undertaking. Roberval was ambitious of power; and Cartier desired the exclusive honor of discovery. They neither embarked in company nor acted in concert. In May, 1541, Cartier sailed from St. Malo. Arrived at the scene of his former adventures, near the site of Quebec, he built a fort; but no considerable advances in geographical knowledge appear to have been made. The winter passed in sullenness and gloom. In June, 1542, he and his ships returned to France, just before Roberval arrived with a considerable re-enforcement. Unsustained by Cartier, Roberval accomplished no more than a verification of previous discoveries. Remaining about a year in America, he abandoned his immense viceroyalty. Perhaps the expedition on its return entered the bay of Massachusetts.

Bancroft, Hist. of the U.S., vol.1, p.17 - p.18

For the next years no further discoveries were attempted by the government of a nation which was rent by civil wars and the conflict with Calvinism. Yet the number and importance of the fishing stages increased; in 1578 there were one hundred and fifty French Vessels at Newfoundland, and exchanges with the natives brought good returns.

Bancroft, Hist. of the U.S., vol.1, p.18

When, under the mild and tolerant reign of Henry IV, the star of France emerged from the clouds which had long eclipsed her glory, the purpose of founding a French empire in America was renewed, and in 1598 an ample commission was issued to the Marquis de la Roche, a Catholic of Brittany. Sweeping the prisons of France of their inmates, he established then, on the desolate isle of Sable. After some years the few survivors received a pardon and were brought back to their native country.

Bancroft, Hist. of the U.S., vol.1, p.18

The prospect of gain prompted the next adventure. In 1600, a monopoly of the fur trade, with an ample patent, was obtained by Chauvin; and Pontgrave, a merchant of St. Malo, shared the traffic. The voyage was repeated, for it was lucrative. The death of Chauvin prevented his settling a colony.

Bancroft, Hist. of the U.S., vol.1, p.18

A firmer hope of success was entertained when, in 1603, a company of merchants of Rouen was formed by the governor of Dieppe; and Samuel Champlain of Brouage, an able marine officer and a man of science, was selected to direct the expedition. By his natural disposition "delighting marvellously in these enterprises," in the last year of the sixteenth century he had for a season engaged in the service of Spain, that he might make a voyage to regions into which no Frenchman could otherwise have entered. He was in Porto Rico and St. Domingo and Cuba, visited the city of Mexico, and foreshadowed the benefits of joining the two oceans by a canal to Panama. He possessed a clear and penetrating understanding with a spirit of cautious inquiry; untiring perseverance with great mobility; indefatigable activity with fearless courage. The account of his first expedition to Canada gives proof of sound judgment, accurate observation, and historical fidelity. It is full of details on the manners of the savage tribes, not less than the geography of the country; and Quebec was selected as the appropriate site for a fort.

Bancroft, Hist. of the U.S., vol.1, p.18 - p.19

In November, 1603, just after Champlain had returned to France, an exclusive patent was issued to a Calvinist, the able, patriotic, and honest De Monts. The sovereignty of Acadia and its confines, from the fortieth to the forty-sixth degree of latitude, that is, from Philadelphia to beyond Montreal; a still wider monopoly of the fur trade; the exclusive control of the soil, government, and trade; freedom of religion for Huguenot emigrants—these were the privileges which his charter conferred.

Bancroft, Hist. of the U.S., vol.1, p.19

In March, 1604, two ships left the shores of France, not to return till a permanent settlement should be made in America. The summer glided away, while the emigrants trafficked with the natives and explored the coasts. The harbor called Annapolis after its conquest by Queen Anne, an excellent harbor though difficult of access, possessing a small but navigable river which abounded in fish and is bordered by beautiful meadows, so pleased Poutrincourt, a leader in the enterprise, that he sued for a grant of it from De Monts, and, naming it Port Royal, determined to reside there with his family. The company of De Monts made their first attempt at a settlement on the island of St. Croix, at the mouth of the river of the same name. The island proved so ill suited to their purposes that, in spring, 1605, they removed to Port Royal.

Bancroft, Hist. of the U.S., vol.1, p.19

For an agricultural colony a milder climate was more desirable; in view of a settlement at the south, De Monts in the same year explored and claimed for France the rivers, especially the Merrimac, the coasts and the bays of New England, as far, at least, as Cape Cod. The numbers and hostility of the savages led him to delay a removal, since his colonists were so few. Yet the purpose remained. Thrice, in the spring of 1606, did Dupont, his lieutenant, attempt to complete the discovery. Twice he was driven back by adverse winds; and, in August, at the third attempt, his vessel was wrecked. Poutrincourt, who had visited France and returned with supplies, himself renewed the design; but, in November, meeting with disasters among the shoals of Cape Cod, he, too, returned to Port Royal.

Bancroft, Hist. of the U.S., vol.1, p.19 - p.20

The possessions of Poutrincourt were, in 1607, confirmed by Henry IV; in the next year the apostolic benediction of the Roman pontiff followed families which exiled themselves to evangelize infidels; Mary of Medici herself contributed money to support the missions, which the Marchioness de Guercheville protected; and in 1610, by a compact with De Biencourt, the proprietary's son, the order of the Jesuits was enriched by an imposition on the fisheries and fur trade.

Bancroft, Hist. of the U.S., vol.1, p.20

The arrival of Jesuit priests in June, 1611, was signalized by conversions among the natives. In the following year De Biencourt and Father Biart explored the coast as far as the Kennebec, and ascended that river. The Canibas, Algonkins of the Abenaki nations, touched by the confiding humanity of the French, listened reverently to the message of redemption; and, already hostile toward the English who had visited their coast, the tribes between the Penobscot and the Kennebec became the allies of France, and were cherished as a barrier against English encroachments.

Bancroft, Hist. of the U.S., vol.1, p.20

A French colony was soon established, under the auspices of Madame De Guercheville and Mary of Medici; in 1613 the rude intrenchments of St. Saviour were raised by De Saussaye on the eastern shore of Mount Desert isle. The conversion of the heathen was the motive to the settlement; the natives venerated Biart as a messenger from Heaven; and, under the summer sky, round a cross in the centre of the hamlet, matins and vespers were regularly chanted.

Bancroft, Hist. of the U.S., vol.1, p.20

Meantime the remonstrances of French traders had effected the revocation of the monopoly of De Monts, and a company of merchants of Dieppe and St. Malo had founded Quebec. The design was executed by Champlain, who aimed not at the profits of trade, but at the glory of creating a state. On the third day of July, 1608, he raised the white flag over Quebec, where rude cottages were soon framed, a few fields cleared, and one or two gardens planted. The next year the bold adventurer, attended by two Europeans, joined a mixed party of Hurons from Montreal and Algonkins from Quebec, in an expedition against the Iroquois, or Five Nations, in the north of New York. He ascended the Sorel, and explored the lake which bears his name. A battle with the Five Nations was fought near Ticonderoga.

Bancroft, Hist. of the U.S., vol.1, p.20 - p.21

The death of Henry IV, in 1610, deprived the Huguenots of their protector. Yet De Monts survived, and he quickened the courage of Champlain. After the short supremacy of Charles de Bourbon, the prince of Conde, an avowed protector of the Calvinists, became viceroy of New France; through his intercession merchants of St. Malo, Rouen, and La Rochelle, obtained in 1615 a colonial patent from the king; and Champlain, now sure of success, embarked once more for the New World, accompanied by monks of the order of St. Francis. Again he invaded the territory of the Iroquois in New York. Wounded and repulsed, and destitute of guides, he spent the first winter after his return to America in the country of the Hurons; and, wandering among the forests, carried his language, religion, and influence even to the hamlets of Algonkins, near Lake Nipising.

Bancroft, Hist. of the U.S., vol.1, p.21

Religious disputes combined with commercial jealousies to check the progress of the colony; yet in July, 1620, in obedience to the wishes of Montmorenci, the new viceroy, Champlain began a fort. The merchants grudged the expense. "It is not best to yield to the passions of men," was his reply; "they sway but for a season; it is a duty to respect the future;" and in 1624 the castle St. Louis, so long the place of council against the Iroquois and against New England, was durably built on "a commanding cliff."

Bancroft, Hist. of the U.S., vol.1, p.21

In the same year the viceroyalty was transferred to the religious enthusiast, Henry de Levi; and through his influence, in 1625, just a year after Jesuits had reached the sources of the Ganges and Thibet, the banks of the St. Lawrence received priests of the order, which was destined to carry the cross to Lake Superior and the west.

Bancroft, Hist. of the U.S., vol.1, p.21

The presence of Jesuits and Calvinists led to dissensions. The savages caused disquiet. But the persevering founder of Quebec appealed to the royal council and to Richelieu, who had been created Grand Master of Navigation; and, though disasters intervened, Champlain successfully established the authority of the French on the banks of the St. Lawrence, in the territory which became his country. Dying on Christmas day, 1635, "the father of New France" was buried in the land which he colonized. The humble industry of the fishermen of Normandy and Brittany promised their country the acquisition of an empire.

Chapter 2:

The Spaniards in Florida and on the Pacific Coast

Bancroft, Hist. of the U.S., vol.1, p.22

I HAVE traced the course of events which established France in Acadia and Canada. The same power extended its claims indefinitely towards the south; but the right to Florida, on the ground of discovery, belonged to the Spanish, and was successfully asserted.

Bancroft, Hist. of the U.S., vol.1, p.22

No sooner had the New World revealed itself to Castile and Aragon than the Spanish chivalry of the ocean despised the range of Europe as too narrow, and offering to their extravagant ambition nothing beyond mediocrity. Blending avarice and religious zeal, they sailed to the west, as if they had been bound on a new crusade, for which infinite wealth was to reward their piety. America was the region of romance, where the heated imagination could indulge in the boldest delusions; where the simple natives ignorantly wore the most precious ornaments; and, by the side of the clear runnels of water, the sands sparkled with gold. To carve out provinces with the sword; to plunder the accumulated treasures of some ancient Indian dynasty; to return from a roving expedition with a crowd of enslaved captives and a profusion of spoils—became their ordinary dreams. Ease, fortune, life—all were squandered in the pursuit where, if the issue was uncertain, success was sometimes obtained, greater than the boldest desires had dared to anticipate. Is it strange that these adventurers were often superstitious? Or that they indulged the hope that the laws of Nature themselves would yield to men so fortunate and so brave?

Bancroft, Hist. of the U.S., vol.1, p.22 - p.23

The youth of Juan Ponce de Leon had been passed in military service in Spain; and, during the wars in Granada, he shared in the wild exploits of predatory valor. He was a fellow-voyager of Columbus on his second embarkation. In the wars of Hispaniola he proved himself a gallant soldier; and Ovando rewarded him with the superintendence of the eastern province of that island. From the hills in his jurisdiction he could behold Porto Rico. A visit to the island stimulated his cupidity; and in 1509 he obtained the appointment to its government. His new authority was used to oppress the natives and to amass wealth. But his commission conflicted with the claims of the family of Columbus; and it was revoked.

Bancroft, Hist. of the U.S., vol.1, p.23

Yet age had not tempered his passions: he longed to advance his fortunes by the conquest of a kingdom, and to retrieve a reputation which was not without a blemish. Besides, the veteran soldier had heard, and like many in Spain believed, that the forests of the new world concealed a fountain which had virtue to renovate life.

Bancroft, Hist. of the U.S., vol.1, p.23 - p.24

On the third of March, 1513, according to our present rule for beginning the year, Ponce embarked at Porto Rico, with a squadron of three ships, fitted out at his own expense, for his voyage to the fabled land. He touched at Guanahani; he sailed among the Bahamas. On Easter Sunday, which the Spaniards call Pascua Florida, and which in that year fell on the twenty-seventh of March, land was seen. It was supposed to be an island, and received the name of Florida from the day on which it was descried, and from the aspect of the forests which at that season were brilliant with bloom. After delay from bad weather, the aged soldier was able to go on shore, in the latitude of thirty degrees and eight minutes; some miles, therefore, to the north of St. Augustine. The territory was claimed for Spain. Ponce remained for many weeks to investigate the coast. He doubled Cape Florida; he sailed among the group which he named Tortugas; and, despairing of entire success, he returned to Porto Rico, leaving a trusty follower to continue the search, which was extended toward the bay of Appalachee. The Indians had everywhere displayed determined hostility. Ponce de Leon remained an old man; but Spanish commerce acquired a new channel through the Gulf of Florida, and Spain a province, which imagination could esteem immeasurably rich, since its interior was unknown.

Bancroft, Hist. of the U.S., vol.1, p.24

The government of Florida was the reward which Ponce received from the king of Spain; but the dignity was accompanied with the onerous condition that he should colonize the country. Preparations in Spain, and an expedition against the Caribbee Indians, delayed his return. When, in 1521, after a long interval, he proceeded with two ships to select a site for a colony, his company was attacked by the Indians with implacable fury. Many Spaniards were killed; the survivors were forced to hurry to their ships; Ponce de Leon himself, wounded by an arrow, returned to Cuba to die. So ended the adventurer, who had gone in quest of immeasurable wealth and perpetual youth.

Bancroft, Hist. of the U.S., vol.1, p.24

The expedition of Francisco Fernandez, of Cordova, leaving the port of Havana, and sailing west by south, discovered in 1517 the province of Yucatan and the bay of Campeachy. He then turned his prow to the north; but, at a place where he had landed for supplies of water, his company was suddenly assailed, and he himself mortally wounded.

Bancroft, Hist. of the U.S., vol.1, p.24

In 1518 the pilot whom Fernandez had employed conducted another squadron to the same shores; and Grijalva, the commander of the fleet, explored the coast from Yucatan toward Panuco. The masses of gold which he brought back, the rumors of the empire of Montezuma, its magnificence and its extent heedlessly confirmed by the costly presents of the unsuspecting natives, excited the ardent genius of Cortes. The voyage did not reach beyond the bounds of Mexico.

Bancroft, Hist. of the U.S., vol.1, p.24 - p.25

At that time Francisco de Garay, a companion of Columbus on his second voyage, and now famed for his opulence, was the governor of Jamaica. In the year 1519, after having heard of the richness and beauty of Yucatan, he at his own charge sent out four ships well equipped, and with good pilots, under the command of Alvarez Alonso de Pineda. His professed object was the search for some strait, west of Florida, which was not yet certainly known to form a part of the continent. The strait having been sought for in vain, his ships turned toward the west, attentively examining the ports, rivers, inhabitants, and everything else that seemed worthy of remark; and especially noticing the vast volume of water brought down by one very large stream. At last they came upon the track of Cortes near Vera Cruz. Between that harbor and Tampico they set up a pillar as the landmark of the discoveries of Garay. More than eight months were employed in thus exploring three hundred leagues of the coast, and taking possession of the country for the crown of Castile. The carefully drawn map of the pilots showed distinctly the Mississippi, which, in this earliest authentic trace of its outlet, bears the name of the Espiritu Santo. The account of the expedition having been laid before Charles V, a royal edict in 1521 granted to Garay the privilege of colonizing at his own cost the region which he had made known, from a point south of Tampico to the limit of Ponce de Leon, near the coast of Alabama. But Garay thought not of the Mississippi and its valley: he coveted access to the wealth of Mexico; and, in 1523, lost fortune and life ingloriously in a dispute with Cortes for the government of the country on the river Panuco.

Bancroft, Hist. of the U.S., vol.1, p.25

A voyage for slaves brought the Spaniards in 1520 still farther to the north. A company of seven, of whom the most distinguished was Lucas Vasquez de Ayllon, fitted out two slave ships from St. Domingo, in quest of laborers for their plantations and mines. From the Bahama islands they passed to the coast of South Carolina, which was called Chicora. The Combahee river received the name of the Jordan; the name of St. Helena, whose day is the eighteenth of August, was given to a cape, but now belongs to the sound. Gifts were interchanged with the natives, and the strangers received with confidence and hospitality. When at length the natives returned the visit of their guests, and covered the decks with cheerful throngs, the ships were got under way and steered for San Domingo. The crime was unprofitable: in one of them, many of the captives sickened and died; the other foundered at sea.

Bancroft, Hist. of the U.S., vol.1, p.25 - p.26

Repairing to Spain, Vasquez boasted of his expeditions, as a title to reward; and the emperor, Charles V, acknowledged his claim. In those days the Spanish monarch conferred a kind of appointment which had its parallel in Roman history. Countries were distributed to be subdued; and Lucas Vasquez de Ayllon, after long entreaty, was appointed to the conquest of Chicora.

Bancroft, Hist. of the U.S., vol.1, p.26

For this bolder enterprise the undertaker wasted his fortune in preparations; in 1525 his largest ship was stranded in the river Jordan; many of his men were killed by the natives; and he himself escaped only to suffer from the consciousness of having done nothing worthy of honor. Yet it may be that ships, sailing under his authority, made the discovery of the Chesapeake and named it the bay of St. Mary; and perhaps even entered the bay of Delaware, which, in Spanish geography, was called St. Christopher's.

Bancroft, Hist. of the U.S., vol.1, p.26

In 1524, when Cortes was able to pause from his success in Mexico, he proposed to solve the problem of a north-west passage, of which he deemed the existence unquestionable. But his project of simultaneous voyages along the Pacific and the Atlantic coast was never executed.

Bancroft, Hist. of the U.S., vol.1, p.26 - p.27

In the same year, Stephen Gomez, an able Portuguese seafarer, who had deserted Magellan in the very gate of the Pacific to return to Spain by way of Africa, solicited the council of the Indies to send him in search of a strait at the north, between the land of the Bacallaos and Florida. Peter Martyr said at once that that region had been sufficiently explored, and derided his imaginings as frivolous and vain; but a majority of the suffrages directed the search. In January, 1525, as we now reckon, Gomez sailed from Corunna with a single ship, fitted out at the cost of Charles V, under instructions to seek out the northern passage to Cathay. On the southern side of the Bacallaos he came upon a continent, trending to the west. He carefully examined some of the bays of New England; on an old Spanish map, that portion of our territory is marked as the Land of Gomez. He discovered the Hudson, probably on the thirteenth of June, for that is the day of Saint Antony, whose name he gave to the river. When he became convinced that the land was continuous, he freighted his caravel in part with furs, in part with Indians for the slave-market; and brought it back within ten months from his embarkation, having found neither the promised strait nor Cathay. In November he repaired to Toledo, where he rendered his report to the youthful emperor-king. The document is lost, but we know from the Summary of Oviedo, which was published in the second February after his return, that his examination of the coast reached but a little to the south of forty degrees of latitude. If this limit is to be interpreted strictly, he could not have entered the bay of the Chesapeake, or the Delaware. The Spaniards scorned to repeat their voyages to the frozen north; in the south, and in the south only, they looked for "great and exceeding riches."

Bancroft, Hist. of the U.S., vol.1, p.27

But neither the fondness of the Spanish monarch for extending his domains, nor the desire of the nobility for new governments, nor the passion of adventurers to go in search of wealth, would suffer the abandonment of Florida; and, in 1526, Pamphilo de Narvaez, a man of no great virtue or reputation, obtained from Charles V the contract to explore and reduce all the territory from the Atlantic to the river Palmas. This is he who had been sent by the jealous governor of Cuba to take Cortes prisoner, and had himself been easily defeated, losing an eye, and deserted by his own troops. "Esteem it great good fortune that you have taken me captive," said he to the man whom he had declared an outlaw; and Cortes replied: "It is the least of the things I have done in Mexico."

Bancroft, Hist. of the U.S., vol.1, p.27

Narvaez, who was both rich and covetous, hazarded all his treasure on the conquest of his province; and sons of Spanish nobles and men of good condition flocked to his standard. In June, 1527, his expedition, in which Alvar Nunez Cabeza de Vaca held the second place as treasurer, left the Guadalquivir, touched at the island of San Domingo, and during the following winter, amid storms and losses, passed from port to port on the southern side of Cuba where the experienced Miruelo was engaged as his pilot. In the spring of 1528 he doubled Cape San Antonio, and was standing in for Havana, when a strong south wind drove his fleet upon the American coast, and on the fourteenth of April, the day before Good Friday, he anchored in or near the outlet of the bay of the Cross, now Tampa bay.

Bancroft, Hist. of the U.S., vol.1, p.27 - p.28

On the day before Easter the governor landed, and in the name of Spain took possession of Florida. The natives kept aloof, or, if they drew near, marked by signs their impatience for his departure. But they had shown him samples of gold, which, if their gestures were rightly interpreted, came from the north. Disregarding, therefore, the most earnest advice of Alvar Nunez Cabeza de Vaca, he directed the ships to meet him at a harbor with which the pilot pretended acquaintance; and on the first of May, mustering three hundred men, of whom forty were mounted, he struck into the interior of the country. Then for the first time the floating peninsula, whose low sands, impregnated with lime, just lift themselves above the ocean on foundations laid by the coral worms, a country notched with bays and drenched by morasses, without hills, yet gushing with transparent fountains and watered by unfailing rivers, was traversed by white men.

Bancroft, Hist. of the U.S., vol.1, p.28

The wanderers, as they passed along, gazed on trees astonishingly high, some riven from the top by lightning: the pine; the cypress; the sweet gum; the slender, gracefully tall palmetto; the humbler herbaceous palm, with its chaplet of crenated leaves; the majestic magnolia, glittering in the light; live oaks of such growth that, now when they are vanishing under the axe, men hardly believe the tales of their greatness; multitudes of birds of untold varieties; and quadrupeds of many kinds, among them the opossum, wondered at for its pocket to house and to carry its young; the bear; more than one kind of deer; the panther, which was mistaken for the lion; but they found no rich town, nor a high hill, nor gold. When, on rafts and by swimming, they had painfully crossed the strong current of the Withlochoochee, they were so worn away by famine as to give infinite thanks to God for lighting upon a field of unripe maize. Just after the middle of June they encountered the Suwanee, whose wide, deep, and rapid stream delayed them till they could build a large canoe. Wading through swamps, made more terrible by immense trunks of fallen trees, that lay rotting in the water and sheltered the few but skilful native archers, on the day after Saint John's they approached Appalachee, where they had pictured to themselves a populous town, and food, and treasure, and found only a hamlet of forty wretched cabins.

Bancroft, Hist. of the U.S., vol.1, p.28 - p.29 - p.30

Here they remained for five-and-twenty days, scouring the country round in quest of silver and gold, till, perishing with hunger and weakened by fierce attacks, they abandoned all hope but of an escape from a region so remote and malign. Amid increasing dangers, they went onward through deep lagoons and the ruinous forest in search of the sea, till in August they came upon a bay, which they called Baia de Caballos, and which now forms the harbor of St. Mark's. No trace could be found of their ships; sustaining life, therefore, by the flesh of their horses and by six or seven hundred bushels of maize plundered from the Indians, they beat their stirrups, spurs, cross-bows, and other implements of iron into saws, axes, and nails; and in sixteen days finished five boats, each of twenty-two cubits, or more than thirty feet in length. In calking their frail craft, films of the palmetto served for oakum, and they payed the seams with pitch from the nearest pines. For rigging, they twisted ropes out of horse-hair and the fibrous bark of the palmetto; their shirts were pieced together for sails, and oars were shaped out of savins; skins flayed from horses served for water-bottles; it was difficult in the deep sand to find large stones for anchors and ballast. Thus equipped, on the twenty-second of September about two hundred and fifty men, all of the party whom famine, autumnal fevers, fatigue, and the arrows of the savage bowmen had spared, embarked for the river Palmas. Former navigators had traced the outline of the coast; but among the voyagers there was not a single expert mariner. One shallop was commanded by Alonso de Castillo and Andres Dorantes, another by Cabeza de Vaca. The gunwales of the crowded vessels rose but a hand-breadth above the water, till, after creeping for seven days through shallow sounds, Cabeza seized five canoes of the natives, out of which the Spaniards made guard-boards for their five boats. During thirty days more they kept on their way, suffering from hunger and thirst, imperilled by a storm, now closely following the shore, now avoiding savage enemies by venturing upon the sea. On the thirtieth of October, at the hour of vespers, Cabeza de Vaca, who happened to lead the van, discovered one of the mouths of the river now known as the Mississippi, and the little fleet was snugly moored among islands at a league from the stream, which brought down such a flood that even at that distance the water was sweet. They would have entered the "very great river" in search of fuel to parch their corn, but were baffled by the force of the current and a rising north wind. A mile and a half from land they sounded, and with a line of thirty fathoms could find no bottom. In the night following a second day's fruitless struggle to go up the stream, the boats were separated; but the next afternoon Cabeza, overtaking and passing Narvaez, who chose to hug the land, struck boldly out to sea in the wake of Castillo, whom he descried ahead. They had no longer an adverse current, and in that region the prevailing wind is from the east. For four days the half-famished adventurers kept prosperously toward the west, borne along by their rude sails and their labor at the oar. All the fifth of November an easterly storm drove them forward; and, on the morning of the sixth, the boat of Cabeza was thrown by the surf on the sands of an island, which he called the isle of Malhado—that is, of Misfortune. Except as to its length, his description applies to Galveston; his men believed themselves not far from the Panuco. The Indians of the place expressed sympathy for their shipwreck by howls, and gave them food and shelter. Castillo was cast away a little farther to the east; but he and his company were saved alive. Of the other boats, an uncertain story reached Cabeza; that one foundered in the gulf; that the crews of the two others gained the shore; that Narvaez was afterward driven out to sea; that the stranded men began wandering toward the west; and that all of them but one perished from hunger.

Bancroft, Hist. of the U.S., vol.1, p.30

Those who were with Cabeza and Castillo gradually wasted away from cold and want and despair; but Cabeza de Vaca, Dorantes, Castillo, and Estevanico, a blackamoor from Barbary, bore up against every ill, and, though scattered among various tribes, took thought for each other's welfare.

Bancroft, Hist. of the U.S., vol.1, p.30 - p.31

The brave Cabeza de Vaca, as self-possessed a hero as ever graced a fiction, fruitful in resources and never wasting time in complaints of fate or fortune, studied the habits and the languages of the Indians; accustomed himself to their modes of life; peddled little articles of commerce from tribe to tribe in the interior and along the coast for forty or fifty leagues; and won fame in the wilderness as a medicine man of wonderful gifts. In September, 1534, after nearly six years' captivity, the great forerunner among the pathfinders across the continent inspired the three others with his own marvellous fortitude, and, naked and ignorant of the way, without so much as a single bit of iron, they planned their escape. Cabeza has left an artless account of his recollections of the journey; but his memory sometimes called up incidents out of their place, so that his narrative is confused. He pointed his course far inland, partly because the nations away from the sea were more numerous and more mild; partly that, if he should again come among Christians, he might describe the land and its inhabitants. Continuing his pilgrimage through more than twenty months, sheltered from cold first by deerskins, then by buffalo robes, he and his companions passed through Texas as far north as the Canadian river, then along Indian paths crossed the water-shed to the valley of the Rio Grande del Norte; and, borne up by cheerful courage against hunger, want of water on the plains, cold and weariness, perils from beasts and perils from red men, the voyagers went from town to town in New Mexico, westward and still to the west, till in May, 1536, they drew near the Pacific Ocean at the village of San Miguel in Sonora. From that place they were escorted by Spanish soldiers to Compostella; and all the way to the city of Mexico they were entertained as public guests.

Bancroft, Hist. of the U.S., vol.1, p.31

In 1530 an Indian slave had told wonders of the seven cities of Cibola, the Land of Buffaloes, that lay at the north between the oceans and beyond the desert, and abounded in silver and gold. The rumor had stimulated Nuno de Guzman, when president of New Spain, to advance colonization as far as Compostella and Guadalaxara: but the Indian story-teller died; Guzman was superseded; and the seven rich cities remained hid.

Bancroft, Hist. of the U.S., vol.1, p.31 - p.32

To the government of New Galicia, Mendoza, the new viceroy of Mexico, had named Francisco Vasquez Coronado. On the arrival of the four pioneers, he hastened to Culiacan, taking with him Estevanico and Franciscan friars, one of whom was Marcus de Niza; and on the seventh of March, 1539, he despatched them under special instructions from Mendoza to find Cibola. The negro, having rapidly hurried on before the party, provoked the natives by insolent demands, and was killed. On the twenty-second of the following September, Niza was again at Mexico, where he boasted that he had been as far as Cibola, though he had not dared to enter within its walls; that, with its terraced stone houses of many stories, it was larger and richer than Mexico; that his Indian guides gave him accounts of still more opulent towns. The priests promulgated in their sermons his dazzling report; the Spaniards in New Spain, trusting implicitly in its truth, burned to subdue the vaunted provinces; the wise and prudent Coronado, parting from his lovely young wife and vast possessions, took command of the explorers; more young men of the proudest families in Spain rallied under his banner than had ever acted together in America; and the viceroy himself, sending Pedro de Alarcon up the coast with two ships and a tender to aid the land party, early in 1540 went in person to Compostella to review the expedition before its departure; to distinguish the officers by his cheering attention; and to make the troops swear, on a missal containing the gospels, to maintain implicit obedience and never to abandon their chief. The army of three hundred Spaniards, part of whom were mounted, beginning its march with flying colors and boundless expectations, which the more trusty information collected by Melchior Diaz could not repress, was escorted by the viceroy for two days on its way. Never had so chivalrous adventurers gone forth to hunt the wilderness for kingdoms; every one of the officers seemed fitted to lead wherever danger threatened or hope allured. From Culiacan, the general, accompanied by fifty horsemen, a few foot soldiers, and his nearest friends, went in advance to Sonora, and so to the north.

Bancroft, Hist. of the U.S., vol.1, p.32 - p.33

No sooner had the main body, with lance on the shoulder, carrying provisions, and using the chargers for pack-horses, followed Coronado from Sonora, than Melchior Diaz, selecting five-and-twenty men from the garrison left at that place, set off toward the west to meet Alarcon, who in the mean time had discovered the Colorado of the west, or as he named it, the river of "Our Lady of Good Guidance." Its rapid stream could with difficulty be stemmed; but hauled by ropes, or favored by southerly winds, he ascended the river twice in boats before the end of September; the second time for a distance of four degrees, or eighty-five leagues, nearly a hundred miles, therefore, above the present boundary of the United States. His course was impeded by sand-bars; once, at least, it lay between rocky cliffs. His movements were watched by hundreds of natives, who were an exceedingly tall race, almost naked, the men bearing banners and armed with bows and arrows, the women cinctured with a woof of painted feathers or a deerskin apron; having for their food pumpkins, beans, flat cakes of maize baked in ashes, and bread made of the pods of the mezquite-tree. Ornaments hung from their ears and pierced noses; and the warriors, smeared with bright colors, wore crests cut out of deerskin. Alarcon, who called himself the messenger of the sun, distributed among them crosses; took formal possession of the country for Charles V; collected stories of remoter tribes that were said to speak more than twenty different languages; but, hearing nothing of Coronado, he sailed back to New Spain, having ascertained that lower California is not an island, and having in part explored the great river of the west. Fifteen leagues above its mouth, Melchior Diaz found a letter which Alarcon had deposited under a tree, announcing his discoveries and his return. Failing of a junction, Dias went up the stream for five or six days, then crossed it on rafts, and examined the country that stretched toward the Pacific. An accidental wound cost him his life; his party returned to Sonora.

Bancroft, Hist. of the U.S., vol.1, p.33 - p.34

Nearly at the same time the Colorado was discovered at a point much farther to the north. The movements of the general and his companions were rapid and daring. Disappointment first awaited them at Chichilti-Calli, the village on the border of the desert, which was found to consist of one solitary house, built of red earth, without a roof and in ruins. Having in fifteen days toiled through the barren waste, they came upon a rivulet, which, from the reddish color of its turbid waters, they named Vermilion; and the next morning, about the eleventh of May, they reached the town of Cibola, which the natives called Zuni. A single glance at the little village, built upon a rocky table, that rose precipitously over the sandy soil, revealed its poverty and the utter falsehood of the Franciscan's report. The place, to which there was no access except by a narrow winding road, contained two hundred warriors; but in less than an hour it yielded to the impetuosity of the Spaniards. They found there provisions which were much wanted, but neither gold, nor precious stones, nor rich stuffs; and Niza, trembling for his life, stole back to New Spain with the first messenger to the viceroy.

Bancroft, Hist. of the U.S., vol.1, p.34

As the other cities of Cibola were scarcely more considerable than Zuni, Coronado despatched Pedro de Tobar with a party of horse to visit the province of Tusayan—that is, the seven towns of Moqui; and he soon returned with the account that they were feeble villages of poor Indians, who sought peace by presents of skins, mantles of cotton, and maize. On his return, Garci Lopez de Cardenas, with twelve others, was sent on the bolder enterprise of exploring the course of the rivers. It was the season of summer as they passed the Moqui villages, struck across the desert, and, winding for twenty days through volcanic ruins and arid wastes, dotted only with dwarf pines, reached an upland plain, through which the waters of the Colorado have cleft an abyss for their course. As they gazed down its interminable side, they computed it to outmeasure the loftiest mountain; the broad, surging torrent below appeared not more than a fathom wide. Two men attempted to descend into the terrible chasm, but, after toiling through a third of the way to the bottom, they climbed back, saying that a block, which from the summit seemed no taller than a man, was higher than the tower of the cathedral at Seville. The party, in returning to Zuni, saw where the little Colorado at two leaps clears a vertical wall of a hundred and twenty feet.

Bancroft, Hist. of the U.S., vol.1, p.34 - p.35

Thus far, the streams found by the Spaniards flowed to the Gulf of California. In the summer of 1540, before the return of Cardenas, Indians appeared at Zuni from a province called Cicuye, seventy leagues toward the east, in the country of cattle whose hair was soft and curling like wool. A party under Hernando Alvarado went with the returning Indians. In five days they reached Acoma, which was built on a high cliff, to be reached only by steps cut in the rock, having on its top land enough to grow maize, and cisterns to catch the rain and snow. Here the Spaniards received gifts of game, deerskins, bread, and maize.

Bancroft, Hist. of the U.S., vol.1, p.35

Three other days brought Alvarado to Tiguex, in the valley of the Rio del Norte, just below Albuquerque, perhaps not far from Isletta; and in five days more he reached Cicuye, on the river Pecos. But he found there nothing of note, except an Indian who told of Quivira, a country to the northeast, the real land of the buffalo, abounding in gold and silver, and watered by tributaries of a river which was two leagues wide.

Bancroft, Hist. of the U.S., vol.1, p.35

The Spanish camp for the winter was established near Tiguex; there Alvarado brought the Indian who professed to know the way to Quivira; there Coronado himself appeared, after a tour among eight more southern villages; and there his army, which had reached Zuni without loss, arrived in December, suffering on its march from cold and storms of snow.

Bancroft, Hist. of the U.S., vol.1, p.35 - p.36

The people who had thus far been discovered had a civilization intermediate between that of the Mexicans and the tribes of hunters. They dwelt in fixed places of abode, built, for security against roving hordes of savages, on tables of land that spread out upon steep natural castles of sandstone. Each house was large enough to contain three or four hundred persons, and consisted of one compact parallelogram, raised of mud, hardened in the sun, or of stones, cemented by a mixture of ashes, earth, and charcoal for lime; usually three or four stories high, with terraces, inner balconies, and a court, having no entrance on the ground floor; accessible from without only by ladders, which in case of alarm might be drawn inside. There was no king or chief exercising supreme authority, no caste of nobles or priests, no human sacrifices, no cruel rites of superstition, no serfs or class of laborers or slaves; they were not governed much; and that little government was in the hands of a council of old men. A subterranean heated room was the council-chamber. They had no hieroglyphics like the Mexicans, nor calendar, nor astronomical knowledge. Bows and arrows, clubs and stones, were their weapons of defence; they were not sanguinary, and they never feasted on their captives. Their women were chaste and modest; adultery was rare; polygamy unknown. Maize, beans, pumpkins, and, it would seem, a species of native cotton, were cultivated; the mezquite-tree furnished bread. The dress was of skins or cotton mantles. They possessed nothing which could gratify avarice; the promised turquoises were valueless blue stones.

Bancroft, Hist. of the U.S., vol.1, p.36 - p.37

Unwilling to give up the hope of discovering an opulent country, on the twenty-third of April, 1541, Coronado, with the false Indian as the pilot of his detachment, began a march to the north-east. Crossing the track of Cabeza de Vaca, in the valley of the Canadian river, they came in nine days upon plains which seemed to have no end, and where countless prairie dogs peered on them from their burrows. Many pools of water were found impregnated with salt, and bitter to the taste. The wanderings of the general, extending over three hundred leagues, brought him among the Querechos, hunters of the bison, which gave them food and clothing, strings to their bows, and coverings to their lodges. They had dogs to carry their tents when they moved; they knew of no wealth but the products of the chase, and they migrated with the wild herds. The Spaniards came once upon a prairie that was broken neither by rocks nor hills, nor trees nor shrubs, nor anything which could arrest the eye as it followed the sea of grass to the horizon. In the hollow ravines there were trees, which could be seen only by approaching the steep bank; the path for descending to the water was marked by the tracks of the bison. Here some of the Teyas nation from the valley of the Rio Grande del Norte were found hunting. The governor, sending back the most of his men, with a chosen band journeyed on for forty-two days longer, having no food but the meat of buffaloes, and no fuel but their dung. At last he reached the province, which, apparently from some confusion of names, he was led to call Quivira, and which lay in forty degrees north latitude, unless he may have erred one or two degrees in his observations. It was well watered by brooks and rivers, which flowed to what the Spaniards then called the Espiritu Santo; the soil was the best strong, black mould, and bore plums like those of Spain, nuts, grapes, and excellent mulberries. The inhabitants were savages, having no culture but of maize; no metal but copper; no lodges but of straw or of bison skins; no clothing but buffalo robes. Here, on the bank of a great tributary of the Mississippi, a cross was raised with this inscription: "Thus far came the general, Francisco Vasquez de Coronado."

Bancroft, Hist. of the U.S., vol.1, p.37

After a still further search for rich kingdoms, and after the Rio Grande del Norte had been explored by parties from the army for twenty leagues above its tributary, the Jemez, and for an uncertain distance below El Paso, the general, returning to Tiguex, on the twentieth of October, 1541, reported to Charles V that, poor as were the villages on the great river of the North, nothing better had been found, and that the region was not fit to be colonized. Persuaded that no discoveries could be made of lands rich in gold, or thickly enough settled to be worth dividing as estates, Coronado, in 1542, with the hearty concurrence of his officers, returned to New Spain. His failure to find a Northern Peru threw him out of favor; yet what could have more deserved applause than the courage and skill of the men who thoroughly examined and accurately portrayed the country north of Sonora, from what is now Kansas on the one side to the chasm of the Colorado on the other?

Bancroft, Hist. of the U.S., vol.1, p.37

In the year of the return of Coronado, a Spanish expedition sailed from Acapulco under the command of Juan Rodriguez Cabrillo, a Portuguese. In January, 1543, Cabrillo died in the harbor of San Diego; but his pilot, Bartolome Ferrelo, continued the exploration, and traced the coast of the American continent on the Pacific to within two and a half degrees of the mouth of Columbia river.

Chapter 3:

The Spaniards in the Mississippi Valley

Bancroft, Hist. of the U.S., vol.1, p.38

THE expedition from Mexico had not been begun, when, in 1537, Cabeza de Vaca, landing in Spain, addressed to the imperial Catholic king a narrative of his adventures; and the tales of "the Columbus of the continent" quickened the belief that the country between the river Palmas and the Atlantic was the richest in the world.

Bancroft, Hist. of the U.S., vol.1, p.38 - p.39

The assertion was received even by those who had seen Mexico and Peru. To no one was this faith more disastrous than to Ferdinand de Soto, of Xeres. He had been the favorite companion of Pizarro, and at the storming of Cusco had surpassed his companions in arms. He assisted in arresting the unhappy Atahualpa, and shared in the immense ransom with which the credulous Inca purchased the promise of freedom. Perceiving the angry jealousies of the conquerors of Peru, Soto had seasonably withdrawn, to display his opulence in Spain, and to solicit advancement. His reception was triumphant; success of all kinds awaited him. The daughter of the distinguished nobleman under whom he had first served as a poor adventurer became his wife; and the special favor of Charles V invited him to prefer a large request. It had been believed that the recesses of the continent at the north concealed cities as magnificent and temples as richly endowed as any which had yet been plundered within the tropics. Soto desired to rival Cortes in glory, and surpass Pizarro in wealth. Blinded by avarice and the love of power, he repaired to Valladolid, and demanded permission to conquer Florida at his own cost; and Charles V readily conceded to so renowned a commander the government of Cuba, with absolute power over the immense territory to which the name of Florida was still vaguely applied.

Bancroft, Hist. of the U.S., vol.1, p.39

No sooner was the design of the new armament published in Spain than the wildest hopes were indulged. How brilliant must be the prospect, since the conqueror of Peru was willing to hazard his fortune and the greatness of his name! Adventurers assembled as volunteers, many of them people of noble birth and good estates. Houses and vineyards, lands for tillage, and rows of olive-trees in the Ajarrafe of Seville, were sold, as in the times of the crusades, to obtain the means of military equipments. The port of San Lucar of Barrameda was crowded with those who hastened to solicit permission to share in the undertaking. Even soldiers of Portugal desired to be enrolled for the service. A muster was held: the Portuguese glittered in burnished armor; and the Castilians were "very gallant with silk upon silk." From the numerous aspirants, Soto selected for his companions six hundred men in the bloom of life, the flower of the peninsula.

Bancroft, Hist. of the U.S., vol.1, p.39

The fleet sailed as gayly as if on a holiday excursion. From Cuba the precaution had been taken to send vessels to Florida to explore a harbor; and two Indians, brought captives to Havana, invented such falsehoods as they perceived would be acceptable. They conversed by signs; and the signs were interpreted as affirming that Florida abounded in gold. The news spread great contentment; Soto and his troops restlessly longed for the hour of their departure to the conquest of "the richest country which had yet been discovered." The infection spread in Cuba; and Vasco Porcallo, an aged and a wealthy man, lavished his fortune in magnificent preparations.

Bancroft, Hist. of the U.S., vol.1, p.39 - p.40

Soto had been welcomed in Cuba by long and brilliant festivals and rejoicings. In May, 1539, all preparations were completed; leaving his wife to govern the island, he and his company, full of unbounded expectations, embarked for Florida; and in about a fortnight his fleet anchored in the bay of Spiritu Santo. The soldiers went on shore; the horses, between two and three hundred in number, were disembarked. Soto would listen to no augury but of success; and, like Cortes, he refused to retain his ships, lest they should tempt to a retreat. Most of them were sent to Havana. Porcallo grew alarmed. It had been a principal object with him to obtain slaves for his estates and mines in Cuba; despairing of success, he sailed for the island after the first skirmish. Soto was indignant at the desertion, but concealed his anger.

Bancroft, Hist. of the U.S., vol.1, p.40

And now began the nomadic march of horsemen and infantry, completely armed; a force exceeding in numbers and equipments the famous partisans who triumphed over the empires of Mexico and Peru. Everything was provided that experience in former invasions could suggest: chains for captives, and the instruments of a forge; weapons of all kinds then in use, and blood-hounds as auxiliaries against the natives; ample stores of food, and, as a last resort, a drove of hogs, which would soon swarm in the favoring climate where the forests and maize furnished them abundant sustenance. It was a roving company of gallant freebooters in quest of a fortune; a romantic stroll of men whom avarice rendered ferocious, through unexplored regions, over unknown paths, wherever rumor might point to the residence of some chieftain with more than Peruvian wealth, or the ill-interpreted signs of the ignorant natives might seem to promise gold. Often, at the resting-places, groups of listless adventurers clustered together to enjoy the excitement of desperate gaming. Religious zeal was also united with avarice: twelve priests, besides other ecclesiastics, accompanied the expedition. Ornaments for the service of mass were provided; every festival was to be kept, every religious practice to be observed. As the troop marched through the wilderness, the solemn processions, which the church enjoined, were scrupulously instituted. Florida was to become Catholic during scenes of robbery and carnage.

Bancroft, Hist. of the U.S., vol.1, p.40 - p.41

The movements of the first season, from June to the end of October, brought the company from the bay of Spiritu Santo to the home of the Appalachians, east of the Flint river, and not far from the head of the bay of Appalachee. The names of the intermediate places cannot be identified. The march was tedious and full of dangers. The Indians were always hostile; the two captives of the former expedition escaped; a Spaniard, who had been kept in slavery from the time of Narvaez, could give no accounts of any land where there was silver or gold. The guides would purposely lead the Castilians astray, and involve them in morasses; even though death under the fangs of the blood-hounds was the certain punishment. The company grew dispirited, and desired the governor to return, since the region opened no brilliant prospects. "I will not turn back," said Soto, "till I have seen the poverty of the country with my own eyes." The hostile Indians who were taken prisoners were in part put to death, in part enslaved. These were led in chains, with iron collars about their necks; their service was to grind the maize and to carry the baggage. An exploring party discovered Ochus, the harbor of Pensacola; and a message was transmitted to Cuba, desiring that in the ensuing year supplies might be sent to that place.

Bancroft, Hist. of the U.S., vol.1, p.41 - p.42

In March, 1540, the wanderers renewed their march, with an Indian guide, who promised to lead the way to a country governed, it was said, by a woman, and where gold so abounded that the art of melting and refining it was understood. He described the process so well that the credulous Spaniards took heart. The Indian appears to have pointed toward the gold region of North Carolina. The adventurers, therefore, eagerly hastened to the north-east; they passed the Alatamaha; they admired the fertile valleys of Georgia, rich, productive, and full of good rivers. They crossed a northern tributary of the Alatamaha and a southern branch of the Ogeechee; and, at length, came upon the Ogeechee itself, which, in April, flowed with a full channel and a strong current. Much of the time the Spaniards were in wild solitudes; they suffered for want of salt and of meat. Their Indian guide affected madness; but "they said a gospel over him, and the fit left him." Again he involved them in pathless wilds; and then he would have been torn to pieces by the dogs if he had not still been needed to assist the interpreter. Of four Indian captives, who were questioned, one bluntly answered, he knew no country such as they described; the governor ordered him to be burnt, for what was esteemed his falsehood. The sight of the execution quickened the invention of his companions; and the Spaniards made their way to the small Indian settlement of Cutifa-Chiqui. A dagger and a rosary were found here; the story of the Indians traced them to the expedition of Vasquez de Ayllon; and a two days' journey would reach, it was believed, the harbor of St. Helena. The soldiers thought of home, and desired either to make a settlement on the fruitful soil around them, or to return. The governor was "a stern man, and of few words." Willingly hearing the opinions of others, he was inflexible when he had once declared his own mind; and all his followers "condescended to his will."

Bancroft, Hist. of the U.S., vol.1, p.42

In May the direction of the march was to the north; to the comparatively sterile country of the Cherokees, and in part through a district in which gold is now found. The inhabitants were poor, but gentle; they offered such presents as their habits of life permitted—deerskins and wild hens. Soto could hardly have crossed the mountains so as to enter the basin of the Tennessee river; it seems, rather, that he passed from the head-waters of the Savannah or the Chattahoochee to the head-waters of the Coosa. The name of Canasauga, a village at which he halted, is still given to a branch of the latter stream. For several months the Spaniards were in the valleys which send their waters to the bay of Mobile. Chiaha was an island distant about a hundred miles from Canasauga. An exploring party which was sent to the north were appalled by the aspect of the Appalachian chain, and pronounced the mountains impassable. They had looked for mines of copper and gold; and their only plunder was a buffalo robe.

Bancroft, Hist. of the U.S., vol.1, p.42 - p.43

In the latter part of July the Spaniards were at Coosa. In the course of the season they had occasion to praise the wild grape of the country, the same, perhaps, which has since been thought worthy of culture, and to admire the luxuriant growth of maize, which was springing from the fertile plains of Alabama. A southerly direction led the train to Tuscaloosa; on the eighteenth of October the wanderers reached a considerable town on the Alabama, above the junction of the Tombigbee, and about one hundred miles, or six days' journey, from Pensacola. The village was called Mavilla, or Mobile, a name which is now applied not to the bay only, but to the river, after the union of its numerous tributaries. The Spaniards, tired of lodging in the fields, desired to occupy the cabins; the Indians, with desperate courage, rose against their invaders. A battle ensued; the terrors of cavalry gave the victory to the Spaniards. The town was set on fire; and a witness of the scene, in a greatly exaggerated account, relates that two thousand five hundred Indians were slain, suffocated, or burnt. "Of the Christians, eighteen died;" one hundred and fifty were wounded with arrows; twelve horses were slain, and seventy hurt. The baggage of the Spaniards was within the town, and was entirely consumed.

Bancroft, Hist. of the U.S., vol.1, p.43

Meanwhile, ships from Cuba had arrived at Ochus, now Pensacola. Soto had made no important discoveries; he had gathered no tempting stores of silver and gold; the fires of Mobile had consumed his curious collections; with resolute pride he determined to send no news of himself, until, like Cortes, he had found some rich country.

Bancroft, Hist. of the U.S., vol.1, p.43

The region above the mouth of the Mobile was populous and hostile, and yet too poor to promise plunder. In the middle of November, Soto retreated toward the north, his troops already reduced, by sickness and warfare, to five hundred men. A month passed away before he reached winter-quarters at Chicaca, a small town in the country of the Chickasaws, in the upper part of the state of Mississippi, probably on the western bank of the Yazoo. Snow fell, but maize was yet standing in the open fields. The Spaniards were able to gather a supply of food, and the deserted town, with such rude cabins as they added, afforded them shelter through the winter. Yet no mines were discovered; no ornaments of gold adorned the savages; their wealth was the harvest of corn, and wigwams were their only palaces; they were poor and independent; they were hardy and loved freedom.

Bancroft, Hist. of the U.S., vol.1, p.43 - p.44

When the spring of 1541 began to open, Soto, as he had usually done with other tribes, demanded of the chieftain of the Chickasaws two hundred men to carry the burdens of his company. The Indians hesitated; and, in the dead of night, deceiving the sentinels, set fire to their own village, in which the Castilians were encamped. On a sudden, half the houses were in flames; and the loudest notes of the war-whoop rung through the air. The Indians, could they have acted with calm bravery, might have gained a victory; but they trembled at their own success, and feared the unequal battle against weapons of steel. Many of the horses had broken loose; others perished in the stables; most of the swine were consumed; eleven of the Christians were burnt, or lost their lives in the tumult. The clothes which had been saved from the fires of Mobile were destroyed, and the Spaniards, now as naked as the natives, suffered from the cold. Weapons and equipments were consumed or spoiled. But, in a respite of a week, forges were erected, swords newly tempered, and good ashen lances were made, equal to the best of Biscay. When, on the fifteenth of March, the Indians attacked the camp, they found "the Christians" prepared.

Bancroft, Hist. of the U.S., vol.1, p.44

The disasters which had been encountered served only to confirm the obstinacy of the governor. Should he, who had promised greater booty than Mexico or Peru had yielded, now return as a defeated fugitive, so naked that his troops were clad only in skins and mats of ivy? In April the search for some wealthy region was renewed; the caravan marched still farther to the west. For seven days it struggled through a wilderness of forests and marshes, and at length came to Indian settlements in the vicinity of the Mississippi. It was then described as more than a mile broad, flowing with a strong current, and by its weight forcing a channel of great depth. In the water, which was always muddy, trees were continually floating down.

Bancroft, Hist. of the U.S., vol.1, p.44 - p.45

The Spaniards were guided by natives to one of the usual crossing-places, probably at the lowest Chickasaw bluff, not far from the thirty-fifth parallel of latitude. The arrival of the strangers awakened curiosity and fear. A multitude of people from the other side of the river, painted and gayly decorated with great plumes of white feathers, the warriors standing in rows with bow and arrows in their hands, the chieftains sitting under awnings as magnificent as the artless manufactures of the natives could weave, came rowing down the stream in a fleet of two hundred canoes seeming to the admiring Spaniards like a fair army of galleys." They brought gifts of fish, and loaves made of the fruit of the persimmon. The boats of the natives were too weak to transport horse; almost a month expired before barges, large enough to hold three horsemen each, were constructed for crossing the river. At length, at the end of May, the Spaniards embarked upon the Mississippi, and were borne to its western bank.

Bancroft, Hist. of the U.S., vol.1, p.45

Dakota tribes then occupied the country south-west of the Missouri; Soto had heard its praises; he believed in its vicinity to mineral wealth, and determined to visit its towns. In ascending the Mississippi the party was often obliged to wade through morasses; in June they came, as it would seem, upon the district of Little Prairie, and the dry and elevated lands which extend toward New Madrid. Here the Spaniards were adored as children of the sun, and the blind were brought into their presence to be healed by the sons of light. "Pray only to God, who is in heaven, for whatsoever ye need," said Soto in reply. The wild fruits of that region were abundant; the pecan nut, the mulberry, and two kinds of wild plums, furnished food to the natives. At Pacaha, the northernmost point which Soto reached near the Mississippi, he remained forty days, till near the end of July. The spot cannot be identified; but the accounts of the amusements of the Spaniards confirm the truth of the narrative of their ramblings. The spade-fish, the most whimsical production of the muddy streams of the west, so rare that it is hardly to be found in any museum, is accurately described by the best historian of the expedition.

Bancroft, Hist. of the U.S., vol.1, p.45 - p.46

A party which was sent to examine the regions to the north reported that they were almost a desert. The country nearer the Missouri was said by the Indians to be thinly inhabited; the bison abounded there so much that no maize could be cultivated, and the few inhabitants were hunters. In August, Soto turned, therefore, to the west and north-west, and plunged still more deeply into the interior of the continent. The highlands of White river, more than two hundred miles from the Mississippi, were probably the limit of his march in this direction. The mountains offered neither gems nor gold, and the disappointed explorers marched to the south. They passed through a succession of towns, of which the position cannot be fixed, till at length we find them among the Tunicas, near the hot springs and saline tributaries of the Washita. It was at Autiamque, a town on the same river, that they passed the winter; they had arrived at the settlement through the country of the Kappaws.

Bancroft, Hist. of the U.S., vol.1, p.46

The native tribes, everywhere on the route, were found in a state of civilization beyond that of nomadic hordes. They were an agricultural people, with fixed places of abode, and subsisted upon the produce of the fields more than upon the chase. Ignorant of the arts of life they could offer no resistance to their unwelcome visitors; the bow and arrow were the most effective weapons with which they were acquainted. They seem not to have been turbulent or quarrelsome; but, as the population was moderate and the earth fruitful, the tribes were not accustomed to contend with each other for the possession of territories. Their dress was, in part, mats wrought of ivy and bulrushes, of the bark and lint of trees; in cold weather they wore mantles woven of feathers. The settlements were by tribes; each tribe occupied what the Spaniards called a province; their villages were generally near together, but were composed of few habitations. The Spaniards treated them with no other forbearance than their own selfishness demanded, and enslaved such as offended, employing them as porters and guides. On a slight suspicion they would cut off the hands of numbers of the natives for punishment or intimidation; the young cavaliers from desire of seeming valiant, took delight in cruelties and carnage. The guide who was unsuccessful, or who purposely led them away from the settlements of his tribe, would be seized and thrown to the hounds. Sometimes a native was condemned to the flames. Any trifling consideration of safety would induce the governor to set fire to a hamlet. The happiness, the life, and the rights of the Indians were held of no account. The approach of the Spaniards was heard with dismay, and their departure hastened by the suggestion of wealthier lands at a distance.

Bancroft, Hist. of the U.S., vol.1, p.46 - p.47 - p.48

In the spring of 1542 Soto determined to descend the Washita to its junction, and to get tidings of the sea. As he advanced, he was soon lost amidst the bayous and marshes which are found along the Red river and its tributaries. Near the Mississippi he came upon the country of Nilco, which was well peopled. The river was there larger than the Guadalquivir at Seville. In the middle of April he arrived at the province where the Washita, already united with the Red river, enters the Mississippi. The province was called Guachoya. Soto anxiously inquired the distance to the sea; the chieftain of Guachoya could not tell. Were there settlements extending along the river to its mouth? It was answered that its lower banks were an uninhabited waste. Unwilling to believe so disheartening a tale, Soto sent one of his men, with eight horsemen, to descend the banks of the Mississippi, and explore the country. They travelled eight days, and were able to advance not much more than thirty miles, they were so delayed by the frequent bayous, impassable canebrakes, and the dense woods. The governor received the intelligence with gloom. His horses and men were dying around him; the natives were becoming dangerous enemies. He attempted to overawe a tribe of Indians near Natchez by claiming a supernatural birth, and demanding obedience and tribute. "You say you are the child of the sun," replied the undaunted chief; "dry up the river and I will believe you. Do you desire to see me? Visit the town where I dwell. If you come in peace, I will receive you with special good-will; if in war, I will not shrink one foot back." But Soto was no longer able to abate the confidence or punish the temerity of the natives. His stubborn pride was changed by long disappointments into a wasting melancholy. A malignant fever ensued, during which he had little comfort, and was neither visited nor attended as the last hours of life demand. Believing his death near at hand, on the twentieth of May he held a last interview with his followers; and, yielding to the wishes of his companions, who obeyed him to the end, he named a successor. On the next day he died. Thus perished Ferdinand de Soto, the governor of Cuba, the successful associate of Pizarro. His miserable end was the more observed from the greatness of his former prosperity. His soldiers pronounced his eulogy by grieving for their loss; the priests chanted over his body the first requiems that were ever heard on the waters of the Mississippi. To conceal his death, his body was wrapped in a mantle, and in the stillness of midnight was sunk in the middle of the stream.

Bancroft, Hist. of the U.S., vol.1, p.48

No longer sustained by the energy and pride of Soto, the company resolved on reaching New Spain without delay. To do this they must either descend the river in such frail boats as they could put together, or attempt the long pathway to Mexico through the forests. They were unanimous in the opinion that it was less dangerous to go by land; the hope was still cherished that some wealthy state, some opulent city, might yet be discovered, and all fatigues be forgotten in the midst of victory and spoils. Again they penetrated the western wilderness; in July they found themselves in the country of the Natchitoches; but the Red river was so swollen that it could not be crossed by them. The Indian guides purposely led them astray; "they went up and down through very great woods," without making any progress. The wilderness, into which they had at last wandered, was sterile and scarcely inhabited; they had now reached the great buffalo prairies of the west, the hunting-grounds of the Pawnees and Comanches, the migratory tribes on the confines of Mexico. The Spaniards believed themselves to be at least one hundred and fifty leagues west of the Mississippi. Desperate as the resolution seemed, it was determined to return once more to its banks, and follow its current to the sea. There were not wanting men, whose hopes and whose courage were not yet exhausted, who wished rather to die in the wilderness than to leave it in poverty; but Moscoso, the new governor, had long "desired to see himself in a place where he might sleep his full sleep."

Bancroft, Hist. of the U.S., vol.1, p.48

In December they came upon the Mississippi at Minoya, a few leagues above the mouth of Red river, often wading through deep waters, and grateful to God if at night they could find a dry resting-place. The Indians whom they had enslaved died in great numbers; in Minoya the Christians were attacked by a dangerous epidemic, and many died.

Bancroft, Hist. of the U.S., vol.1, p.48 - p.49

Nor was their labor yet at an end; it took the first five months of 1543 for men in their condition to build brigantines. Erecting a forge, they struck off the fetters from the slaves; and, gathering every scrap of iron in the camp, they wrought it into nails. Timber was sawed by hand with a large saw, which they had always carried with them. They calked their vessels with a weed like hemp; barrels, capable of holding water, were with difficulty made; to obtain supplies of provision, all the hogs and even the horses were killed, and their flesh preserved by drying; and the neighboring townships of Indians were so plundered of their food that the miserable inhabitants would come about the Spaniards begging for a few kernels of their own maize, and often died from weakness and want of food. The rising of the Mississippi assisted the launching of the seven brigantines; they were frail barks, which had no decks; and as, from the want of iron, the nails were of necessity short, they were constructed of very thin planks, so that any severe shock would have broken them in pieces. Thus provided, after a passage of seventeen days, the fugitives, on the eighteenth of July, reached the Gulf of Mexico; the distance seemed to them two hundred and fifty leagues, and was not much less than five hundred miles. Like Cabeza, they observed that for some distance from the mouth of the Mississippi the sea is not salt, so great is the volume of fresh water which the river discharges. Following for the most part the coast, it was more than fifty days before the men who finally escaped, now no more than three hundred and eleven in number, on the tenth of September entered the river Panuco.

Chapter 4:

The Spaniards Hold Florida

Bancroft, Hist. of the U.S., vol.1, p.50

Such is the history of the first voyage of Europeans on the Mississippi; the honor of the discovery belongs to the Spaniards. There were not wanting adventurers who, in 1544, desired to make one more attempt to possess the country by force of arms; their request was refused. Religious zeal was more persevering; in December, 1547, Louis Cancello, a missionary of the Dominican order, gained through Philip, then heir apparent in Spain, permission to visit Florida and attempt the peaceful conversion of the natives. Christianity was to conquer the land against which so many experienced warriors had failed. The Spanish governors were directed to favor the design; all slaves that had been taken from the northern shore of the Gulf of Mexico were to be manumitted and restored to their country. In 1549 a ship was fitted out with much solemnity; but the priests, who sought the first interview with the natives, were feared as enemies, and, being immediately attacked, Louis and two others fell martyrs to their zeal.

Bancroft, Hist. of the U.S., vol.1, p.50 - p.51

Death seemed to guard the approaches to that land. While the Castilians were everywhere else victorious, they were driven for a time to abandon the soil of Florida, after it was wet with their blood. But under that name they continued to claim all North America, even as far as Canada and Newfoundland. No history exists of their early exploration of the coast, nor is even the name of the Spanish navigator ascertained who, between the years 1524 and 1540, discovered the Chesapeake, and made it known as "the bay of St. Mary." Under that appellation the historian Oviedo, writing a little after 1540, describes it as opening to the sea in the latitude of thirty-six degrees and forty minutes, and as including islands; of two rivers which it receives, he calls the north-eastern one Salt river, the other the river of the Holy Ghost; the cape to the north of it, which he places in the latitude of thirty-seven degrees, he names Cape St. John. The bay of St. Mary is marked on all Spanish maps, after the year 1549. But as yet not a Spanish fort was erected on the Atlantic coast, not a harbor was occupied, not one settlement was begun. The first permanent establishment of the Spaniards in Florida was the result of jealous bigotry.

Bancroft, Hist. of the U.S., vol.1, p.51 - p.52

For France had begun to settle the region with a colony of Protestants; and Calvinism, which, with the special cooperation of Calvin himself, had for a short season occupied the coasts of Brazil and the harbor of Rio Janeiro, was now to be planted on the borders of Florida. Coligny had long desired to establish a refuge for the Huguenots and a Protestant French empire in America. Disappointed in his first effort by the apostasy and faithlessness of his agent, Villegagnon, he still persevered, moved alike by religious zeal and by a passion for the honor of France. The expedition which he now planned was intrusted to the command of John Ribault, of Dieppe, a brave man, of maritime experience, and a firm Protestant; and was attended by some of the best of the young French nobility, as well as by veteran troops. The feeble Charles IX conceded an ample commission, and in February, 1562, the squadron set sail for the shores of North America. Land was first made by the voyagers in the latitude of St. Augustine the noble river which we call the St. John's was named the river of May, from the month in which it was discovered. The land seemed rich in gold, silver, and pearls, and its caterpillars were taken for "fairer and better silkworms" than those of Europe. As they sailed toward the north, three streams were named the Seine, the Loire, and the Garonne. In searching for the Jordan, they came "athwart a mightie river," which they called Port Royal. Casting anchor at ten fathom of water, Ribault landed with a party at Hilton Head, where they saw "high oaks and an infinite store of cedars," and heard "the voices of stags and divers other sorts of beasts." Some who threw nets wondered at the number of fish which they caught. After sheltering his ships in the sound, he explored the country on Broad river many leagues high, and was at first feared and then welcomed by the red men whom he chanced to meet. The stags were of "singular fairness and bigness." Palm-trees abounded. A stone engraven with the arms of France was set up to mark possession of the country, and a party of twenty-six was left on the bank of Beaufort river to hold it. Their earth-work fort may have stood on the first firm land of Port Royal island above Archer's creek; in honor of Charles IX it was named Carolina.

Bancroft, Hist. of the U.S., vol.1, p.52

In July, Ribault and the ships arrived safely in France. But the fires of civil war had been kindled in all the provinces of the kingdom; and the promised reinforcements for Carolina were never levied. The situation of the garrison became precarious. The natives were friendly, but the soldiers themselves were insubordinate, and dissensions prevailed. The commandant at Carolina repressed the turbulent spirit with arbitrary cruelty, and lost his life in a mutiny which his ungovernable passion had provoked. The new commander succeeded in restoring order. But the love of his native land is a passion easily revived in the breast of a Frenchman; and in 1563 the company embarked in such a brigantine as they could themselves put together. Intoxicated with joy at the thought of returning home, they had neglected to provide sufficient stores, and they were overtaken by famine at sea. A small English bark which boarded their vessel, setting the most feeble on shore upon the coast of France, carried the rest to the queen of England.

Bancroft, Hist. of the U.S., vol.1, p.52 - p.53

After the treacherous peace between Charles IX and the Huguenots, Coligny renewed his solicitations for the colonization of Florida. The king gave consent; in 1564 three ships were conceded for the service; and Laudonniere, who, in the former voyage, had been upon the American coast, a man of great intelligence, though a seaman rather than a soldier, was appointed to lead forth the colony. Emigrants readily appeared, for the climate of Florida was so celebrated that, according to rumor, the duration of human life was doubled under its genial influences; and men still dreamed of rich mines of gold in the interior. Coligny was desirous of obtaining accurate descriptions of the country; and James le Moyne, called De Morgues, an ingenious painter, was commissioned to execute colored drawings of the objects which might engage his curiosity. A voyage of sixty days brought the fleet, by the way of the Canaries and the Antilles, to the shores of Florida in June. The harbor of Port Royal, rendered gloomy by recollections of misery, was avoided; and, after searching the coast, and discovering places which were so full of amenity that melancholy itself could not but change its humor as it gazed, the followers of Calvin planted themselves on the banks of the river May, near St. John's bluff. They sung a psalm of thanksgiving, and gathered courage from acts of devotion. The fort now erected was named Carolina. The result of this attempt to procure for France immense dominions at the south of our republic through the agency of a Huguenot colony, has been very frequently narrated; it forms a dark picture of malignant and merciless bigotry.

Bancroft, Hist. of the U.S., vol.1, p.53

The French were hospitably welcomed by the natives; a monument, bearing the arms of France, was crowned with laurels, and its base encircled with baskets of corn. What need is there of minutely relating the simple manners of the red men, the dissensions of rival tribes, the largesses offered to the strangers to secure their protection or their alliance, the improvident prodigality with which careless soldiers wasted the supplies of food; the certain approach of scarcity; the gifts and the tribute levied from the Indians by entreaty, menace, or force? By degrees the confidence of the red men was exhausted; they had welcomed powerful guests, who promised to become their benefactors, and who now robbed their humble granaries.

Bancroft, Hist. of the U.S., vol.1, p.53 - p.54

But the worst evil in the new settlement was the character of the emigrants. Though patriotism and religious enthusiasm had prompted the expedition, the inferior class of the colonists was a motley group of dissolute men. Mutinies were frequent. The men were mad with the passion for sudden wealth; and in December a party, under the pretence of desiring to escape from famine, compelled Laudonniere to sign an order permitting their embarkation for New Spain. No sooner were they possessed of this apparent sanction of the chief than they began a career of piracy against the Spaniards. The act of crime and temerity was soon avenged. The pirate vessel was taken, and most of the men disposed of as prisoners or slaves. The few that escaped in a boat sought shelter at Fort Carolina, where Laudonniere sentenced the ringleaders to death.

Bancroft, Hist. of the U.S., vol.1, p.54

During these events the scarcity became extreme; and the friendship of the natives was forfeited by unprofitable severity. March of 1565 was gone, and there were no supplies from France; April passed away, and the expected recruits had not arrived: May brought nothing to sustain the hopes of the exiles, and they resolved to attempt a return to Europe. In August, Sir John Hawkins, the slave merchant, arrived from the West Indies. He came fresh from the sale of a cargo of Africans, whom he had kidnapped with signal ruthlessness; and he now displayed the most generous sympathy, not only furnishing a liberal supply of provisions, but relinquishing a vessel from his own fleet. The colony was on the point of embarking when sails were descried. Ribault had arrived to assume the command, bringing with him supplies of every kind, emigrants with their families, garden-seeds, implements of husbandry, and the various kinds of domestic animals. The French, now wild with joy, seemed about to acquire a home, and Calvinism to become fixed in the inviting regions of Florida.

Bancroft, Hist. of the U.S., vol.1, p.54 - p.55

But Spain had never abandoned her claim to that territory, where, if she had not planted colonies, she had buried many hundreds of her bravest sons. Should the proud Philip II abandon a part of his dominions to France? Should he suffer his commercial monopoly to be endangered by a rival settlement in the vicinity of the West Indies? Should he permit the heresy of Calvinism to be planted in the neighborhood of his Catholic provinces? There had appeared at the Spanish court a commander well fitted for reckless acts. Pedro Melendez de Aviles, often, as a naval officer, encountering pirates, had become inured to acts of prompt and unsparing vengeance. He had acquired wealth in Spanish America, which was no school of benevolence, and his conduct there had provoked an inquiry, which, after a long arrest, ended in his conviction. The heir of Melendez had been shipwrecked among the Bermudas; the father desired to return and search among the islands for tidings of his only son. Philip II suggested the conquest and colonization of Florida; and in May, 1565, a compact was framed and confirmed by which Melendez, who desired an opportunity to retrieve his honor, was constituted the hereditary governor of a territory of almost unlimited extent.

Bancroft, Hist. of the U.S., vol.1, p.55

On his part he stipulated, at his own cost, in the following May, to invade Florida with five hundred men; to complete its conquest within three years; to explore its currents and channels, the dangers of its coasts, and the depth of its havens; to establish a colony of at least five hundred persons, of whom one hundred should be married men; with twelve ecclesiastics, besides four Jesuits. He further engaged to introduce into his province all kinds of domestic animals and five hundred negro slaves. The sugar-cane was to become a staple of the country.

Bancroft, Hist. of the U.S., vol.1, p.55

The king, in return, promised the undertaker various commercial immunities; the office of governor for life, with the right of naming his son-in-law as his successor; an estate of twenty-five square leagues in the immediate vicinity of the settlement; a salary of two thousand ducats, chargeable on the revenues of the province; and a fifteenth part of all royal perquisites.

Bancroft, Hist. of the U.S., vol.1, p.55 - p.56

Meantime, news arrived, as the French writers assert through the treachery of the court of France, that the Huguenots had made a plantation in Florida, and that Ribault was preparing to set sail with re-enforcements. The cry was raised that the heretics must be extirpated; and Melendez readily obtained the forces which he required. More than twenty-five hundred persons—soldiers, sailors, priests, Jesuits, married men with their families, laborers, and mechanics, and, with the exception of three hundred soldiers, all at the cost of Melendez—undertook the invasion. The trade-winds of July bore them rapidly across the Atlantic, but a tempest scattered the fleet on the way; it was with only one third part of his forces that Melendez reached the harbor of St. John in Porto Rico. But he esteemed celerity the secret of success; and, refusing to await the arrival of the rest of his squadron, he sailed for Florida. It had been his design to explore the coast; to select a favorable site for a settlement; and, after constructing fortifications, to attack the French. On the twenty-eighth of August, the day which the customs of Rome have consecrated to the memory of one of the most eloquent sons of Africa, and one of the most venerated of the fathers of the church, he came in sight of Florida. For four days he sailed along the coast, uncertain where the French were established; on the fifth day he landed, and gathered from the Indians accounts of the Huguenots. At the same time he discovered a fine haven and beautiful river; and, remembering the saint on whose day he neared the coast, he gave to the harbor and to the stream the name of St. Augustine. Sailing then to the north, he espied a portion of the French fleet, and observed the road where they were anchored. The French demanded his name and objects. "I am Melendez of Spain," replied he; "sent with strict orders from my king to gibbet and behead all the Protestants in these regions. The Frenchman who is a Catholic I will spare; every heretic shall die." The French fleet, unprepared for action, cut its cables; the Spaniards, for some time, continued an ineffectual chase.

Bancroft, Hist. of the U.S., vol.1, p.56

At the hour of vespers, on the evening preceding the anniversary of the nativity of Mary, the Spaniards returned to the harbor of St. Augustine. At noonday of the festival—that is, on the eighth of September—the governor went on shore to take possession of the continent in the name of his king. Philip II was proclaimed monarch of all North America. The mass of Our Lady was performed, and the foundation of St. Augustine immediately laid. It is, by more than forty years, the oldest town in the union, east of the Mississippi.

Bancroft, Hist. of the U.S., vol.1, p.56 - p.57

Among the French it was debated whether they should improve their fortifications and await the approach of the Spaniards, or proceed to sea and attack their enemy. Against the advice of his officers, Ribault resolved upon the latter course. Hardly had he left the harbor for the open sea before there arose a fearful storm, which continued till October, and wrecked every ship of the French fleet on the Florida coast. The vessels were dashed against the rocks about fifty leagues south of Fort Carolina; most of the men escaped with their lives.

Bancroft, Hist. of the U.S., vol.1, p.57

The Spanish ships suffered, but not so severely; and the troops at St. Augustine were entirely safe. They knew that the French settlement was left in a defenceless state. Melendez led his men through the low land that divides the St. Augustine from the St. John's, and with a furious onset surprised the weak garrison, who had looked only toward the sea for the approach of danger. After a short contest, the Spaniards, on the twenty-first, became masters of the fort, and soldiers, women, children, the aged, the sick, were alike massacred. The Spanish account asserts that Melendez ordered women and young children to be spared; yet not till after the havoc had long been raging.

Bancroft, Hist. of the U.S., vol.1, p.57

Nearly two hundred persons were killed. A few escaped into the woods, among them Laudonniere, Challus, and Le Moyne, who have related the horrors of the scene. But whither should they fly? Death met them in the woods; and the heavens, the earth, the sea, and men, all seemed conspired against them. Should they surrender, appealing to the sympathy of their conquerors? "Let us," said Challus, "trust in the mercy of God rather than of these men." A few gave themselves up, and were immediately put to death. The others, after the severest sufferings, found their way to the sea-side, and were received on board two small French vessels which had remained in the harbor.

Bancroft, Hist. of the U.S., vol.1, p.57

The victory had been gained on the festival of St. Matthew; and hence the Spanish name of the river May. After the carnage, mass was said; a cross raised; and the site for a church selected, on ground still smoking with the blood of a peaceful colony.

Bancroft, Hist. of the U.S., vol.1, p.57 - p.58

The shipwrecked men were, in their turn, soon discovered. Melendez invited them to rely on his compassion; in a state of helpless weakness, wasted by their fatigues at sea, half famished, destitute of water and of food, they capitulated, and in successive divisions were ferried across the intervening river. As the captives stepped upon the opposite bank their hands were tied behind them; and in this way they were marched toward St. Augustine, like sheep to the slaughter-house. When they approached the fort, a signal was given; and, amid the sound of trumpets and drums, the Spaniards, sparing a few Catholics and reserving some mechanics as slaves, massacred the rest, "not as Frenchmen, but as Lutherans." The whole number of victims here and at the fort is said, by the French, to have been about nine hundred; the Spanish accounts diminish the number of the slain, but not the atrocity of the deed.

Bancroft, Hist. of the U.S., vol.1, p.58

In 1566 Melendez despatched a vessel from his squadron, with thirty soldiers and two Dominicans, to settle the lands on the Chesapeake bay, then known as St. Mary's, and convert its inhabitants; but, disheartened by contrary winds and the certain perils of the proposed colonization, they turned about before coming near the bay, and sailed for Seville, spreading the worst accounts of a country which none of them had seen.

Bancroft, Hist. of the U.S., vol.1, p.58

Melendez returned to Spain, impoverished, but triumphant. The French government made not even a remonstrance on the ruin of a colony which, if it had been protected, would have given to France an empire in the south, before England had planted a single spot on the new continent.

Bancroft, Hist. of the U.S., vol.1, p.58 - p.59

The Huguenots and the French nation did not share the indifference of the court. Dominic de Gourgues—a bold soldier of Gascony, whose life had been a series of adventures, now employed in the army against Spain, now a prisoner and a galley-slave among the Spaniards, taken by the Turks with the vessel in which he rowed, and redeemed by the commander of the knights of Malta—burned with a desire to avenge his own wrongs and the honor of his country. The sale of his property and the contributions of his friends furnished the means of equipping three ships, in which, with one hundred and fifty men, he, on the twenty-second of August, 1567, embarked for Florida, to destroy and revenge. He surprised two forts near the mouth of the St. Matthew; and, as terror magnified the number of his followers, the consternation of the Spaniards enabled him to gain possession of the larger establishment, near the spot which the French colony had occupied. Too weak to maintain his position, he, in May; 1568, hastily weighed anchor for Europe, having first hanged his prisoners upon the trees, and placed over them the inscription: "I do not this as unto Spaniards or mariners, but as unto traitors, robbers, and murderers." The natives, who had been ill-treated both by the Spaniards and the French, enjoyed the consolation of seeing their enemies butcher one another.

Bancroft, Hist. of the U.S., vol.1, p.59

The attack of the fiery Gascon was but a passing storm. France disavowed the expedition, and relinquished all pretension to Florida. Spain grasped at it as a portion of her dominions; and, if discovery could confer a right, her claim was founded in justice. In 1573, Pedro Melendez Marquez, nephew to the adelantado, Melendez de Aviles, pursued the explorations begun by his relative. Having traced the coast line from the southern cape of Florida, he sailed into the Chesapeake bay, estimated the distance between its headlands, took soundings of the water in its channel, and observed its many harbors and deep rivers, navigable for ships. His voyage may have extended a few miles north of the bay. The territory which he saw was held by Spain to be a part of her dominions, but was left by her in abeyance. Cuba remained the centre of her West Indian possessions, and everything around it was included within her empire. Her undisputed sovereignty was asserted not only over the archipelagoes within the tropics, but over the continent round the inner seas. From the remotest south-eastern cape of the Caribbean, along the continuous shore to the cape and Atlantic coast of Florida, all was hers. The Gulf of Mexico lay embosomed within her territories.

Chapter 5:

The English Attempt Colonization

Bancroft, Hist. of the U.S., vol.1, p.60

ROBERT THORNE and Eliot, of Bristol, visited Newfoundland probably in 1502; in that year savages in their wild attire were exhibited to the king; but as yet the only intercourse between England and the New World was with its fisheries. In the conception of Europe the new continent was very slowly disengaged from the easternmost lands of Asia, and its colonization was not earnestly attempted till its separate existence was ascertained.

Bancroft, Hist. of the U.S., vol.1, p.60

Besides, Henry VII, as a Catholic, could not wholly disregard the bull of the pope, which gave to Spain a paramount title to the North American world; and as a prince he sought a counterpoise to France in an intimate Spanish alliance, which he hoped to confirm by the successive marriage of one of his sons after the other to Catharine of Aragon, youngest daughter of Ferdinand and Isabella.

Bancroft, Hist. of the U.S., vol.1, p.60

Henry VIII, on his accession, surrendered to his father-in-law the services of Sebastian Cabot. To avoid interference with Spain, Thorne, who had long resided in Seville, proposed voyages to the east by way of the north; believing that there would be found an open sea near the pole, over which, during the arctic continuous day, Englishmen might reach the Indies.

Bancroft, Hist. of the U.S., vol.1, p.60

In 1527 an expedition, favored by the king and Wolsey, sailed from Plymouth for the discovery of the north-west passage. But the larger ship was lost in July among icebergs, in a great storm; in August, accounts of the disaster were forwarded to the king and to the cardinal from the haven of St. John, in Newfoundland.

Bancroft, Hist. of the U.S., vol.1, p.61

By the repudiation of Catharine of Aragon, Henry VIII sundered his political connection with Spain, and opened the New World to English rivalry. He was resolute in his attempts to suppress piracy; and the navigation of his subjects flourished under his protection. The banner of St. George was often displayed in the harbors of Northern Africa and in the Levant; and now that commerce, emancipated from the limits of the inner seas, went boldly forth upon the oceans, the position of England summoned her to derive advantage from the change.

Bancroft, Hist. of the U.S., vol.1, p.61

An account exists of an expedition to the north-west in 1536, conducted by Hore of London, and "assisted by the good countenance of Henry VIII." But the two ships, the Trinity and the Minion, were worn out by a passage of more than two months before they reached a harbor in Newfoundland. There the disheartened adventurers wasted away from famine and misery. In the extremity of their distress a French ship arrived, "well furnished with vittails:" of this they obtained possession by a stroke of "policie," and set sail for England. The French, following in the English ship, complained of the exchange, upon which the king, out of his own private purse, "made them full and royal recompense." In 1541 the fisheries of "Newland" were favored by an act of parliament; the first which refers to America.

Bancroft, Hist. of the U.S., vol.1, p.61

The accession of Edward, in 1547, and the consequent ascendency of Protestantism, marks the era when England began to foreshadow her maritime superiority. In the first year of his reign the council advanced a hundred pounds for Cabot, "a pilot, to come out of Hispain to serve and inhabit in England." In the next year the fisheries of Newfoundland, which had suffered from exactions by the officers of the admiralty, obtained the protection of a special act, "to the intent that merchants and fishermen might use the trade of fishing freely without such charges."

Bancroft, Hist. of the U.S., vol.1, p.61 - p.62

In 1549 Sebastian Cabot was once more in England, brought over at the cost of the exchequer; and, "for good service done and to be done," was pensioned as grand pilot; nor would he return to Seville, though his return was officially demanded by the emperor. In March, 1551, a special reward was bestowed by the king on "the great seaman." He seemed to set no special value on his discovery of North America; to find a shorter route to the Indies had been the dream of his youth, and it still haunted him. He had vainly tried the north-west and the south-west; he now advised to attempt a passage by the north-east, and was made president of the company of merchants who undertook the search for it.

Bancroft, Hist. of the U.S., vol.1, p.62

In May, 1553, the fleet of three ships, under the command of Sir Hugh Willoughby, following the instructions of Cabot, undertook to reach China by doubling the northern promontory of Norway. The admiral, separated from his companions in a storm, was driven by the cold in September to seek shelter in a Lapland harbor. When search was made for him in the following spring, his whole company had perished from cold; Willoughby himself, whose papers showed that he had survived till January, was found dead in his cabin. Richard Chancellor, in one of the other ships, reached the harbor of Archangel. This was "the discovery of Russia," and the commencement of commerce by sea with that empire. A Spanish writer calls the result "a discovery of new Indies."

Bancroft, Hist. of the U.S., vol.1, p.62

Soon after the accession of Mary to the English throne, the Emperor Charles V again made an earnest request that Cabot might be sent back to his service; but the veteran refused to leave England, where, in 1556, a new company was formed for discovery, of which he was a partner and the president. He lived to an extreme old age, but the day of his death is uncertain. The discoverer of North America was one of the most remarkable men of his age. Time has spared all too few memorials of his career.

Bancroft, Hist. of the U.S., vol.1, p.62 - p.63

Even the intolerance of Queen Mary could not check the passion for adventure. The sea was becoming the element on which English valor was best displayed; English sailors neither feared the heats and fevers of the tropics, nor northern cold. The trade to Russia, now that the port of Archangel had been discovered, proved very lucrative; and a regular and as yet an innocent commerce was carried on with Africa. The marriage of Mary with the heir to the throne of Spain, and the enthusiasm awakened by the brilliant reception of Philip in London, excited Richard Eden to gather into a volume the history of the most memorable maritime expeditions. Religious restraints, the thirst for rapid wealth, the desire of strange adventure, had driven the boldest spirits of Spain to the New World; their deeds had been commemorated by the copious and accurate details of their own historians; and the English, through the alliance of their sovereign made familiar with the Spanish language and literature, learned to emulate Spanish success beyond the ocean.

Bancroft, Hist. of the U.S., vol.1, p.63

Elizabeth, succeeding Mary in 1558, seconded the enterprise of her subjects. They were the more proud and intractable for the short effort to make England an appendage to Spain; and the triumph of Protestantism nursed the spirit of nationality. England, now the antagonist of Philip, prepared to extend her commerce to every clime. The queen strengthened her navy, filled her arsenals, and encouraged the building of ships in England; she animated the adventurers to Russia and to Africa by her special protection; and after 1574 at least from thirty to fifty English ships came annually to the bays and banks of Newfoundland.

Bancroft, Hist. of the U.S., vol.1, p.63

The press teemed with books of travels, maps, and descriptions of the earth; and Sir Humphrey Gilbert, reposing from the toils of war, engaged in the science of cosmography. A well-written argument in favor of the possibility of a northwestern passage was the fruit of his industry.

Bancroft, Hist. of the U.S., vol.1, p.63 - p.64

The same views were entertained by one of the boldest men who ever ventured upon the ocean. For fifteen years Martin Frobisher, an Englishman, well versed in various navigation, had revolved the design of accomplishing the discovery of the north-western passage, esteeming it "the only thing of the world that was yet left undone, by which a notable minde might be made famous and fortunate." Too poor himself to provide a ship, it was in vain that he conferred with friends; in vain he offered his services to merchants. After years of desire, Dudley, earl of Warwick, liberally promoted his design. Two small barks of twenty-five and of twenty tons', with a pinnace of ten tons' burden, composed the fleet, which was to enter gulfs that none before him had visited. As, in June, 1576, they dropped down the Thames, Queen Elizabeth waved her hand in token of favor. During a storm on the voyage the pinnace was swallowed up by the sea; the mariners in the Michael turned their prow homeward; but Frobisher, in a vessel not much surpassing in tonnage the barge of a man-of-war, made his way, fearless and unattended, to the shores of Labrador. Among a group of American islands, in the latitude of sixty-three degrees and eight minutes, he entered what seemed to be a strait that might lead to the Indies. Great praise is due to him for penetrating far beyond all former mariners into the bays and among the islands of this Meta Incognita, this unknown goal of discovery. Yet for his main purpose his voyage was a failure.

Bancroft, Hist. of the U.S., vol.1, p.64

A stone which he had brought from the frozen regions was pronounced by the refiners of London to contain gold. The news excited the wakeful avarice of the city; there were not wanting those who endeavored to purchase of Elizabeth a lease of the new lands where it had been found. A fleet was immediately fitted out to procure more of the gold rather than to make further search for the passage into the Pacific; and the queen now sent a large ship of her own to join the expedition which was to conduct to infinite opulence. More men than could be employed volunteered their services. Near the end of May, 1577, the mariners, having received the communion, embarked for the arctic El Dorado, "and with a merrie wind" soon arrived at the Orkneys. As they reached the north-eastern coast of America, icebergs encompassed them on every side. With the light of an almost perpetual summer's day the worst perils were avoided. The fleet did not advance so far as Frobisher alone had done. But large heaps of earth were found, which, even to the incredulous, seemed plainly to contain the coveted wealth; besides, spiders abounded, and "spiders were" affirmed to be "true signs of great store of gold." In freighting the ships with the supposed ore and golden sands, the admiral himself toiled like a painful laborer. How strange, in human affairs, is the mixture of sublime courage and ludicrous infatuation! What bolder maritime enterprise than, in that day, a voyage to lands lying north of Hudson Straits! What folly more egregious than to have gone there for a lading of useless earth!

Bancroft, Hist. of the U.S., vol.1, p.64 - p.65

The report of the returning ships led to the first attempt of the English to gain a foothold in America. It was believed that the rich mines of the polar regions would countervail the charges of a costly adventure, and, for the security of the newly discovered lands, soldiers and discreet men were selected to become their inhabitants. A magnificent fleet of fifteen sail was assembled, in part at the expense of Elizabeth, and confided to the command of Frobisher. Sons of the English gentry embarked as volunteers; one hundred persons were chosen to form the colony, which was to secure to England a country too inhospitable to produce a tree or a shrub, yet where gold lay glistening in heaps upon the surface. Twelve vessels were to return immediately with cargoes of the ore; three were ordered to remain and aid the settlement. The north-west passage was become of less consideration; Asia itself could not vie with the riches of this hyperborean archipelago.

Bancroft, Hist. of the U.S., vol.1, p.65

The fleet, as in midsummer, 1578, it approached the American coast, was bewildered among icebergs. One vessel was crushed and sunk, though the men on board were saved. In a thick fog the ships lost their course, and came into the straits which have since been called Hudson's, and which lie south of the imagined fields of gold. The admiral believed himself able to sail through to the Pacific; but his duty as a mercantile agent controlled his desire of glory as a navigator. He struggled to regain the harbor where his vessels were to be laden, and, after "getting in at one gap and out at another," escaping only by miracle from hidden rocks and unknown currents, ice, and a lee shore, he at last succeeded. The zeal of the volunteer colonists had moderated, and the disheartened sailors were ready to mutiny. The plan of a settlement was abandoned, and nothing more was done than to freight the home-bound ships with a store of mineral earth. The historians of the voyage are silent about the disposition which was made of the cargo of the fleet. The belief in regions of gold among the Esquimaux was dissipated; but there remained a firm conviction that a passage to the Pacific Ocean might yet be threaded among the icebergs and northern islands of America.

Bancroft, Hist. of the U.S., vol.1, p.65 - p.66

While Frobisher was thus attempting to obtain wealth and fame on the north-east coast of America, the western limits of the territory of the United States became known. Embarking, in 1577, on a three years' voyage in quest of fortune, Francis Drake acquired immense treasures as a freebooter in the Spanish harbors on the Pacific; and, having laden his ship with spoils, the illustrious corsair gained for himself an honest fame by circumnavigating the globe. But, before following in the path which the ship of Magellan had thus far alone dared to pursue, Drake determined to explore the north-western coast of America, in the hope of discovering the strait which connects the oceans. With this view he crossed the equator, sailed beyond the peninsula of California, and followed the continent to the latitude of forty-three degrees. Here, in June, 1579, the cold seemed intolerable to men who had just left the tropics. Despairing of success, he retired to a harbor in a milder clime within the limits of Mexico, and, having refitted his ship and named the country New Albion, he sailed for England, through the seas of Asia. But it has already been related that the Spaniards preceded him by thirty-six years.

Bancroft, Hist. of the U.S., vol.1, p.66

The adventures of Drake were but a career of splendid piracy against a nation with which his sovereign and his country professed to be at peace. The humble labor of the English fishermen who frequented the Grand Bank prepared the way for settlements of their countrymen in the New World. Already four hundred vessels came annually from the harbors of Portugal and Spain, of France and England, to the shores of Newfoundland. The English "were commonly lords in the harbors," and exacted payment for protection.

Bancroft, Hist. of the U.S., vol.1, p.66 - p.67

While the queen and her adventurers were dazzled by dreams of finding gold in the frozen regions of the north, Sir Humphrey Gilbert, with a sounder judgment and better knowledge, watched the progress of the fisheries, and formed healthy plans for colonization. He had been a soldier and a member of parliament; had written judiciously on navigation; and, though censured for his ignorance of the principles of liberty, was esteemed for the sincerity of his piety. Free alike from fickleness and fear, danger never turned him aside from the pursuit of honor or the service of his sovereign; for he knew that death is inevitable, and the fame of virtue immortal. It was not difficult for him, in June, 1578, to obtain a patent, formed according to commercial theories of that day, and to be of perpetual efficacy, if a plantation should be established within six years. To the people who might belong to his colony the rights of Englishmen were promised; to Gilbert, the possession for himself or his assigns of the soil which he might discover, and the sole jurisdiction, both civil and criminal, of the territory within two hundred leagues of his settlement, with supreme executive and legislative authority.

Bancroft, Hist. of the U.S., vol.1, p.67

Under this patent Gilbert collected a company of volunteer adventurers, contributing largely from his own fortune to the preparation. His most faithful friend was his stepbrother, Walter Raleigh. This is he who a few years before had abruptly left the university of Oxford to fight for the Huguenots against the Catholics, and, with the prince of Navarre, afterward Henry IV, to learn the art of war under the veteran Coligny at the time when the Protestant party in France was glowing with indignation at the massacre of their colony of Calvinists in Florida.

Bancroft, Hist. of the U.S., vol.1, p.67

The first movement of Gilbert proved a failure. Jarrings and divisions had ensued before the voyage was begun; many abandoned what they had inconsiderately undertaken. In 1579 the general and a few of his assured friends, among them Walter Raleigh, put to sea: one of his ships was lost; and misfortune compelled the remainder to return.

Bancroft, Hist. of the U.S., vol.1, p.67 - p.68

But the pupil of Coligny delighted in hazardous adventure. To prosecute discoveries in the New World, lay the foundation of states, and acquire immense domains, appeared to Raleigh as easy designs, which would not interfere with the pursuit of favor in England. Before the limit of the charter had expired, Gilbert, assisted by his brother, equipped a new squadron. In 1583 the fleet embarked under happy omens; the commander, on the eve of his departure, received from Elizabeth a golden anchor guided by a lady. A man of letters from Hungary, and "a mineral-man" from Saxony, the land of miners, accompanied the expedition; and some part of the United States would have been colonized but for a succession of overwhelming disasters. Two days after leaving Plymouth, the largest ship in the fleet, which had been furnished by Raleigh, who himself remained in England, deserted, under a pretence of infectious disease, and returned into harbor. Gilbert, incensed, but not intimidated, sailed for Newfoundland; and, on the fifth of August, entering St. John's, he summoned the Spaniards and Portuguese and other strangers to witness the ceremonies by which he took possession of the country for his sovereign. A pillar, on which the arms of England were infixed, was raised as a monument; and lands were granted to the fishermen in fee, on condition of the payment of a quit-rent. It was generally agreed that "the mountains made a show of mineral substance;" the "mineral-man" protested on his life that silver ore abounded. He was charged to keep the discovery a profound secret; and the precious ore was carried on board the larger ship with such mystery that the dull Portuguese and Spaniards suspected nothing of the matter.

Bancroft, Hist. of the U.S., vol.1, p.68

It was not easy for Gilbert to preserve order in the little fleet. Many of the sailors, infected with the vices which in that age degraded their profession, were no better than pirates, and were perpetually bent upon pillaging whatever ships fell in their way. At length, having abandoned one of their barks, the English, in three vessels only, sailed on further discoveries, intending to visit the coast of the United States. But they had not proceeded toward the south beyond the latitude of Wiscasset, when, on the twenty-seventh of August, the largest ship, from the carelessness of the crew, struck and was wrecked. Nearly a hundred men perished; the "mineral-man" and the ore were all lost; nor was it possible to rescue Parmenius, the Hungarian, who should have been the historian of the expedition.

Bancroft, Hist. of the U.S., vol.1, p.68 - p.69

It now seemed necessary to hasten to England. Gilbert had sailed in the Squirrel, a bark of ten tons only, and therefore convenient for entering harbors and approaching the coast. On the homeward voyage he would not forsake his little company, with whom he had encountered so many storms and perils. A desperate resolution! The weather was extremely rough; the oldest mariner had never seen "more outrageous seas." The little frigate, not more than twice as large as the long-boat of a merchantman, "too small a bark to pass through the ocean sea at that season of the year," was nearly wrecked. That same night, about twelve o'clock, its lights suddenly disappeared; and neither the vessel, nor any of its crew, was ever again seen. Before the end of September the Hind reached Falmouth in safety.

Bancroft, Hist. of the U.S., vol.1, p.69

Raleigh, not disheartened by the sad fate of his stepbrother, revolved a settlement in the milder clime from which the Protestants of France had been expelled. He readily obtained from Elizabeth, in March, 1584, a patent as ample as that which had been conferred on Gilbert. It was drawn according to the principles of feudal law, and with strict regard to the Christian faith as professed in the church of England. Raleigh was constituted a lord proprietary, with almost unlimited powers, holding his territories by homage and an inconsiderable rent, and possessing jurisdiction over an extensive region, of which he had power to make grants according to his pleasure.

Bancroft, Hist. of the U.S., vol.1, p.69

Expectations rose high, since the inviting regions of the south were now to be colonized. In April two vessels, well laden with men and provisions, under the command of Philip Amidas and Arthur Barlow, buoyant with hope, set sail for the New World. They pursued the circuitous route by the Canaries and the islands of the West Indies; after a short stay in those islands they sailed for the north, and were soon opposite the shores of Carolina. As in July they drew near land, the fragrance was "as if they had been in the midst of some delicate garden, abounding with all kinds of odoriferous flowers." Ranging the coast for one hundred and twenty miles, they entered the first convenient harbor, and, after thanks to God for their safe arrival, they took possession of the country for the queen of England.

Bancroft, Hist. of the U.S., vol.1, p.69 - p.70

The spot on which this ceremony was performed was in the island of Wocoken, the southernmost of the islands forming Ocracoke inlet. The air was agitated by none but the gentlest breezes, and the English commanders were in raptures with the beauty of the ocean, gemmed with islands, and seen in the magnificence of repose. The vegetation of that southern latitude struck the beholders with admiration; the trees had not their paragons; luxuriant climbers gracefully festooned the loftiest cedars; wild grapes abounded; and natural arbors formed an impervious shade. The forests were filled with birds; and, at the discharge of an arquebuse, whole flocks would arise, uttering a cry as if an army of men had shouted together.

Bancroft, Hist. of the U.S., vol.1, p.70

The tawny inhabitants of the land, which they called Secotan, appeared in harmony with the loveliness of the scene. The desire of traffic overcame their timidity, and the English received a friendly welcome. On the island of Roanoke they were entertained, by the wife of Granganimeo, father of Wingina the king, with the refinements of Arcadian hospitality. "The people were most gentle, loving, and faithful, void of all guile and treason, and such as lived after the manner of the golden age." They had no cares but to guard against the moderate cold of a short winter, and to gather such food as the earth almost spontaneously produced. And yet it was added, with singular inconsistency, that their wars were cruel and bloody; and the English were solicited to engage in them under promise of lucrative booty.

Bancroft, Hist. of the U.S., vol.1, p.70

The adventurers were satisfied with observing the general aspect of the New World; Pamlico and Albemarle sounds and Roanoke island were explored, and some information gathered by inquiries from the Indians; the commanders had not the courage or the activity to undertake an extensive survey of the country. Having made but a short stay in America, they arrived in September in the west of England, accompanied by Manteo and Wanchese, two natives of the wilderness; and the returning voyagers gave such glowing descriptions of their discoveries as might be expected from men who had done no more than sail over the smooth waters of a summer's sea, among "the hundred islands" of North Carolina. Elizabeth esteemed her reign signalized by the discovery of the enchanting regions, and, as a memorial of her state of life, named them Virginia.

Bancroft, Hist. of the U.S., vol.1, p.70 - p.71

Nor was it long before Raleigh, elected to represent in parliament the county of Devon, obtained a bill confirming his patent of discovery; and while he received the honor of knighthood, as the reward of his valor, he acquired a lucrative monopoly of wines, which enabled him to continue his schemes. The prospect of becoming the proprietary of a delightful territory, with a numerous tenantry, who should yield him not only a revenue, but allegiance, inflamed his ambition; and, as the English nation listened with credulity to the descriptions of Amidas and Barlow, it was not difficult to gather a numerous company of emigrants. While a new patent was issued to John Davis for the discovery of the north-western passage, and his well-known voyages, sustained in part by the contributions of Raleigh himself, were increasing the acquaintance of Europe with the Arctic Sea, the plan of colonizing Virginia was earnestly pursued.

Bancroft, Hist. of the U.S., vol.1, p.71

The new expedition was composed of seven vessels, and carried one hundred and eight colonists to the shores of Carolina. Ralph Lane, a man so much esteemed as a soldier that he was afterward knighted by Queen Elizabeth, was willing to act for Raleigh as governor of the colony. Sir Richard Grenville, the most able and celebrated of Raleigh's associates, distinguished for bravery among the gallant spirits of a gallant age, assumed the command of the fleet. In April, 1585, it sailed from Plymouth, accompanied by several men of merit, whom the world remembers: by Cavendish, who soon after circumnavigated the globe; Hariot, the inventor of the system of notation in modern algebra, the historian of the expedition; and White, an ingenious painter, whose sketches of the natives, their habits and modes of life, were taken with beauty and exactness.

Bancroft, Hist. of the U.S., vol.1, p.71

To sail by the Canaries and the West Indies, to conduct a gainful commerce with the Spanish ports by intimidation; to capture Spanish vessels—these were but the expected preliminaries of a voyage to Virginia. In June the fleet fell in with the main land of Florida; it was in great danger of being wrecked on the cape, which was then first called the cape of Fear; and two days after it came to anchor at Wocoken. The largest ship, as it entered the harbor, struck, but was not lost. It was through Ocracoke inlet that the fleet made its way to Roanoke.

Bancroft, Hist. of the U.S., vol.1, p.71 - p.72

Manteo, who returned with the fleet from a visit to England, was sent to the mainland to announce their arrival. Grenville, accompanied by Lane, Hariot, Cavendish, and others, in an excursion of eight days, explored the coast as far as Secotan, and, as they relate, were well entertained of the Savages. At one of the Indian towns a silver cup had been stolen; its restoration was delayed; with hasty cruelty, Grenville ordered the village to be burnt and the standing corn destroyed. Not long after this act of inconsiderate revenge, the ships, having landed the colony, sailed for England; a rich Spanish prize, made by Grenville on the way home, secured him a courteous welcome as he re-entered Plymouth.

Bancroft, Hist. of the U.S., vol.1, p.72

The employments of Lane and his colonists, after the departure of Sir Richard Grenville, could be none other than to explore the country, which he thus describes: "It is the goodliest soil under the cope of heaven; the most pleasing territory of the world; the continent is of a huge and unknown greatness, and very well peopled and towned, though savagely. The climate is so wholesome that we have not one sick since we touched the land. If Virginia had but horses and kine, and were inhabited with English, no realm in Christendom were comparable to it."

Bancroft, Hist. of the U.S., vol.1, p.72 - p.73

The keenest observer was Hariot. He carefully examined the productions of the country, those which would furnish commodities for commerce, and those which were in esteem among the natives. He observed the culture of tobacco, accustomed himself to its use, and believed in its healing virtues. The culture and the extraordinary productiveness of maize especially attracted his admiration; and the tuberous roots of the potato, when boiled, were found to be very good food. The natural inhabitants are described as too feeble to inspire terror; clothed in mantles and aprons of deerskins; having no weapons but wooden swords and bows of witchhazel with arrows of reeds; no armor but targets of bark and sticks wickered together with thread. Their largest towns contained but thirty dwellings. The walls of the houses were made of bark, fastened to stakes; and sometimes consisted of poles fixed upright, one by another, and at the top bent over and fastened. But the great peculiarity of the Indians consisted in the want of political connection. A single town often constituted a government; a collection of ten or twenty wigwams might be an independent state. The greatest chief in the country could not muster more than seven or eight hundred fighting men. The dialect of each government seemed a language by itself. The country which Hariot explored was on the boundary of the Algonkin race, where the Lenni-Lenape tribes melted into the widely differing nations of the south. Their wars rarely led them to the open battle-field; they were accustomed rather to sudden surprises at daybreak or by moonlight, to ambushes and the subtle devices of cunning falsehood. Destitute of the arts, they yet displayed "excellency of wit" in all which they attempted. To the credulity of fetichism they joined an undeveloped conception of the unity of the Divine Power, continued existence after death, and retributive justice. The mathematical instruments, the burning-glass, guns, clocks, and the use of letters, seemed the works of gods rather than of men; and the English were reverenced as the pupils and favorites of Heaven. In every town which Hariot entered he displayed and explained the Bible; the Indians revered the volume rather than its doctrines; with a fond superstition, they embraced the book, kissed it, and held it to their breasts and heads, as an amulet. As the colonists enjoyed uniform health and had no women with them, there were some among the Indians who imagined that the English were not born of woman, and therefore not mortal; that they were men of an old generation, risen to immortality. The terrors of fire-arms the natives could neither comprehend nor resist; every sickness which now prevailed among them was attributed to wounds from invisible bullets, discharged by unseen agents with whom the air was supposed to be peopled. They prophesied that "more of the English generation would come, to kill them and take their places."

Bancroft, Hist. of the U.S., vol.1, p.73 - p.74

The natives desired to be delivered from guests by whom they feared to be supplanted. A wily savage allured them by tales that the river Roanoke gushed from a rock near the Pacific; that its banks were inhabited by a nation skilled in refining the rich ore in which the country abounded; that the walls of their city glittered with pearls. In March, Lane attempted to ascend the rapid Roanoke; and his followers would not return till their provisions were exhausted, and they had eaten the dogs which bore them company.

Bancroft, Hist. of the U.S., vol.1, p.74

The Indians had hoped to destroy the English by dividing them; the prompt return of Lane prevented open hostilities; but in the two following months he became persuaded that a grand alliance was forming to destroy the strangers by a general massacre. Desiring an audience of Wingina, the most dreaded of the native chiefs, Lane and his attendants were, on the first day of June, readily admitted to his presence. Immediately, and without any sign of hostile intentions by the Indians, the watchword was given; and the Christians, falling upon the king and his principal followers, put them to death.

Bancroft, Hist. of the U.S., vol.1, p.74

The discoveries of Lane on the south extended only to Secotan, in the present county of Craven, between the Pamlico and the Neuse; to the north they reached the river Elizabeth, which joins the Chesapeake bay at Hampton Roads; in the interior, the Chowan had been examined beyond the junction of the Meherrin and the Nottoway; the excursion up the Roanoke did not advance beyond the present village of Williamstown. The hope of finding better harbors at the north was confirmed; and the bay of Chesapeake, so long before discovered by the Spanish, was first made known to the English. But, though the climate was found salubrious, in the island of Roanoke the men began to despond; they had waited long for supplies from England; they were sighing for their native land; when early in June it was rumored that the sea was white with the sails of three-and-twenty ships, and within three days Sir Francis Drake anchored his fleet outside of Roanoke inlet, in "the wild road of their bad harbor."

Bancroft, Hist. of the U.S., vol.1, p.74

Homeward bound from the West Indies, he had come to visit the domain of his friend; and readily supplied the wants of Lane, giving him a bark of seventy tons, pinnaces and small boats, and all needed provisions. Above all, he induced two experienced sea-captains to remain and employ themselves in more extended discoveries. Everything was furnished to complete the surveys along the coast and the rivers, and in the last resort, if suffering became extreme, to convey the emigrants to England.

Bancroft, Hist. of the U.S., vol.1, p.75

At this time an unwonted storm suddenly arose, and the fleet had no security but in standing away from the shore. When the tempest was over, nothing could be found of the boats and the bark which had been set apart for the colony; and Drake yielded to the unanimous desire of Lane and his men to embark with him for England. Thus ended the first actual settlement of the English in America. The exiles of a year had grown familiar with the favorite amusement of the lethargic Indians; and they introduced into England the use of tobacco.

Bancroft, Hist. of the U.S., vol.1, p.75

A few days after their departure a vessel arrived, laden with all stores needed by the infant settlement. It had been despatched by Raleigh; but, finding "the paradise of the world" deserted, it could only return to England. Another fortnight had hardly elapsed when Sir Richard Grenville appeared off the coast with three well-furnished ships, and made search for the departed colony. Unwilling that the English should lose possession of the country, he left fifteen men on the island of Roanoke.

Bancroft, Hist. of the U.S., vol.1, p.75

The decisive testimony of Hariot to the excellence of the country rendered it easy to collect recruits for America. Raleigh, undismayed by losses, determined to plant an agricultural state; to send emigrants with wives and families, who should make their homes in the New World; and, that life and property might be secured, in January, 1587, he granted a charter for the settlement, and a municipal government for "the city of Raleigh." John White was appointed its governor; and to him, with eleven assistants, the administration of the colony was intrusted. Transport ships were prepared at the expense of the proprietary; "Queen Elizabeth, the godmother of Virginia," declined contributing "to its education." Embarking in April, in July they arrived on the coast of North Carolina; they were saved from the dangers of Cape Fear; and, passing Cape Hatteras, they hastened to the isle of Roanoke, to search for the handful of men whom Grenville had left there as a garrison. They found the tenements deserted and overgrown with weeds; human bones lay scattered on the field where wild deer were reposing. The fort was in ruins. No vestige of surviving life appeared.

Bancroft, Hist. of the U.S., vol.1, p.76

The instructions of Raleigh had designated the place for the new settlement on the bay of the Chesapeake. But Fernando, the naval officer, eager to renew a profitable traffic in the West Indies, refused his assistance in exploring the coast, and White was compelled to remain on Roanoke. The fort of Governor Lane, "with sundry decent dwelling-houses," had been built at the northern extremity of the island; it was there that in July the foundations of the city of Raleigh were laid. The island is now almost uninhabited; commerce has selected securer harbors; the intrepid pilot and the hardy "wrecker" are the only occupants of the spot, where the inquisitive stranger after more than two centuries could still discern the ruins of the fort, round which the cottages of the new settlement were erected.

Bancroft, Hist. of the U.S., vol.1, p.76

Disasters thickened. A tribe of Savages displayed implacable jealousy, and murdered one of the assistants. The mother and the kindred of Manteo welcomed the English to the island of Croatan, and mutual good-will was continued; but even this alliance was not unclouded. A detachment of the English, discovering a company of the natives whom they esteemed their enemies, fell upon them by night as they were sitting by their fires, and havoc was begun before it was perceived that these were friendly Indians.

Bancroft, Hist. of the U.S., vol.1, p.76

The vanities of life were not forgotten; "by the commandment of Sir Walter Raleigh," Manteo, the faithful Indian chief, after receiving Christian baptism, was invested with the rank of baron, as the Lord of Roanoke.

Bancroft, Hist. of the U.S., vol.1, p.76

With the returning ship White embarked for England, under the excuse of interceding for re-enforcements and supplies. Yet, on the eighteenth of August, nine days previous to his departure, his daughter, Eleanor Dare, the wife of one of the assistants, gave birth to a female child, the first offspring of English parents on the soil of the United States. The infant was named from the place of its birth. The colony, now composed of eighty-nine men, seventeen women, and two children, whose names are all preserved, might reasonably hope for the speedy return of the governor, as he left with them his daughter and his grandchild, VIRGINIA DARE.

Bancroft, Hist. of the U.S., vol.1, p.76 - p.77

The further history of this plantation is involved in gloomy uncertainty. The inhabitants of "the city of Raleigh," the emigrants from England and the first-born of America, awaited death in the land of their adoption.

Bancroft, Hist. of the U.S., vol.1, p.77

For, when White reached England, he found its attention absorbed by the threats of an invasion from Spain; and Grenville, Raleigh, and Lane, not less than Frobisher, Drake, and Hawkins, were engaged in measures of resistance. Yet Raleigh, whose patriotism did not diminish his generosity, found means, in April, 1588, to despatch White with supplies in two vessels. But the company, desiring a gainful voyage rather than a safe one, ran in chase of prizes, till one of them fell in with men-of-war from Rochelle, and, after a bloody fight, was boarded and rifled. Both ships were compelled to return to England. The delay was fatal: the English kingdom and the Protestant reformation were in danger; nor could the poor colonists of Roanoke be again remembered till after the discomfiture of the Invincible Armada.

Bancroft, Hist. of the U.S., vol.1, p.77

Even then Sir Walter Raleigh, who had already incurred a fruitless expense of forty thousand pounds, found his impaired fortune insufficient for further attempts at colonizing Virginia. He therefore used the privilege of his patent to endow a company of merchants and adventurers with large concessions. Among the men who thus obtained an assignment of the proprietary's rights in Virginia is found the name of Richard Hakluyt; it connects the first efforts of England in North Carolina with the final colonization of Virginia. The colonists at Roanoke had emigrated with a charter; the instrument of March, 1589, was not an assignment of Raleigh's patent, but the extension of a grant, already held under its sanction, by increasing the number to whom the rights of that charter belonged.

Bancroft, Hist. of the U.S., vol.1, p.77 - p.78

More than another year elapsed before White could return to search for his colony and his daughter; and then the island of Roanoke was a desert. An inscription on the bark of a tree pointed to Croatan; but the season of the year and the dangers from storms were pleaded as an excuse for an immediate return. The conjecture has been hazarded that the deserted colony, neglected by their own countrymen, were hospitably adopted into the tribe of Hatteras Indians. Raleigh long cherished the hope of discovering some vestiges of their existence, and sent at his own charge, and, it is said, at five several times, to search for his liege-men. But imagination received no help in its attempts to trace the fate of the colony of Roanoke.

Bancroft, Hist. of the U.S., vol.1, p.78

The name of Raleigh stands highest among the statesmen of England who advanced the colonization of the United States. Courage, self-possession, and fertility of invention, ensured him glory in his profession of arms; and his services in the conquest of Cadiz and the capture of Fayal established his fame as a gallant and successful commander.

Bancroft, Hist. of the U.S., vol.1, p.78

No soldier in retirement ever expressed the charms of tranquil leisure more beautifully than Raleigh, whose "sweet verse" Spenser described as "sprinkled with nectar," and rivalling the melodies of "the summer's nightingale." When an unjust verdict left him to languish for years in prison, with the sentence of death suspended over his head, he, who had been a warrior, a courtier, and a seaman, in an elaborate "History of the World," "told the Greek and Roman story more fully and exactly than any earlier English writer, and with an eloquence which has given his work a classical reputation in our language." In his civil career he was jealous of the honor, the prosperity, and the advancement of his country. In parliament he defended the freedom of domestic industry. When, through unequal legislation, taxation was a burden upon industry rather than wealth, he argued for a change; himself possessed of a lucrative monopoly, he gave his voice for the repeal of all monopolies; he used his influence with his sovereign to mitigate the severity of the judgments against the non-conformists, and as a legislator he resisted the sweeping enactment of persecuting laws.

Bancroft, Hist. of the U.S., vol.1, p.78 - p.79

In the career of discovery, his perseverance was never baffled by losses. He joined in the risks of Gilbert's expedition; contributed to that of Davis in the north-west; and explored in person "the insular regions and broken world" of Guiana. His lavish efforts in colonizing the soil of our republic, his sagacity which enjoined a settlement within the Chesapeake bay, the publications of Hariot and Hakluyt which he countenanced, diffused over England a knowledge of America, as well as an interest in its destinies, and sowed the seeds, of which the fruits began to ripen during his lifetime.

Bancroft, Hist. of the U.S., vol.1, p.79

Raleigh had suffered in health before his last undertaking. He returned broken-hearted by the defeat of his hopes, the decay of his strength, and the death of his eldest son. What shall be said of King James, who would open to an aged paralytic no hope of liberty but through the discovery of mines in Guiana? What shall be said of a monarch who could, under a sentence which had slumbered for fifteen years, order the execution of the decrepit man, whose genius and valor shone through the ravages of physical decay, and whose heart still beat with an undying love for his country?

Bancroft, Hist. of the U.S., vol.1, p.79

The family of the chief author of early colonization in the United States was reduced to beggary by the government of England, and he himself was beheaded. After a lapse of nearly two centuries, the state of North Carolina, in 1792, revived in its capital "THE CITY OF RALEIGH," in grateful commemoration of his name and fame.

Bancroft, Hist. of the U.S., vol.1, p.79

Imagination already saw beyond the Atlantic a people whose mother idiom should be the language of England. "Who knows," exclaimed Daniel, the poet-laureate of that kingdom—"Who in time knows whither we may vent

Bancroft, Hist. of the U.S., vol.1, p.79

The treasures of our tongue? To what strange shores

This gain of our best glory shall be sent

T' enrich unknowing nations with our stores?

What worlds, in th' yet unformed Occident,

May 'come refined with th' accents that are ours."

Bancroft, Hist. of the U.S., vol.1, p.79 - p.80

In 1602, Bartholomew Gosnold, a discreet and intrepid navigator, who remained till death devoted to the English colonization of Virginia, undertook the direct voyage from the British channel to America. From the Azores, to which he was borne by contrary winds, he ran a westerly course across the Atlantic, but the weakness of his ship, the unskilfulness of his crew, and his caution, from ignorance of the ocean and the nearest land, causing him to carry but a low sail, it was only after seven weeks that he came in sight of Cape Elizabeth in Maine. Following the coast to the south-west, he skirted "an outpoint of wooded land;" and, about noon of the fourteenth of May, he anchored "near Savage rock," to the east of York harbor. There he met a Biscay shallop; and there he was visited by natives. Not finding his "purposed place," he stood to the south, and on the morning of the fifteenth discovered the promontory which he named Cape Cod. He and four of his men went on shore; Cape Cod was the first spot in that region ever trod by Englishmen. Doubling the cape, and passing Nantucket, they touched at No Man's Land, passed round the promontory of Gay Head, naming it Dover Cliff, and entered Buzzard's bay, a stately sound which they called Gosnold's Hope. The westernmost of the islands was named Elizabeth, from the queen, a name which has been transferred to the group. Here they beheld the rank vegetation of a virgin soil: noble forests; wild fruits and flowers bursting from the earth; the eglantine, the thorn, and the honeysuckle; the wild pea, the tansy, and young sassafras; strawberries, raspberries, grape-vines—all in profusion. Within a pond upon the island lies a rocky islet; on this the adventurers built their storehouse and their fort; and the foundations of a colony were laid. The island, the pond, the islet, remain; the shrubs are luxuriant as of old; but the forests are gone, and the ruins of the fort can no longer be discerned.

Bancroft, Hist. of the U.S., vol.1, p.80

A traffic with the natives on the main enabled Gosnold to lade the Concord with sassafras root, then esteemed in pharmacy as a sovereign panacea. The band, which, was to have nestled on the Elizabeth islands, despairing of supplies of food, and fearing the Indians, determined not to remain. In June the party bore for England, leaving not so much as one European family between Florida and Labrador. The return voyage lasted but five weeks; and the expedition was completed in less than four months, during which entire health, had prevailed.

Bancroft, Hist. of the U.S., vol.1, p.80 - p.81

Gosnold and his companions spread the most favorable reports of the regions which they had visited. Could it be that the passage was so safe, the climate so pleasant, the country so inviting? The merchants of Bristol, with the ready assent of Raleigh, and at the instance of Richard Hakluyt,—the enlightened friend and able documentary historian of these commercial enterprises, a man whose fame should be vindicated and asserted in the land which he helped to colonize,—determined to pursue the career of investigation. The Speedwell, a ship of fifty tons and thirty men, the Discoverer, a bark of twenty-six tons and thirteen men, under the command of Martin Pring, set sail for America on the tenth of April, 1603, a few days after the death of the queen. The ship was well provided with trinkets and merchandise, suited to a traffic with the red men, and reached the American shore among the islands of Penobscot bay. Coasting toward the west, Pring made a discovery of many of the harbors of Maine; of the Saco, the Kennebunk, and the York rivers; and the channel of the Piscataqua was examined for three or four leagues. Finding no sassafras, he steered to the south, doubled Cape Ann, and went on shore in Massachusetts; but, being still unsuccessful, he again pursued a southerly track, till he anchored in Old Town harbor, on Martha's Vineyard. Here obtaining a freight, he returned to England, after an absence of about six months, which had been free from disaster or danger.

Bancroft, Hist. of the U.S., vol.1, p.81

The testimony of Pring having confirmed the report of Gosnold, an expedition, promoted by the earl of Southampton and his brother-in-law, Lord Arundel of Wardour, was confided to George Waymouth, a careful and vigilant commander, who, in attempting a north-west passage, had already explored the coast of Labrador.

Bancroft, Hist. of the U.S., vol.1, p.81 - p.82

Weighing anchor on Easter Sunday, 1605, on the fourteenth of May he came near the whitish, sandy promontory of Cape Cod. To escape the continual shoals in which he found himself embayed, he stood out to sea, then turned to the north, and on the seventeenth anchored to the north of Monhegan island, in sight of hills to the north-north-east on the main. On Whit Sunday he found his way among the St. George's islands into an excellent harbor, which was accessible by four passages, defended from all winds, and had good mooring upon a clay ooze, and even upon the rocks by the cliff side. The climate was agreeable; the sea yielded fish of many kinds profusely; the tall and great trees on the islands were much observed; and the gum of the silver fir was thought to be as fragrant as frankincense; the land was of such pleasantness that many of the company wished themselves settled there; trade was carried on with the natives for sables, and skins of deer and otter and beaver. Having in the last of May discovered in his pinnace the broad, deep current of the St. George's, on the eleventh of June, Waymouth, with a gentle wind, passed up with the ship into that river for about eighteen miles, which were reckoned at six-and-twenty, and "all consented in joy" to admire its width of a half mile or a mile; its verdant borders; its gallant and spacious coves; the strength of its tide, which may have risen nine or ten feet, and was set down at eighteen or twenty. On the thirteenth he ascended in a row-boat ten miles farther, and was more and more pleased with the beauty of the fertile ground on each hand. No token was found that ever any Christian had been there before; and at the point where the river trends westward into the main he set up a memorial cross, as he had already done on the rocky shore of the St. George's islands. Well satisfied with his discoveries, on Sunday, the sixteenth of June, he sailed for England, taking with him five of the natives whom he had decoyed, to be instructed in English and to serve as guides to some future expedition. At his coming into the harbor of Plymouth he yielded up three of the natives to Sir Ferdinando Gorges, the governor of that town, whose curiosity was thus directed to the shores of Maine. The returning voyagers celebrated its banks, which promised most profitable fishing; its rude people, who were willing to barter costly furs for trifles; the temperate and healthful air of the country whose "pleasant fertility bewrayed itself to be the garden of Nature." But it was not these which tempted Gorges. He had noticed that all navigations of the English along the more southerly American coast had failed from the want of good roads and havens; these were the special marks at which he levelled; and, hearing of a region safe of approach and abounding in harbors large enough to shelter the ships of all Christendom, he aspired to the noble office of filling it with prosperous English plantations.

Bancroft, Hist. of the U.S., vol.1, p.82 - p.83

Gorges had wealth, rank, and influence. He readily persuaded Sir John Popham, lord chief justice of England, to share his intentions. The chief justice was no novice in schemes of colonization, having "labored greatly in the last project touching the plantation of Munster" in Ireland; and they agreed together to send out each a ship to begin a plantation in the region which Waymouth had explored. Chalons, the captain employed by Gorges, in violation of his instructions, taking the southern passage, was carried by the tradewinds even to Porto Rico; and, as he turned to the north, he was captured by the Spanish fleet from Havana. The tall and well-furnished ship provided by Popham sailed from the river of Severn, under the command of Martin Pring. The able mariner, now on his second voyage to the west, disappointed of meeting Chalons, busied himself in the more perfect discovery of all the rivers and harbors along our northeastern coast; and, on his return, he made the most favorable report of the country which he had explored.

Bancroft, Hist. of the U.S., vol.1, p.83

The daring and ability of these pioneers upon the ocean, who led the way to the colonization of the United States, deserve the highest admiration. The character of the prevalent winds and currents was unknown. The possibility of making a direct passage was but gradually discovered. The imagined dangers were infinite, the real dangers from tempests and shipwreck, famine and mutinies, heat and cold, diseases known and unknown, were incalculable. The ships at first employed were generally of less than one hundred tons' burden; two of those of Columbus were without a deck; Frobisher sailed in a vessel of but twenty-five tons. Columbus was cast away twice, and once remained for eight months on an island, without any communication with the civilized world; Roberval, Parmenius, Gilbert—and how many others!—went down at sea; and such was the state of the art of navigation that intrepidity and skill were unavailing against the elements without the favor of Heaven.

Chapter 6:

England Plants a New Nation in Virginia

Bancroft, Hist. of the U.S., vol.1, p.84

"I SHALL yet live to see Virginia an English nation," wrote Raleigh to Sir Robert Cecil shortly before the accession of James I. When the period for success had arrived, changes in European politics and society had moulded the forms of colonization. The Reformation had broken the harmony of religious opinion, and differences in the church began to constitute the basis of political parties. After the East Indies had been reached by doubling the southern promontory of Africa, the great commerce of the world was carried upon the ocean. The art of printing had been perfected and diffused; and the press spread intelligence and multiplied the facilities of instruction. The feudal institutions were undermined by the current of time and events. Productive industry had built up the fortunes and extended the influence of the middle classes, while habits of indolence and expense had impaired the estates and diminished the power of the nobility. These changes produced corresponding results in the institutions which were to rise in America.

Bancroft, Hist. of the U.S., vol.1, p.84

A revolution had equally occurred in the objects for which voyages were undertaken. Columbus sought a new passage to the East Indies. The passion for gold next became the prevailing motive. Then islands and countries near the equator were made the tropical gardens of Europeans. At last the higher design was matured: to plant permanent Christian colonies; to establish for the oppressed and the enterprising places of refuge and abode; to found states in a temperate clime, with all the elements of independent existence.

Bancroft, Hist. of the U.S., vol.1, p.85

In the imperfect condition of industry, a redundant population had grown up in England even before the peace with Spain, which threw out of employment the gallant men who had served under Elizabeth by sea and land, and left them no option but to engage as mercenaries in the quarrels of strangers, or incur the hazards of "seeking a New World." The minds of many persons of intelligence and rank were directed to Virginia. The brave and ingenious Gosnold, who had himself witnessed the fertility of the western soil, after long solicitations, prevailed with Edward Maria Wingfield, a merchant of the west of England, Robert Hunt, a clergyman of fortitude and modest worth, and Captain John Smith, an adventurer of indomitable perseverance, to risk their hopes of fortune in an expedition. For more than a year this little company revolved their project. Nor had the assigns of Raleigh become indifferent to "western planting," which the most distinguished of them all, "industrious Hakluyt," still promoted by his personal exertions, his weight of character, and his invincible zeal. Possessed of whatever information could be derived from foreign sources and a correspondence with eminent navigators of his times, and anxiously watching the progress of Englishmen in the west, his extensive knowledge made him a counsellor in colonial enterprise.

Bancroft, Hist. of the U.S., vol.1, p.85 - p.86

With these are to be named George Popham, a kinsman of the chief justice, and Raleigh Gilbert. They and "certain knights, gentlemen, merchants, and other adventurers of the city of London and elsewhere," and "of the cities of Bristol and Exeter, and of the town of Plymouth and other places in the west," applied to James I for "his license to deduce a colony into Virginia." The king, alike from vanity, the wish to promote the commerce of Great Britain, and the ambition of acquiring new dominions, entered heartily into the great design. From the "coast of Virginia and America" he selected a territory of ten degrees of latitude, reaching from the thirty-fourth to the forty-fifth parallel, and into the backwoods without bound. For the purposes of colonization, he divided the almost limitless region equally between the two rival companies of London and of the West. The London company were to lead forth the "FIRST COLONY OF VIRGINIA" to lands south of the thirty-eighth degree; and north of the forty-first parallel the Western company was to plant what the king called "THE SECOND COLONY OF VIRGINIA." The three intermediate degrees were reserved for the eventual competition of the two companies, except that each was to possess the soil extending fifty miles north and south of its first settlement. The conditions of tenure were homage and rent; the rent was no other than one fifth of the net produce of gold and silver, and one fifteenth of copper. The right of coining money was conceded. The natives, it was hoped, would receive Christianity and the arts of civilized life. The general superintendence was confided to a council in England; the local administration of each colony to a resident council. The members of the superior council in England were appointed exclusively by the king, and were to hold office at his good pleasure. Their authority extended to both colonies, which jointly took the name of VIRGINIA. Each of the two was to have its own resident council, of which the members were from time to time to be ordained and removed according to the instructions of the king. To the king, moreover, was reserved supreme legislative authority over the several colonies, extending to their general condition and the most minute regulation of their affairs. A duty of five per cent, to be levied within their precincts, on the traffic of strangers not owing obeisance to the British crown, was, for one-and-twenty years, to be wholly employed for the benefit of the several plantations; at the end of that time was to be taken for the king. To the emigrants it was promised that they and their children should continue to be Englishmen.

Bancroft, Hist. of the U.S., vol.1, p.86 - p.87

The charter for colonizing the great central territory of the North American continent, which was to be the chosen abode of liberty, gave to the mercantile corporation nothing but a wilderness, with the right of peopling and defending it. By an extension of the prerogative, which was in itself illegal, the monarch assumed absolute legislative as well as executive powers. The emigrants were subjected to the ordinances of a commercial corporation, in which they could not act as members; to the dominion of a domestic council, in appointing which they had no voice; to the control of a superior council in England; and, finally, to the arbitrary legislation of the sovereign. The first "treasurer" or governor of the London company, to whom fell the chief management of its affairs, was Sir Thomas Smythe, a merchant zealous for extending the commerce of his country, and equally zealous for asserting the authority of the corporation.

Bancroft, Hist. of the U.S., vol.1, p.87

The summer was spent in preparations for planting the first colony, for which the king found a grateful occupation in framing a code of laws. The superior council in England was permitted to name the colonial council, which was independent of the emigrants, and had power to elect or remove its president, to remove any of its members, and to supply its own vacancies. Not an element of popular liberty or control was introduced. Religion was established according to the doctrine and rites of the church within the realm; and no emigrant might avow dissent, or affect the superstitions of the church of Rome, or withdraw his allegiance from King James. Lands were to descend according to the laws of England. Not only murder, manslaughter, and adultery, but dangerous tumults and seditious, were punishable by death, at the discretion of the magistrate, restricted only by the trial by jury. All civil causes, requiring corporal punishment, fine, or imprisonment, might be summarily determined by the president and council, who possessed legislative authority in cases not affecting life or limb. Kindness to the savages was enjoined, with the use of all proper means for their conversion. It was further ordered that the industry and commerce of the several colonies should, for five years at least, be conducted in a joint stock.

Bancroft, Hist. of the U.S., vol.1, p.87 - p.88

The council of the English company added instructions to the emigrants to search for navigable rivers, and, if any of them had two branches, to ascend that which tended most toward the north-west to its sources, and seek for some stream running the contrary way toward the South sea. Then, on the nineteenth day of December, in the year of our Lord one thousand six hundred and six, one hundred and nine years after the discovery of the American continent by Cabot, forty-one years from the settlement of Florida, the squadron of three vessels, the largest not exceeding one hundred tons' burden, with the favor of all England, stretched their sails for "the dear strand of Virginia, earth's only paradise." Michael Drayton, the patriot poet "of Albion's glorious isle," cheered them on, saying:

Bancroft, Hist. of the U.S., vol.1, p.88

Go, and in regions far such heroes bring ye forth

As those from whom we came; and plant our name

Under that star not known unto our north.

Bancroft, Hist. of the U.S., vol.1, p.88

Yet the enterprise was ill concerted. Of the one hundred and five on the list of emigrants, there were but twelve laborers, and few mechanics. They were going to a wilderness, in which, as yet, not a house was standing; and there were forty-eight gentlemen to four carpenters. Neither were there any men with families.

Bancroft, Hist. of the U.S., vol.1, p.88

Newport, who commanded the ships, was acquainted with the old passage, and sailed by way of the Canaries and the West India islands. As he turned to the north, a severe storm, in April, 1607, carried his fleet beyond the settlement of Raleigh, into the magnificent bay of the Chesapeake. The headlands received and retain the names of Cape Henry and Cape Charles, from the sons of King James; the deep water for anchorage, "putting the emigrants in good Comfort," gave a name to the northern Point; and within the capes a country opened, which appeared to "claim the prerogative over the most pleasant places in the world." "Heaven and earth seemed never to have agreed better to frame a place for man's commodious and delightful habitation." A noble river was soon entered, which was named from the monarch; and, after a search of seventeen days, during which the comers encountered the hostility of one savage tribe, and at Hampton smoked the calumet of peace with another, on the thirteenth of May they reached a peninsula about fifty miles above the mouth of the stream, where the water near the shore was so very deep that the ships were moored to trees. Here the council, except Smith, who for no reason unless it were jealousy of his superior energy was for nearly a month kept out of his seat, took the oath of office, and the majority elected Edward Maria Wingfield president for the coming year. Contrary to the earnest and persistent advice of Bartholomew Gosnold, the peninsula was selected for the site of the colony, and took the name of Jamestown.

Bancroft, Hist. of the U.S., vol.1, p.89

While the men toiled in felling trees to make room for their tents, and in gathering freight for the two ships which were soon to return to England, Newport, Smith, and twenty others ascended the river, with a perfect resolution not to return till they should have found its head and a passage through the mountains to the western ocean. Trading on their way with the riparian tribes, they were soon arrested by the falls of the river, below which they were hospitably entertained by the great chief of the country. They examined the cataract to find a mode of passing around it, but "the water falleth so rudely and with such violence not any boat could possibly pass them." The next day in idle admiration they gazed upon the scene, while Newport erected a cross with the inscription, "James the king, 1607," and proclaimed him to have most right unto the river. They were again at Jamestown on the twenty-seventh of May.

Bancroft, Hist. of the U.S., vol.1, p.89

During their absence the Indians had shown a hostile disposition. Captain Newport set things in order, made peace with one of the neighboring chiefs, and completed the palisado around the fort. On the twenty-first of June, in a church which consisted only of a sail spread from tree to tree to keep off the midsummer sun, with rails for walls and logs for benches, the communion was administered, and on the next day he embarked for England, leaving behind him a colony of one hundred and four persons, reported to be "in good health and comfort."

Bancroft, Hist. of the U.S., vol.1, p.89

Meantime the adventurers of the west of England had wholly disconnected themselves from the London company by obtaining for the superintendence of their affairs a separate council resident in the kingdom, and had completed their arrangements for the colonization of the northern part of Virginia.

Bancroft, Hist. of the U.S., vol.1, p.89 - p.90

Five months after the departure of the southern colony, one hundred and twenty passengers sailed as planters from Plymouth in the Mary and John, with Raleigh Gilbert for its captain, and in the Gift of God, a fly boat commanded by a kinsman of the chief justice, George Popham, who was "well strickened in years and infirm, yet willing to die in acting something that might be serviceable to God and honorable to his country." The corps with which they went forth, to plant the English monarchy and the English church in that part of Virginia which lay north of the forty-first parallel, was more numerous and more carefully chosen than that of their rivals.

Bancroft, Hist. of the U.S., vol.1, p.90

After a voyage of two months, in the afternoon of the last day of July, they stood in for the shore, and found shelter under Monhegan island. Their first discovery was that the fishermen of France and Spain had been there before them. They had not ridden at anchor two hours when a party of Indians in a Spanish shallop came to them from the shore and rowed about them; and the next day returned in a Biscay boat with women, bringing beaver-skins to exchange for knives and beads. In the following days the emigrants explored the coast and islands; and on the sixteenth of August both ships entered the Kennebec.

Bancroft, Hist. of the U.S., vol.1, p.90 - p.91

On the nineteenth all the members of this "second colony of Virginia" went on shore, made choice of the Sabine peninsula, near the mouth of that river, for the site of their fort, and "had a sermon delivered unto them by their preacher." After the sermon they listened to the reading of the commission of George Popham, their president, and of the laws appointed for them by King James. Five men were sworn assistants. Without delay, most of the company, under the oversight of the president, labored hard on a fort which they named St. George, a storehouse, fifty rude cabins for their own shelter, and a church. The shipwrights set about the building of a small pinnace, the chief shipwright being one Digby, the first constructor of sea-going craft in that region. Meantime Gilbert coasted toward the west, judged the land to be exceeding fertile, and brought back the news of the beauty of Casco bay with its hundreds of isles. When, at the invitation of the mighty Indian chief who ruled on the Penobscot, Gilbert would have visited that river, he was driven back by foul weather and cross winds. Remaining faithfully in the colony, in December he sent back his ship under another commander, who bore letters announcing to the chief justice the forwardness of the plantation, and importuning supplies for the coming year. A letter from President Popham informed King James that his praises and his virtues had been proclaimed to the natives; that the country produced fruits resembling spices, as well as timber of pine; and that it lay hard by the great highway to China over the southern ocean.

Bancroft, Hist. of the U.S., vol.1, p.91

The winter proved to be intensely cold; no mines were discovered; the natives, at first most friendly, grew restless; the storehouse caught fire and a part of the provisions of the colony was consumed; the president found his grave on American soil, "the only one of the company that died there. To the despair of the planters, the ship which revisited the settlement with supplies brought news of the death of the chief justice, who had been the stay of the enterprise, and Gilbert, who had succeeded to the command at St. George, had, by the decease of his brother, become heir to an estate in England which required his presence. So, notwithstanding all things were in good forwardness, the fur trade with the Indians prosperous, and a store of sarsaparilla gathered, "all former hopes were frozen to death," and nothing was thought of but to quit the place. Wherefore in the ship which had lately arrived, and in the Virginia, their own new pinnace, they all set sail for England. So ended "the second colony of Virginia." The colonists "did coyne many excuses " for their going back; but the Western company was dissatisfied; Gorges esteemed it a weakness to be frightened at a blast. Three years had elapsed since the French had hutted themselves at Port Royal; and the ships which carried the English from the Kennebec were on the ocean at the same time with the outward-bound squadron of those who in that summer built Quebec.

Bancroft, Hist. of the U.S., vol.1, p.91

The first colony of Virginia was suffering under far more disastrous trials. Scarcely had Newport, in June, 1607, weighed anchor for home than the English whom he left behind stood face to face with misery. They were few in numbers, ignorant of the methods of industry, without any elements of union, and surrounded by distrustful and hostile natives.

Bancroft, Hist. of the U.S., vol.1, p.91 - p.92

The air which they breathed was unwholesome with the exhalations from steaming marshes; their drink was the brackish water of the river; their food was a scant daily allowance of porridge made of barley which had been spoiled on the long voyage from England. They had no houses to cover them; their tents were rotten. They were weakened by continual labor at the defences in the extremity of the heat; and they watched by turns every third night, lying on the cold bare ground, what weather soever came. It made the heart bleed to hear the pitiful murmurings and outcries of sick men without relief, night and day, for six weeks; and sometimes three or four died in a night. Fifty men, one half of the colony, perished before autumn; among them Bartholomew Gosnold, a man of rare merit, worthy of perpetual memory in the plantation.

Bancroft, Hist. of the U.S., vol.1, p.92 - p.93

Incessant broils heightened the confusion. The only efficient member of the government was Smith, who went up and down the river trading with the natives for corn, which brought relief to the colony. Wingfield, the president, gave offence by caring too much for his own comfort; and, being wholly inefficient, was, on the tenth of September, by general consent, deposed. The faint-hearted man, so he records of himself, offered a hundred pounds toward fetching home the emigrants if the plan of a colony should be given over. The office of president fell to John Ratcliffe from his place in the council, but he proved a passionate man, without capacity to rule himself, and still less to rule others. Of the only three remaining councillors, one was deposed, and afterward shot to death for mutiny; another was an invalid, and there was no one left to guide in action but Smith, whose buoyant spirit alone inspired confidence. In boyhood, such is his own narrative, he had sought for the opportunity of "setting out on brave adventures;" and, though not yet thirty years of age, he was already famed for various service in foreign wars. On regaining England, his mind was wholly mastered by the general enthusiasm for planting states in America; and now the infant commonwealth of Virginia depended for its life on his firmness. For the time he was the cape merchant or treasurer, as well as the only active councillor. His first thought was to complete the building of Jamestown, and, setting the example of diligent labor, he pushed on the construction of houses with success. He next renewed trade with the natives, and was most successful in his expeditions for the purchase of corn. On the approach of winter, when he had defeated a proposal to let the pinnace go for England, and when the fear of famine was removed by good supplies from the Indian harvest of maize and by the abundance of game, he began the exploration of the country. Ascending the Chickahominy as far as it was navigable in a barge, he then, with two red men as guides and two of his own company, proceeded twelve miles further; but, while with one Indian he went on shore to examine the nature of the soil and the bendings of the stream, his two companions were killed, and he himself was surrounded in the wilderness by so many warriors that he cast himself upon their mercy.

Bancroft, Hist. of the U.S., vol.1, p.93

The leader of his captors was Opechancanough, a brother and subordinate of Powhatan, the great chieftain of all the neighborhood. He knew the rank of the prisoner, "used him with kindness," and sent his letters to the English fort; and from the villages on the Chickahominy the Virginia councillor was escorted through Indian towns to an audience with Powhatan, who chanced to be on what is now York river. The "emperor," studded with ornaments, and clad in raccoon skins, showed a grave and majestical countenance as he welcomed him with good words and "great platters of sundrie" food, and gave assurance of friendship. After a few days, which Smith diligently used in inquiries respecting the country, especially the waters to the north-west, he was, early in January, 1608, sent home, attended by four men, of whom two were laden with maize.

Bancroft, Hist. of the U.S., vol.1, p.93 - p.94

The first printed "Newes from Virginia" spread abroad these adventures of Smith; and they made known to English readers the name of Pocahontas, the daughter of Powhatan, a child "of tenne," or more probably of twelve "years old, who not only for feature, countenance, and expression, much exceeded any of the rest of his people, but for wit and spirit was the only nonpareil of the country." The captivity of the bold explorer became a benefit to the colony; for he not only observed with care the country between the James and the Potomac and gained some knowledge of the language and manners of the natives, but he established a peaceful intercourse between the English and the tribes of Powhatan. The child, to whom in later days he attributed his rescue from death, visited the fort with companions, bringing baskets of corn.

Bancroft, Hist. of the U.S., vol.1, p.94

Restored to Jamestown after an absence of but four weeks, Smith found the colony reduced to forty men; and, of these, the strongest were preparing to escape with the pinnace. This attempt at desertion he repressed at the hazard of his life.

Bancroft, Hist. of the U.S., vol.1, p.94

Meantime the council in England, having received an increase of its numbers and its powers, determined to send out recruits and supplies; and Newport had hardly returned from his first voyage before he was again despatched with one hundred and twenty emigrants. Yet the joy in Virginia on their arrival in April was of short continuance; for the new comers were chiefly gentlemen and goldsmiths, who soon persuaded themselves that they had discovered grains of gold in a glittering soil which abounded near Jamestown; and "there was now no talk, no hope, no work, but dig gold, wash gold, refine gold, load gold." Martin, one of the council, promised himself honors in England as the discoverer of a mine; and Newport believed himself rich, as in April he embarked for England with a freight of worthless earth.

Bancroft, Hist. of the U.S., vol.1, p.94 - p.95

Disgusted at the follies which he vainly opposed, Smith undertook the perilous and honorable office of exploring the bay of the Chesapeake, and the rivers which it receives. Two voyages, in an open boat, with a few companions, over whom his superior courage, rather than his station as a magistrate, gave him authority, occupied him about three months of the summer. With slender means, but with persistency and skill, he surveyed the bay to the Susquehanna, and left only the borders of that remote river to remain for some years longer the fabled dwelling-place of a giant progeny. He was the first to publish to the English the power of the Mohawks, "who dwelt upon a great water, and had many boats, and many men," and, as it seemed to the feebler Algonkin tribes, "made war upon all the world;" in the Chesapeake he encountered a fleet of their canoes. The Patapsco was discovered and explored, and Smith probably entered the harbor of Baltimore. The Potomac especially invited curiosity; and he ascended to its lower falls. Nor did he merely examine the rivers and inlets. He penetrated the territories, and laid the foundation for beneficial intercourse with the native tribes. The map which he prepared and sent to the company in London delineates correctly the great outlines of nature. The expedition was worthy the romantic age of American history; he had entered upon it in the beginning of June, and had pursued the discovery with inflexible constancy, except for three days in July, when at Jamestown Ratcliffe, for his pride and cruelty, was deposed. The government would then have devolved on Smith; but he substituted for the time "his good friend Matthew Scrivener," a new councillor, who had come over but a few months before.

Bancroft, Hist. of the U.S., vol.1, p.95

On the tenth of September, 1608, three days after his return from his discoveries, Smith was formally constituted president of the council. Order and industry began to be established, when Newport entered the river with about seventy new emigrants, of whom two were women.

Bancroft, Hist. of the U.S., vol.1, p.95

The London company had grown exceedingly impatient at receiving no returns for its outlays. Of themselves they were helpless in counsel, without rational plans, looking vaguely for a mine of gold, or a short route to India, and listening too favorably to the advice of Newport. By their orders a great company proceeded to York river to go through the senseless ceremony of crowning Powhatan as emperor of that country. A boat in five parts was sent over from England, to be borne above the falls, in the hope of reaching the waters which flow to the South sea, or by some chance of finding a mine of gold. For several weeks the store of provisions and the labor of one hundred and twenty of the best men that could be chosen were wasted in examining James river above the falls.

Bancroft, Hist. of the U.S., vol.1, p.95

A few Germans and Poles were sent over to make pitch, tar, soap ashes, and glass, when the colony could not yet raise provisions enough for its support. "When you send again," Smith was obliged to reply, "I entreat you rather send but thirty carpenters, husbandmen, gardeners, fishermen, blacksmiths, masons, and diggers up of trees' roots, well provided, than a thousand of such as we have."

Bancroft, Hist. of the U.S., vol.1, p.95 - p.96

The charge of the voyage of Newport was more than two thousand pounds; unless the ships should return full freighted with commodities, corresponding in value to the costs of the adventure, the colonists were threatened with being "left in Virginia as banished men." "We have not received the value of one hundred pounds," answered Smith. "From toiling to satisfy the desire of present profit, we can scarce ever recover ourselves from one supply to another. These causes stand in the way of laying in Virginia a proper foundation; as yet, you must not look for any profitable returning."

Bancroft, Hist. of the U.S., vol.1, p.96

After the long delayed departure of the ships, the first care of Smith was to obtain supplies for the colony from the Indians. In the spring of 1610 he introduced the culture of maize, which was taught by two savages, and thirty or forty acres were "digged and planted." Authority was employed to enforce industry; he who would not work might not eat, and six hours in the day were spent in toil. The gentlemen learned the use of the axe, and became excellent wood-cutters. Jamestown assumed the appearance of a regular place of abode. It is worthy of remembrance that Smith proposed to plant a town near the falls of the river, where the city of Richmond now stands. Eight months of good order under his rule gave to the colony a period of peace and industry; of order and health. The quiet of his administration was disturbed in its last days by the arrival of seven ships with emigrants, sent out from England under new auspices, so that they for the moment formed an element of anarchy. Smith maintained his authority until his year of office was over; and, under special arrangements, a little longer, until he was accidentally disabled by wounds which the medical skill of the colony could not relieve. He then delegated his office to Percy and embarked for England, never to see the Chesapeake again.

Bancroft, Hist. of the U.S., vol.1, p.96 - p.97

Captain John Smith united the strongest spirit of adventure with eminent powers of action. Full of courage and self-possession, he was fertile in expedients, and prompt in execution. He had a just idea of the public good, and clearly discerned that it was not the true interest of England to seek in Virginia for gold and sudden wealth. "Nothing," said he, "is to be expected thence but by labor;" and as a public officer he excelled in its direction. The historians of Virginia have with common consent looked to him as the preserver of their commonwealth in its infancy; and there is hardly room to doubt that, but for his vigor, industry, and resolution, it would have been deserted like the Virginia of the north, and with better excuse. Of government under the forms of civil liberty he had no adequate comprehension; but his administration was the most wise, provident, and just of any one known to the colony under its first charter. It was his weakness to be apt to boast. As a writer, he deals in exaggeration and romance, but in a less degree than the foreign historians who served as his models; his reports and his maps are a proof of his resolute energy, his keenness of observation, and his truthfulness of statement. His official report to the company is replete with wise remarks and just reproof. He was public spirited, brave, and constantly employed, and, with scanty means, did more toward the discovery of the country than all others of his time.

Bancroft, Hist. of the U.S., vol.1, p.97

After the desertion of the northern part of Virginia, intercourse was kept up with that part of the country by vessels annually employed in the fisheries and the trade in furs; and it may be that once at least, perhaps oftener, some part of a ship's company remained during the winter on the coast. John Smith, on his return to England, still asserted, with unwearied importunity and firmness of conviction, that colonization was the true policy of England; and, in April, 1614, sailed with two ships for the region that had been appropriated for the second colony of Virginia. This private adventure of "four merchants of London and himself" was very successful. The freights were profitable, the health of the mariners did not suffer, and the voyage was accomplished in less than seven months. While the sailors were busy with their hooks and lines, Smith examined the shore from the Penobscot to Cape Cod, prepared of the coast a map—the first which gives its outline intelligibly well; and he named the country New England—a title which Prince Charles confirmed; though the French could boast, with truth, that New France had been colonized before New England obtained a name; that Port Royal was older than Plymouth, Quebec than Boston.

Bancroft, Hist. of the U.S., vol.1, p.97 - p.98

Encouraged by commercial success, Smith, in the next year, in the employment of Sir Ferdinando Gorges and of friends in London who were members of the Western company, endeavored to establish a colony, though but of sixteen men, for the occupation of New England. The attempt was made unsuccessful by violent storms.

Bancroft, Hist. of the U.S., vol.1, p.98

Again renewing his enterprise, Smith was captured by French pirates. His ship having been taken away, he escaped alone, in an open boat, from the harbor of Rochelle. The severest privations in a new settlement would have been less wearisome than the labors which his zeal now prompted him to undertake. Having published a map and description of New England, he spent many months in visiting the merchants and gentry of the west: he proposed to the cities mercantile profits, to be realized in short and safe voyages; to the noblemen, vast domains to men of small means he drew a lively picture of the rapid advancement of fortune by colonial industry, of the abundance of game, the delights of unrestrained liberty, the pleasures to be derived from "angling, and crossing the sweet air from isle to isle over the silent streams of a calm sea." His private fortunes never recovered from his disastrous capture by the French; but his zeal for the interests of the nation redounded to his honor; and he retired from American history with the rank of Admiral of New England for life.

Chapter 7:

Virginia Obtains Civil Liberty

Bancroft, Hist. of the U.S., vol.1, p.99

THE golden anticipations of the London company from the colonization of Virginia had not been realized, for it had grasped at sudden emoluments. Undaunted by the train of misfortunes, the kingdom awoke to the greatness of the undertaking, and designs worthy of the English nation were conceived. The second charter of Virginia, which, at the request of the former corporation, passed the seals on the twenty-third of May, 1609, intrusted the colonization of that land to a very numerous, opulent, and influential body of adventurers. The name of Robert Cecil, earl of Salisbury, appears at the head of those who were to carry into execution the grand design to which Raleigh, now a close prisoner in the Tower, had aroused the attention of his countrymen. Among the many hundreds whose names followed were the earls of Southampton, Lincoln, and Dorset, George Percy, Sir Oliver Cromwell, uncle to the future protector, Sir Anthony Ashley, Sir Edwin Sandys, Sir Francis Bacon, Captain John Smith, Richard Hakluyt, George Sandys, many tradesmen, and five-and-fifty public companies of London; so that the nobility and gentry, the army and the bar, the industry and commerce of England, were represented.

Bancroft, Hist. of the U.S., vol.1, p.99

The territory granted to the company extended two hundred miles to the north, and as many to the south of Old Point Comfort, "up into the land throughout from sea to sea, west and north-west," including "all the islands lying within one hundred miles along the coast of both seas of the precinct."

Bancroft, Hist. of the U.S., vol.1, p.99 - p.100

At the request of the corporation, the new charter transferred to the company the powers which had before been reserved to the king. The perpetual supreme land was to be chosen by the shareholders and the exercise of the functions of legislation and government was independent of the monarch. The governor in Virginia, whom the corporation was to appoint, might with uncontrolled authority, according to the tenor of instructions and laws established by the council, or, according to his own good discretion, even in criminal, not less than civil; and, in the event of mutiny or rebellion, he might declare martial law, being himself the judge of the necessity of the measure, and the in its administration. If not one valuable civil privilege was guaranteed to the emigrants, they were at from the power of the king; and the company could at its pleasure endow them with all the rights of Englishmen.

Bancroft, Hist. of the U.S., vol.1, p.100

Lord Delaware, distinguished for his virtues as well as rank, received the appointment of governor and captain-general for life; and was surrounded, at least nominally, by stately officers, with titles and charges suited to the dignity of a flourishing empire. The public mind favored adventurers, with cheerful alacrity, contributed free-will offerings; and such swarms of people desired that the company could despatch a fleet of nine vessels, containing more than five hundred emigrants.

Bancroft, Hist. of the U.S., vol.1, p.100

The admiral of the expedition was Newport, who, with Sir Thomas Gates and Sir George Somers, was authorized to administer the affairs of the colony till the arrival of Lord Delaware. The three commissioners had embarked on board the same ship, which, near the coast of Virginia, was separated by a hurricane from all its companions, and stranded on the rocks of the Bermudas. A small ketch perished; so that seven ships only had arrived in Virginia.

Bancroft, Hist. of the U.S., vol.1, p.100 - p.101

After the departure of Smith, the old colonists, and the newcomers, no longer controlled by an acknowledged authority, abandoned themselves to improvident idleness. Their ample stock of provisions was rapidly consumed, and further supplies were refused by the Indians, who began to regard them with a fatal contempt. Stragglers from the town were cut off; parties, which begged food in the Indian cabins, were murdered; and plans were laid to starve and destroy the whole company. The horrors of famine ensued, while a band of about thirty, seizing on a ship, escaped to become pirates, and to plead desperate necessity as their excuse. In six months, indolence, vice, and famine reduced the number in the colony to sixty; and these were so feeble and dejected that, if relief had been delayed but ten days longer, they must have perished.

Bancroft, Hist. of the U.S., vol.1, p.101

Sir Thomas Gates and the passengers, whose ship had been wrecked on the rocks of the Bermudas, had reached the shore without the loss of a life. The uninhabited island, teeming with natural products, for nine months sustained them in affluence. From the cedars which they felled, and the wrecks of their old ship, they constructed two vessels, in which they embarked for Virginia, in the hope of a happy welcome to a prosperous colony. How great, then, was their dismay, as in May, 1610, they came among scenes of death and misery and scarcity! Four pinnaces remained in the river; nor could the extremity of distress listen to any other course than to make sail for Newfoundland. The colonists desired to burn the town in which they had been so wretched, but were prevented by Gates, who was himself the last to desert the settlement. "None dropped a tear, for none had enjoyed one day of happiness." On the eighth they fell down the stream with the tide; but, the next morning, as they drew near the mouth of the river, they encountered the long-boat of Lord Delaware, who had arrived on the coast with emigrants and supplies. The fugitives bore up the helm, and, favored by the wind, were that night once more at the fort in Jamestown.

Bancroft, Hist. of the U.S., vol.1, p.101 - p.102

It was on the tenth day of June that the restoration of the colony was begun. "Bucke, chaplain of the Somer islands, finding all things so contrary to their expectations, so full of misery and misgovernment, made a zealous and sorrowful prayer." A deep sense of the infinite mercies of Providence revived hope in the colonists who had been spared by famine, the emigrants who had been shipwrecked and yet preserved, and the new-comers who found wretchedness and want where they had expected abundance. "It is," said they, "the arm of the Lord of Hosts, who would have his people pass the Red sea and the wilderness, and then possess the land of Canaan." "Doubt not," said the emigrants to the people of England, "God will raise our state and build his church in this excellent clime." Lord Delaware caused his commission to be read; and, after a consultation on the good of the colony, its government was organized with mildness but decision. The evils of faction were healed by the unity of the administration, and the dignity and virtues of the governor; and the colonists, in mutual emulation, performed their tasks with alacrity. At the beginning of the day they assembled in the little church, which was kept neatly trimmed with the wild flowers of the country; next, they returned to their houses to receive their allowance of food. The hours of labor were from six in the morning till ten, and from two in the afternoon till four. The houses were warm and secure, covered above with strong boards, and matted on the inside after the fashion of the Indian wigwams.

Bancroft, Hist. of the U.S., vol.1, p.102

The country became better known. Samuel Argall, who in the former year had visited Virginia as a trading agent of Sir Thomas Smythe, and now came over again with the expedition of 1610, explored the neighboring coast to the north. At nine in the morning of the twenty-seventh of July he cast anchor in a very great bay, and gave it the name of Delaware.

Bancroft, Hist. of the U.S., vol.1, p.102

Security and affluence were dawning upon the colony. But the health of Lord Delaware sunk under his cares and the climate; after a lingering sickness, he left the administration with Percy, and returned to England. The colony, at this time, consisted of about two hundred men; but the departure of the governor produced despondency at Jamestown; "a damp of coldness" in the hearts of the London company; and a great reaction in the popular mind in England. "Our own brethren laugh us to scorne," so the men of Jamestown complained; "and papists and players, the scum and dregs of the earth, mocke such as help to build up the walls of Jerusalem."

Bancroft, Hist. of the U.S., vol.1, p.102 - p.103

Fortunately, the corporation, before the retirement of Lord Delaware was known, had despatched Sir Thomas Dale, "an experienced soldier," with supplies. In May, 1611, he arrived in the Chesapeake, and assumed the government, which he soon afterward administered upon the basis of martial law. The code, printed and sent to Virginia by the treasurer, Sir Thomas Smythe, on his own authority, and without the order or assent of the company, was chiefly a translation from the rules of war of the United Provinces. The Episcopal church, coeval in Virginia with the settlement of Jamestown, was, like the infant commonwealth, subjected to military power; and, though conformity was not strictly enforced, yet courts-martial had authority to punish indifference with stripes, and infidelity with death. The normal introduction of this arbitrary system, which the charter permitted only in cases of rebellion and mutiny, added new sorrows to the wretchedness of the people, who pined and perished under despotic rule.

Bancroft, Hist. of the U.S., vol.1, p.103

The letters of Dale to the council confessed the small number and weakness and discontent of the colonists; but he kindled hope in the hearts of those constant adventurers, who, in the greatest disasters, had never fainted. "If anything otherwise than well betide me," said he, "let me commend unto your carefulness the pursuit and dignity of this business, than which your purses and endeavors will never open nor travel in a more meritorious enterprise. Take four of the best kingdoms in Christendom, and put them all together, they may no way compare with this country, either for commodities or goodness of soil." Lord Delaware and Sir Thomas Gates confirmed what Dale had written, and, without any delay, Gates, who has the honor, to all posterity, of being the first named in the original patent for Virginia, conducted to the New world six ships, with three hundred emigrants. Long afterward the gratitude of Virginia to these early settlers was shown by repeated acts of benevolent legislation. A wise liberality sent with them a hundred kine.

Bancroft, Hist. of the U.S., vol.1, p.103 - p.104

The promptness of this relief merits admiration. In May, 1611, Dale had written from Virginia; and the last of August the new recruits, under Gates, were already at Jamestown. So unlooked for was this supply that, at their approach, they were regarded with fear as a hostile fleet. Who can describe the joy at finding them to be friends? Gates assumed the government amidst the thanksgivings of the colony, and endeavored to employ the sentiment of religious trust as a foundation of order and of laws. "Lord bless England, our sweet native country," was the morning and evening prayer of the grateful colony, which now numbered seven hundred men. Dale, with the consent of Gates, went far up the river to found the new plantation, which, in honor of Prince Henry, a general favorite with the English people, was named Henrico; and there, on the remote frontier, Alexander Whitaker, the self-denying "apostle of Virginia," assisted in "bearing the name of God to the gentiles." But the greatest change in the condition of the colonists resulted from the incipient establishment of Private property. To each man a few acres of ground were assigned for his orchard and garden, to plant for his own use. Henceforward the sanctity of private property was recognised. Yet the rights of the Indians were little respected; nor did the English disdain to appropriate by conquest the soil, the cabins, and the granaries of the tribe of the Appomattocks. It was, moreover, the policy of the government so "to overmaster the subtile Powhatan" that he must perforce join with the residents from abroad in submissive friendship, or "leave his country to their possession."

Bancroft, Hist. of the U.S., vol.1, p.104

When the court of Spain learned that the English were taking to themselves the land on the Chesapeake, it repeatedly threatened to send armed galleons to remove the planters. In the summer of 1611 a Spanish caravel with a shallop anchored near Point Comfort, and, obtaining a pilot from the fort, took soundings of the channels. Yet no use was made of the knowledge thus acquired; the plantation was reported to be in such extremities that it could not but fall of itself.

Bancroft, Hist. of the U.S., vol.1, p.104 - p.105

While the colony was advancing in strength and happiness, the third patent for Virginia, signed in March, 1612, granted to the shareholders in England the Bermudas and all islands within three hundred leagues of the Virginia shore; a concession of no ultimate importance in American history, since the new acquisitions were soon made over to a separate company. But it was further ordered that weekly, or even more frequent meetings, of the whole company might be convened for the transaction of ordinary business; while all questions respecting government, commerce, and the disposition of lands, should be reserved for the four great and general courts, at which all officers were to be elected and all laws established. The political rights of the colonists were not directly acknowledged; but the character of the corporation was entirely changed by transferring power from the council to the company, through whose assemblies the people of Virginia might gain leave to exercise every political power belonging to the people of England. At the same time lotteries, though unusual in England, were authorized. They produced to the company twenty-nine thousand pounds; disliked by the nation as a grievance, in 1621, on the complaint of the house of commons, they were suspended by an order of council.

Bancroft, Hist. of the U.S., vol.1, p.105

There was no longer any doubt of the stability of the colony. They who had freely offered gifts, while "the holy action" of planting it was "languishing and forsaken," saw the "pious and heroic enterprise" assured of success. Shakespeare, whose friend, the "popular" earl of Southampton, was the foremost man in the Virginia company, shared the pride and the hope of his countrymen. As he heard of James river and Jamestown, his splendid prophecy, by the mouth of Cranmer, promised the English the possession of a hemisphere, through the patron of colonies, King James:

Bancroft, Hist. of the U.S., vol.1, p.105

Wherever the bright sun of heaven shall shine,

His honor and the greatness of his name

Shall be, and make new nations.

Bancroft, Hist. of the U.S., vol.1, p.105 - p.106

From Virginia came the first check on French colonization in North America. In the spring of 1613, in a vessel which carried fifteen guns and a crew of sixty men, Argall set forth on a fishing voyage to the Isle of Shoals. In the waters of New England he heard of the establishment of the French on Mount Desert isle. Its founder, Madame de Guercheville, had not only purchased the rights of De Monts, but had obtained a royal grant to colonize any part of America from the great river of Canada to Florida, excepting only Port Royal. Her earliest colony, consisting of three Jesuits and thirty men, had planted themselves on an inviting hillside that sloped gently toward the sea, and were sheltered in four pavilions, which had been the gift of the queen dowager of France, Mary of Medici. Of a sudden they beheld a ship tricked out in red, bearing the flag of England, with three trumpets and two drums sounding violently, sailing under favoring winds into their harbor swifter than an arrow. It was Argall, with a force too great to be resisted. After cannonading the slight intrenchments, and a sharp discharge of musketry, he gained possession of the infant hamlet of St. Saviour. The cross round which the faithful had gathered was thrown down, the tents were abandoned to pillage, and the ship in the harbor seized as a prize, because captured within the limits of Virginia. The French were expelled from the territory, but with no further act of inhumanity or cruelty; a part of them found their way to a vessel bound for St. Malo, others were taken to the Chesapeake.

Bancroft, Hist. of the U.S., vol.1, p.106

On making his report at Jamestown, Argall was sent once more to the north, with authority to remove every landmark of France in the territory south of the forty-sixth degree. He raised the arms of England on the spot where those of France and De Guercheville had been thrown down, razed the fortifications of De Monts on the isle of St. Croix, and set on fire the deserted settlement of Port Royal. In this manner England vindicated her claim In less than a century and a half the strife for acres which neither nation could cultivate kindled war round the globe; but for the moment France, distracted by the factions which followed the assassination of Henry IV, did not resent the insult to her flag; and the complaint of Madame de Guercheville was presented only as a private claim.

Bancroft, Hist. of the U.S., vol.1, p.106 - p.107

Meantime the captivity of the daughter of Powhatan, who had been detained at Jamestown as a hostage for the return of Englishmen held in captivity by her father, led to better relations between Virginia and the Indian tribes. For the sake of her liberation the chief set free his English captives. During the period of her stay at Jamestown, John Rolfe, "an honest and discreet" young Englishman, daily, hourly, and, as it were, in his very sleep, heard a voice crying in his ears that he should strive to make her a Christian. After a great struggle of mind and daily and believing prayers, he resolved to labor for the conversion of the "unregenerated maiden;" and, winning the favor of Pocahontas, he desired her in marriage. The youthful princess received instruction with docility; and soon, in the little church of Jamestown which rested on rough pine columns fresh from the forest, she stood before the font that out of the trunk of a tree "had been hewn hollow like a canoe, openly renounced her country's idolatry, professed the faith of Jesus Christ, and was baptized." "The gaining of this one soul," "the first fruits of Virginian conversion," was followed by her nuptials with Rolfe. In April, 1614, to the joy of Sir Thomas Dale, with the approbation of her father and friends, Opachisco, her uncle, gave the bride away; and she stammered before the altar her marriage vows.

Bancroft, Hist. of the U.S., vol.1, p.107

Every historian of Virginia commemorates the union with approbation; men are proud to trace from it their descent. Its immediate fruits to the colony were a confirmed peace, not with Powhatan alone, but with the powerful Chickahominies, who demanded to be called Englishmen. But the European and the native races could not blend, and the weakest were doomed to disappear.

Bancroft, Hist. of the U.S., vol.1, p.107

Sir Thomas Gates, who, in March, 1614, had left the government with Dale, on his return to England employed himself in reviving the courage of the London company. In May, 1614, a petition for aid was presented to the house of commons, and was heard with unusual solemnity. It was supported by Lord Delaware, whose affection for Virginia ceased only with life. He would have had the enterprise adopted by the house and king, even at the risk of a conflict with the Spaniards. "All it requires," said he, "is but a few honest laborers, burdened with children." He moved for a committee to consider of relief, but nothing was agreed upon. The king was eager to press upon the house the supply of his wants, and the commons to consider the grievances of the people; and these disputes with the monarch led to a hasty dissolution of the commons. It was not to privileged companies, parliaments, or kings, that the new state was to owe its prosperity. Agriculture enriched Virginia.

Bancroft, Hist. of the U.S., vol.1, p.107 - p.108

The condition of private property in lands among the colonists, depended in some measure on the circumstances under which they had emigrated. For those who had been sent and maintained at the exclusive cost of the company and were its servants, one month of their time and three acres of land had been set apart, besides an allowance of two bushels of corn from the public store; the rest of their labor belonged to their employers. This number gradually decreased; and, in 1617, there were of them all, men, women, and children, but fifty-four. Others, especially in the favorite settlement near the month of the Appomattox, were tenants, paying two and a half barrels of corn as a yearly tribute to the store, and giving to the public service one month's labor, which was to be required neither at seed-time nor harvest. He who came himself, or had sent others at his own expense, had been entitled to a hundred acres of land for each person; now that the colony was well established, the bounty on emigration was fixed at fifty acres, of which the actual occupation and culture gave a right to as many more, to be assigned at leisure. Besides this, lands were granted as rewards of merit; yet not more than two thousand acres could be so appropriated to one person. A payment to the company's treasury of twelve pounds and ten shillings obtained a title to any hundred acres of land not yet granted or possessed, with a reserved claim to as much more. Such were the earliest land laws of Virginia: though imperfect and unequal, they gave the cultivator the means of becoming a proprietor of the soil. These changes were established by Sir Thomas Dale, a magistrate, who, notwithstanding the introduction of martial law, has gained praise for his vigor and industry, his judgment and conduct. Having remained five years in America, he appointed George Yeardley deputy governor; and, with Pocahontas and her husband as the companions of his voyage, in June, 1616, he arrived in his native country.

Bancroft, Hist. of the U.S., vol.1, p.108 - p.109

The Virginia princess, instructed in the English language, and bearing an English name, "the first Christian ever of her nation," was wondered at in the city; entertained with unwonted festival state and pomp by the bishop of London, in his hopeful zeal to advance Christianity by her influence; and graciously received at court, where, on one of the holidays of the following Christmas season, she was a guest at the presentment of a burlesque masque, which Ben Jonson had written to draw a hearty laugh from King James. A few weeks later she prepared to return to the land of her fathers, but died at Gravesend as she was bound for home, saved from beholding the extermination of the tribes from which she sprung, and dwelling in tradition under the form of gentleness and youth.

Bancroft, Hist. of the U.S., vol.1, p.109

With the success of agriculture, the Virginians, for the security of property, needed the possession of political rights. From the first settlement of Virginia, Sir Thomas Smythe had been the presiding officer of the London company; and no willingness had been shown to share the powers of government with the emigrants, who had thus far been ruled as soldiers in a garrison. Now that they had outgrown this condition of dependency, and were possessed of the elements of political life, they found among the members of the London company wise and powerful and disinterested friends. Yet in the appointment of a deputy governor the faction of Smythe still prevailed; and Argall, who had been his mercantile agent, was elected by ballot to supersede Yeardley as deputy governor of the colony. He was further invested with the place of admiral of the country and the adjoining seas, an evidence that his overthrow of the French settlements in the north was approved.

Bancroft, Hist. of the U.S., vol.1, p.109

In May, 1617, Argall arrived in Virginia, and assumed its government. Placed above immediate control, he showed himself from the first arrogant, self-willed, and greedy of gain. Martial law was still the common law of the country, and his arbitrary rule "imported more hazard to the plantation than ever did any other thing that befell that action from the beginning." He disposed of the kine and bullocks belonging to the colony for his own benefit; he took to himself a monopoly of the fur trade; he seized ancient colony men, who were free, and laborers who were in the service of the company, and forced them to work for himself.

Bancroft, Hist. of the U.S., vol.1, p.109

Before an account of his malfeasance in office reached England, Lord Delaware, the governor-general, had been despatched by the company with two hundred men and supplies for the colony. He was followed by orders to ship the deputy governor home, where he was "to answer everything that should be laid to his charge."

Bancroft, Hist. of the U.S., vol.1, p.109 - p.110

The presence of Lord Delaware might have restored tranquillity; his health was not equal to the voyage, and he did not live to reach Virginia. Argall was therefore left unrestrained to defraud the company, as well as to oppress the colonists. The condition of Virginia became intolerable; the labor of the settlers continued to be perverted to the benefit of the governor; servitude, for a limited period, was the common penalty annexed to trifling offences; and, in a colony where martial law still continued in force, life was insecure against his capricious passions. The first appeal ever made from America to England, directed not to the king, but to the company, was in behalf of one whom Argall had wantonly condemned to death, and whom he had with great difficulty been prevailed upon to respite. The colony was fast falling into disrepute, and the report of the tyranny established beyond the Atlantic checked emigration; but it happily roused the discontent of the best of the adventurers. When on the fifth of October, 1618, the news of the death of Lord Delaware reached London, they demanded a reformation with guarantees for the future. After a strenuous contest on the part of rival factions for the control of the company, the influence of Sir Edwin Sandys and his friends prevailed; Argall was displaced, and the mild and popular Yeardley was elected governor in his stead, with higher rank. On the twenty-second of November the king gave him audience, knighted him, and held a long discourse with him on the religion of the natives. Vessels lay in the Thames ready for Virginia; but, before the new chief magistrate could reach his post, Argall had withdrawn, having previously, by fraudulent devices, preserved for himself and his partners the fruits of his extortions.

Bancroft, Hist. of the U.S., vol.1, p.110 - p.111

On the nineteenth of April, 1619, Sir George Yeardley entered on his office in the colony. Of the emigrants who had been sent over at great cost, not one in twenty then remained alive. "In James citty were only those houses that Sir Thomas Gates built in the tyme of his government, with one wherein the governor allwayes dwelt, and a church, built wholly at the charge of the inhabitants of that citye, of timber, being fifty foote in length and twenty in breadth." At the town of Henrico there were no more than "three old houses, a poor ruinated church, with some few poore buildings in the islande." "For ministers to instruct the people, only three were authorized; two others had never received their orders." "The natives were upon doubtfull termes;" and the colony was altogether "in a poore estate."

Bancroft, Hist. of the U.S., vol.1, p.111

From the moment of Yeardley's arrival dates the real life of Virginia. Bringing with him "commissions and instructions from the company for the better establishinge of a commonwealth," he made proclamation "that those cruell lawes by which the ancient planters had soe longe been governed, were now abrogated, and that they were to be governed by those free lawes, which his majesties subjectes lived under in Englande." Nor were these concessions left dependent on the good-will of administrative officers. "That the planters might have a hande in the governing of themselves, yt was graunted that a generall assemblie shoulde be helde yearly once, whereat were to be present the governor and counsell with two burgesses from each plantation, freely to be elected by the inhabitantes thereof, this assemblie to have power to make and ordaine whatsoever lawes and orders should by them be thought good and profitable for their subsistence."

Bancroft, Hist. of the U.S., vol.1, p.111

In conformity with these instructions, Sir George Yeardley "sente his summons all over the country, as well to invite those of the counsell of estate that were absente, as also for the election of burgesses."

Bancroft, Hist. of the U.S., vol.1, p.111

Nor did the patriot members of the London company leave him without support. At the great and general court of the Easter term, Sir Thomas Smythe, having reluctantly professed a wish to be eased of his office, was dismissed, and Sir Edwin Sandys elected by a great majority governor and treasurer. For deputy, John Ferrar was elected by a like majority. Nicholas Ferrar, the younger brother of the deputy, just turned of six-and-twenty, one of the purest and least selfish men that ever lived, who a few months before had returned from an extensive tour on the continent of Europe, was made counsel to the corporation; and the conduct of business gradually fell into his hands. He proved himself able and indefatigable in business, devoted to his country and its church, at once a royalist, and a wise and firm upholder of English liberties. In the early history of American colonization the English character nowhere showed itself to better advantage than in the Virginia company after the change in its direction.

Bancroft, Hist. of the U.S., vol.1, p.112

It was therefore without any danger of being thwarted at home that on Friday, the thirtieth day of July, 1619, delegates from each of the eleven plantations of Virginia assembled at James City.

Bancroft, Hist. of the U.S., vol.1, p.112

The inauguration of legislative power in the Ancient Dominion preceded the introduction of negro slavery. The governor and council it with the burgesses, and took part in motions and debates. John Pory, a councillor and secretary of the colony, though not a burgess, was chosen speaker. Legislation was opened with prayer. The assembly exercised fully the right of judging of the proper election of its members; and they would not suffer any patent, conceding manorial jurisdiction, to bar the obligation of obedience to their decisions. They wished every grant of land to be made with equal favor, that all complaint of partiality might be avoided, and the uniformity of laws and orders never be impeached. The commission of privileges sent by Sir George Yeardley was their "great charter," or organic act, which they claimed no right "to correct or control;" yet they kept the way open for seeking redress, "in case they should find ought not perfectly squaring with the state of the colony."

Bancroft, Hist. of the U.S., vol.1, p.112

Leave to propose laws was given to any burgess, or by way of petition to any member of the colony; but, for expedition's sake, the main business of the session was distributed between two committees; while a third body, composed of the governor and such burgesses as were not on those committees, examined, which of former instructions "might conveniently put on the habit of laws." The legislature acted also as a criminal court.

Bancroft, Hist. of the U.S., vol.1, p.112 - p.113

The church of England was confirmed as the church of Virginia; it was intended that the first four ministers should each receive two hundred pounds a year; all persons whatsoever, upon the Sabbath days, were to frequent divine service and sermons both forenoon and afternoon; and all such as bore arms, to bring their pieces or swords. Grants of land were asked not for planters only, but for their wives, "because, in a new plantation, it is not known whether man or woman be the most necessary." Measures were adopted "toward the erecting of a university and college." It was enacted that, of the children of the Indians, "the most towardly boys in wit and graces of nature should be brought up in the first elements of literature, and sent from the college to the work of conversion" of the natives to the Christian religion. Penalties were appointed for idleness, gaming with dice or cards, and drunkenness. Excess in apparel was restrained by a tax. The business of planting corn, mulberry-trees, hemp, and vines was encouraged. The price of tobacco was fixed at three shillings a pound for the best, and half as much "for the second sort."

Bancroft, Hist. of the U.S., vol.1, p.113

When the question was taken on accepting "the great charter," "it had the general assent and the applause of the whole assembly," with thanks for it to Almighty God and to those from whom it had issued, in the names of the burgesses and of the whole colony whom they represented: the more so, as they were promised the power to allow or disallow the orders of the court of the London company.

Bancroft, Hist. of the U.S., vol.1, p.113

A perpetual interest attaches to this first elective body that ever assembled in the western world, representing the people of Virginia, and making laws for their government, more than a year before the Mayflower, with the pilgrims, left the harbor of Southampton, and while Virginia was still the only British colony on the continent of America. The functions of government were in some degree confounded; but the record of the proceedings justifies the opinion of Sir Edwin Sandys, that "the laws were very well and judiciously formed."

Bancroft, Hist. of the U.S., vol.1, p.113

The enactments of these earliest American law-givers were instantly put in force, without waiting for their ratification by the company in England. Former griefs were buried in oblivion, and they who had been dependent on the will of a governor, having recovered the privileges of Englishmen, under a code of laws of their own, "fell to building houses and planting corn," and henceforward "regarded Virginia as their country."

Bancroft, Hist. of the U.S., vol.1, p.113 - p.114

The patriot party in England, who now controlled the London company, engaged with earnestness in schemes to advance the numbers and establish the liberties of their plantation. No intimidations—not even threats of blood—could deter Sir Edwin Sandys, the new treasurer, from investigating and reforming the abuses by which its progress had been retarded. At his accession to office, after twelve years' labor, and an expenditure of eighty thousand pounds by the company, there were in the colony no more than six hundred men, women, and children; and in one year the company and private adventurers made provision to send over twelve hundred and sixty-one persons.

Bancroft, Hist. of the U.S., vol.1, p.114

To the other titles of "the high empress" Elizabeth, Spenser had, just before the end of the sixteenth century, added that of "queen of Virginia;" King James, who was already the titular sovereign of four realms, now accepted as the motto for the London company's coat of arms: "Lo! Virginia gives a fifth crown." A strong interest took hold of the people of England; gifts and bequests came in for "the sacred work" of founding a colonial college and building up the colonial church. There were two poets, of whose works Richard Baxter said that he found "none so savoury next to the Scripture poems." Of these, George Sandys, son of the archbishop of York, himself repaired to Virginia as its resident treasurer, to assist in establishing "a rich and well peopled kingdom;" and George Hart, the bosom friend of Nicholas Ferrar, expressed the feeling of the best men of England when he wrote:

Bancroft, Hist. of the U.S., vol.1, p.114

Religion stands on tip-toe in our land,

Readie to passe to the American strand.

Bancroft, Hist. of the U.S., vol.1, p.114 - p.115

The quarter session, held on the seventeenth of May, 1620, was attended by near five hundred persons, among whom were twenty great peers of the land; near a hundred knights of the kingdom; as many more officers of the army, and renowned lawyers; and numerous merchants and men of business. It was the general wish of the company to continue Sir Edwin Sandys in his high office; but, before they proceeded to ballot, an agent from the palace presented himself with the message that, out of especial care for the plantation, the king nominated unto them four, of whom his pleasure was the company should choose one to be their treasurer. Desiring the royal messenger to remain, Southampton entered into a defence of the patent, and added: "The hopeful country of Virginia is a land which will find full employment for all needy people, will provide estates for all younger brothers, gentlemen of this kingdom, and will supply this nation with commodities we are fain to fetch from foreign nations, from doubtful friends, yea, from heathen princes. This business is of so great concernment that it never can be too solemnly, too thoroughly, or too publicly examined." Sir Laurens Hyde, the learned lawyer, asked that the patent given under the great seal of England, the hand and honor of a king, might be produced. "The patent!" "The patent!" cried all; and, when it was brought forth and read, Hyde went on: "You see the point of electing a governor is thereby left to your own free choice." It was then agreed that the election should be put off until the next great and general court in midsummer term; and a committee of twelve, with Southampton at their head, was in the interim to beseech his majesty not to take from them the privilege of their letters patent. Their right was so clear that the king explained away his interference, as he had intended no more than to recommend the persons whom he nominated, and not to bar the company from the choice of any other.

Bancroft, Hist. of the U.S., vol.1, p.115

When at the quarter session, near the end of June, Sir Edwin Sandys, yielding to the ill-will of the king, withdrew from competition, "the whole court immediately, with much joy and applause, nominated the earl of Southampton;" and, resolving "to surcease the balloting box," chose him by erection of hands. In response, he desired them all to put on the same minds with which he accepted the place of treasurer.

Bancroft, Hist. of the U.S., vol.1, p.115

He made the condition that his friend, Sir Edwin Sandys, should give him assistance; and these, with Nicholas Ferrar, were the men who for a time managed "the great work of redeeming the noble plantation of Virginia from the ruins that seemed to hang over it:" the first celebrated for wisdom, eloquence, and sweet deportment; Sandys, for knowledge and integrity; and Nicholas Ferrar, for ability, unwearied diligence, and the strictest virtue. All three were sincere members of the British church: the first, a convert from papacy; the last, pious even to a romantic excess. All three were royalists, and all three were animated by that love of liberty which formed a part of the hereditary patriotism of an Englishman.

Bancroft, Hist. of the U.S., vol.1, p.115 - p.116

Under their harmonious direction the policy of the former year was continued; and more than eleven hundred persons found their way annually to Virginia. "The people of Virginia had not been settled in their minds," and as, before the recent changes, they retained the design of ultimately returning to England, it was necessary to multiply attachments to the soil. Few women had dared to cross the Atlantic; but now the promise of prosperity induced ninety agreeable persons, young and incorrupt, to listen to the advice of Sandys, and embark for the colony, where they were assured of a welcome. They were transported at the expense of the company, and were married to its tenants, or to men who were able to support them, and who willingly defrayed the costs of their passage, which were rigorously demanded. The adventure, which had been in part a mercantile speculation, succeeded so well that it was proposed to send the next year another consignment of one hundred; but, before these could be collected, the company found itself so poor that its design could be accomplished only by a subscription. After some delays, sixty were actually despatched, maids of virtuous education, young, handsome, and well recommended. The price rose from one hundred and twenty to one hundred and fifty pounds of tobacco, or even more; so that all the original charges might be repaid. The debt for a wife was a debt of honor, and took precedence of any other; and the company, in conferring employments, gave a preference to married men. With domestic ties, habits of thrift were formed. Within three years, fifty patents for land were granted, and a state rose on solid foundations in the New World. Virginia was a place of refuge even for Puritans.

Bancroft, Hist. of the U.S., vol.1, p.116

Before Virginia had been planted, King James found in his hostility to the use of tobacco a convenient argument for the excessive tax which a royal ordinance imposed on its consumption. When the weed had become the staple of Virginia, the sale of it in England was prohibited unless the heavy impost had been paid, and a new proclamation forbade its culture in England and Wales. In the parliament of 1621 Lord Coke reminded the commons of the usurpation of authority on the part of the monarch who had taxed the produce of the colonies without their consent and without an act of the national legislature.

Bancroft, Hist. of the U.S., vol.1, p.117

Besides providing for emigration, the London company, under the lead of Southampton, proceeded to redress former wrongs, and to protect colonial liberty by written guarantees. In the case of the appeal to the London company from sentence of death pronounced by Argall, his friends, with the earl of Warwick at their head, excused him by pretending that martial law is the noblest kind of trial, because soldiers and men of the sword were the judges. This opinion was overthrown, and the right of the colonists to trial by jury sustained. Nor was it long before the freedom of the northern fisheries was equally asserted, and the monopoly of a rival corporation successfully opposed. Lord Bacon, who, at the time of Newport's first voyage with emigrants for Virginia, classed the enterprise with the romance of "Amadis de Gaul," now said of the plantation: "Certainly it is with the kingdoms of earth as it is in the kingdom of heaven, sometimes a grain of mustard-seed proves a great tree. Who can tell?" "Should the plantation go on increasing as under the government of that popular Lord Southampton," said Gondomar, then Spanish ambassador in England, "my master's West Indies and his Mexico will shortly be visited, by sea and by land, from those planters in Virginia."

Bancroft, Hist. of the U.S., vol.1, p.117 - p.118

The company had silently approved the colonial assembly which had been convened by Sir George Yeardley; on the twenty-fourth of July, 1621, a memorable ordinance established for the colony a written constitution. The prescribed form of government was analogous to the English constitution, and was, with some modifications, the model of the systems which were afterward introduced into the various royal provinces. Its purpose was declared to be "the greatest comfort and benefit to the people, and the prevention of injustice, grievances, and oppression." Its terms are few and simple: a governor, to be appointed by the company; a permanent council, likewise to be appointed by the company; a general assembly, to be convened yearly, and to consist of the members of the council, and of two burgesses to be chosen from each of the several plantations by the respective inhabitants. The assembly might exercise full legislative authority, a negative voice being reserved to the governor; but no law or ordinance would be valid unless ratified by the company in England. It was further agreed that, after the government of the colony should have once been framed, no orders of the court in London should bind the colony, unless they should in like manner be ratified by the general assembly. The courts of justice were required to conform to the laws and manner of trial used in the realm of England.

Bancroft, Hist. of the U.S., vol.1, p.118

Such was the constitution which Sir Francis Wyatt, the successor of the mild but inefficient Yeardley, was commissioned to bear to the colony. The system of representative government and trial by jury thus became in the new hemisphere an acknowledged right. On this ordinance Virginia erected the superstructure of her liberties. Its influences were wide and enduring, and can be traced through all her history. It constituted the plantation, in its infancy, a nursery of freemen; and succeeding generations learned to cherish institutions which were as old as the first period of the prosperity of their fathers. The privileges then conceded could never be wrested from the Virginians; and, as new colonies arose at the south, their proprietaries could hope to win emigrants only by bestowing franchises as large as those enjoyed by their elder rival. The London company merits the praise of having auspicated liberty in America. It may be doubted whether any public act during the reign of King James was of more permanent or pervading influence; and it reflects honor on Sir Edwin Sandys, the earl of Southampton, Nicholas Ferrar, and the patriot royalists of England, that, though they were unable to establish guarantees of a liberal administration at home, they were careful to connect popular freedom inseparably with the life, prosperity, and state of society of Virginia.

Chapter 8:

Slavery,

Dissolution of the London Company

Bancroft, Hist. of the U.S., vol.1, p.119

WHILE Virginia, by the concession of a representative government, was constituted the asylum of liberty, it became the abode of hereditary bondsmen.

Bancroft, Hist. of the U.S., vol.1, p.119

Slavery and the slave-trade are older than the records of human society; they are found to have existed wherever the savage hunter began to assume the habits of pastoral or agricultural life; and, with the exception of Australasia, they have extended to every portion of the globe. The oldest monuments of human labor on the Egyptian soil are the results of slave labor. The founder of the Jewish people was a slave-holder and a purchaser of slaves. The Hebrews, when they broke from their own thraldom, planted slavery in the promised land. Tyre, the oldest commercial city of Phoenicia, was, like Babylon, a market "for the persons of men."

Bancroft, Hist. of the U.S., vol.1, p.119 - p.120

Old as are the traditions of Greece, slavery is older. The wrath of Achilles grew out of a quarrel for a slave; Grecian dames had servile attendants; the heroes before Troy made excursions into the neighboring villages and towns to enslave the inhabitants. Greek pirates, roving, like the corsairs of Barbary, in quest of men, laid the foundations of Greek commerce; each commercial town was a slave-mart; and every cottage near the sea-side was in danger from the kidnapper. Greeks enslaved each other. The language of Homer was the mother tongue of the Helots; the Grecian city that warred on its neighbor city made of its captives a source of profit; the hero of Macedon sold men of his own kindred and language into hopeless slavery. More than four centuries before the Christian era, Alcidamas, a pupil of Gorgias, taught that "God has sent forth all men free; nature has made no man slave." While one class of Greek authors of that period confounded the authority of master and head of a family, others asserted that the relation of master and slave is conventional; that freedom is the law of nature, which knows no difference between master and slave; that slavery is the child of violence, and inherently unjust. "A man, O my master," so speaks the slave in a comedy of Philemon, "because he is a slave, does not cease to be a man. He is of the same flesh with you. Nature makes no slaves." Aristotle, though he recognises "living chattels" as a part of the complete family, has left on record his most deliberate judgment, that the prize of freedom should be placed within the reach of every slave. Yet the idea of universal free labor was only a dormant bud, not to be quickened for many centuries.

Bancroft, Hist. of the U.S., vol.1, p.120

Slavery hastened the fall of the commonwealth of Rome. The power of the father to sell his children, of the creditor to sell his insolvent debtor, of the warrior to sell his captive, carried it into the bosom of every family, into the conditions of every contract, into the heart of every unhappy land that was invaded by the Roman eagle. The slave-markets of Rome were filled with men of various nations and colors. "Slaves are they!" writes Seneca; "say that they are men." The golden-mouthed orator Dion inveighs against hereditary slavery as at war with right. "By the law of nature, all men are born free," are the words of Ulpian. The Roman digests pronounce slavery "contrary to nature."

Bancroft, Hist. of the U.S., vol.1, p.120

In the middle age the pirate and the kidnapper and the conqueror still continued the slave-trade. The Saxon race carried the most repulsive forms of slavery to England, where not half the population could assert a right to freedom, and where the price of a man was but four times the price of an ox. In defiance of severe penalties, the Saxons long continued to sell their own kindred into slavery on the continent. Even after the conquest, slaves were exported from England to Ireland, till, in 1102, a national synod of the Irish, to remove the pretext for an invasion, decreed the emancipation of all their English slaves.

Bancroft, Hist. of the U.S., vol.1, p.121

The German nations made the shores of the Baltic the scenes of the same traffic; and the Dnieper formed the highway on which Russian merchants conveyed slaves from the markets of Russia to Constantinople. The wretched often submitted to bondage as the only refuge from want. But it was the long wars between German and Slavonic tribes which imparted to the slave-trade so great activity that in every country of Western Europe the whole class of bondmen took and still retain the name of Slaves.

Bancroft, Hist. of the U.S., vol.1, p.121

In Sicily, natives of Asia and Africa were exposed for sale. From extreme poverty the Arab father would pawn even his children to the Italian merchant. Rome itself long remained a mart where Christian slaves were exposed for sale, to supply the market of Mahometans. The Venetians purchased alike infidels and Christians, and sold them again to the Arabs in Sicily and Spain. Christian and Jewish avarice supplied the slave-market of the Saracens. The trade, though censured by the church and prohibited by the laws of Venice, was not effectually checked till the mere presence in a Venetian ship was made the sufficient evidence of freedom.

Bancroft, Hist. of the U.S., vol.1, p.121

In the twelfth century, Pope Alexander III had written that, "nature having made no slaves, all men have an equal right to liberty." Yet, as among Mahometans the captive Christian had no alternative but apostasy or servitude, the captive infidel was treated in Christendom with corresponding intolerance. In the camp of the leader whose pious arms redeemed the sepulchre of Christ from the mixed nations of Asia and Libya, the price of a war-horse was three slaves. The Turks, whose law forbade the enslaving of Mussulmans, continued to sell Christian and other captives; and Smith, the third president of Virginia, relates that he was himself a runaway from Turkish bondage.

Bancroft, Hist. of the U.S., vol.1, p.121 - p.122

All this might have had no influence on the destinies of America but for the long and doubtful struggles between Christians and Moors in the west of Europe, where, for more than seven centuries, the two religions were arrayed against each other, and bondage was the reciprocal doom of the captive. France and Italy were filled with Saracen slaves; the number of them sold into Christian bondage exceeded the number of all the Christians ever sold by the pirates of Barbary. The clergy felt no sympathy for the unbeliever. The final victory of the Spaniards over the Moors of Granada, an event contemporary with the discovery of America, was signalized by a great emigration of the Moors to the coasts of Northern Africa, where each mercantile city became a nest of pirates, and every Christian the wonted booty of the corsair: an indiscriminate and retaliating bigotry gave to all Africans the denomination of Moors, and without scruple reduced them to bondage.

Bancroft, Hist. of the U.S., vol.1, p.122

The clergy had broken up the Christian slave-markets at Bristol and at Hamburg, at Lyons and at Rome. In language addressed half to the courts of law and half to the people, Louis X, by the advice of the jurists of France, in July, 1315, published the ordinance that, by the law of nature, every man ought to be born free; that serfs were held in bondage only by a suspension of their early and natural rights; that liberty should be restored to them throughout the kingdom so far as the royal power extended; and every master of slaves was invited to follow his example by bringing them all back to their original state of freedom. Some years later, John de Wycliffe asserted the unchristian character of slavery. At the epoch of the discovery of America the moral opinion of the civilized world had abolished the trade in Christian slaves, and was demanding the emancipation of the serfs; but the infidel was not yet included within the pale of humanity.

Bancroft, Hist. of the U.S., vol.1, p.122

Yet negro slavery is not an invention of the white man. As Greeks enslaved Greeks, as Anglo-Saxons dealt in Anglo-Saxons, so the earliest accounts of the land of the black men bear witness that negro masters held men of their own race as slaves, and sold them to others. This the oldest Greek historian commemorates. Negro slaves were seen in classic Greece, and were known at Rome and in the Roman empire. About the year 990, Moorish merchants from the Barbary coast reached the cities of Nigritia, and established an uninterrupted exchange of Saracen and European luxuries for the gold and slaves of Central Africa.

Bancroft, Hist. of the U.S., vol.1, p.122 - p.123

Not long after the conquests of the Portuguese in Barbary, their navy frequented the ports of Western Africa; and the first ships, which, in 1441, sailed so far south as Cape Blanco, returned not with negroes, but with Moors. These were treated as strangers, from whom information respecting their native country was to be derived. Antony Gonzalez, who had brought them to Portugal, was commanded to restore them to their ancient homes. He did so; and the Moors gave him as their ransom not gold only, but "black Moors" with curled hair. Negro slaves immediately became an object of commerce. The historian of the maritime discoveries of Spain even claims that she anticipated the Portuguese. The merchants of Seville imported gold dust and slaves from the western coast of Africa; so that negro slavery was established in Andalusia, and "abounded in the city of Seville," before the first voyage of Columbus.

Bancroft, Hist. of the U.S., vol.1, p.123 - p.124

The adventurers of those days by sea, joining the creed of bigots with the designs of pirates and heroes, esteemed as their rightful plunder the wealth of the countries which they might discover, and the inhabitants, if Christians, as their subjects; if infidels, as their slaves. There was hardly a convenient harbor on the Atlantic frontier of the United States which was not entered by slavers. The red men of the wilderness, unlike the Africans, among whom slavery had existed from immemorial time, would never abet the foreign merchant in the nefarious traffic. Fraud and force remained, therefore, the means by which, near Newfoundland or Florida, on the shores of the Atlantic, or among the Indians of the Mississippi valley, Cortereal and Vasquez de Ayllon, Porcallo and Soto, and private adventurers, transported the natives of North America into slavery in Europe and the Spanish West Indies. Columbus himself, in 1494, enslaving five hundred native Americans, sent them to Spain, that they might be publicly sold at Seville. The generous Isabella, in 1500, commanded the liberation of the Indians held in bondage in her European possessions. Yet her active benevolence extended neither to the Moors nor to the Africans; and even her compassion for the men of the New World was but transient. The commissions for making discoveries, issued a few days before and after her interference to rescue those whom Columbus had enslaved, reserved for herself and Ferdinand a fourth part of the slaves which the new kingdoms might contain. The slavery of Indians was recognised as lawful.

Bancroft, Hist. of the U.S., vol.1, p.124 - p.125

A royal edict of 1501 permitted negro slaves, born in slavery among Christians, to be transported. Within two years there were such numbers of Africans in Hispaniola that Ovando, the governor of the island, entreated that their coming might be restrained. For a short time the Spanish government forbade the introduction of negro slaves who had been bred in Moorish families, and allowed only those who were said to have been instructed in the Christian faith to be transported to the West Indies, under the plea that they might assist in converting infidel nations. But, after the culture of sugar was begun, the system of slavery easily overcame the scruples of men in power. King Ferdinand himself sent from Seville fifty slaves to labor in the mines, and promised to send more; and, because it was said that one negro could do the work of four Indians, the direct transportation of slaves from Guinea to Hispaniola was, in 1511, enjoined by a royal ordinance, and deliberately sanctioned by successive decrees. Was it not natural that Charles V, a youthful monarch, at his accession in 1516, should have readily granted licenses to the Flemings to transport negroes to the colonies? The benevolent Las Casas, who felt for the native inhabitants of the New World all that the purest missionary zeal could inspire, and who had seen them vanish away like dew before the cruelties of the Spaniards while the African thrived under the tropical sun, in 1517 suggested that negroes might still further be employed to perform the severe toils which they alone could endure. The board of trade at Seville was consulted, to learn how many slaves would be required; four for each Spanish emigrant had been proposed; deliberate calculation fixed the number at four thousand a year. In 1518 the monopoly, for eight years, of annually importing four thousand slaves into the West Indies, was granted by Charles V to La Bresa, one of his favorites, and was sold to the Genoese. The buyers of the contract purchased their slaves of the Portuguese, to whom a series of papal bulls had indeed granted the exclusive commerce with Western Africa; but the slave-trade between Africa and America was never expressly sanctioned by the see of Rome. Leo X declared that "not the Christian religion only, but Nature herself, cries out against the state of slavery." Paul III, two years after he had given authority to make slaves of every English person who would not assist in the expulsion of Henry VIII, in two separate briefs imprecated a curse on the Europeans who should enslave Indians, or any other class of men. Ximenes, the stern grand inquisitor, the austere but ambitious Franciscan, refused to sanction the introduction of negroes into Hispaniola, believing that the favorable climate would increase their numbers, and infallibly lead them to a successful revolt. Hayti, the first spot in America that received African slaves, was the first to set the example of African liberty.

Bancroft, Hist. of the U.S., vol.1, p.125

The odious distinction of having first interested England in the slave-trade belongs to Sir John Hawkins. In 1562, he transported a large cargo of Africans to Hispaniola; the rich returns of sugar, ginger, and pearls, attracted the notice of Queen Elizabeth; and five years later she took shares in a new expedition, though the commerce, on the part of the English, in Spanish ports, was by the law of Spain illicit, as well as by the law of morals detestable.

Bancroft, Hist. of the U.S., vol.1, p.125

Conditional servitude, under indentures or covenants, had from the first existed in Virginia. Once at least James sent over convicts, and once at least the city of London a hundred homeless children from its streets. The servant stood to his master in the relation of a debtor, bound to discharge by his labor the costs of emigration. White servants came to be a usual article of merchandise. They were sold in England to be transported, and in Virginia were to be purchased on shipboard. Not the Scots only, who were taken in the field of Dunbar, were sold into servitude in New England, but the royalist prisoners of the battle of Worcester. The leaders in the insurrection of Penruddoc, in spite of the remonstrance of Haselrig and Henry Vane, were shipped to America. At the corresponding period, in Ireland, the exportation of Irish Catholics was frequent. In 1672, the average price in the colonies, where five years of service were due, was about ten pounds, while a negro was worth twenty or twenty-five pounds.

Bancroft, Hist. of the U.S., vol.1, p.125 - p.126

The condition of apprenticed servants in Virginia differed from that of slaves chiefly in the duration of their bondage; the laws of the colony favored their early enfranchisement. But this state of labor easily admitted the introduction of perpetual servitude. In the month of August, 1619, five years after the commons of France had petitioned for the emancipation of every serf in every fief, a Dutch man-of-war entered James river and landed twenty negroes for sale. This is the sad epoch of the introduction of negro slavery; but the traffic would have been checked in its infancy had it remained with the Dutch. Thirty years after this first importation of Africans, Virginia to one black contained fifty whites; and, after seventy years of its colonial existence, the number of its negro slaves was proportionably much less than in several northern states at the time of the war of independence. Had no other form of servitude been known in Virginia than of men of the same race, every difficulty would have been promptly obviated. But the Ethiopian and Caucasian races were to meet together in nearly equal numbers beneath a temperate zone. Who could foretell the issue? The negro race, from its introduction, was regarded with disgust, and its union with the whites forbidden under ignominious penalties.

Bancroft, Hist. of the U.S., vol.1, p.126

If Wyatt, on his arrival in Virginia in 1621, found the evil of negro slavery engrafted on the social system, he brought with him the memorable ordinance on which the fabric of colonial liberty was to rest, and which was interpreted by his instructions in a manner favorable to the colonists. An amnesty of ancient feuds was proclaimed. In November and December, 1621, the first session of an assembly under the written constitution was held. The production of silk engaged attention; but silk-worms could not be cared for where every comfort of household existence required to be created. As little was the successful culture of the vine possible, although the company had repeatedly sent vine-dressers. In 1621, the seeds of cotton were planted as an experiment; and their "plentiful coming up" was a subject of interest in America and England. From this year, too, dates the sending of beehives to Virginia, and of skilful workmen to extract iron from the ore. At the instance of George Sandys, five-and-twenty shipwrights came over in 1622.

Bancroft, Hist. of the U.S., vol.1, p.127

Nor did the company neglect education and religious worship. The bishop of London collected and paid a thousand pounds toward a university, which, like the several churches of the colony, was liberally endowed with domains, and fostered by public and private charity. But the plan of obtaining for them a revenue through a permanent tenantry could meet with no success where freeholds were so easily obtained. "Needless novelties " in the forms of worship were prohibited by an instruction from England.

Bancroft, Hist. of the U.S., vol.1, p.127

Between the Indians and the English there had been quarrels, but no wars. From the first the power of the natives had been despised; their strongest weapons were such arrows as they could shape without the use of iron, such hatchets as could be made from stone; and an English mastiff seemed to them a terrible adversary. Within sixty miles of Jamestown, it is computed, there were no more than five thousand souls, or about fifteen hundred warriors. The rule of Powhatan comprehended about eight thousand square miles, thirty tribes, and twenty-four hundred warriors. The natives dwelt in hamlets, with from forty to sixty in each household. Few assemblages of wigwams contained more than two hundred persons. It was unusual for any large portion of these tribes to meet together. They were regarded with contempt or compassion. No uniform care had been taken to conciliate their good-will, although their condition had been improved by some of the arts of civilized life. When Wyatt arrived, he assured them of his wish to preserve inviolable peace. An old law, which made death the penalty for teaching the Indians to use a musket, was forgotten, and they were employed as fowlers and huntsmen. The plantations of the English were extended for one hundred and forty miles on both sides of the James river and toward the Potomac, wherever rich grounds invited to the culture of tobacco.

Bancroft, Hist. of the U.S., vol.1, p.127 - p.128

Powhatan, the friend of the English, died in 1618; and his brother was the heir to his influence. By this time the natives were near being driven "to seek a stranger countrie;" to save their ancient dwelling-places, it seemed to them that the English must be exterminated. On the twenty-second of March, 1622, at mid-day, they fell upon the unsuspecting population; children and women, as well as men, the missionary, the benefactor—all were slain with every aggravation of cruelty. In one hour three hundred and forty-seven persons were cut off. The night before the execution of the conspiracy it had been revealed by a converted Indian to an Englishman whom he wished to rescue; Jamestown and the nearest settlements were prepared against the attack; the savages, as timid as they were ferocious, fled at the appearance of wakeful resistance; and the larger part of the colony was saved.

Bancroft, Hist. of the U.S., vol.1, p.128

But public works were abandoned, and the settlements reduced from eighty plantations to less than eight. Sickness prevailed among the dispirited survivors, who were crowded into narrow quarters; some returned to their mother country. The number of inhabitants had exceeded four thousand; a year after the massacre there remained only two thousand five hundred.

Bancroft, Hist. of the U.S., vol.1, p.128 - p.129

The blood of the victims became the nurture of the plantation. Even King James, for a moment, affected generosity; gave from the Tower of London arms which had been thrown by as good for nothing in Europe; and made fair promises, which were never fulfilled. The city of London and many private persons displayed hearty liberality. The London company, which in May, 1622, had elected Nicholas Ferrar to be Lord Southampton's deputy, "redoubled their courages," and urged the Virginians not to charge their abode, nor apply all their thoughts to staple commodities, but "to embellish the Sparta upon which they had lighted." While they bade them "not to rely upon anything but themselves," they yet promised "that there should not be left any meanes unattempted on their part." They announced their purpose of sending, before the next spring, four hundred young men, well furnished, out of England and Wales; and that private undertakers had engaged to take over many hundreds more. As to the Indians, they wrote: "The innocent blood of so many Christians doth in justice cry out for revenge. We must advise you to root out a people so cursed, at least to the removal of them far from you. Wherefore, as they have merited, let them have a perpetual war without peace or truce, and without mercy too. Put in execution all ways and means for their destruction, not omitting to reward their neighboring enemies upon the bringing in of their heads."

Bancroft, Hist. of the U.S., vol.1, p.129

The arrival of these instructions found the Virginians already involved in a war of extermination. First in the field was George Sandys, the colonial treasurer, who headed two expeditions; next, Yeardley, the governor, invaded the towns of Opechancanough; Captain Madison entered the Potomac. The Indians promptly fled on indications of watchfulness and resistance; but the midnight surprise, the ambuscade by day, might be feared; and they proved to be "an enemy not suddenly to be destroyed with the sword, by reason of their swiftness of foot, and advantages of the wood to which upon all assaults they retired."

Bancroft, Hist. of the U.S., vol.1, p.129

In July, 1623, the inhabitants of the several settlements, in parties, under commissioned officers, fell upon the adjoining savages; and a law of the general assembly commanded that in July of 1624 the attack should be repeated. Six years later, the colonial statute-book proves that ruthless schemes were still meditated; for it was enacted that no peace should be concluded with the Indians—a law which remained in force for two years.

Bancroft, Hist. of the U.S., vol.1, p.129 - p.130

Meantime, a change was preparing in the relations of the colony with the parent state. The earl of Southampton and his friends gave their services freely, having no motive but the advancement of the plantation; the adherents of the former treasurer, among whom Argall was conspicuous, under the lead of the earl of Warwick, constituted a relentless faction. As the shares in the stock were of little value, the contests were chiefly for the direction, and were not so much the wranglings of disappointed merchants as the conflict of political parties. The meetings of the company, which now consisted of a thousand adventurers, of whom two hundred or more usually appeared at the quarter courts, were the scenes for freedom of debate, where the patriots, who in parliament advocated the cause of liberty, triumphantly opposed the decrees of the privy council on subjects connected with the rights of Virginia. The unsuccessful party sought an ally in the king, who desired to recover the authority of which he had deprived himself by a charter of his own concession. Moreover, Gondomar, the Spanish envoy, said to him: "The Virginia courts are but a seminary to a seditious parliament." Besides, he was haunted by a passion to wed his eldest surviving son to a princess of the house of Spain, and therefore courted the favor of the Spanish monarch, even at the sacrifice of an English colony.

Bancroft, Hist. of the U.S., vol.1, p.130

Unable to get the control of the company by overawing their assemblies, the monarch resolved upon the sequestration of the patent; and raised no other question than how the law of England could most plausibly be made the instrument of tyranny. An allegation of grievances, set forth by the royalist faction in a petition to the king, was, in May, 1623, fully refuted by the company, and the ground of discontent was answered by an explanatory declaration. Yet commissioners were appointed to engage in a general investigation of the concerns of the corporation; the records were seized, the deputy treasurer imprisoned, and private letters from Virginia intercepted for inspection. Captain John Smith was particularly examined; his honest answers exposed the defective arrangements of previous years, and he favored the cancelling of the charter as an act of benevolence to the colony.

Bancroft, Hist. of the U.S., vol.1, p.130

To the Virginia quarter court, held on the twenty-fifth of June for the annual election, James sent a very short letter, in which he said: "Our will and pleasure is that you do forbear the election of any officers until to-morrow fortnight at the soonest, but let those that be already remain as they are in the mean time." The reading of the letter was followed by a long and general silence, after which it was voted that the present officers should be continued because, by the express words of their charter, choice could be made only at a quarter court.

Bancroft, Hist. of the U.S., vol.1, p.130 - p.131

The king, enraged at the company, held the citing of their charter as a mere pretext to thwart his command; and on the last day of July the attorney-general, to whom the conduct of the company was referred, gave it as his opinion that the king might justly resume the government of Virginia, and, should they not voluntarily yield, could call in their patent by legal proceedings. In pursuance of this advice, the king, in October, by an order in council, made known to the company that the disasters of Virginia were a consequence of their ill government; that he had resolved, by a new charter, to reserve to himself the appointment of the officers in England, a negative on appointments in Virginia, and the supreme control of all colonial affairs. Private interests were to be sacredly preserved, and all grants of land to be renewed and confirmed. Should the company resist the change, its patent would be recalled. This was in substance a proposition to revert to the charter originally granted.

Bancroft, Hist. of the U.S., vol.1, p.131

On the seventeenth the order was read to the Virginia company in court three several times; after the reading, for a long while no man spoke a word. They then desired a month's delay, that all their members might take part in the final decision. The privy council peremptorily summoned them to appear before it and make their answer at the end of three days. At the expiration of that time the surrender of the charter was refused by a vote of threescore against nine.

Bancroft, Hist. of the U.S., vol.1, p.131

But the decision of the king was already taken; and, on the twenty-fourth, commissioners were appointed to proceed to Virginia and inquire into the state of the plantation. John Harvey and Samuel Matthews, both distinguished in the annals of Virginia, were of the committee.

Bancroft, Hist. of the U.S., vol.1, p.131

On the tenth of November a writ of quo warranto was issued against the company. On the nineteenth, the next quarter court, the adventurers, seven only opposing, confirmed the former refusal to surrender the charter, and made preparations for defence. For that purpose, their papers were for a season restored; certified copies of them, made by the care and at the expense of Nicholas Ferrar, are now in the library of congress.

Bancroft, Hist. of the U.S., vol.1, p.131 - p.132

While these things were transacting in England, the commissioners, early in 1624, arrived in the colony. The general assembly was immediately convened. The company had refuted the allegations of King James, as opposed to their interests; the colonists replied to them, as contrary to their honor and good name. The principal prayer was, that the governors might not have absolute power; and that the liberty of popular assemblies might be retained; "for," say they, "nothing can conduce more to the public satisfaction and the public utility." In support of this solicitation, an agent was appointed to repair to England; and, to defray the expenses of the mission, a tax of four pounds of the best tobacco was levied upon every male who was above sixteen years and had been in the colony a twelvemonth. The commissioner unfortunately died on his passage to Europe. The colony continued to entreat the king not to give credit to the declarations in favor of the truly miserable years of Sir Thomas Smythe's government, and to repel the imputations on that of Southampton and Ferrar as malicious.

Bancroft, Hist. of the U.S., vol.1, p.132

In vain was it attempted, by means of intimidation and promises of royal favor, to obtain a petition for the revocation of the charter. Under that charter the assembly was itself convened; and, after prudently rejecting a proposition which might have endangered its own existence, it proceeded to memorable acts of independent legislation.

Bancroft, Hist. of the U.S., vol.1, p.132

The rights of property were strictly maintained against arbitrary taxation. "The governor shall not lay any taxes or ympositions upon the colony, their lands or commodities, other way than by the authority of the general assembly, to be levyed and ymployed as the said assembly shall appoynt." Virginia, the oldest colony, at the great example of a just and firm legislation on the management of the public money. The rights of personal liberty were asserted, and the power of the executive circumscribed. The several governors had in vain attempted, by penal statutes, to promote the culture of corn; the true remedy was now discovered by the colonial legislature. "For the encouragement of men to plant store of corn, the price shall not be stinted, but it shall be free for every man to sell it as deare as he can." The reports of controversies in England rendered it necessary to provide for the public tranquillity by an express enactment "that no person within the colony, upon the rumor of supposed change and alteration, presume to be disobedient to the present government." These laws, so judiciously framed, show how readily, with the aid of free discussion, men become good legislators on their own concerns.

Bancroft, Hist. of the U.S., vol.1, p.132 - p.133

While the royal London commissioners were urging the Virginians to renounce their right to the privileges which they exercised so well, the English parliament was in session; and a gleam of hope revived in the company, as in April, 1624, Ferrar presented their elaborate petition for redress to the grand inquest of the kingdom. The house of commons took up the business reluctantly, and appointed the twenty-eighth of April for its consideration. But on that day, before any progress was made, there came a letter from the king: "That he both already had, and would also hereafter take the affair of the Virginia company into his own most serious consideration and care; and that, by the next parliament, they should all see he would make it one of his masterpieces, as it well deserved to be." The house assented by a general silence, "but not without soft muttering that any other business might in the same way be taken out of the hands of parliament." Sir Edwin Sandys was able to secure for the staple of Virginia complete protection in the English market against foreign tobacco, by a petition from the commons, which was followed by a royal proclamation. On the sixteenth of June, 1624, the last day of the Trinity term, judgment was given against the treasurer and company, and the patents were cancelled; but not till the company had fulfilled its high destiny by conceding irrevocably a liberal form of government to Englishmen in Virginia.

Bancroft, Hist. of the U.S., vol.1, p.133 - p.134

Meantime, commissioners arrived from the colony, and made their report to the king. They enumerated the disasters which had befallen the infant settlement; they eulogized the soil and the climate; they held up the plantations as of great national importance, and an honorable monument of the reign of King James; and they expressed a preference for the original constitution of 1606. Supported by their advice, the king resolved himself to "take care for the government of the country." In its domestic government and franchises no immediate change was made. Sir Francis Wyatt, though he had been an ardent friend of the London company, was, in August, confirmed in office; and he and his council were only empowered to govern "as fully and amplye as any governor and council resident there, at any time within the space of five years now last past." This term of five years was precisely the period of representative government; and the limitation formally sanctioned the continuance of popular assemblies. The king, in appointing the council in Virginia, refused to nominate the embittered partisans of the court faction, and formed the administration on the principles of accommodation. But death prevented the royal legislator from preparing for the colony a code of fundamental laws.

Chapter 9:

Restrictions on Colonial Commerce

Bancroft, Hist. of the U.S., vol.1, p.135 - p.136

ASCENDING the throne on the twenty-seventh of March, 1625, in his twenty-fifth year, Charles I inherited the principles and was governed by the favorite of his father. The rejoicings in consequence of his recent nuptials with a Bourbon princess, and preparations for a parliament, left him little leisure for American affairs. In his eager pursuit of a revenue for the crown, his first Virginia measure was a proclamation, issued within a fortnight of his accession; it confirmed to Virginia and the Somer isles the exclusive Supply of the British market with tobacco. After a few days a new proclamation appeared, in which he announced his fixed resolution of becoming, through his agents; the sole factor of the planters. When, early in 1626, Wyatt retired, the reappointment of Sir George Yeardley was in itself a guarantee that, as "the former interests of Virginia were to be kept inviolate," so the representative government would be maintained; for by Yeardley it had been introduced. In his commission, in which William Clayborne, described as "a person of quality and trust," is named as secretary, the monarch expressed his desire to encourage and perfect the plantation; "the same means that were formerly thought fit for the maintenance of the colony" were continued; and the power of the governor and council was limited, as in the commission of Wyatt, by a reference to the usages of the last five years. The words were interpreted as favoring the wishes of the colonists; and King Charles, intent only on a revenue, confirmed the existence of a popular assembly. Virginia rose rapidly in public esteem; in 1627 a thousand emigrants arrived; and there was an increasing demand for the products of its soil.

Bancroft, Hist. of the U.S., vol.1, p.136

In November of that year the career of Yeardley was closed by death. Posterity retains a grateful recollection of the man who first convened a representative assembly in the western hemisphere; the colonists, in a letter to the privy council, pronounced a eulogy on his virtues. The day after his burial, and in the absence of John Harvey who was named in Yeardley's commission as his eventual successor, Francis West was elected governor; for the council was authorized to elect the governor, "from time to time, as often as the case should require."

Bancroft, Hist. of the U.S., vol.1, p.136

In the preceding August the king, by a letter of instructions to the governor and council, offered to contract for the whole crop of tobacco, desiring, at the same time, that an assembly might be convened to consider his proposal. In March, 1628, the assembly, in its reply, which was signed by the governor, by five members of the council, and by thirty-one burgesses, acquiesced in the royal monopoly, but protested against its being farmed out to individuals. The Virginians, happier than the people of England, enjoyed a faithful representative government; and, through resident planters who composed the council, they repeatedly made choice of their own governor. When West designed to embark for Europe, his place was supplied by the election of John Pott, the best surgeon and physician in the colony.

Bancroft, Hist. of the U.S., vol.1, p.136

No sooner had the news of the death of Yeardley reached England than the king issued a commission to Harvey as governor. The instrument, while it renewed the limitations which had previously been set to the executive authority, permitted the governor to supply all vacancies occurring in the council in Virginia, subject to approval.

Bancroft, Hist. of the U.S., vol.1, p.136

In 1629, after the appointment of Harvey and before his return to America, Lord Baltimore visited Virginia. Its government pursued him as a Romanist, and would not suffer him to plant within its jurisdiction. On the other hand, the people of New Plymouth were invited to abandon their cold and sterile abode for the milder regions on Delaware bay—a plain indication that Puritans were not as yet molested.

Bancroft, Hist. of the U.S., vol.1, p.137

Late in the year Harvey arrived in Virginia. He met his first assembly of burgesses in 1630, a week before Easter. As his first appearance in America had been with no friendly designs, so now he was the support of those who desired large grants of land and separate jurisdictions; and he preferred the interests of his partisans and patrons, especially Lord Baltimore, to the welfare of the colony. Moreover, he held a warrant to receive for himself all fines arising from any sentence of its courts of justice. In his proceedings he was rough and passionate, pronouncing hasty judgments and quarrelling with the council; yet, while arbitrary power was rapidly advancing in England, the Virginians uninterruptedly enjoyed independent legislation; through the agency of their representatives, they levied and appropriated taxes, secured the free industry of their citizens, guarded the forts with their own soldiers at their own charge, and gave publicity to their statutes. When the defects and inconveniences of infant legislation were remedied by a revised code, which was published with the approbation of the governor and council, the privileges which the assembly had ever claimed were confirmed. Indeed, they had not been questioned. The governor had advised that he should have, for the time being, a negative voice on all acts of legislation; and the government, in its reply, had suggested that the laws made in Virginia should stand only as propositions until the king should ratify them under his great seal; but the limitation was not introduced into his commission. De Vries, who visited Virginia in 1632-33, found reason to praise the advanced condition of the settlement, the abundance of its products, and the liberality of its government.

Bancroft, Hist. of the U.S., vol.1, p.137

The community was nevertheless disturbed because fines, now the perquisites of the governor, were rashly imposed, and relentlessly exacted. In 1635, the discontent of Virginia, at the dismemberment of its territory by the patent of Lord Baltimore, was at its height. While Clayborne, who had been superseded as secretary, resisted the jurisdiction of Maryland over Kent island and over trade in the Chesapeake, Harvey courted the favor of Baltimore. The colonists were fired with indignation that their governor, who was hateful to them for his self-will and violence, should betray their territorial interests.

Bancroft, Hist. of the U.S., vol.1, p.138

In the latter part of April a multitude of people, among whom was the sheriff of York, assembled in that place at the house of William Barrene, who was the chief speaker at the meeting. Francis Pott read a petition written by his brother, the governor by election whom Harvey had superseded, and subscribed by many from other parts of the country, complaining of a tax imposed by Harvey; of the want of justice in his administration; and of his unadvised and dangerous dealings with the Indians. For this act the governor ordered the sheriff, Francis Pott, and another, to be apprehended, and called the council to assist in suppressing these mutinous gatherings. But, on the twenty-eighth, Matthews, an old planter, and other members of the council, came to his house, armed, and attended by fifty musketeers. John Utie, a councillor, struck him on the shoulder, and said: "I arrest you for treason;" which consisted, as they said, in going about to betray their forts into the hands of their enemies of Maryland. The musketeers were ordered to draw back until there should be use for them, and guards were stationed in all the approaches to the born. The three prisoners were set at liberty. The petition against the governor was produced, and made the pretext for calling for an assembly, by which, as a proclamation announced, complaints against the governor would be heard. Matthews, a man of quick temper, whom Harvey had opposed at the board with exceeding animosity, informed him that the fury against him could not be appeased. He attempted to make terms with the council; but they would yield to none of his conditions, and chose in his place John West, who immediately assumed the government. Harvey finally consented to go to England, and there make answer to their complaints. He professed to fear "that the mutineers intended no less than the subversion of Maryland."

Bancroft, Hist. of the U.S., vol.1, p.138 - p.139

On the eleventh of December the cause of Sir John Harvey was investigated by the privy council, the king himself presiding. "To send hither the governor," said Charles, "is an assumption of the regal power; it is necessary to send him back, though to stay but a day; if he can clear himself, he shall remain longer than he otherwise would have done." The commissioners appointed by the council of Virginia to present their complaints had not arrived. In their absence, Harvey pleaded that there was no particular charge against him. It appeared that he had assumed power to place and displace members of the council, and that under the provocation of ill language he had struck one of them and sequestered another. But he denied that he had unduly favored trade with the Dutch, or that he had countenanced the popish religion in Maryland; and he even denied that mass was publicly said in that province.

Bancroft, Hist. of the U.S., vol.1, p.139

A few days later, in accordance with the request of Lord Baltimore, Harvey received a new commission, which limited his powers as before, but reserved the appointments to vacancies in the council to the government in England. In consequence of the unseaworthiness of the king's ship in which he was to have sailed, he did not reach Virginia until January, 1637, after an absence of more than a year and a half. Without delay, he met the council at the church of Elizabeth City, published the king's proclamation, pardoning, with a few exceptions, all persons who had given aid in the late practices against him; and summoned an assembly for the following February. During the period of his office the accustomed legislative rights of the colony were not impaired.

Bancroft, Hist. of the U.S., vol.1, p.139

In November, 1639, he was superseded by Sir Francis Wyatt, who, in the following January, convened a general assembly. In Virginia, debts had been contracted to be paid in tobacco; and as the article rose in value, in consequence of laws restricting its culture, the legislature did not scruple to enact that "no man need pay more than two thirds of his debt during the stint;" and that all creditors should take "forty pounds for a hundred." Beyond this, the second administration of Wyatt passed silently away.

Bancroft, Hist. of the U.S., vol.1, p.139 - p.140

After two years, Sir William Berkeley was constituted governor. The members of his council were to take part with him in supplying vacancies in that body. His instructions enjoined him to be careful that God should be served after the form established in the church of England, and not to suffer any innovation in matters of religion. Each congregation was to provide for its own minister. The oaths of supremacy and allegiance were to be tendered to residents, and recusants "to be sent home." Justice was to be administered according to the laws of England. Besides the quarter courts, inferior courts were to be established for minor suits and offences; and probate of wills was provided for. All men above sixteen years were to bear arms. Trade with the savages without special license was forbidden. To every person who had emigrated since midsummer, 1625, a patent for fifty acres of land was ordered. The general assembly was to meet annually, the governor having a negative voice on its acts. With the consent of the assembly, the residence of the government might be removed to a more healthful place, which should take the old name of Jamestown. One of the instructions imposed by the prerogative most severe and unwarrantable restrictions on the liberty of trade, of which the nature will presently be explained.

Bancroft, Hist. of the U.S., vol.1, p.140

It was in February, 1642, that Sir William Berkeley assumed the government. He summoned immediately the colonial legislature. The memory of factions was lost in a general amnesty of ancient griefs. The lapse of years had so far effaced the divisions which grew out of the dissolution of the company that, when George Sandys presented to the commons of England a petition praying for the restoration of the ancient patents, the colonial assembly disavowed the design, and, after a full debate, opposed it by a protest. They asserted the necessity of the freedom of trade, because it "is the blood and life of a commonwealth." And they defended their preference of self-government through a colonial legislature, by a conclusive argument: "There is more likelyhood that such as are acquainted with the clime and its accidents may upon better grounds prescribe our advantages, than such as shall sit at the helm in England." The king, who regarded "all corporations as refractory to" monarchy itself, declared, in reply, his purpose not to change a form of government in which they "received so much content and satisfaction."

Bancroft, Hist. of the U.S., vol.1, p.140 - p.141

The Virginians, aided by Sir William Berkeley, could now deliberately perfect their civil condition. Condemnations to service had been a usual punishment; these were abolished. In the courts of justice, a near approach was made to the laws and customs of England. Religion was provided for, the law about land titles adjusted, an amicable treaty with Maryland matured, and peace with the Indians confirmed. Taxes were assessed, not in proportion to numbers, but to men's abilities and estates. The spirit of liberty, which moved in the English parliament, belonged equally to the colony; and the rights of property, the freedom of industry, the exercise of civil franchises, seemed to be secured to themselves and their posterity. "A future immunity from taxes and impositions," except such as should be freely voted for their own wants, "was expected as the fruits of the endeavors of their legislature." The restraints with which their navigation was threatened were not enforced, and Virginia enjoyed nearly all the liberties which a monarch could concede, and retain his supremacy.

Bancroft, Hist. of the U.S., vol.1, p.141

The triumph of the popular party in England did not alter the condition or the affections of the Virginians. The commissioners appointed by parliament in November, 1643, with full authority over the plantations, among whom were Haselrig, Henry Vane, Pym, and Cromwell, promised, indeed, freedom from English taxation; but this immunity was already enjoyed. They gave the colony liberty to choose its own governor; but it had no dislike to Berkeley; and, though there was a party for the parliament, yet the king's authority, which Charles had ever mildly exercised, was maintained.

Bancroft, Hist. of the U.S., vol.1, p.141 - p.142

The condition of contending factions in England had brought the opportunity of legislation independent of European control; and the act of the assembly, restraining religious liberty, proves the attachment of the representatives of Virginia to the Episcopal church and to royalty. "Here," the tolerant Whitaker had written, "neither surplice nor subscription is spoken of;" and many Puritan families, perhaps some even of the Puritan clergy, had planted themselves within the jurisdiction of Virginia. The honor of Laud had been vindicated by a judicial sentence, and south of the Potomac the decrees of the court of high commission were allowed to be valid; but there is no trace of persecutions in the earliest history of the colony. The laws were harsh: the administration seems to have been mild. A disposition to non-conformity was soon to show itself even in the council. An invitation, which had been sent to Boston for Puritan ministers, implies a belief that they would have been admitted. But the democratic revolution in England had given an immediate political importance to religious sects: to tolerate Puritanism was to nurse a republican party. It was, therefore, in March, 1643, specially ordered that no minister should preach or teach, publicly or privately, except in conformity to the constitutions of the church of England, and non-conformists were banished. It was in vain that the ministers, invited from Boston by the Puritan settlements in Virginia, carried letters from Winthrop, written to Berkeley and his council by order of the general court of Massachusetts. "The hearts of the people were much inflamed with desire after the ordinances;" but the missionaries were silenced by the government, and ordered to leave the country. Sir William Berkeley was "a courtier, and very malignant toward the way of the churches" in New England.

Bancroft, Hist. of the U.S., vol.1, p.142

With the Indians no terms of peace were entertained. Hearing of the dissensions in England, they resolved on one more attempt at a general massacre. On the eighteenth of April, 1644, they began a concerted onset upon the frontier settlements. But hardly had they steeped their hands in blood before they were dismayed by the sense of their own weakness, and, after having killed three hundred persons, they fled to distant woods.

Bancroft, Hist. of the U.S., vol.1, p.142

Effective measures were promptly taken by the English, and so little was apprehended, when they were on their guard, that, two months after the massacre, Berkeley embarked for England, leaving Richard Kemp as his substitute. A border warfare continued, yet ten men were sufficient to protect a place of danger.

Bancroft, Hist. of the U.S., vol.1, p.142

In 1646, the aged Opechancanough was taken captive, and died of wounds. In October, of that year, Necotowance, his successor, about fifteen months after Berkeley's return from England, made peace with Virginia, on the conditions of submission and a cession of lands. The original possessors of the soil began to vanish from the neighborhood of English settlements, leaving no enduring memorials but the names of rivers and mountains.

Bancroft, Hist. of the U.S., vol.1, p.143

The colonists acquired the management of all their concerns; war was levied, and peace concluded, and territory annexed, in conformity to the acts of their own representatives. Possessed of security and quiet, abundance of land, a free market for their staple, and having England for their guardian against foreign oppression, rather than their ruler, the colonists enjoyed all the prosperity which a virgin soil, equal laws, and general uniformity of condition and industry could bestow. Their cottages were filled with children, the ports with ships and emigrants. At Christmas, 1645 there were trading in Virginia ten ships from London, two from Bristol, twelve Hollanders, and seven from New England. The number of the colonists was already twenty thousand, and they who had sustained no griefs were not tempted to engage in the feuds which rent the mother country. After the execution of Charles, in 1649, though there were not wanting some who favored republicanism, the government recognised his son without dispute. The disasters of the royalists in England strengthened their party in the New World. Men of consideration "among the nobility, gentry, and clergy," struck "with horror and despair" at the beheading of Charles I, and desiring no reconciliation with unrelenting "rebels," made their way to the shores of the Chesapeake, where every house was for them a "hostelry," and every planter a friend. "Virginia was whole for monarchy, and the last country, belonging to England, that submitted to obedience of the commonwealth."

Bancroft, Hist. of the U.S., vol.1, p.143

In June, 1650, the royal exile, from his retreat at Breda, transmitted to Berkeley a new commission, and still controlled the distribution of offices. But the parliament did not long permit its authority to be denied. By a memorable ordinance of October third, it empowered the council of state to reduce the rebellious colonies to obedience, and, at the same time, prohibited foreign ships from trading at any of the ports "in Barbadoes, Antigua, Bermudas, and Virginia." Maryland, which had taken care to acknowledge the new order of things, was not expressly included in the ordinance.

Bancroft, Hist. of the U.S., vol.1, p.143 - p.144

While preparations were making for the reduction of the loyal colonies, the commercial policy of England underwent a revision, to which the interests of English merchants and ship-builders imparted consistency and durability.

Bancroft, Hist. of the U.S., vol.1, p.144

No sooner had Spain and Portugal found their way round the Cape of Good Hope and to America than they claimed a monopoly of the traffic of the wider world, and the Roman religion, dividing it between them, forbade the intrusion of competitors by the pains of excommunication.

Bancroft, Hist. of the U.S., vol.1, p.144

In Europe, the freedom of the seas was vindicated against Spain and Portugal by a state hardly yet recognised as independent, and driven by the stern necessity of its dense population to seek resources upon the water. Grotius, its gifted son, who first gave expression to the idea that "free ships make free goods," defended the liberty of commerce, and appealed to the judgment of all free governments and nations against the maritime restrictions, which humanity denounced as contrary to the principles of social intercourse, which justice derided as infringing the clearest natural right which enterprise rejected as a monstrous usurpation of the ocean and the winds. The relinquishment of navigation in the East Indies was required by Spain as the price at which its independence should be acknowledged, and the rebel republic preferred to defend its separate existence by arms rather than purchase security by circumscribing the courses of its ships. While the inglorious James of England was negotiating about points of theology, while the more unhappy Charles was struggling against the liberties of his subjects, the Dutch, a little confederacy, which had been struck from the side of Spain, a new people, scarcely known as a nation, had, by their superior skill, begun to engross the carrying trade of the world. Their ships were found in the harbors of Virginia, in the West Indian archipelago, in the south of Africa, among the tropical islands of the Indian Ocean, and even in the harbors of China and Japan. Their trading-houses were planted on the Hudson and the coast of Guinea, in Java and Brazil. One or two rocky islets in the West Indies, in part neglected by the Spaniards as unworthy of culture, furnished these daring merchants a convenient shelter for a large contraband traffic with the terra firma. The freedom and the enterprise of Holland acquired maritime power, and skill and wealth, such as the monopoly of Spain could never command.

Bancroft, Hist. of the U.S., vol.1, p.145

The causes of the commercial greatness of Holland were forgotten in envy at its success. It ceased to appear as the gallant champion of the freedom of the seas against Spain, and became envied as the successful rival. The English government resolved to protect the English merchant. Cromwell desired to confirm the maritime power of his country; and Saint-John, a Puritan and a republican in theory, though never averse to a limited monarchy, devised the first act of navigation, which, in 1651, the politic Whitelocke introduced and carried through parliament. Henceforward, the commerce between England and her colonies, between England and the rest of the world, was to be conducted in ships solely owned, and principally manned, by Englishmen. Foreigners might bring to England nothing but the products of their respective countries, or those of which their countries were the established staples. The act was levelled against Dutch commerce, and was but a protection of British shipping; it contained no clause relating to a colonial monopoly, or specially injurious to an American colony. Of itself it inflicted no wound on Virginia or New England. In vain did the Dutch expostulate against the act as a breach of commercial amity; the parliament studied the interests of England, and would not repeal laws to please a neighbor.

Bancroft, Hist. of the U.S., vol.1, p.145

A naval war followed, which Cromwell desired, and Holland endeavored to avoid. Each people kindled with national enthusiasm; and the annals of recorded time had never known so many great naval actions in such quick succession. This was the war in which Blake and Ayscue and De Ruyter gained their glory; and Tromp fixed a broom to his mast, as if to sweep the English flag from the seas.

Bancroft, Hist. of the U.S., vol.1, p.145 - p.146

Cromwell aspired to make England the commercial emporium of the world. His plans extended to the acquisition of harbors in the Spanish Netherlands; France was obliged to pledge her aid to conquer, and her consent to yield, Dunkirk, Mardyke, and Gravelines; and Dunkirk, in the summer of 1658, was given up to his ambassador by the French king in person. He desired harbors in the North Sea and the Baltic, and an alliance with Protestant Sweden was to secure him Bremen and Elsinore and Dantzic. In the West Indies, he aimed at obtaining Cuba; his commanders captured Jamaica; and the attempt at the reduction of Hispaniola, then the chief possession of Spain among the islands, failed only through the incompetency or want of concert of his agents.

Bancroft, Hist. of the U.S., vol.1, p.146

The protection of English shipping, thus established as a part of the British commercial policy, was the successful execution of a scheme which many centuries before had been attempted. In 1641, a new and most oppressive restriction on colonial commerce was inserted in the instructions of Sir William Berkeley. No vessel laden with colonial commodities might sail from the harbors of Virginia for any ports but those of England, that the staple of those commodities might be made in the mother country, and the king be secure of the customs which were his due. All trade with foreign vessels, except in case of necessity, was forbidden. At the moment this instruction was disregarded, but the system was sure to be revived, for it leagued together the English merchant and the English government in the oppression of those who for more than a century remained too feeble to offer effectual resistance.

Bancroft, Hist. of the U.S., vol.1, p.146 - p.147

The ordinance which was adopted in October, 1650, for reducing to obedience the colonies which adhered to the Stuarts, forbade all intercourse with, them, except to those who had a license from parliament or the council of state. It excluded foreigners rigorously, and, in connection with the navigation act of the following year it confirmed the monopoly of colonial commerce. This state of commercial law was modified by the manner in which the authority of the commonwealth was established. The force that was sent to reduce Barbadoes encountered, in 1652, a momentary resistance from the royalist government; but, on its surrender, the people found their liberties secured. One of their number, in a letter to Bradshaw, then president of the council of state, raised the question of coming times, saying: "The great difficulty is, how we shall have a representative with you in your government and our parliament. That two representatives be chosen by this island, to advise and consent to matters that concern this place, may be both just and necessary; for, if laws be imposed upon us without our personal or implied consent, we cannot be accounted better than slaves, which, as all Englishmen abhor to see, so I am confident you detest to have them. This is so clear that I shall not need to enforce it with argument."

Bancroft, Hist. of the U.S., vol.1, p.147

Of the commissioners whom the republican rulers of Great Britain elected to settle the authority of the English commonwealth in the Chesapeake, two of them, Richard Bennett and Clayborne, were taken from among the planters themselves; their instructions constituted them the pacificators and benefactors of their country. Only in case of resistance was war threatened; if Virginia would adhere to the commonwealth, she might be mistress of her own destiny. What opposition needed to be made to a power which seemed voluntarily to propose a virtual independence? No sooner had the Guinea frigate, in March, 1652, anchored in the waters of the Chesapeake, than "all thoughts of resistance were laid aside," and the colonists yielded by a voluntary deed and a mutual compact. It was agreed, upon the surrender, that the "PEOPLE OF VIRGINIA" should have all the liberties of the free-born people of England, should intrust their business, as formerly, to their own grand assembly, should remain unquestioned for their past loyalty, and should have "as free trade as the people of England." All this was confirmed by the Long Parliament; but the article which was to restore to Virginia its ancient bounds, and that which covenanted that no taxes, no customs, might be levied, except by their own representatives, no forts erected, no garrisons maintained, but by their own consent, were referred to a committee, and were never definitively acted upon.

Bancroft, Hist. of the U.S., vol.1, p.147 - p.148

Till the restoration, the colony of Virginia practically enjoyed liberties as large as the favored New England, and displayed equal fondness for popular sovereignty. The executive officers became elective; and so evident were the designs of all parties to promote an amicable settlement of the government, that Richard Bennett, himself a commissioner of the parliament, a merchant, and a Roundhead, was, on the recommendation of the other commissioners, unanimously chosen governor. The oath required of the burgesses made it their paramount duty to provide for "the general good and prosperity" of Virginia and its inhabitants. Under Berkeley's administration, Bennett had been oppressed in Virginia; and now there was not the slightest effort at revenge.

Bancroft, Hist. of the U.S., vol.1, p.148

The acts of 1652, which constituted the government, claimed for the assembly the privilege of defining the powers which were to belong to the governor and council, and the public good was declared to require "that the right of electing all officers of this colony should appertain to the burgesses," as "the representatives of the people." It had been usual for the governor and council to sit in the assembly; the expediency of the custom was questioned, and a temporary compromise ensued; they retained their former right, but were required to take the oath which was administered to the burgesses. The house of burgesses acted as a convention of the people, distributing power as the public welfare required.

Bancroft, Hist. of the U.S., vol.1, p.148

Cromwell never made any appointments for Virginia. When, in 1655, Bennett retired, the assembly elected his successor, and Edward Diggs who had before been chosen of the council, and who "had given a signal testimony of his fidelity to Virginia and to the commonwealth of England," received the suffrages. Upon the report of a committee concerning the unsettled government of Virginia, the council of State in London nominated to the protector for the office of governor the very same man, as one who would satisfy all parties and interests among the colonist; but no evidence has been found that Cromwell acted upon the advice. The commissioners in the colony were chiefly engaged in settling the affairs and adjusting the boundaries of Maryland.

Bancroft, Hist. of the U.S., vol.1, p.148 - p.149

The right of electing the governor continued to be exercised by the representatives of the people, and, in 1658, Samuel Matthews, son of an old planter, was chosen to the office. But, from too exalted ideas of his station, he, with the council, became involved in an unequal contest with the assembly by which he had been elected. The burgesses had enlarged their power by excluding the governor and council from their sessions, and, having thus reserved to themselves the first free discussion of every law, had voted an adjournment from April till November. The governor and council, by message, declared the dissolution of the assembly. The legality of the dissolution was denied, and, after an oath of secrecy, every burgess was enjoined not to betray his trust by submission. Matthews yielded, reserving a right of appeal to the protector. When the house unanimously voted the governor's answer unsatisfactory, he revoked the order of dissolution, but still referred the decision of the dispute to Cromwell. The members of the assembly, apprehensive of a limitation of colonial liberty by the reference of a political question to England, determined on the assertion of their independent powers. A committee was appointed, of which John Carter, of Lancaster, was the chief. The governor and council had ordered the dissolution of the assembly; the burgesses now annulled the former election of governor and council. Having thus exercised not merely the right of election, but the more extraordinary right of removal, they re-elected Matthews, "who by us," they added, "shall be invested with all the just rights and privileges belonging to the governor and captain-general of Virginia." The governor acknowledged the validity of his ejection by taking the oath which had just been prescribed, and the council was organized anew. The spirit of popular liberty established all its claims.

Bancroft, Hist. of the U.S., vol.1, p.149

On the death of Cromwell, the burgesses deliberated in private, and unanimously resolved that Richard Cromwell should be acknowledged. But it was a more interesting question whether the change of protector in England would endanger liberty in Virginia. The letter from the council had left the government to be administered according to former usage. The assembly declared itself satisfied with the language. But, that there might be no reason to question the existing usage, the governor was summoned to come to the house, where, in 1659, he appeared in person, acknowledged the supreme power of electing officers to be by the present laws resident in the assembly, and pledged himself to join in addressing the new protector for special confirmation of all existing privileges. The reason for this proceeding is assigned: "that what is their privilege now may be the privilege of their posterity."

Bancroft, Hist. of the U.S., vol.1, p.149 - p.150

On the death of Matthews, the Virginians were without a chief magistrate, at the time when the resignation of Richard left England without a government. The burgesses, who were immediately convened, enacted "that the supreme power of the government of this country shall be resident in the assembly; and all writs shall issue in its name, until there shall arrive from England a commission, which the assembly itself shall adjudge to be lawful." This having been done, Sir William Berkeley was elected governor, and, acknowledging the validity of the acts of the burgesses, whom, it was agreed, he could in no event dissolve, he accepted the office, and recognised without a scruple the authority to which he owed his elevation. "I am," said he, "but a servant of the assembly." The dominion, awaiting the settlement of affairs in England, hoped for the restoration of the Stuarts.

Bancroft, Hist. of the U.S., vol.1, p.150

Virginia at that day possessed not one considerable town, and her statutes favored the independence of the planter rather than the security of trade. The representatives of colonial landholders voted "the total ejection of mercenary attorneys." By a special act, emigrants were safe against suits designed to enforce engagements that had been made in Europe, and colonial obligations might be satisfied by a surrender of property. Tobacco was generally used instead of coin. Theft was hardly known, and the spirit of the criminal law was mild. The highest judicial tribunal was the assembly, which was convened once a year, or oftener. Already large landed proprietors were frequent, and plantations of two thousand acres were not unknown.

Bancroft, Hist. of the U.S., vol.1, p.150 - p.151

During the suspension of the royal government in England, Virginia regulated her commerce by independent laws. The ordinance of 1650 was rendered void by the act of capitulation; the navigation act of Cromwell was not designed for her oppression, and was not enforced within her borders. If an occasional confiscation took place, it was done by the authority of the colonial assembly. The war between England and the United Provinces did not wholly interrupt the intercourse of the Dutch with the English colonies, and though, after the treaty of peace, the trade was contraband, the English restrictions were disregarded. A remonstrance, addressed to Cromwell, in 1656, demanded an unlimited liberty, and we may suppose that it was not refused, for, some months before Cromwell's death, the Virginians "invited the Dutch and all foreigners" to trade with them, on payment of no higher duty than that which was levied on such English vessels as were bound for a foreign port. Proposals of peace and commerce between New Netherland and Virginia were discussed without scruple by the respective colonial governments, and, in 1660, a statute of Virginia extended to every Christian nation, in amity with England, a promise of liberty to trade and equal justice. At the restoration, Virginia enjoyed freedom of commerce.

Bancroft, Hist. of the U.S., vol.1, p.151

Virginia was the first state in the world, with separate districts or boroughs, diffused over an extensive surface, where representation was organized on the principle of a suffrage embracing all payers of a tax. In 1655, an attempt was made to limit the right to housekeepers; but the very next year it was decided to be "hard, and unagreeable to reason, that any person shall pay equal taxes, and yet have no votes in elections;" and the electoral franchise was restored to all freemen. Servants, when the time of their bondage was completed, became electors, and might be chosen burgesses.

Bancroft, Hist. of the U.S., vol.1, p.151

Religious liberty advanced under the influence of independent domestic legislation. No churches had been erected except in the heart of the colony; and there were so few ministers that a bounty was offered for their importation. In the reign of Charles, conformity had been enforced by measures of disfranchisement and exile; in 1658, under the commonwealth, all things respecting parishes and parishioners were referred to their own ordering; and religious liberty would have been perfect but for an act of intolerance, by which Quakers were banished, and their return proscribed as a felony.

Bancroft, Hist. of the U.S., vol.1, p.151 - p.152

Thus Virginia established the supremacy of the popular branch, freedom of trade, the independence of religious societies, security from foreign taxation, and the elective franchise for every one who paid so much as a poll-tax. Proud of her own sons, she already preferred them for places of authority. Emigrants never again desired to live in England. Prosperity advanced with freedom; dreams of new staples and infinite wealth were indulged; and the population, at the epoch of the restoration, may have been about thirty thousand. Many of the recent comers had been loyalists, good officers in the war, men of education, of property, and of condition. The revolution had not subdued their characters, but the waters of the Atlantic divided them from the strifes of Europe; their industry was employed in making the best advantage of their plantations; and the interests and liberties of the land which they adopted were dearer to them than the monarchical principles which they had espoused in England. Virginia had long been the home of its inhabitants. "Among many other blessings," said their statute-book, "God Almighty hath vouchsafed increase of children to this colony;" and the huts in the wilderness were as full as the birds' nests of the woods.

Bancroft, Hist. of the U.S., vol.1, p.152

The clear atmosphere, especially of autumn, and the milder winter, delighted the comers from England. Many objects of nature were new and wonderful: the loud and frequent thunder-storms; forests, free from underwood, and replenished with sweet barks and odors; trees in the season clothed in flowers of brilliant colors; birds with gay plumage and varied melodies. Every traveller admired the mocking-bird, which repeated and excelled the notes of its rivals; and the humming-bird, so bright in its hues and so delicate in its form, quick in motion, rebounding from the blossom into which it dips its bill, and as soon returning to renew its many addresses. The rattlesnake, with the terrors of its alarum and the deadliness of its venom; the opossum, celebrated for the care of its offspring; the noisy frog, booming from the shallows like the English bittern; the flying squirrel; the myriads of pigeons, darkening the air with the immensity of their flocks, and breaking with their weight the boughs of trees on which they alighted—became the subjects of the strangest tales. The concurrent relation of Indians seemed to justify the belief that, within ten days' journey toward the setting of the sun, there was a country where gold might be washed from the sand.

Bancroft, Hist. of the U.S., vol.1, p.152 - p.153

Various were the employments by which the stillness of life was relieved. George Sandys, who for a time was in Virginia as treasurer for the colony, a poet, whose verse was tolerated by Dryden and praised by his friend Drayton and by Izaak Walton, as well as by Richard Baxter, employed hours of night in translating ten books of Ovid's "Metamorphoses." The lover of the garden found the fruits of Europe improved in flavor by the joint influence of climate and soil. The chase furnished a perpetual resource. It was not long before the horse was multiplied; and to improve that noble animal was early an object of pride, soon to be favored by legislation.

Bancroft, Hist. of the U.S., vol.1, p.153

The hospitality of the Virginians was proverbial. Land was cheap, and competence followed industry. There was no need of a scramble. The morasses were alive with waterfowl; the creeks abounded with oysters, heaped together in inexhaustible beds; the rivers were crowded with fish; the forests were alive with game; the woods rustled with coveys of quails and wild turkeys; and hogs, swarming like vermin, ran at large in troops. It was "the best poor man's country in the world." "If a happy peace be settled in poor England," it had been said, "then they in Virginia shall be as happy a people as any under Heaven."

Chapter 10:

Colonization of Maryland

Bancroft, Hist. of the U.S., vol.1, p.154

VIRGINIA, by its second charter, extended two hundred miles north of Old Point Comfort, and therefore included the soil which forms the state of Maryland. It was not long before the country toward the head of the Chesapeake was explored; settlements in Accomack were extended; and commerce was begun with tribes which Smith had been the first to visit. In 1621, Pory, the secretary of the colony, "made a discovery into the great bay," as far as the river Patuxent, which he ascended; but his voyage probably reached no farther to the north. An English settlement of a hundred men, on the eastern shore, was a consequence of his voyage. The hope "of a very good trade of furs" with the Indians animated the adventurers.

Bancroft, Hist. of the U.S., vol.1, p.154 - p.155

An attempt to obtain a monopoly of this intercourse was made by William Clayborne, whose resolute spirit was destined to exert a long-continued influence. His first appearance in America was as a surveyor, sent by the London company to make a map of the country. At the fall of the corporation, he had been appointed by King James a member of the council; and, on the accession of Charles, was continued in office, and, in repeated commissions, was nominated secretary of state. He further received authority from the governors of Virginia to discover the source of the bay of the Chesapeake, and explore any part of the province, from the thirty-fourth to the forty-first degree of latitude. Upon his favorable representation, a company was formed in England for trading with the natives; and, in May, 1631, through the agency of Sir William Alexander, the Scottish proprietary of Nova Scotia, a royal license was issued, sanctioning the commerce, and conferring on Clayborne powers of government over the companions of his voyages. Under this grant, the isle of Kent was occupied in the following August, and the right to the soil was soon after purchased of the Indians. An advanced post was established near the mouth of the Susquehanna. The settlers on Kent island were all members of the church of England; and in February, 1632, they were represented by a burgess in the grand assembly of Virginia. In March of that year, their license was confirmed by a commission from Sir John Harvey as governor of Virginia.

Bancroft, Hist. of the U.S., vol.1, p.155

The United States were severally colonized by men, in origin, religious faith, and purposes, as various as their climes. Before Virginia could occupy the country north of the Potomac, a new government in that quarter was promised to Sir George Calvert. Born in Yorkshire, educated at Oxford, with a mind enlarged by extensive travel, on his entrance into life he was befriended by Sir Robert Cecil, advanced to the honors of knighthood, and at length employed as one of the two secretaries of state. In 1621, he stood with Wentworth to represent in parliament his native county, and escaped defeat, though not a resident in the shire. His capacity for business, his industry, and his fidelity to King James, are acknowledged by all historians. In the house of commons it was he who made an untimely speech for the supply of the king's purse; and, when the commons claimed their liberties as their ancient and undoubted right and inheritance, it was to Calvert the king unbosomed his anger at their use of such "anti-monarchical words." The negotiations for the marriage of the prince of Wales with a Spanish princess were conducted entirely by him. In an age of increasing divisions among Protestants, his mind sought relief from controversy in the bosom of the Roman Catholic church; and, professing his conversion without forfeiting the king's favor, in 1624, he disposed advantageously of his place, which had been granted him for life, and obtained the title of Lord Baltimore in the Irish peerage.

Bancroft, Hist. of the U.S., vol.1, p.155 - p.156

He had, from early years, shared the enthusiasm of England in favor of American plantations; had been a member of the great company for Virginia; and, while secretary of state, had obtained a special patent for the southern promontory of Newfoundland, named Avalon, after the fabled isle from which King Arthur was to return alive. How zealous he was in selecting suitable emigrants, how earnest to promote order and industry, how lavishly he expended his estate in advancing the interests of his settlement—is related by those who have written of his life. He desired, as a founder of a colony, not present profit, but a reasonable expectation; and, avoiding the evils of a common stock, he left each one to enjoy the results of his own industry. Twice did he, in person, inspect his settlement. In 1629, on his second visit, with ships manned at his own charge he repelled the French, who were hovering round the coast to annoy English fishermen; and, having taken sixty of them prisoners, he secured temporary tranquillity to his countrymen and his colonists.

Bancroft, Hist. of the U.S., vol.1, p.156

Notwithstanding this success, he wrote to the king from his province that the difficulties he had encountered in that place were no longer to be resisted; that from October to May both land and sea were frozen the greater part of the time; that he was forced to shift to some warmer climate of the New World; that, though his strength was much decayed, his inclination carried him naturally to "proceedings in plantations." He therefore desired the grant of a precinct of land in Virginia, with the same privileges which King James had conceded to him in Newfoundland.

Bancroft, Hist. of the U.S., vol.1, p.156

Despatching this petition to Charles I, he embarked for Virginia, and arrived there in October, the season in which the country on the Chesapeake arrays itself in its most attractive brightness. The governor and council forthwith ordered the oaths of allegiance and supremacy to be tendered him. It was in vain that he proposed a form which he was willing to subscribe; they insisted upon that which had been chosen by the English statutes, and which was purposely framed in such language as no Catholic could adopt. An explanatory letter was transmitted from the Virginia government to the privy council, with the prayer that no papists might be suffered to settle among them.

Bancroft, Hist. of the U.S., vol.1, p.156 - p.157

Almost at the time when this report was written, the king at Whitehall, weighing that men of Lord Baltimore's condition and breeding were unfit for the rugged and laborious beginnings of new plantations, advised him to desist from further prosecuting his designs, and to return to his native country. He came back; but it was "to extol Virginia to the skies," and to persist in his entreaties. It was represented that on the north of the Potomac there lay a country inhabited only by native tribes. The French, the Dutch, and the Swedes were preparing to occupy it; and a grant seemed the readiest mode of securing it by an English settlement. The cancelling of the Virginia patents had restored to the monarch his prerogative over the soil; and it was not difficult for Calvert—a man of such moderation that all parties were taken with him, sincere in his character, disengaged from all interests, and a favorite with the royal family—to obtain a charter for uncultivated domains in that happy clime. The conditions of the grant conformed to the wishes, it may be to the suggestions, of the first Lord Baltimore himself, although it was finally issued for the benefit of his son.

Bancroft, Hist. of the U.S., vol.1, p.157 - p.158

The ocean, the fortieth parallel of latitude, the meridian of the western fountain of the Potomac, the river itself from its source to its mouth, and a line drawn due east from Watkin's Point to the Atlantic—these were the limits of the province, which, by the king's command, took the name of Maryland, from the queen, Henrietta Maria. The country thus described was given to Lord Baltimore, his heirs and assigns, as to its absolute lord and proprietary, to be holden by the tenure of fealty only, paying a yearly rent of two Indian arrows, and a fifth of all gold and silver ore which might be found. Yet authority was conceded to him rather with reference to the crown than the colonists. The charter, like the constitution of Virginia of July, 1621, provided for a resident council of state; and, like his patent, which, in April, 1623, had passed the great seal for Avalon, required for acts of legislation the advice and approbation of the majority of the freemen or their deputies. Authority was intrusted to the proprietary from time to time to constitute fit and wholesome ordinances, provided they were consonant to reason and the laws of England, and did not extend to the life, freehold, or estate of any emigrant. For the benefit of the colony, the English statutes restraining emigration were dispensed with; and all present and future liege people of the English king, except such as should be expressly forbidden, might transport themselves and their families to Maryland. Christianity, as professed by the church of England, was established; but the patronage and advowsons of churches were vested in the proprietary; and, as there was not an English statute on religion in which America was specially named, silence left room for the settlement of religious affairs by the colony. Nor was Baltimore obliged to obtain the royal assent to his appointments of officers, nor to the legislation of his province, nor even to make a communication of the one or the other. Moreover, the English monarch, by an express stipulation, covenanted that neither he, nor his heirs, nor his successors, should ever, at any time thereafter, set any imposition, custom, or tax whatsoever, upon the inhabitants of the province. To the proprietary was given the power of creating manors and courts baron, and of establishing a colonial aristocracy on the system of sub-infeudation. But feudal institutions could not be perpetuated in the lands of their origin, far less renew their youth in America. Sooner might the oldest oaks in Windsor forest be transplanted across the Atlantic than antiquated social forms. The seeds of popular liberty, contained in the charter, would find in the New World the soil best suited to quicken them.

Bancroft, Hist. of the U.S., vol.1, p.158

Sir George Calvert deserves to be ranked among the wisest and most benevolent law-givers, for he connected his hopes of the aggrandizement of his family with the establishment of popular institutions; and, being a "papist, wanted not charity toward Protestants."

Bancroft, Hist. of the U.S., vol.1, p.158 - p.159

On the fifteenth of April, 1632, before the patent could pass the great seal, he died, leaving a name in private life free from reproach. As a statesman, he was taunted with being "an Hispaniolized papist;" and the justice of history must avow that he misconceived the interests of his country and of his king, and took part in exposing to danger civil liberty and the rights of the parliament of England. For his son, Cecil Calvert, the heir of his father's intentions not less than of his father's fortunes, the charter of Maryland was, on the twentieth of the following June, published and confirmed; and he obtained the high distinction of successfully performing what colonial companies resident in England had hardly been able to achieve. He planted a colony, which for several generations descended as a lucrative patrimony to his heirs.

Bancroft, Hist. of the U.S., vol.1, p.159

Virginia regarded the severing of her territory with apprehension; and, in 1633, before any colonists had embarked under the charter for Maryland, her commissioners in England remonstrated against the grant, as an invasion of her commercial rights, an infringement on her domains, and a discouragement to her planters. In all the business, Strafford, the friend of the father, "took upon himself a noble patronage of" Lord Baltimore; and the remonstrance was in vain. The privy council sustained the proprietary charter; they left the claimants of the isle of Kent to the course of law; at the same time they advised the parties to an amicable adjustment of all disputes, and commanded a free commerce and a good correspondence between the respective colonies.

Bancroft, Hist. of the U.S., vol.1, p.159 - p.160

Lord Baltimore was unwilling to take upon himself the sole risk of colonizing his province; others joined with him in the adventure; and, all difficulties being overcome, his two brothers, of whom Leonard Calvert was appointed his lieutenant, "with very near twenty other gentlemen of very good fashion, two or three hundred laboring men well provided in all things," and Father White with one or two more Jesuit missionaries, embarked themselves for the voyage in the good ship Ark, of three hundred tons and upward, and a pinnace called the Dove, of about fifty tons. On the twenty-second of November, 1633, the ships, having been placed by the priests under the protection of God, the Virgin Mary, St. Ignatius, and all the other guardian angels of Maryland, weighed anchor from the isle of Wight. As they sailed by way of the Fortunate islands, Barbadoes, and St. Christopher's, it was not until the last week in February of the following year that they arrived at Point Comfort, in Virginia, where, in obedience to the express letters of King Charles, they were welcomed with courtesy and humanity by Harvey. The governor offered them what Virginia had obtained so slowly, and at so much cost, from England: cattle and hogs and poultry; two or three hundred stocks already grafted with apples and pears, peaches and cherries; and promised that the new plantations should not want the open way to furnish themselves from the old. Clayborne, who had explored the Chesapeake bay, and had established a lucrative trade in furs from Kent and Palmer's isles, predicted the hostility of the natives; and was told that he was now a member of Maryland, and must relinquish all other dependence.

Bancroft, Hist. of the U.S., vol.1, p.160 - p.161

After a week's kind entertainment, the adventurers bent their course to the north and entered the Potomac. "A larger or more beautiful river," writes Father White, "I have never seen; the Thames, compared with it, can scarce be considered a rivulet; no undergrowth chokes the beautiful groves on each of its solid banks, so that you might drive a four-horse chariot among the trees." Sheltered by a small island, which can now hardly be identified, the Ark cast anchor, while Calvert, with the Dove and another pinnace, ascended the stream. At about forty-seven leagues above the mouth of the river, he came upon the village of Piscataqua, an Indian settlement nearly opposite Mount Vernon, where he found an Englishman who had lived many years among the Indians as a trader, and spoke their language well. With him for an interpreter, a parley was held. To the request for leave for the newcomers to sit down in his country, the chieftain of the tribe answered: "they might use their own discretion." It did not seem safe to plant so far in the interior. Taking with him the trader, Calvert went down the river, examining the creeks and estuaries nearer the Chesapeake; he entered the branch which is now called St. Mary's; and, about four leagues from its junction with the Potomac, he anchored at the Indian town of Yoacomoco. The native inhabitants, having suffered from the superior power of the Susquehannahs, who occupied the district between that river and the Delaware bay, had already resolved to remove into places of more security; and many of them had begun to migrate. It was easy, by presents of cloth and axes, of hoes and knives, to gain their good-will, and to purchase their rights to the soil which they were preparing to abandon. With mutual promises of friendship and peace, they readily gave consent that the English should immediately occupy one half of their town; and, after the harvest, the other.

Bancroft, Hist. of the U.S., vol.1, p.161

On the twenty-fifth of March, the day of the Annunciation, in the island under which the Ark lay moored a Jesuit priest of the party offered the sacrifice of the mass, which in that region of the world had never been celebrated before. This being ended, he and his assistants took upon their shoulders the great cross which they had hewn from a tree; and, going in procession to the place that had been designated for it, the governor and other Catholics, Protestants as well participating in the ceremony, erected it as a trophy to Christ the Saviour, while the litany of the holy cross was chanted humbly on their bended knees.

Bancroft, Hist. of the U.S., vol.1, p.161

Upon the twenty-seventh, the emigrants, of whom at least three parts of four were Protestants, took quiet possession of the land which the governor had bought. Before many days, Sir John Harvey arrived on a visit; the red chiefs came to welcome or to watch the emigrants, and were so well received that they resolved on mutual amity. The Indian women taught the wives of the new-comers to make bread of maize; the warriors of the tribe joined the huntsmen in the chase. The planters removed all jealousy out of the minds of the natives, and settled with them a very firm league of peace and friendship.

Bancroft, Hist. of the U.S., vol.1, p.161 - p.162

As they had come into possession of ground already subdued, they at once planted cornfields and gardens. No sufferings were endured; no fears of want arose; the foundation of Maryland was peacefully and happily laid; and in six months it advanced more than Virginia had done in as many years. The proprietary continued with great liberality to provide everything needed for its comfort and protection, expending twenty thousand pounds sterling, and his associates as many more. But far more memorable was the character of its institutions. One of the largest wigwams was consecrated for religious service by the Jesuits, who could therefore say that the first chapel in Maryland was built by the red men. Of the Dissenters, though they seem as yet to have been without a minister, the rights were not abridged. This enjoyment of liberty of conscience did not spring from any act of colonial legislation, nor from any formal and general edict of the governor, nor from any oath as yet imposed by instructions of the proprietary. English statutes were not held to bind the colonies, unless they especially named them; the clause which, in the charter for Virginia, excluded from that colony "all persons suspected to affect the superstitions of the church of Rome," found no place in the charter for Maryland; and, while allegiance was held to be due, there was no requirement of the oath of supremacy. Toleration grew up in the province silently, as a custom of the land. Through the benignity of the administration, no person professing to believe in the divinity of Jesus Christ was permitted to be molested on account of religion. Roman Catholics, who were oppressed by the laws of England, were sure to find an asylum on the north bank of the Potomac; and there, too, Dissenters were sheltered against Protestant intolerance. From the first, men of foreign birth enjoyed equal advantages with those of the English and Irish nations.

Bancroft, Hist. of the U.S., vol.1, p.162

The prosperity and peace of Maryland seemed assured. But no sooner had the allegiance of Clayborne's settlement been claimed than he inquired of the governor and council of Virginia how he should demean himself; and was answered that, as the question was undetermined in England, they knew no reason why they should render up the rights of the isle of Kent, which they were bound in duty to maintain. Fortified by this decision and by the tenor of letters from the king, he continued his traffic as before. On the other hand, Lord Baltimore, in September, gave orders to seize him, if he did not submit to his government; and the secretary of state "directed Sir John Harvey to continue his assistance against Clayborne's malicious practices."

Bancroft, Hist. of the U.S., vol.1, p.162 - p.163

In February, 1635, the colony was convened for legislation. Probably all the freemen were present, in a strictly popular assembly. The laws of this first legislative body of Maryland are no longer extant, nor do we know what part it took in vindicating the jurisdiction of the province. But in April of that year the pinnace, in which men employed by Clayborne had been trafficking, was seized by a party from St. Mary's. Resenting the act, he sent a vessel into the Chesapeake to demand the restoration of his captured property. On the tenth of May, a skirmish took place on one of the rivers of the eastern shore, south of Kent island. The Marylanders, with the loss of but one man, slew the commander and two others of the Virginians, and took the rest prisoners.

Bancroft, Hist. of the U.S., vol.1, p.163

Unable to continue the contest by force, Clayborne repaired to England to lay his case before the king. During his absence, and just before the end of 1637, the government of Maryland established itself on the isle of Kent. In the following January, an assembly, in which Kent island was represented, was convened; and an act of attainder was carried against Clayborne, as one who had been indicted for piracy and murder and had fled from justice. Thomas Smith, who had served as his officer, could not be tried by a jury, for there was no law that reached his case; he was therefore called to the bar of the house, arraigned upon an indictment for piracy, and, after his plea had been heard, was found guilty by all the members except one. Sentence was pronounced on him by the president, in the name of the freemen; all his property except the dower of his wife was forfeited, and he was condemned to be hanged. Then did the prisoner demand his clergy; but it was denied by the president, both for the nature "of his crime and that it was demanded after judgment."

Bancroft, Hist. of the U.S., vol.1, p.163

In England, Clayborne attempted to gain a hearing; and, partly by strong representations, still more by the influence of Sir William Alexander, succeeded, for a season, in winning the favorable disposition of Charles. But, when the whole affair came to be finally referred to the commissioners for the plantations, it was found that the right of the king to confer the soil and the jurisdiction of Maryland could not be controverted; that the earlier license to traffic did not vest in Clayborne any rights which were valid against the charter; and, therefore, that the isle of Kent belonged to Lord Baltimore, who alone could permit plantations to be established, or commerce with the Indians to be conducted, within his territory.

Bancroft, Hist. of the U.S., vol.1, p.163 - p.164

The people of Maryland were not content with vindicating the limits of their province; they were jealous of their liberties. Their legislature rejected the code which the proprietary, as if holding the exclusive privilege of proposing statutes, had prepared for their government; and, in their turn, enacted a body of laws, which they proposed for the assent of the proprietary. How discreetly they proceeded cannot now be known, for the laws which were then enacted were never ratified, and are not to be found in the provincial records.

Bancroft, Hist. of the U.S., vol.1, p.164

In the early history of the United States, popular assemblies burst everywhere into life, with a consciousness of their importance, and an immediate efficiency. The first assembly of Maryland had vindicated the jurisdiction of the colony; the second had asserted its claims to original legislation; in 1639, the third examined its obligations, and, though its acts were not carried through the forms essential to their validity, it showed the spirit of the people and the times by framing a declaration of rights. Acknowledging allegiance to the English monarch and the prerogatives of Lord Baltimore, it confirmed to all Christian inhabitants of Maryland, slaves excepted, all the liberties which a Englishman enjoyed at home by virtue of the common or statute law, established a system of representative government, and asserted for their general assemblies all such powers as were exercised by the commons of England The exception of slaves implies that negro slavery had already intruded itself into the province. At this session, any freeman, who had not taken part in the election, might attend in person; thenceforward the governor might summon his friends by special writ, while the people were to choose as many delegates as "the freemen should think good." As yet there was no jealousy of power, no strife for place. While these laws prepared a frame of government for future generations, we are reminded of the feebleness of the state, where the whole people contributed to "the setting up of a water-mill."

Bancroft, Hist. of the U.S., vol.1, p.164 - p.165

In October, 1640, the legislative assembly of Maryland, in the grateful enjoyment of happiness, seasonably guarded the tranquillity of the province against the perplexities of all "interim" by providing for the security of the government in case of the death of the deputy governor. Commerce was fostered, and tobacco, the staple of the colony, subjected to inspection. The act which established church liberties declares that "holy church, within this province, shall have and enjoy all her rights, liberties, and franchises, wholly and without blemish." This revival of a clause in Magna Charta, cited in the preceding century by some of the separatists as a guarantee of their religions liberty, was practically interpreted as in harmony with that toleration of all believers in the divinity of Jesus Christ, which was the recognised usage of the land.

Bancroft, Hist. of the U.S., vol.1, p.165

Nor was it long before the inhabitants acknowledged Lord Baltimore's great charge and solicitude in maintaining the government, and protecting them in their persons, rights, and liberties; and, therefore, so runs the statute of March, 1642," out of desire to return some testimony of gratitude," they granted "such a subsidy as the young and poor estate of the colony could bear." Ever intent on advancing the interests of his colony, the proprietary invited the Puritans of Massachusetts to Maryland, offering them lands and privileges, and "free liberty of religion;" but Gibbons, to whom he had forwarded a commission, was "so wholly tutored in the New England discipline" that he would not advance the wishes of the Irish peer, and the people were not tempted to desert the bay of Massachusetts for the Chesapeake.

Bancroft, Hist. of the U.S., vol.1, p.165

The aborigines, alarmed at the rapid increase of the Europeans, and vexed at being frequently overreached by their cupidity, began hostilities; for the Indians, ignorant of the remedy of redress, always planned retaliation. After a war of frontier aggressions, extending from 1642 to 1644, but marked by no decisive events, peace was re-established with them on the usual terms of submission and promises of friendship, and rendered durable by the prudent legislation of the assembly and the humanity of the government. Kidnapping them was made a capital offence, the sale of arms to them prohibited as a felony, and the pre-emption of the soil reserved to the proprietary.

Bancroft, Hist. of the U.S., vol.1, p.165 - p.166

To this right of pre-emption Lord Baltimore would suffer no exception. The Jesuits had obtained a grant of land from an Indian chief; the proprietary, "intent upon his own affairs, and not fearing to violate the immunities of the church," would not allow that it was valid, and persisted in enforcing against Catholic priests the necessity of obtaining his consent before they could acquire real estate in his province in any wise, even by gift.

Bancroft, Hist. of the U.S., vol.1, p.166

In the mixed population of Maryland, where the administration was in the hands of Catholics, and the very great majority of the people were Protestants, there was no unity of sentiment out of which a domestic constitution could have harmoniously risen. At a time when the commotions in England left every colony in America almost unheeded, and Virginia and New England were pursuing a course of nearly independent legislation, the power of the proprietary was almost as feeble as that of the king. The other colonies took advantage of the period to secure and advance their liberties; in Maryland the effect was rather to encourage insubordination; the government vibrated with every change in the political condition of England.

Bancroft, Hist. of the U.S., vol.1, p.166

In this state of uncertainty, Leonard Calvert, the proprietary's deputy, repaired to England to take counsel with his brother. During his absence, and toward the end of the year 1643, a London ship, commissioned by parliament, anchored in the harbor of St. Mary's; and Brent, the acting governor, under a general authority from the king at Oxford, but with an indiscretion which was in contrast with the caution of the proprietary, seized the ship, and tendered to its crew an oath against the parliament. Richard Ingle, the commander, having escaped, in January, 1644, was summoned by proclamation to yield himself up, while witnesses were sought after to convict him of treason. The new commission to Governor Calvert plainly conceded to the representatives of the province the right of originating laws. It no longer required an oath of allegiance to the king, but it exacted from every grantee of land an oath of fidelity to the proprietary. This last measure proved a new entanglement.

Bancroft, Hist. of the U.S., vol.1, p.166 - p.167

In September, Calvert returned to St. Mary's to find the colony rent by factions, and Clayborne still restless in asserting his claim to Kent island. Escaping by way of Jamestown to London, Ingle had obtained there a letter of marque, and, without any other authority, reappearing in Maryland, he raised the standard of parliament against the established authorities, made away with the records and the great seal, and, by the aid of Protestants, compelled the governor and secretary, with a few of their devoted friends, to fly to Virginia. Father White and the other Jesuit missionaries were seized and shipped to England; an oath of submission was tendered to the inhabitants, but it was not subscribed by even one Catholic. After his lawless proceedings, which wrought for the colony nothing but confusion and waste of property and insurrectionary misrule, Ingle returned to England.

Bancroft, Hist. of the U.S., vol.1, p.167

A fugitive in Virginia, Calvert, in 1645, asked aid of that province. Its governor and council "could send him no help," but they incited Clayborne "to surcease for the present all intermeddling with the government of the isle of Kent." Their offer to act as umpires was not accepted. Before the close of the year 1646, Calvert organized a force strong enough to make a descent upon St. Mary's, and recover the province. In April, 1647, he, in person, reduced Kent island, and established Robert Vaughan, a Protestant, as its commander. Tranquillity returned with his resumption of power, and was confirmed by his wise clemency. On the ninth of the following June he died, and his death foreboded for the colony new disasters, for, during the troublous times which followed, no one of his successors had his prudence or his ability. His immediate successor was Thomas Greene, a Roman Catholic.

Bancroft, Hist. of the U.S., vol.1, p.167

Meantime, the committee of plantations at London, acting on a petition, which stated truly that the government of Maryland, since the first settlement of that province, had been in the hands of recusants, and that under a commission from Oxford it had seized upon a ship which derived its commission from parliament, reported both Lord Baltimore and his deputy unfit to be continued in their charges, and recommended that parliament should settle the government of the plantation in the hands of Protestants.

Bancroft, Hist. of the U.S., vol.1, p.167 - p.168 - p.169

This petition was read in the house of lords in the last week of the year 1645; but neither then nor in the two following years were definite measures adopted by parliament, and the politic Lord Baltimore had ample time to prepare his own remedies. To appease the parliament, he removed Greene, and in August, 1648, appointed in his place William Stone, a Protestant, of the church of England, formerly a sheriff in Virginia, who had promised to lead a large number of emigrants into Maryland. For his own security, he bound his Protestant lieutenant, or chief governor, by the most stringent oath to maintain his rights and dominion as absolute lord and proprietary of the province of Maryland; and the oath, which was devised in 1648, and not before, and is preserved in the archives of Maryland, went on in these words: "I do further swear I will not by myself, nor any other person, directly trouble, molest, or discountenance any person whatsoever in the said province, professing to believe in Jesus Christ; and, in particular, no Roman Catholic, for or in respect of his or her religion, nor his or her free exercise thereof within the said province, so as they be not unfaithful to his said lordship, or molest or conspire against the civil government established under him." To quiet and unite the colony, all offences of the late rebellion were effaced by a general amnesty; and, at the instance of the Catholic proprietary, the Protestant governor, Stone, and his council of six, composed equally of Catholics and Protestants, and the representatives of the people of Maryland, of whom five were Catholics, at a general session of the assembly, held in April, 1649, placed upon their statute-book an act for the religious freedom which, by the unbroken usage of fifteen years, had become sacred on their soil. "And whereas the enforcing of the conscience in matters of religion," such was the sublime tenor of a part of the statute, "hath frequently fallen out to be of dangerous consequence in those commonwealths where it hath been practiced, and for the more quiet and peaceable government of this province, and the better to preserve mutual love and amity among the inhabitants, no person within this province, professing to believe in Jesus Christ, shall be in any ways troubled, molested, or discountenanced, for his or her religion, or in the free exercise thereof." Thus did the star of religious freedom harbinger the day; though, as it first gleamed above the horizon, its light was colored and obscured by the mists and exhalations of morning. The Independents of England, in a paper which they called "the agreement of the people," expressed their desire to grant to all believers in Jesus Christ the free exercise of their religion; but the Long Parliament rejected their prayer, and in May, 1645, passed an ordinance, not to be paralleled among Protestants for its atrocity, imposing death as the penalty for holding any one of eight enumerated heresies. Not conforming wholly to the precedent, the clause for liberty in Maryland, which extended only to Christians, was introduced by the proviso that "whatsoever person shall blaspheme God, or shall deny or reproach the Holy Trinity, or any of the three persons thereof, shall be punished with death."

Bancroft, Hist. of the U.S., vol.1, p.169

The design of the law of Maryland was undoubtedly to protect freedom of conscience; and, some years after it had been confirmed, the apologist of Lord Baltimore could assert that his government, in conformity with his strict and repeated injunctions, had never given disturbance to any person in Maryland for matter of religion; that the colonists enjoyed freedom of conscience, not less than freedom of person and estate. The disfranchised friends of prelacy from Massachusetts, and the exiled Puritans from Virginia, were welcomed to equal liberty of conscience and political rights by the Roman Catholic proprietary of Maryland; and the usage of the province from its foundation was confirmed by its statutes. The attractive influence of this liberality for the province appeared immediately: a body of Puritans or Independents in Virginia, whom Sir William Berkeley had ordered to leave that province for their nonconformity, negotiated successfully with the proprietary for lands in Maryland; and, before the end of the year 1649, the greater part of the congregation planted themselves on the banks of the Severn. To their place of refuge, now known as Annapolis, they gave the name of Providence; there "they sat down joyfully, and cheerfully followed their vocations."

Bancroft, Hist. of the U.S., vol.1, p.169 - p.170

An equal union prevailed between all branches of the government in explaining and confirming the civil liberties of the colony. In 1642, Robert Vaughan, in the name of the rest of the burgesses, had desired that the house might be separated, and thus a negative secured to the representatives of the people. Before 1649, this change had taken place; and, in 1650, it was established by an enactment constituting a legislature in two branches. The dangerous prerogative of employing martial law was limited to the precincts of the camp and the garrison; and a perpetual act declared that no tax should be levied upon the freemen of the province, except by the vote of their deputies in a general assembly. Well might the freemen of Maryland place upon their records an acknowledgment of gratitude to their proprietary, "as a memorial to all posterities," and a pledge that succeeding generations would faithfully "remember" his care and industry in advancing "the peace and happiness of the colony."

Bancroft, Hist. of the U.S., vol.1, p.170

The revolutions in England could not but affect the destinies of the colonies; and, while New England and Virginia vigorously advanced their liberties under a salutary neglect, Maryland was involved in the miseries of a disputed administration. Doubts were raised as to the authority to which obedience was due; and the government of benevolence, good order, and toleration, was, by the force of circumstances, abandoned for the misrule of bigotry and the anarchy of a disputed sovereignty. When the throne and the peerage had been subverted in England, it might be questioned whether the mimic monarchy of Lord Baltimore should be permitted to continue; and scrupulous Puritans hesitated to tale an unqualified oath of fealty. Englishmen were no longer lieges of a sovereign, but members of a commonwealth; and, but for Baltimore, Maryland would equally enjoy republican liberty. Great as was the temptation to assert independence, it would not have prevailed, could the peace of the province have been maintained. But who, it might well be asked, was the sovereign of Maryland? "Beauty and extraordinary goodness" were her dowry; and she was claimed by four separate aspirants. Virginia, pushed on by Clayborne, was ready to revive its rights to jurisdiction beyond the Potomac; Charles II, incensed against Lord Baltimore for his adhesion to the rebels and his toleration of schismatics, had issued a commission as governor to Sir William Davenant; Stone was the active deputy of Lord Baltimore; and the Long Parliament prepared to intervene.

Bancroft, Hist. of the U.S., vol.1, p.170 - p.171

In the ordinance of 1650, for the reduction of the rebellious colonies, Maryland was not included. Charles II had been inconsiderately proclaimed by Greene, while acting as governor during an absence of Stone in Virginia, and assurances had been given of the fidelity of the proprietary to the commonwealth, but the proclamation was disavowed. Still the popish monarchical Baltimore had wakeful opponents. In the paper instructing the parliamentary commissioners of September, 1651, the name of Maryland twice found a place, and, at the proprietary's representation, was twice struck out; yet, in the last draft of the following March, they were, by some unknown influence, empowered to reduce "all the plantations within the bay of the Chesapeake." Bennett, then governor of Virginia, and Clayborne accordingly entered the province.

Bancroft, Hist. of the U.S., vol.1, p.171

In the settlement with Virginia, the commissioners had aimed at reannexing the territory of Maryland; but they dared not of themselves enforce that agreement. The offer was therefore made, that the proprietary's officers should remain in their places, if, without infringing his just rights, they would conform to the laws of the commonwealth of England in point of government; but they refused to issue forth writs in the name of the Keepers of the Liberty of England, saying "they could not do it without breach of their trust and oath." Thereupon Bennett and his associate took possession of the commissions of Stone and his council, declared them to be null and void, and of their own authority appointed an executive council to direct the affairs of Maryland. For the following June an assembly was to be summoned, of which the burgesses were to be chosen only by freemen who had taken the engagement to the commonwealth of England, as established without house of lords or king.

Bancroft, Hist. of the U.S., vol.1, p.171 - p.172

The assembly of Virginia, which met at James City on the last day of April, did not give effect to the article restoring its ancient bounds, but awaited instructions from the parliament of England. After organizing its government, the commissioners, who had attended the session, returned to Maryland; and there, conforming to the manifest desire of the inhabitants, they reinstated Stone as governor, with a council of which three at least were the friends of Lord Baltimore, on no other condition than their acquiescence in what had been done. The government thus instituted "being to the liking of the people," the calling of an assembly was postponed. The restoration of Kent island to Clayborne was aimed at indirectly, by a treaty with the Susquehannahs, from whom his original title was derived.

Bancroft, Hist. of the U.S., vol.1, p.172

In England, Lord Baltimore was roused to the utmost efforts to preserve his province. He gave reasons of state to show the importance of not reuniting it to Virginia to the prejudice of his patent. He even sought to strengthen his case by dwelling on the monarchical tendencies of Virginia, and holding up Maryland and New England as "the only two provinces that did not declare against the parliament." His argument was supported by a petition from himself and his associate adventurers, and from traders and planters in Maryland. The Long Parliament referred the question of bounds to their committee of the navy, who had power to send for persons and papers. On the last day of the year that committee made an elaborate and impartial report; but, before the controversy could be decided, the Long Parliament was turned out of doors.

Bancroft, Hist. of the U.S., vol.1, p.172 - p.173

The dissolution of the Long Parliament threatened a change in the political condition of Maryland. It was argued that the only authority under which Bennett and Clayborne had acted had expired with the body from which it was derived. In February, 1654, Stone required by proclamation an oath of fidelity to the proprietary, as the condition of grants of lands. The housekeepers of Anne Arundel county promptly objected to the oath; so did Francis Preston and sixty others, and they protested against the restoration of the old form of government. Bennett and Clayborne bade them stand fast by the form which the commissioners had established. About the middle of July—though Stone had in May proclaimed Cromwell as lord protector, fired salutes in his honor, and commemorated the solemnity by grants of pardon—Bennett and Clayborne, then governor and secretary of Virginia, came to Maryland, and raised as soldiers the inhabitants on the Patuxent river, with those of Anne Arundel and of the isle of Kent, to take the government out of his hands. The party which supported him, and which consisted in part of Protestants, prepared for defence. "But those few papists that were in Maryland, for indeed they were but few," so writes one of their friends, "importunately persuaded Governor Stone not to fight, lest the cry against the papists, if any hurt were done, would be so great that many mischiefs would ensue, wholly referring themselves to the will of God and the lord protector's determination." Yielding to their advice against that of his Protestant friends, Stone surrendered his commission into their hands, and, under compulsion, pledged himself in writing to submit to such government as should be set over the province by the commissioners in the name of the lord protector. Two days after his resignation, Bennett and Clayborne appointed Captain William Fuller and nine others commissioners for governing Maryland. They were enjoined to summon an assembly for which all who had borne arms against the parliament or professed the Roman Catholic religion were disabled to vote or to be elected.

Bancroft, Hist. of the U.S., vol.1, p.173

Parties became identified with religious sects, and Maryland itself was the prize for which they contended. The new assembly, representing a faction, not the whole people, coming together at Patuxent in October, acknowledged the authority of Cromwell, but it disfranchised the whole Romish party. Following the precedent established by an ordinance of the Long Parliament, it confirmed the liberty of religion, provided the liberty were not extended to "popery, prelacy, or licentiousness" of opinion. The cedar and the myrtle and the oil-tree might no longer be planted in the wilderness together.

Bancroft, Hist. of the U.S., vol.1, p.173 - p.174

When the proprietary heard of these proceedings, he reproved his lieutenant for want of firmness. The pretended assembly was esteemed "illegal, mutinous, and usurped," and his officers, under the powers which the charter conferred, prepared to vindicate his supremacy. Toward the end of January, 1655, on the receipt of news from London, it was noised abroad that his patent was upheld by the protector, and Stone, pleading that his written resignation to the ten commissioners was invalid, because extorted from him by force, began to issue orders for the restoration of his authority. Papists and friendly Protestants received authority to levy men, and the leaders of this new appeal to arms were able to surprise and get possession of the provincial records. In the last week in March, they moved from Patuxent toward Anne Arundel, the chief seat of the republicans. The inhabitants of Providence and their partisans gathered together with superior zeal and courage. Aided by the Golden Lyon, an English ship which happened then to be in the waters of the Severn, they attacked and discomfited the party of Stone. After the skirmish, the governor, upon quarter given him, yielded himself and his company as prisoners; but, two or three days after, the victors, by a council of war, condemned him, his councillors, and some others—in all, ten in number—to be shot. Eltonhead, one of the condemned, appealed to Cromwell, but in vain, and sentence was presently executed upon him and three others. Of the four, three were Roman Catholics. The remaining six, some on the way to execution, were saved "by the begging of good women and friends" who chanced to be there, or by the soldiers; it was to the intercession of the latter that Governor Stone owed his life. Rushing into the houses of the Jesuits, men demanded the impostors," as they called them, but the fathers escaped to hiding-places in Virginia.

Bancroft, Hist. of the U.S., vol.1, p.174

A friend to Lord Baltimore, then in the province, begged of the protector no other boon than that he would "condescend to settle the country by declaring his determinate will; "and yet the same causes which led Cromwell to neglect the internal concerns of Virginia compelled him to pay but little attention to the disturbances in Maryland. On the one hand, he respected the rights of property of Lord Baltimore; on the other, he "would not have a stop put to the proceedings of the commissioners who were authorized to settle the civil government." The right to the jurisdiction of Maryland remained, therefore, a disputed question.

Bancroft, Hist. of the U.S., vol.1, p.174 - p.175

In July, 1656, Lord Baltimore commissioned Josiah Fendall as his lieutenant, and, before the end of the year, sent over his brother Philip as councillor and principal secretary of the province. The ten men none the less continued to exercise authority, and, "for his dangerousness," they held Fendall under arrest, until, in the face of the whole court, he took an oath not to disturb their government, but to await a final decision from England. To England, therefore, he sailed the next year, that he might consult with Baltimore, leaving Barber, a former member of Cromwell's household, as his deputy. Still the protector, by reason "of his great affairs," had not leisure to consider the report of the commissioners for trade on the affairs of Maryland. At last, in November, 1657, Lord Baltimore, by "the friendly endeavors of Edward Digges," negotiated with Bennett and Matthews, all being then in England, an agreement for the recovery of his province. The proprietary covenanted so far to waive his right of jurisdiction as to leave the settlement of past offences and differences to the disposal of the protector and his council; to grant the land claims of "the people in opposition," without requiring of them an oath of fidelity, but only some engagement for his support; and, lastly, he promised for himself never to consent to a repeal "of the law whereby all persons professing to believe in Jesus Christ have freedom of conscience there."

Bancroft, Hist. of the U.S., vol.1, p.175

Returning to his government with instructions, Fendall, in the following March, held an interview with Fuller, Preston, and the other commissioners, at St. Leonards, when the agreement was carried into effect. The Puritans were further permitted to retain their arms, and were assured of indemnity. The proceedings of the assemblies and the courts of justice since the year 1652, in so far as they related to questions of property, were confirmed.

Bancroft, Hist. of the U.S., vol.1, p.175 - p.176

Wearied with the convulsions of ten years, a general assembly, on the death of Cromwell, saw no security but in asserting the power of the people, and constituting the government on the expression of their will. Accordingly, on the twelfth of March, 1660, just one day before that memorable session of Virginia, when the people of the Ancient Dominion adopted a similar system of independent legislation, the representatives of Maryland, meeting in the house of Robert Slye, voted themselves a lawful assembly, without dependence on any other power in the province. The burgesses of Virginia assumed to themselves the election of the council; the burgesses of Maryland refused to acknowledge the rights of the body claiming to be an upper house. In Virginia, Berkeley yielded to the popular will; in Maryland, Fendall permitted the power of the people to be proclaimed. The representatives of Maryland having settled the government, independent of their proprietary and of his governor and council, and hoping for tranquillity after years of storms, passed an act making it felony to disturb the order which they had established.

Bancroft, Hist. of the U.S., vol.1, p.176

Maryland, like Virginia, at the epoch of the restoration, was in full possession of liberty, by the practical exercise of the sovereignty of the people. Like Virginia, it had so nearly completed its institutions that, till the epoch of its final separation from England, it hardly made any further advances toward freedom and independence.

Bancroft, Hist. of the U.S., vol.1, p.176

Men love liberty, even if it be turbulent, and the colony had increased, and flourished, and grown rich, in spite of domestic dissensions. Its population, in 1660, is variously estimated at twelve thousand and at eight thousand; the latter number is probably nearer the truth. The country was dear to its inhabitants. There they desired to spend the remnant of their lives—there to make their graves.

Chapter 11:

Prelates and Puritans

Bancroft, Hist. of the U.S., vol.1, p.177

THE settlement of New England was a result of implacable differences between Protestant dissenters in England and the established Anglican church.

Bancroft, Hist. of the U.S., vol.1, p.177

Who will venture to measure the consequences of actions by the humility or the remoteness of their origin? The Power which enchains the destinies of states, overruling the decisions of sovereigns and the forethought of statesmen, often deduces the greatest events from the least considered causes. A Genoese adventurer, discovering America, changed the commerce of the world; an obscure German, inventing the printing-press, rendered possible the universal diffusion of ever-increasing intelligence; an Augustine monk, denouncing indulgences, introduced a schism in religion which changed the foundations of European politics; a young French refugee, skilled alike in theology and civil law, in the duties of magistrates and the dialectics of religious controversy, entering the republic of Geneva, and conforming its ecclesiastical discipline to the principles of republican simplicity, established a party of which Englishmen became members, and New England the asylum.

Bancroft, Hist. of the U.S., vol.1, p.177 - p.178

In Germany, the reformation, which aimed at the regeneration of the world in doctrine and in morals, sprung from the son of a miner of the peasant class—from Martin Luther—of whom Leibnitz says: "This is he who, in later times, taught the human race hope and free thought." Trained in the school of Paul of Tarsus through the African Augustine, Luther insisted that no man can impersonate or transmit the authority of God; that power over souls belongs to no order; that clergy and laity are of one condition; that "any Christian can remit sins just as well as a priest;" that "ordination by a bishop is no better than an election;" that "the priest is but the holder of an office," "the pope but our school-fellow;" and, collecting all in one great formulary, he declared: "Justification is by faith, by faith alone." Every man must work out his own salvation; no other, "not priest, nor bishop, nor pope—no, nor all the prophets "—can serve for the direct connection of the reason of the individual with the infinite and eternal intelligence.

Bancroft, Hist. of the U.S., vol.1, p.178

The principle of justification by faith alone brought with it the freedom of individual thought and conscience against authority. "If fire;" said Luther, "is the right cure for heresy, then the fagot-burners are the most learned doctors on earth; nor need we study any more; he that has brute force on his side may burn his adversary at the stake." "I will preach, speak, write the truth, but will force it on no one, for faith must be accepted willingly, and without compulsion."

Bancroft, Hist. of the U.S., vol.1, p.178

To the question whether the people may judge for themselves what to believe, Luther answers: "All bishops that take the right of judgment of doctrine from the sheep are certainly to be held as wolves; Christ gives the right of judgment to the scholars and to the sheep; St. Paul will have no proposition accepted till it has been proved and recognised as good by the congregation that hears it."

Bancroft, Hist. of the U.S., vol.1, p.178

And should "the pastor," "the minister of the word," be called, inducted, and deposed by the congregation? "Princes and lords," said Luther, "Cannot with any color refuse them the right." This he enforced on "the emperor and Christian nobles of the German nation." This he upheld when it was put forward by the peasants of Suabia.

Bancroft, Hist. of the U.S., vol.1, p.178 - p.179

The reformation in England—an event which had been long and gradually prepared among its people by the widely accepted teachings of Wycliffe; among its scholars by the revival of letters, the presence, the personal influence, and the writings of Erasmus, and the liberal discourses of preachers trained in the new learning; among the courtiers by the frequent resistance of English kings to the usurpations of ecclesiastical jurisdiction—was abruptly introduced by a passionate and overbearing monarch, acting in conjunction with his parliament to emancipate the crown of England from all subjection to an alien pontiff.

Bancroft, Hist. of the U.S., vol.1, p.179

In the history of the English constitution, this measure of definitive resistance to the pope was memorable as the beginning of the real greatness of the house of commons; and when Clement VII excommunicated the king, and Paul III invited Catholic Europe to reduce all his subjects who supported him to poverty and bondage, it was in the commons that the crown found countervailing support. But there was no thought of a radical reform in morals; nor did any one mighty creative mind, like that of Luther or Calvin, infuse into the people a new spiritual life. So far was the freedom of private inquiry from being recognised as a right, that even the means of forming a judgment on religious subjects was denied. The act of supremacy, which, on the fourth of November, 1534, severed the English nation from the Roman see, was but "the manumitting and enfranchising of the regal dignity from the recognition of a foreign superior." It did not aim at enfranchising the English church, far less the English people or the English mind. The king of England became the pope in his own dominions; and heresy was still accounted the foulest of crimes. The right of correcting errors of religious faith became, by the suffrage of parliament, a branch of the royal prerogative; and, in 1539, as active minds among the people were continually proposing new schemes of doctrine, a statute was, after great opposition in parliament, enacted "for abolishing diversity of opinions." Almost all the Roman Catholic doctrines were asserted, except the supremacy of the bishop of Rome. The pope could praise Henry VIII for orthodoxy, while he excommunicated him for disobedience. He commended to the wavering emperor the English sovereign as a model for soundness of belief, and anathematized him only for contumacy. It was Henry's pride to defy the authority of the Roman bishop, and yet to enforce the doctrines of the Roman church. He was as tenacious of his reputation for Catholic orthodoxy as of his claim to spiritual dominion. He disdained submission, and he detested heresy.

Bancroft, Hist. of the U.S., vol.1, p.179 - p.180

Nor was Henry VIII slow to sustain his new prerogatives. According to ancient usage, no sentence of death, awarded by the ecclesiastical courts, could be carried into effect until a writ had been obtained from the king. The regulation had been adopted in a spirit of mercy, securing to the temporal authorities the power of restraining persecution. The heretic might appeal from the atrocity of the priest to the mercy of the prince. But what hope remained when the two authorities were united, and the law, which had been enacted as a protection of the subject, became the instrument of tyranny! No virtue, no eminence, conferred security. Not the forms of worship merely, but the minds of men, were declared subordinate to the government; faith, not less than ceremony, was to vary with the acts of parliament. Death was denounced against the Catholic who denied the king's supremacy, and the Protestant who doubted his creed. Had Luther been an Englishman, he might have perished by fire. In the latter part of his life, Henry revoked the general permission of reading the scriptures, and limited the privilege to merchants and nobles. He always adhered to his old religion, and died in the Roman rather than in the Protestant faith. The environs of the court displayed no resistance to the capricious monarch; parliament yielded him absolute authority in religion; but the awakened intelligence of a great nation could not be terrified into a passive lethargy; and, even though it sometimes faltered in its progress, steadily demanded the emancipation of the public mind.

Bancroft, Hist. of the U.S., vol.1, p.180 - p.181

The people were still accustomed to the Catholic forms of worship and of belief, when, in January, 1547, the accession of the boy Edward VI, England's only Puritan king, opened the way to changes within its church. The reform had made great advances among the French and among the Swiss. Both Luther and Calvin brought the individual into immediate relation with God; but Calvin, under a militant form of doctrine, lifted the individual above pope and prelate, and priest and presbyter, above Catholic church and national church and general synod, above indulgences, remissions, and absolutions from fellow-mortals, and brought him into the immediate dependence on God, whose eternal, irreversible decree is made by himself alone, not arbitrarily, but according to his own highest wisdom and justice. Luther spared the altar, and hesitated to deny totally the real presence; Calvin, with superior dialectics, accepted as a commemoration and a seal the rites which the Catholics revered as a sacrifice. Luther favored magnificence in public worship, as an aid to devotion; Calvin, the guide of republics, avoided in their churches all appeals to the senses, as a peril to pure religion. Luther condemned the Roman church for its immorality; Calvin, for its idolatry. Luther exposed the folly of superstition, ridiculed the hair shirt and the scourge, the purchased indulgence, and dearly bought, worthless masses for the dead; Calvin shrunk from their criminality with impatient horror. Luther permitted the cross and the taper, pictures and images, as things of indifference; Calvin demanded a spiritual worship in its utmost purity. Luther, not from his own choice but from the overruling necessities of his position, left the organization of the church to princes and governments; Calvin reformed doctrine, ritual, and practice; and, by establishing ruling elders in each church and an elective synod, he secured to his polity a representative character, which combined authority with popular rights. Both Luther and Calvin insisted that, for each one, there is and can be no other priest than himself; and, as a consequence, both agreed in the parity of the clergy. Both were of one mind that, should pious laymen choose one of their number to be their minister, "the man so chosen would be as truly a priest as if all the bishops in the world had consecrated him."

Bancroft, Hist. of the U.S., vol.1, p.181

In the regency which was established in 1547, during the minority of Edward, the reforming party had the majority. Calvin made an appeal to Somerset, the protector; and, burning with zeal to include the whole people of England in a perfect unity with the reformers of the continent, he urged Cranmer to call together pious and rational men, educated in the school of God, to meet and agree upon one uniform confession of Christian doctrine, according to the rule of scripture. "As for me," he said, "if I can be made use of, I will sail through ten seas to bring this about."

Bancroft, Hist. of the U.S., vol.1, p.181 - p.182

In the first year of the new reign, Peter Martyr and another from the continent were summoned to Oxford. The Book of Homilies, which held forth the doctrine of justification by faith, prepared by Cranmer in the year 1547, laid the foundation for further reform; and in the next appeared Cranmer's first Book of the Common Prayer, in which, however, there lurked many superstitions. Bucer, who, in 1549, was called to Cambridge, complained of the backwardness of "the reformation." "Do not abate your speed, because you approach the goal," wrote Calvin to Cranmer. "By too much delay the harvest-time will pass by, and the cold of a perpetual winter set in. The more age weighs on you, the more swiftly ought you to press on, lest your conscience reproach you for your tardiness, should you go from the world while things still lie in confusion." The tendency of the governing mind appeared from the appointment, in 1551, of John Knox, as a royal chaplain. Cranmer especially desired to come to an agreement with the reformed church on the eucharist; and, on that subject, his liturgy of 1552 adopted the teaching of Calvin; the priest became a minister, the altar a table, the bread and wine a commemoration. Exorcism in the rite of baptism, auricular confession, the use of consecrated oil, prayers for the dead, were abolished. "The Anglican liturgy," wrote Calvin of this revised Book of Common Prayer, "wants the purity which was to have been wished for, yet its fooleries can be borne with."

Bancroft, Hist. of the U.S., vol.1, p.182 - p.183

The forty-two articles of religion digested by Cranmer, and, in 1553, promulgated by royal authority, set forth the creed of the evangelical church as that of all England. In the growing abhorrence of superstition, the inquisitive mind, especially in the cities, asked for greater simplicity in the vestments of ministers and in the forms of devotion. Not a rite remained of which the fitness was not questioned. The authority of all traditions, of papal bulls and briefs, encyclicals and epistles, and of decrees of councils, was done away with; and the austere principle announced that neither symbol, nor vestment, nor ceremony, nor bowing at a name, nor kneeling at an emblem, should be endured, unless it was set forth in the word of God. The churchmen desired to differ from the ancient forms as little as possible, and readily adopted the use of things indifferent; the Puritans could not sever themselves too widely from the Roman usages. A more complete reform was demanded; and the friends of the established liturgy expressed in the prayer-book itself a wish for its furtherance.

Bancroft, Hist. of the U.S., vol.1, p.183

Of the insurrections in the reign of Edward, all but one sprung from the oppression of the landlords. England accepted the reformation, though the want of good preachers impeded the training of the people in its principles. There was no agreement among the bishops on doctrine or discipline. Many parishes were the property of the nobles; many ecclesiastics, some even of those who affected to be evangelical, were pluralists, and left their parochial duties to those who would serve at the lowest price, oven though sometimes they could not read English. Lay proprietors, who had taken the lands of the monasteries, saved themselves from paying pensions to dispossessed monks by setting them, however ignorant or unfit, over parishes. In some a sermon had not been preached for years.

Bancroft, Hist. of the U.S., vol.1, p.183

In this state of public worship throughout the land, Mary, in July, ascended the throne, and, by her zeal to restore the old religion, became the chief instrument in establishing the new. The people are swayed more by their emotions than by dialectics; and, where two parties appear before them, the majority is most readily roused for that one which appeals to the heart. Mary offended English nationality by taking the king of Spain for her husband; and, while the statesmen of Edward's time had not been able to reach the country by preachers, she startled the dwellers in every parish in England by the fires which she lighted at Gloucester and Oxford and Smithfield, where prelates and ministers, and men and women of the most exemplary lives, bore witness among blazing fagots to the truth of the reformed religion by displaying the highest qualities that give dignity to human nature. Rogers and Hooper, the first martyrs of Protestant England, were Puritans. And it was observed that Puritans never sought by concessions to escape the flames. For them, compromise was itself apostasy. The offer of pardon could not induce Hooper to waver, nor the pains of a lingering death impair his fortitude. He suffered by a very slow fire, and died as quietly as a child in his bed.

Bancroft, Hist. of the U.S., vol.1, p.184

A large part of the English clergy went back to their submission to the see of Rome, while others adhered to the reformation from conviction, many of whom had, in their wives and children, given hostages for fidelity. Among the multitudes who hurried into foreign lands, one party aimed at renewing abroad the forms of discipline which had been sanctioned in the reign of Edward; the Puritans endeavored to sweeten their exile by completely emancipating themselves from all offensive ceremonies. The sojourning in Frankfort was at first imbittered by angry divisions; but time softened the asperities of controversy, and a reconciliation was prepared by concessions to the stricter sect, of which the abode on the continent was well adapted to strengthen the influence. While the Puritans who fled to Denmark and Northern Germany were rejected with the most bitter intolerance, those of them who repaired to Switzerland received the kindest welcome; their love for the rigorous austerity of a spiritual worship was confirmed; and some of them enjoyed the instructions and the friendship of Calvin. Alike at Frankfort and Geneva, they gave each other pledges to promote further reforms.

Bancroft, Hist. of the U.S., vol.1, p.184

On the death of Mary, after a reign of hardly five and a half years, the Puritan exiles returned to England with still stronger antipathies to the forms of worship and the vestures, which had been disused in the churches of Switzerland, and which they now repelled as associated with the cruelties of Roman intolerance at home. But the controversy was modified by the personal character of the English sovereign.

Bancroft, Hist. of the U.S., vol.1, p.184 - p.185

The younger daughter of Henry VIII had at her father's court, until her fourteenth year, conformed like him to the rites of the Roman church. Less than twelve years had passed since his death. For two or three of those years she had made use of Cranmer's first Book of Common Prayer; but hardly knew the second, which was introduced only a few weeks before her brother's death. No one ever ascribed to her any inward experience of the influences of religion. During the reign of her sister Mary, she had conformed to the Catholic church without a scruple. At the age of twenty-four, restored to freedom by accession to the throne, her first words were that she would "do as her father did;" and, like her father, she never called herself a Protestant, but a Catholic except in subordination to the pope. She respected the symbols of the "Catholic faith," and loved magnificence in worship. She publicly thanked one of her chaplains, who had asserted the real presence. She vehemently desired to retain in her private chapel images, the crucifix, and tapers; she was inclined to offer prayers to the Virgin; she favored the invocation of saints. She so far required the celibacy of the clergy that, during her reign, their marriages took place only by connivance. Neither the influence of early education nor the love of authority would permit Elizabeth to imitate the reformed churches of the continent, which had risen in defiance of all ordinary powers of the world, and which could justify their existence only by a strong claim to natural liberty.

Bancroft, Hist. of the U.S., vol.1, p.185

On this young woman, in November, 1558, devolved the choice of the Book of Common Prayer, as it seemed, for the two or three millions who then formed the people of England; but, in truth, for very many in countries collectively more than twice as large as all Europe. Her choice was for the first service-book of her brother; yielding to the immense weight of a Puritan opposition, which was as yet unbalanced by an episcopal section in the church, she consented to that of 1553; but the prayer against the tyranny of the bishop of Rome was left out, the sign of the cross in baptism was restored, the minister was sometimes denominated the priest, the table was sometimes called the altar, and the rubric, which scouted the belief in the objective real presence of Christ in the eucharist as gross idolatry, was discarded. She long desired to establish the national religion midway between sectarian licentiousness and Roman supremacy; and, after her policy in religion was once declared, the pride of authority would brook no opposition.

Bancroft, Hist. of the U.S., vol.1, p.185 - p.186

When rigorous orders for enforcing conformity were first issued, the Puritans were rather excited to defiance than intimidated. Of the London ministers, about thirty refused subscription, and men began to speak openly of a secession from the church; "not for hatred to the estates of the church of England, but for love to a better." In 1567, a separate congregation was formed; immediately the government was alarmed, and the leading men of the congregation and several women were sent to Bridewell for a year.

Bancroft, Hist. of the U.S., vol.1, p.186

While the personal influence of the queen crushed every movement of the house of commons toward satisfying the scruples of the Puritans by reforms in the service-book, it chanced otherwise with her aversion to the abstract articles of religion. In January, 1563, the convocation of the Anglican clergy, in whom the spirit of the reformation then prevailed, having compressed the forty-two articles of Cranmer and Edward VI into thirty-eight, adopted and subscribed them; and, except for the opposition of the queen and her council, they would have been confirmed by parliament. When, four years later, a Puritan house of commons voted to impose them on the clergy, Elizabeth, at the instance of the English Catholics, and after a long consultation with the ambassador of Spain, used her influence to suppress a debate on the bill in the house of lords. But, in 1571, the year after there had been nailed to the door of the bishop of London the bull in which the pope, Pius V, denied her right to the English throne and excommunicated every English Catholic who should remain loyal to her, at a time when she was in danger of being put out of the way by assassins, though she still quelled every movement toward changes in the liturgy, she dared not refuse assent to an act which required subscription to the so-called thirty-nine articles, as an indispensable condition for the tenure of a benefice in the church of England. From that time forward, while conformity to the common prayer was alone required of the laity, every clergyman of the church of England wrote himself a believer "that justification is by faith, that holy scripture containeth all things necessary to salvation, and that transubstantiation is repugnant to the plain words of scripture, overthroweth the nature of a sacrament, and hath given occasion to many superstitions." "By the adoption of the thirty-nine articles," say English Catholics, "the seal was set to the reformation in England; a new church was built on the ruins of the old."

Bancroft, Hist. of the U.S., vol.1, p.186 - p.187

Within the church of England an irreconcilable division was developed. The power of the bishop, which was for some years looked upon as only administrative, began to be considered as intermediary; and the attempt was made to reconcile the regenerating power of an ordained prelacy to faith in the direct dealing of God with each individual soul. The one party claimed for the bishops an unbroken sacred succession from apostolic times; the other sought a perfect unity with the reformers of the continent. Both parties avoided separation or schism; both strove for mastery in the church of the whole nation; and each of the two, fast anchored within that church, engaged in a contest for the exclusive direction of the public worship.

Bancroft, Hist. of the U.S., vol.1, p.187

But, besides these parties contending for lordship over the religion of the whole land, there rose up a class of Independents, who desired liberty to separate from the church of England, and institute social worship according to their own consciences, and employ each individual mind in discovering "truth in the word of God." The reformation had begun in England with the monarch, had extended among the nobility, had been developed under the guidance of a hierarchy, and had but slowly penetrated the masses. The party of the independents was plebeian in its origin, and carried the principle of intellectual enfranchisement from authority into the houses of the common people. Its adherents were "neither gentry nor beggars." They desired freedom to worship God in congregations of their own.

Bancroft, Hist. of the U.S., vol.1, p.187 - p.188

It had long been held perilous for a Christian prince to grant a liberty that one of his subjects should use a religion against the conscience of the prince; and Bacon said: "The permission of the exercise of more religions than one is a dangerous indulgence." It was determined at once to crush this principle of voluntary union by every terror of the law. Among the clergymen who inclined to it were Copping, Thacker, and Robert Browne. By Freke, as bishop of Norwich, the two former were cast into the common jail of Bury St. Edmunds. From the prison of Norwich, Browne was released, through the influence of his kinsman, the lord treasurer, Burleigh. In 1582, he escaped to the Netherlands, gathered a church at Middleburg from among English exiles, and printed three tracts in exposition of his belief. In substance, his writings contain two seminal ideas: first, if the prince, or magistrate under the prince, do refuse or defer to reform the church, the people may without their consent sever themselves from the national church, and for themselves individually undertake a reformation without tarrying for any; and, secondly, a church may be gathered by a number of believers coming together under a willing covenant made among themselves without civil authority.

Bancroft, Hist. of the U.S., vol.1, p.188

Both these propositions Luther had approved, as in themselves thoroughly right; but the English prelacy pursued them with merciless severity. Copping and Thacker, accused of assisting to spread the book of Robert Browne, were transferred to the secular power, and, under the interpretation of the law by the lord chief justice of England, were hanged for the felony of sedition. Browne, by submitting himself to the established order and government in the church, obtained a benefice, which he enjoyed till he became fourscore years of age. The principles, of which the adoption had alone given him distinction, lay deeply rooted in the religious thought of the country, and did not suffer from his apostasy.

Bancroft, Hist. of the U.S., vol.1, p.188

From this time there was a division among the Puritans. The very great majority of them continued their connection with the national church, which they hoped one day to model according to their own convictions; the minority, separating from it, looked for the life of religion in the liberty of the conscience of the individual.

Bancroft, Hist. of the U.S., vol.1, p.188 - p.189

The party of the outright separatists having been pursued till they seemed to be wholly rooted out, the queen pressed on to the graver conflict with the Puritan churchmen. "In truth, Elizabeth and James were personally the great support of the high church interest; it had few real friends among her counsellors." In vain did the best statesmen favor moderation: the queen was impatient of nonconformity, as the nursery of disobedience and rebellion. At a time when the readiest mode of reaching the minds of the common people was through the pulpit, and when the preachers would often speak with homely energy on all the events of the day, the claim of the Puritans to the "liberty of prophesying" was similar to the modern demand of the liberty of the press; and threatened not only to disturb the uniformity of the national worship but to impair the royal authority.

Bancroft, Hist. of the U.S., vol.1, p.189

The learned Grindal, who during the reign of Mary lived in exile, and, after her death, hesitated about accepting a mitre from dislike to what he regarded as the mummery of consecration, early in 1576 was advanced to the see of Canterbury. At the head of the English clergy, he gave an example of reluctance to prosecute. But he, whom Bacon calls "one of the greatest and rarest prelates of his time," brought down upon himself the petulance of Elizabeth by his refusal to suppress the liberty of prophesying, was suspended, and, when blind and broken-hearted, was ordered to resign. Nothing but his death, in 1583, saved him from being superseded by Whitgift.

Bancroft, Hist. of the U.S., vol.1, p.189

The accession of Whitgift, on the twenty-third of September, 1583, marks the epoch of extreme and consistent rigor in the public councils; for the new archbishop was sincerely attached to the English church, and, from a regard to religion, enforced the conformity which the queen desired as the support of her power. He was a strict disciplinarian, and wished to govern the clergy of the realm as he would rule the members of a college. Subscriptions were required to points which before had been eluded; the kingdom rung with complaints for deprivation; the most learned and diligent of the ministry were driven from their places; and those who were introduced to read the liturgy were so ignorant that few of them could preach. Did men listen to their deprived pastors in the recesses of forests or in tabernacles, the offence, if discovered, was visited by fines and imprisonment.

Bancroft, Hist. of the U.S., vol.1, p.189 - p.190

The first statute of Queen Elizabeth, enacting her supremacy, gave her authority to erect a commission for causes ecclesiastical. On the first of July, 1554, a new form was given to this court. Forty-four commissioners, twelve of whom were bishops, had roving powers, as arbitrary as those of the Spanish inquisitors, to search after heretical opinions, seditious books, absences from the established divine worship, errors, heresies, and schisms. The primary model of the court was the inquisition itself, its English germ a commission granted by Mary to certain bishops and others to inquire after all heresies. All suspected persons might be called before them; and men were obliged to answer, on oath, every question proposed, either against others or against themselves. In vain did the sufferers murmur; in vain did parliament disapprove the commission, which was alike illegal and arbitrary: in vain did Burleigh remonstrate against a system so intolerant that "the inquisitors of Spain used not so many questions to trap their preys." The archbishop would have deemed forbearance a weakness; and the queen was ready to interpret any freedom in religion as the treasonable denial of her supremacy or the felony of sedition.

Bancroft, Hist. of the U.S., vol.1, p.190

The institution of this ecclesiastical court stands out in high relief as one of the great crimes against civilization, and admits of no extenuation or apology except by recrimination. It has its like in the bull of Leo X against Luther; in the advice of Calvin to the English reformers; in the blind zeal of the Puritans of that day, who, like Cartwright, taught that "heretykes oughte to be put to deathe nowe, that uppon repentance ther oughte not to followe any pardon of deathe, that the magistrates which punish murther and are lose in punishing the breaches of the first table, begynne at the wronge end;" and, finally, in the act of the Presbyterian Long Parliament imposing capital punishment upon various religious opinions. Luther alone has the glory of "forbidding to fight for the gospel with violence and death."

Bancroft, Hist. of the U.S., vol.1, p.190 - p.191

The party thus persecuted were the most efficient opponents of popery. "The Puritans," said Burleigh, "are oversqueamish and nice, yet their careful catechising and diligent preaching lessen and diminish the papistical numbers." But for the Puritans, the old religion would have retained the affections of the multitude. If Elizabeth reformed the court, the ministers, whom she persecuted, reformed the commons. In Scotland, where they prevailed, they, by their system of schools, lifted the nation far above any other in Europe, excepting, perhaps, some cantons of Switzerland. That the English people became Protestant is due to the Puritans. How, then, could the party be subdued? The spirit of these brave and conscientious men could not be broken. The queen gave her orders to the archbishop of Canterbury, "that no man should be suffered to decline, either on the left or on the right hand, from the drawn line limited by authority, and by her laws and injunctions." The vehemence of persecution, which comprehended one third of all the ecclesiastics of England, roused the sufferers to struggle fiercely for self-protecting and avenging power in the state, and, through the state, in the national church.

Bancroft, Hist. of the U.S., vol.1, p.191

Meantime, the party of the Independents, or Brownists as they were scornfully called, shading into that of the Puritans, were pursued into their hiding-places with relentless fury. Yet, in all their sorrows, they manifested the sincerest love for their native country, and their religious zeal made them devoted to the queen, whom Rome and the Spaniards had forced, against her will, to become the leading prince of the Protestant world.

Bancroft, Hist. of the U.S., vol.1, p.191 - p.192

In November, 1592, "this humble petition of her highness's faithful subjects, falsely called Brownists," was addressed to the privy council: "Whereas, we, her majesty's natural-born subjects, true and loyal, now lying, many of us, in other countries, as men exiled her highness's dominions; and the rest, which remain within her grace's land, greatly distressed through imprisonment and other great troubles, sustained only for some matters of conscience, in which our most lamentable estate we cannot in that measure perform the duty of subjects as we desire; and, also, whereas means is now offered for our being in a foreign and far country which lieth to the west from hence, in the province of Canada, where by the providence of the Almighty, and her majesty's most gracious favor, we may not only worship God as we are in conscience persuaded by his word, but also do unto her majesty and our country great good service, and in time also greatly annoy that bloody and persecuting Spaniard about the bay of Mexico—our most humble suit is that it may please your honors to be a means unto her excellent majesty, that with her most gracious favor and protection we may peaceably depart thither, and there remaining to be accounted her majesty's faithful and loving subjects, to whom we owe all duty and obedience in the Lord, promising hereby and taking God to record, who searcheth the hearts of all people, that, wheresoever we become, we will, by the grace of God, live and die faithful to her highness and this land of our nativity."

Bancroft, Hist. of the U.S., vol.1, p.192

The prayer was unheeded. No one at court in that day would suffer Independents to live in peace in England or plant a colony. "As for those which we call Brownists," wrote Bacon, in 1592, "being, when they were at the most, a very small number of very silly and base people, here and there in corners dispersed, they are now, thanks to God, by the good remedies that have been used, suppressed and worn out; so that there is scarce any news of them." Yet, in the next year, it was said by Raleigh, in parliament, that there were in England twenty thousand of those who frequented conventicles. It was proposed to banish them, as the Moors had been banished from Spain. To root out the sect which was become the depository of the principles of reform, an act of parliament of 1593 ordered those who for a month should be absent from the English service to be interrogated as to their belief, and menaced obstinate non-conformists with exile or with death. For the moment, under the ruthless policy of Whitgift and the queen, John Greenwood and Henry Barrow, both educated in the university at Cambridge, the former a regularly ordained minister, the latter for some years a member of Gray's Inn, London, after an imprisonment of about seven years, were selected by Whitgift for execution. Burleigh interposed and "gave the archbishop sound taxing words, and he used some speech with the queen, but was not seconded by any." Under the gallows at Tyburn, with the ropes about their necks, they prayed for England and England's queen; and so, on an April morning, were hanged for dissent.

Bancroft, Hist. of the U.S., vol.1, p.192 - p.193

John Penry, a Welshman, who had taken his first degree at Cambridge, and had become master of arts at Oxford, a man of faultless life, a preacher of the gospel to the Welsh, was convicted at Westminster Hall of the same seditiousness. "In the earnest desire I had to see the gospel in my native country," so he wrote to Lord Burleigh, "I might well, as I confess in my published writings, forget my own danger; but my loyalty to my prince did I never forget. And, being now to end my days before I am come to the one half of my years in the likely course of nature, I leave unto such of my countrymen as the Lord is to raise after me the accomplishing of that work which, in the calling of my country unto the knowledge of Christ's blessed gospel, I began." His protestation after sentence was referred to the judges, who reported him guilty of separation from the church of England, and of "the justification of Barrow and Greenwood as holy martyrs." Archbishop Whitgift was the first to affix his name to the death warrant; and, on the seventh of June, 1593, just as the sun was going down toward the west; one of the purest men of England, exemplarily faithful to his country and to its prince, suffered martyrdom on the gallows.

Bancroft, Hist. of the U.S., vol.1, p.193

"Take my poor desolate widow and my mess of fatherless and friendless orphans with you into exile; you shall yet find days of peace and rest, if you continue faithful," was one of the last messages of Penry to a company of believers in London whom banishment, with the loss of goods, was likely to betide. Francis Johnson, being arraigned, pleaded that "the great charter of England granteth that the church of Christ shall be free, and have all her liberties inviolable;" but, after a close imprisonment in jail for more than a year, he was sentenced to abjure the realm. He it was who gathered the exiled Southwark church in Amsterdam, where it continued as an example for a century.

Chapter 12:

The Pilgrims

Bancroft, Hist. of the U.S., vol.1, p.194

Our narrative leads us to the manor-house of Scrooby, in Nottinghamshire, where William Brewster, who had been educated at Cambridge, had been employed in public affairs by an English secretary of state, and had taken part in an embassy to the Netherlands, resided as successor to his father in a small office under the queen. He furthered religion by procuring good preachers to all places thereabouts, charging himself most commonly deepest, and sometimes above his means. The tyranny of the bishops against godly preachers and people, in silencing the one and persecuting the other, led him and many more of those times to look further into particulars, and to see the burden of many anti-Christian corruptions which both he and they endeavored to cast off.

Bancroft, Hist. of the U.S., vol.1, p.194 - p.195

The age of the queen and the chance of favor to Puritans from her successor conspired to check persecution. The Independents had, it is true, been nearly exterminated; but the non-conforming clergy, after forty years of molestation, had increased, and taken deeper root in the nation. Their followers constituted a powerful political party, inquired into the nature of government, in parliament opposed monopolies, restrained the royal prerogative, and demanded a reform of ecclesiastical abuses. Popular liberty, which used to animate its friends by appeals to the examples of ancient republics, now listened to a voice from the grave of Wycliffe, from the vigils of Calvin. Victorious over her foreign enemies, Elizabeth never could crush the religious party of which she held the increase dangerous to the state. In the latter years of her reign her popularity declined, and after her death "in four days she was forgotten." The accession of King James, on the third day of April, 1603, would, it was hoped, introduce a milder system; for he had called the church of Scotland "the sincerest kirk of the world;" and had censured the service of England as "an evil said mass."

Bancroft, Hist. of the U.S., vol.1, p.195

The pupil of Buchanan was not destitute of shrewdness nor unskilled in rhetoric. He aimed at the reputation of a "most learned clerk," and so successfully that Bacon pronounced him incomparable for learning among kings; and Sully, who knew him well, esteemed him the wisest fool in Europe. At the mature age of thirty-six, the imbecile man, afflicted with an ungainly frame and a timorous nature, escaped from austere supervision in Scotland to freedom of self-indulgence in the English court. His will, like his passions, was feeble, so that he could never carry out a wise resolution; and, in his love of ease, he had no fixed principles of conduct or belief. Moreover, cowardice, which was the core of his character, led him to be false; and he could vindicate deception and cunning as worthy of a king; but he was an awkward liar rather than a crafty dissembler. On his way to a country where the institution of a parliament existed, he desired "to get rid of it," being persuaded that its privileges were not an ancient, undoubted right and inheritance, but were derived solely from grace and favor. His experience in Scotland had persuaded him that Presbyterian government in the church would, in a monarchy, bring forth perpetual rebellions; and while he denied the divine institution of bishops, and cared not for the profits the church might reap from them, he believed they would prove useful instruments to turn a monarchy with a parliament into absolute dominion.

Bancroft, Hist. of the U.S., vol.1, p.195 - p.196

The English hierarchy had feared in their new sovereign the approach of a "Scottish mist;" but the borders of Scotland were hardly passed before James began to identify the interests of the English church with those of his prerogative. "No bishop, no king," was a maxim often in his mouth, at the moment when Archbishop Whitgift could not conceal his disappointment and disquiet of mind, that the Puritans were too numerous to be borne down. While James was in his progress to London, more than seven hundred of them presented a petition for a redress of ecclesiastical grievances; and a decent respect for the party in which he had been bred, joined to a desire of displaying his talents for theological debate, induced him to appoint a conference at Hampton court.

Bancroft, Hist. of the U.S., vol.1, p.196

The conference, held in January, 1604, was distinguished on the part of the king by a strenuous vindication of the church of England. Refusing to discuss the question of its power in things indifferent, he substituted authority for argument, and, where he could not produce conviction, demanded obedience: "I will have none of that liberty as to ceremonies; I will have one doctrine, one discipline, one religion in substance and in ceremony. Never speak more to that point, how far you are bound to obey."

Bancroft, Hist. of the U.S., vol.1, p.196

The Puritans desired permission occasionally to assemble, and at their meetings to have the liberty of free discussions; but the king interrupted their petition: "You are aiming at a Scot's presbytery, which, agrees with monarchy as well as God and the devil. Then Jack and Tom and Will and Dick shall meet, and at their pleasure censure me and my council, and all our proceedings. Then Will shall stand up and say, It must be thus; then Dick shall reply and say, Nay, marry, but we will have it thus; and, therefore, here I must once more reiterate my former speech, and say, The king forbids." Turning to the bishops, he avowed his belief that the hierarchy was the firmest supporter of the throne. Of the Puritans, he added: "I will make them conform, or I will harry them out of the land, or else worse," "only hang them; that's all."

Bancroft, Hist. of the U.S., vol.1, p.196 - p.197

On the last day of the conference, the king defended the necessity of subscription, concluding that, "if any would not be quiet and show their obedience, they were worthy to be hanged." He approved the high commission and inquisitorial oaths, despotic authority and its instruments. A few alterations in the Book of Common Prayer were the only reforms which the conference effected. It was determined that a time should be set, within which all should conform, or be removed. He had insulted the Puritans with vulgar rudeness and indecorous jests, and had talked much Latin; a part of the time in the presence of the nobility of Scotland and England. "Your majesty speaks by the special assistance of God's spirit," said the aged Whitgift, just six weeks before his death. Bishop Bancroft, on his knees, exclaimed that his heart melted for joy, "because God had given England such a king as, since Christ's time, has not been;" and, in a foolish letter, James boasted that "he had soundly peppered off the Puritans."

Bancroft, Hist. of the U.S., vol.1, p.197

In the parliament which assembled in 1604, the party for the reform of the church asserted their liberties with such tenacity and vigor that King James began to hate them as embittering royalty itself. "I had rather live like a hermit in the forest," he writes, "than be a king over such a people as the pack of Puritans are that overrule the lower house." "The will of man or angel cannot devise a pleasing answer to their propositions, except I should pull the crown not only from my own head, but also from the head of all those that shall succeed unto me, and lay it down at their feet." At the opening of the session, he had offered "to meet the Catholics in the midway;" while he added that "the sect of Puritans is insufferable in any well-governed commonwealth." At the next session of parliament he declared the Roman Catholics to be faithful subjects, but the Puritans worthy of fire for their opinions. Against the latter he inveighed bitterly in council, saying "that the revolt in the Low Countries began for matters of religion, and so did all the troubles in Scotland; that his mother and he, from their cradles, had been haunted with a Puritan devil, which he feared would not leave him to his grave; and that he would hazard his crown but he would suppress those malicious spirits."

Bancroft, Hist. of the U.S., vol.1, p.197 - p.198

The convocation of the clergy were very ready to decree against obstinate Puritans excommunication and all its consequences. Bancroft, the successor of Whitgift, required conformity with unrelenting rigor; King James issued a proclamation of equal severity; and it is asserted, perhaps with exaggeration, yet lay those who had opportunities of judging rightly, that in the year 1604 alone three hundred Puritan ministers were silenced, imprisoned, or exiled. The oppressed resisted the surplice, not as a mere vestment, but as the symbol of a priest, ordained by a bishop, imposed upon a church, and teaching by authority. The clergy proceeded with a consistent disregard of the national liberties. The importation of foreign books was impeded, and a severe censorship of the press was exercised by the bishops. The convocation of 1606, in a series of canons, asserted the superiority of the king to the parliament and the laws, and admitted no exception to the duty of passive obedience. The English separatists and non-conformists became the sole protectors of the system which gave to England its distinguishing glory. "The stern and exasperated Puritans," writes Hallam, "were the depositaries of the sacred fire of liberty." "So absolute was the authority of the crown," said Hume, "that the precious spark of liberty had been kindled and was preserved by the Puritans alone; and it was to this sect that the English owe the whole freedom of their constitution." The lines of the contending parties were sharply drawn. Immediate success was obtained by the established authority; but the contest was to be transmitted to another continent. The interests of human freedom were at issue on the contest.

Bancroft, Hist. of the U.S., vol.1, p.198

In the year of this convocation, "a poor people" in the north of England, in towns and villages of Nottinghamshire, Lincolnshire, and the borders of Yorkshire, in and near Scrooby, had "become enlightened by the word of God." "Presently they were both scoffed and scorned by the profane multitude; and their ministers, urged by the yoke of subscription," were, by the increase of troubles, led "to see further," that not only "the beggarly ceremonies were monuments of idolatry," but "that the lordly power of the prelates ought not to be submitted to." Many of them, therefore, "whose hearts the Lord had touched with heavenly zeal for his truth," resolved, "whatever it might cost them, to shake off the anti-Christian bondage, and, as the Lord's free people, to join themselves by a covenant into a church estate in the fellowship of the gospel."

Bancroft, Hist. of the U.S., vol.1, p.198 - p.199

"The gospel is every man's right; and it is not to be endured that any one should be kept therefrom. But the evangel is an open doctrine; it is bound to no place, and moves along freely under heaven, like the star, which ran in the sky to show the wizards from the east where Christ was born. Do not dispute with the prince for place. Let the community choose their own pastor, and support him out of their own estates. If the prince will not suffer it, let the pastor flee into another land, and let those go with him who will, as Christ teaches." Such was the counsel of Luther, on reading "the twelve articles" of the insurgent peasants of Suabia. What Luther advised, what Calvin planned, was carried into effect by this rural community of Englishmen.

Bancroft, Hist. of the U.S., vol.1, p.199

The reformed church chose for one of their ministers John Robinson, "a man not easily to be paralleled," "of a most learned, polished, and modest spirit." Their ruling elder was William Brewster, who "was their special stay and help." They were beset and watched night and day by the agents of prelacy. For about a year they kept their meetings every sabbath in one place or another; exercising the worship of God among themselves, notwithstanding all the diligence and malice of their adversaries, till the peaceful members of "the poor persecuted flock of Christ," despairing of rest in England, resolved to go into Holland, "where, they heard, was freedom of religion for all men."

Bancroft, Hist. of the U.S., vol.1, p.199

The departure from England was effected with much suffering and hazard. The first attempt, in 1607, was prevented; but the magistrates checked the ferocity of the subordinate officers; and, after a month's arrest of the whole company, seven only of the principal men were detained a little longer in prison.

Bancroft, Hist. of the U.S., vol.1, p.199 - p.200

The next spring the design was renewed. An unfrequented heath in Lincolnshire, near the mouth of the Humber, was the place of secret meeting. Just as a boat was bearing a part of the emigrants to their ship, a company of horsemen appeared in pursuit, and seized on the helpless women and children who had not yet adventured on the surf. "Pitiful it was to see the heavy case of these poor women in distress; what weeping and crying on every side." But, when they were apprehended, it seemed impossible to punish and imprison wives and children for no other crime than that they would not part from their husbands and fathers. They could not be sent home, for "they had no homes to go to;" so that, at last, the magistrates were "glad to be rid of them on any terms," "though, in the mean time, they, poor souls, endured misery enough." Such was the flight of Robinson and Brewster and their followers from the land of their fathers.

Bancroft, Hist. of the U.S., vol.1, p.200

Their arrival in Amsterdam, in 1608, was but the beginning of their wanderings. "They knew they were PILGRIMS, and looked not much on those things, but lifted up their eyes to Heaven, their dearest country, and quieted their spirits." In 1609, removing to Leyden, "they saw poverty coming on them like an armed man;" but, being "careful to keep their word, and painful and diligent in their callings," they attained "a comfortable condition, grew in the gifts and grace of the spirit of God, and lived together in peace and love and holiness." "Never," said the magistrates of the city, " never did we have any suit or accusation against any of them;" and, but for fear of offence to King James, they would have met with public favor. "Many came there from different parts of England, so as they grew a great congregation." "Such was the humble zeal and fervent love of this people toward God and his ways, and their single-heartedness and sincere affection one toward another," that they seemed to come surpassingly near "the primitive pattern of the first churches." A clear and well-written apology of their discipline was published by Robinson, who, in the controversy on free-will, as the champion of orthodoxy, "began to be terrible to the Arminians," and disputed in the university with such power that, as his friends assert, "the truth had a famous victory."

Bancroft, Hist. of the U.S., vol.1, p.200 - p.201

The career of maritime discovery had, meantime, been pursued with intrepidity and rewarded with success. The voyages of Gosnold, Waymouth, Smith, and Hudson; the enterprise of Raleigh, Delaware, and Gorges; the compilations of Eden, Willes, and Hakluyt—had filled the commercial world with wonder; Calvinists of the French church had sought, though vainly, to plant themselves in Brazil, in Carolina, and, with De Monts, in Acadia; while weighty reasons, often and seriously discussed, inclined the pilgrims to change their abode. They had been bred to the pursuits of husbandry, and in Holland they were compelled to learn mechanical trades; Brewster became a teacher of English and a printer; Bradford, who had been educated as a farmer, learned the art of dyeing silk. The Dutch language never became pleasantly familiar to them, and the Dutch manners still less so. They lived but as men in exile. Many of their English friends would not come to them, or departed from them weeping. "Their continual labors, with other crosses and sorrows, left them in danger to scatter or sink." "Their children, sharing their parents' burdens, bowed under the weight, and were becoming decrepit in early youth." Conscious of ability to act a higher part in the great drama of humanity, they, after ten years, were moved by "a hope and inward zeal of advancing the gospel of the kingdom of Christ in the remote parts of the New World; yea, though they should be but as stepping-stones unto others for performing so great a work."

Bancroft, Hist. of the U.S., vol.1, p.201 - p.202

"Upon their talk of removing, sundry of the Dutch would have them go under them, and made them large offers;" but an inborn love for the English nation and for their mother tongue led them to the generous purpose of recovering the protection of England by enlarging her dominions. They were "restless" with the desire to remove to "the most northern parts of Virginia," hoping, under the general government of that province, "to live in a distinct body by themselves." To obtain the consent of the London company, John Carver, with Robert Cushman, in 1617, repaired to England. They took with them "seven articles," from the members of the church at Leyden, to be submitted to the council in England for Virginia. These articles discussed the relations which, as separatists in religion, they bore to their prince; and they adopted the theory which the admonitions of Luther and a century of persecution had developed as the common rule of plebeian sectaries on the continent of Europe. They expressed their concurrence in the creed of the Anglican church, and a desire of spiritual communion with its members. Toward the king and all civil authority derived from him, including the civil authority of bishops, they promised, as they would have done to Nero and the Roman pontifex, "obedience in all things, active if the thing commanded be not against God's word, or passive if it be." They denied all power to ecclesiastical bodies, unless it were given by the temporal magistrate. They pledged themselves to honor their superiors, and to preserve unity of spirit in peace with all men. "Divers selecte gentlemen of the council for Virginia were well satisfied with their statement, and resolved to set forward their desire." The London company listened very willingly to their proposal, so that their agents "found God going along with them;" and, through the influence of "Sir Edwin Sandys, a religious gentleman then living," a patent might at once have been taken, had not the envoys desired first to consult "the multitude" at Leyden.

Bancroft, Hist. of the U.S., vol.1, p.202

On the fifteenth of December, 1617, the pilgrims transmitted their formal request, signed by the hands of the greatest part of the congregation. "We are well weaned," added Robinson and Brewster, "from the delicate milk of our mother country, and inured to the difficulties of a strange land; the people are industrious and frugal. We are knit together as a body in a most sacred covenant of the Lord, of the violation whereof we make great conscience, and by virtue whereof we hold ourselves straitly tied to all care of each other's good, and of the whole. It is not with us as with men whom small things can discourage."

Bancroft, Hist. of the U.S., vol.1, p.202

The messengers of the pilgrims is, satisfied with their reception by the Virginia company, petitioned the king for liberty of religion, to be confirmed under the king's broad seal. But here they encountered insurmountable difficulties. Of all men in the government of that day, Lord Bacon had given the most attention to colonial enterprise. The settlements of the Scotch in Ireland enjoyed his particular favor. To him, as "to the encourager, pattern, and perfecter of all vertuous endeavors," Strachey at this time dedicated his "Historie of Travaile into Virginia"; to him John Smith, in his "povertie," turned for encouragement in colonizing New England, as to "a chief patron of his country and the greatest favorer of all good designs." To him Sir George Villiers, the favorite of James, addressed himself for advice, and received instructions how to govern himself in office.

Bancroft, Hist. of the U.S., vol.1, p.202 - p.203

The great master of speculative wisdom knew too little of religion to inculcate freedom of conscience. He saw that the established church, which he cherished as the eye of England, was not without blemish; that the wrongs of the Puritans could neither be dissembled nor excused; that the silencing of ministers, for the sake of enforcing the ceremonies, was, in the scarcity of good preachers, a punishment that lighted on the people; and he esteemed controversy "the wind by which truth is winnowed." But Bacon was formed for contemplative life, not for action; his will was feeble, and yet, having an incessant yearning for vain distinction and display, he became a craven courtier and an intolerant statesman. "Discipline by bishops," said he, "is fittest for monarchy of all others. The tenets of separatists and sectaries are full of schism, and inconsistent with monarchy. The king will beware of Anabaptists, Brownists, and others of their kinds; a little connivency sets them on fire. For the discipline of the church in colonies, it will be necessary that it agree with that which is settled in England, else it will make a schism and a rent in Christ's coat, which must be seamless; and, to that purpose, it will be fit that by the king's supreme power in causes ecclesiastical, within all his dominions, they be subordinate under some bishop and bishoprick of this realm. This caution is to be observed, that if any transplant themselves into plantations abroad, who are known schismatics, outlaws, or criminal persons, they be sent for back upon the first notice."

Bancroft, Hist. of the U.S., vol.1, p.203 - p.204

These maxims prevailed at the council-board, when the envoys from the independent church at Leyden preferred their requests. "Who shall make your ministers?" it was asked of them; and the avowal of their principle, that ordination requires no bishop, threatened to spoil all. To advance the dominions of England, King James esteemed "a good and honest motion; and fishing was an honest trade, the apostles' own calling;" yet he referred the suit to the prelates of Canterbury and London. Even while the negotiations were pending, a royal declaration constrained the Puritans of Lancashire to conform or leave the kingdom; and nothing more could be obtained for the wilds of America than an informal promise of neglect. On this the community relied, being advised not to entangle themselves with the bishops. "If there should afterward be a purpose to wrong us," thus they communed with themselves, "though we had a seal as broad as the house-floor, there would be means enough found to recall or reverse it. We must rest herein on God's providence."

Bancroft, Hist. of the U.S., vol.1, p.204

Better hopes seemed to dawn when, in 1619, the London company for Virginia elected for their treasurer Sir Edwin Sandys, who from the first had befriended the pilgrims. Under his presidency, so writes one of their number, the members of the company in their open court "demanded our ends of going; which being related, they said the thing was of God, and granted a large patent." As it was taken in the name of one who failed to accompany the expedition, the patent was never of any service. And, besides, the pilgrims, after investing all their own means, had not sufficient capital to execute their schemes.

Bancroft, Hist. of the U.S., vol.1, p.204

In this extremity, Robinson looked for aid to the Dutch. He and his people and their friends, to the number of four hundred families, professed themselves well inclined to emigrate to the country on the Hudson, and to plant there a new commonwealth under the command of the stadholder and the states general. The West India company was willing to transport them without charge, and to furnish them with, cattle; but when its directors petitioned the states general to promise protection to the enterprise against all violence from other potentates, the guest was found to be in conflict with the policy of the Dutch republic, and was refused.

Bancroft, Hist. of the U.S., vol.1, p.204 - p.205

The members of the church of Leyden, ceasing "to meddle with the Dutch, or to depend too much on the Virginia company," now trusted to their own resources and the aid of private friends. The fisheries had commended American expeditions to English merchants; and the agents from Leyden were able to form a partnership between their employers and men of business in London. The services of each emigrant were rated as a capital of ten pounds, and belonged to the company; all profits were to be reserved till the end of seven years, when the whole amount, and all houses and land, gardens and fields, were to be divided among the share-holders according to their respective interests. The London merchant, who risked one hundred pounds, would receive for his money tenfold as much as the penniless laborer for his services. This arrangement threatened a seven years' check to the pecuniary prosperity of the community; yet, as it did not interfere with civil rights or religion, it was accepted.

Bancroft, Hist. of the U.S., vol.1, p.205

And now, in July, 1620, the English at Leyden, trusting in God and in themselves, made ready for their departure. The ships which they had provided—the Speedwell, of sixty tons, the Mayflower, of one hundred and eighty tons—could hold but a minority of the congregation; and Robinson was therefore detained at Leyden, while Brewster, the governing elder, who was an able teacher, conducted "such of the youngest and strongest as freely offered themselves." A solemn fast was held. "Let us seek of God," said they, "a right way for us, and for our little ones, and for all our substance." Anticipating the sublime lessons of liberty that would grow out of their religious tenets, Robinson gave them a farewell, saying:

Bancroft, Hist. of the U.S., vol.1, p.205

"I charge you, before God and his blessed angels, that you follow me no farther than you have seen me follow the Lord Jesus Christ. The Lord has more truth yet to break forth out of his holy word. I cannot sufficiently bewail the condition of the reformed churches, who are come to a period in religion, and will go at present no farther than the instruments of their reformation. Luther and Calvin were great and shining lights in their times, yet they penetrated not into the whole counsel of God. I beseech you, remember it—'tis an article of your church covenant—that you be ready to receive whatever truth shall be made known to you from the written word of God."

Bancroft, Hist. of the U.S., vol.1, p.205 - p.206

"When the ship was ready to carry us away," writes Edward Winslow, "the brethren that stayed at Leyden, having again solemnly sought the Lord with us and for us, feasted us that were to go, at our pastor's house, being large; where we refreshed ourselves, after tears, with singing of psalms, making joyful melody in our hearts, as well as with the voice, there being many of the congregation very expert in music; and, indeed, it was the sweetest melody that ever mine ears heard. After this they accompanied us to Delft-Haven, where we went to embark, and then feasted us again; and, after prayer, performed by our pastor, when a flood of tears was poured out, they accompanied us to the ship, but were not able to speak one to another for the abundance of sorrow to part. But we only, going aboard, gave them a volley of small shot and three pieces of ordnance; and so, lifting up our hands to each other, and our hearts for each other to the Lord our God, we departed."

Bancroft, Hist. of the U.S., vol.1, p.206

In August the Mayflower and the Speedwell left Southampton for America. But as they were twice compelled to put back by the dismay of the captain of the Speedwell, at Plymouth "they agreed to dismiss her, and those who were willing returned to London, though this was very grievous and discouraging." Having thus winnowed their numbers, the little band, not of resolute men only, but wives, some far gone in pregnancy, children, infants, a floating village of one hundred and two souls, went on board the single ship, which was hired only to convey them across the Atlantic; and, on the sixth day of September, 1620, thirteen years after the first colonization of Virginia, they set sail for a new world.

Bancroft, Hist. of the U.S., vol.1, p.206

Had New England been colonized immediately on the discovery of the American continent, the old English institutions would have been planted with the Roman Catholic hierarchy; had the settlement been made under Elizabeth, it would have been before activity of the popular mind in religion had awakened a corresponding activity in politics. The pilgrims were Englishmen, Protestants, exiles for conscience, men disciplined by misfortune, cultivated by opportunities of wide observation, and equal in rank as in rights.

Bancroft, Hist. of the U.S., vol.1, p.206

The eastern coast of the United States abounds in convenient harbors, bays, and rivers. The pilgrims, having selected for their settlement the country on the Hudson, the best position on the whole coast, were conducted to the least fertile part of Massachusetts. After a boisterous voyage of sixty-three days, during which one person had died and one was born, they espied land; and, in two days more, on the ninth of November, cast anchor in the first harbor within Cape Cod. On the eleventh, before they landed, they formed themselves into a body politic by this voluntary compact:

Bancroft, Hist. of the U.S., vol.1, p.206 - p.207

"In the name of God, amen; we, whose names are underwritten, the loyal subjects of our dread Sovereign King James, having undertaken, for the glory of God, and advancement of the Christian faith, and honor of our king and country, a voyage to plant the first colony in the northern parts of Virginia, do, by these presents, solemnly and mutually, in the presence of God and one of another, covenant and combine ourselves together into a civil body politic, for our better ordering and preservation and furtherance of the ends aforesaid; and, by virtue thereof, to enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most convenient for the general good of the colony. Unto which we promise all due submission and obedience."

Bancroft, Hist. of the U.S., vol.1, p.207

This instrument was signed by the whole body of men, forty-one in number, who, with their families, constituted the one hundred and two, the whole colony, "the proper democracy," that arrived in New England. In the cabin of the Mayflower humanity recovered its rights, and instituted government on the basis of "equal laws" enacted by all the people for "the general good." John Carver was immediately and unanimously chosen governor for the year.

Bancroft, Hist. of the U.S., vol.1, p.207

Men who emigrate, even in well-inhabited districts, pray that their journey may not be in winter. Wasted by the rough voyage, scantily supplied with provisions, the English fugitives found themselves, in the last days of the year, on a bleak and barren coast, in a severe climate, with the ocean on one side and the wilderness on the other. The nearest French settlement was at Port Royal; it was five hundred miles to the English plantation at Virginia. As they attempted to disembark, the water was found so shallow that they were forced to wade; and, in the freezing weather, this sowed the seeds of consumption. The bitterness of mortal disease was their welcome to the inhospitable shore.

Bancroft, Hist. of the U.S., vol.1, p.207 - p.208

The spot for the settlement remained to be chosen. The shallop was unshipped, and it was a real disaster to find that it needed repairs. The carpenter made slow work, so that sixteen or seventeen days elapsed before it was ready for service. But Standish and Bradford and others, impatient of the delay, determined to explore the country by land. "In regard to the danger," the expedition "was rather permitted than approved." Much hardship was endured; but no beneficial discoveries could be made in the deep sands near Paomet creek. The first expedition in the shallop was likewise unsuccessful; "some of the people that died that winter took the original of their death" in the enterprise; "for it snowed and did blow all the day and night, and froze withal." The men who were set on shore "were tired with marching up and down the steep hills and deep valleys, which lay half a foot thick with snow." A heap of maize was discovered; and further search led to a burial-place of the Indians; but they found "no more corn, nor anything else but graves."

Bancroft, Hist. of the U.S., vol.1, p.208

On the sixth, the shallop was again sent out, with Carver, Bradford, Winslow, Standish, and others, and eight or ten seamen. The spray of the sea froze as it fell on them, and made their clothes like coats of iron. That day they reached Billingsgate point, half way to the bottom of the bay of Cape Cod, on the western shore of Wellfleet harbor. The next morning the party divided; those on land find a burial-place, graves, and four or five deserted wigwams, but neither people nor any place inviting a settlement. Before night they all met by the sea-side, and encamped near Namskeket, or Great Meadow creek.

Bancroft, Hist. of the U.S., vol.1, p.208 - p.209

On the eighth they rose at five; their morning prayers were finished, when, as the day dawned, a war-whoop and a flight of arrows announced an attack from Indians. They were of the tribe of the Nausites, who knew the English as kidnappers; but the encounter was without further result. Again the boat's crew give thanks to God, and steer their bark along the coast for the distance of fifteen leagues. But no convenient harbor is discovered. The pilot, who had been in these regions before, gives assurance of a good one, which may be reached before night; and they follow his guidance. After some hours' sailing, a storm of snow and rain begins; the sea swells; the rudder breaks; the boat must now be steered with oars; the storm increases; night is at hand; to reach the harbor before dark, as much sail as possible is borne; the mast breaks into three pieces; the sail falls overboard; but the tide is favorable. The pilot, in dismay, would have run the boat on shore in a cove full of breakers. "About with her," exclaimed a sailor, "or we are cast away." They get her about immediately; and, passing over the surf, they enter a fair sound, and shelter themselves under the lee of a small rise of land. It becomes dark, and the rain beats furiously. After great difficulty, they kindle a fire on shore.

Bancroft, Hist. of the U.S., vol.1, p.209

The light of the morning of the ninth showed them to be on a small island within the entrance of a harbor. The day was spent in rest and repairs. The next day was the "Christian sabbath," and the pilgrims kept it sacredly, though every consideration demanded haste.

Bancroft, Hist. of the U.S., vol.1, p.209

On Monday, the eleventh of December, old style, on the day of the winter solstice, the exploring party of the forefathers land at Plymouth. That day is kept as the origin of New England.

Bancroft, Hist. of the U.S., vol.1, p.209

The spot, when examined, promised them a home, and on the fifteenth the Mayflower was safely moored in its harbor. In memory of the hospitalities which the company had received at the last English port from which they had sailed, this oldest New England colony took the name of Plymouth. The system of civil government had been established by common agreement; the church had been organized before it left Leyden. As the pilgrims landed, their institutions were already perfected. Democratic liberty and independent Christian worship started into being.

Bancroft, Hist. of the U.S., vol.1, p.209

On the ninth of January, 1621, they began to build—a difficult task for men of whom one half were wasting away with consumptions and lung-fevers. For the sake of haste, it was agreed that every man should build his own house; but, though the winter was unwontedly mild, frost and foul weather were great hindrances; they could seldom work half of the week; and tenements rose slowly in the intervals between storms of sleet and snow.

Bancroft, Hist. of the U.S., vol.1, p.209

A few years before, a pestilence had swept away the neighboring tribes. Yet when, in February, a body of Indians from abroad was discovered hovering near, though disappearing when pursued, the colony was organized for defence, with Miles Standish as its captain. But dangers from the natives were not at hand.

Bancroft, Hist. of the U.S., vol.1, p.210

One day in March, Samoset, an Indian who had learned a little English of the fishermen at Penobscot, entered the town, and, passing to the rendezvous, exclaimed in English: "Welcome, Englishmen." He was the envoy of Massassoit himself, "the greatest commander of the country," sachem of the tribe possessing the land north of Narragansett bay, and between the rivers of Providence and Taunton. After some little negotiation, in which an Indian, who had been carried to England, acted as an interpreter, the chieftain came in person to visit the pilgrims. With their wives and children they amounted to no more than fifty. He was received with due ceremonies, and a treaty of friendship was completed in few and unequivocal terms. Both parties promised to abstain from mutual injuries, and to deliver up offenders; the colonists were to receive assistance, if attacked; to render it, if Massassoit should be attacked unjustly. The treaty included the confederates of the sachem; it is the oldest act of diplomacy recorded in New England; was concluded in a day; and was sacredly kept for more than half a century. Massassoit needed the alliance, for the powerful Narragansetts were his enemies; his tribe desired an interchange of commodities; while the emigrants obtained peace, security, and a profitable commerce.

Bancroft, Hist. of the U.S., vol.1, p.210

On the third of March, a south wind had brought warm and fair weather. "The birds sang in the woods most pleasantly." But spring had far advanced before the mortality grew less. It was afterward remarked, with modest gratitude, that, of the survivors, very many lived to an extreme old age. A shelter, not less than comfort, had been wanting; the living had been scarce able to bury the dead; the well too few to take care of the sick. At the season of greatest distress there were but seven able to render assistance. Carver, the governor, at his first landing, lost a son; by his care for the common good, he shortened his own days; and his wife, brokenhearted, followed him in death. Brewster was the life and stay of the plantation; but, he being its ruling elder, William Bradford, its historian, was chosen Carver's successor. The record of misery was kept by the graves of the governor and half the company.

Bancroft, Hist. of the U.S., vol.1, p.211

After sickness abated, privation and want remained to be encountered. Yet, when in April the Mayflower was despatched for England, not one returned in her, while just before autumn new emigrants arrived. In July, an embassy from the little colony to Massassoit, their ally, performed through the forests and on foot, confirmed the treaty of amity, and prepared the way for a trade in furs.

Bancroft, Hist. of the U.S., vol.1, p.211

The influence of the English over the aborigines was rapidly extended. A sachem, who menaced their safety, was compelled to sue for mercy; and, in September, nine chiefs subscribed an instrument of submission to King James. The bay of Massachusetts and harbor of Boston were explored. The supply of bread was scanty; but, at their rejoicing together after the harvest, the colonists had great plenty of wild fowl and venison, so that they feasted Massassoit with some ninety of his men.

Bancroft, Hist. of the U.S., vol.1, p.211

Canonicus, the sachem of the Narragansetts, whose territory had escaped the ravages of the pestilence, at first desired to treat of peace; in 1622, a bundle of arrows, wrapped in the skin of a rattlesnake, was his message of hostility. But, when Bradford sent back the skin stuffed with powder and shot, his courage quailed, and he sued for amity.

Bancroft, Hist. of the U.S., vol.1, p.211

The returns from agriculture were uncertain so long as the system of common property prevailed. After the harvest of 1623, there was no general want of food; in the spring of that year, each family planted for itself; and parcels of land, in proportion to numbers, were assigned for tillage, though not for inheritance. This arrangement produced contented labor and universal industry; "even women and children now went into the field to work." In the spring of 1624, every person obtained a little land in perpetual fee, and neat cattle were introduced. Before many harvests, so much corn was raised that the Indians, preferring the chase to tillage, looked to the men of Plymouth for their supply.

Bancroft, Hist. of the U.S., vol.1, p.211 - p.212

The fur trade was an object of envy; and Thomas Weston, who had been active among the London adventurers in establishing the colony, desired to engross its profits. In 1622, a patent for land near Weymouth, the first plantation in Boston harbor, was easily obtained; and sixty men were sent over. Helpless at their arrival, they intruded themselves, for most of the summer, upon the unrequited hospitality of the people of Plymouth. In their own plantation, they were soon reduced to necessity by their want of thrift and injustice toward the Indians; and a plot was formed for their destruction. But Massassoit revealed the design to his allies; and the planters at Weymouth were saved by the wisdom of the older colony and the intrepid gallantry of Standish. It was "his capital exploit." Some of the rescued men went to Plymouth; some sailed for England. One short year saw the beginning and decay of Weston's adventure.

Bancroft, Hist. of the U.S., vol.1, p.212

The partnership of the Plymouth men with English merchants proved oppressive; for it kept from them their pastor. Robinson and the rest of his church at Leyden were longing to rejoin their brethren; the adventurers in England refused to provide them a passage, and attempted, with but short success, to force upon the colony a clergyman more friendly to the established church. Offended by opposition, and discouraged at the small returns from their investments, they became ready to prey upon their associates in America. A ship was despatched to rival them in their business; goods, which were sent for their supply, were sold to them at an advance of seventy per cent. The curse of usury, which always falls so heavily upon new settlements, did not spare them; for, being left without help from the partners, they were obliged to borrow money at fifty per cent and at thirty per cent interest. At last the emigrants purchased the entire rights of the English adventurers; and the common property was equitably divided. For a six years' monopoly of trade, eight of the most enterprising men assumed all the engagements of the colony; so that the cultivators of the soil became really freeholders; neither debts nor rent-day troubled them.

Bancroft, Hist. of the U.S., vol.1, p.212 - p.213

Hardly were they planted in America when their enterprise took a wide range; before Massachusetts was settled, they had acquired rights at Cape Ann, as well as an extensive domain on the Kennebec; and they were the first of the English to establish a post on the Connecticut. But the progress of population was very slow; and at the end of ten years the colony contained no more than three hundred souls. Robinson died at Leyden; his heart was in America, where his memory will never die. The remainder of his people, and with them his wife and children, came over, so soon as means could be provided to defray the costs.

Bancroft, Hist. of the U.S., vol.1, p.213

The frame of civil government in the old colony was of the utmost simplicity. A governor was chosen by general suffrage, whose power, always subordinate to the common will, was, at the desire of Bradford, in 1624, restricted by a council of five, and, in 1633, of seven, assistants. In the council, the governor had but a double vote. There could be no law or imposition without consent of the freemen. For more than eighteen years "the whole body of the male inhabitants" constituted the legislature; the state was governed, like a town, as a strict democracy; and the people were frequently convened to decide on executive not less than on judicial questions. At length, in 1639, after the increase of population, and its diffusion over a wider territory, each town sent its committee to a general court.

Bancroft, Hist. of the U.S., vol.1, p.213

The men of Plymouth exercised self-government without the sanction of a royal charter, which it was ever impossible for them to obtain; it was, therefore, in themselves that their institutions found the guarantee for stability. They never hesitated to punish small offences; it was only after some scruples that they inflicted capital punishment. Their doubts being once removed, they exercised the same authority as the charter governments. Death was, by subsequent laws, made the penalty for several crimes, but was never inflicted except for murder. House-breaking and highway robbery were offences unknown in their courts, and too little apprehended to be made subjects of severe legislation.

Bancroft, Hist. of the U.S., vol.1, p.213 - p.214

"To enjoy religious liberty was the known end of the first comers' great adventure into this remote wilderness;" and they desired no increase but from the friends of their communion. Yet their residence in Holland had made them acquainted with various forms of Christianity; a wide experience had emancipated them from bigotry; and they were never betrayed into the excesses of religious persecution, though they sometimes permitted a disproportion between punishment and crime. In 1645, a majority of the house of delegates were in favor of an act to "allow and maintain full and free toleration to all men that would preserve the civil peace and submit unto government; and there was no limitation or exception against Turk, Jew, Papist, Arian, Socinian, Nicolaitan, Familist, or any other;" but the governor refused to put the question, and so stifled the law.

Bancroft, Hist. of the U.S., vol.1, p.214

It is as guides and pioneers that the fathers of the old colony merit gratitude. Through scenes of gloom and misery they showed the way to an asylum for those who would go to the wilderness for the liberty of conscience. Accustomed "in their native land to a plain country life and the innocent trade of husbandry," they set the example of colonizing New England with freeholders, and formed the mould for the civil and religious character of its institutions. They enjoyed, in anticipation, the fame which their successors would award to them. "Out of small beginnings," said Bradford, "great things have been produced; and, as one small candle may light a thousand, so the light here kindled hath shone to many, yea, in some sort to our whole nation." "Let it not be grievous to you"—such was the consolation offered from England to the pilgrims in the season of their greatest sufferings—"let it not be grievous to you that you have been instruments to break the ice for others. The honor shall be yours to the world's end." "Yea, the memory of the adventurers to this plantation shall never die."

Chapter 13:

New England's Plantation

Bancroft, Hist. of the U.S., vol.1, p.215

WHILE the king was engaged in the overthrow of the London company, its more loyal rival in the West of England sought new letters-patent with a great enlargement of their domain. The remonstrances of the Virginia corporation and the rights of English commerce could delay for two years, but not defeat, the measure that was pressed by the friends of the monarch. On the third of November, 1620, King James incorporated forty of his subjects—some of them members of his household and his government, the most wealthy and powerful of the English nobility—as "The Council established at Plymouth, in the county of Devon, for the planting, ruling, ordering, and governing New England, in America." The territory, which was conferred on them in absolute property, with unlimited powers of legislation and government, extended from the fortieth to the forty-eighth degree of north latitude, and from the Atlantic to the Pacific. The grant included the fisheries; and a revenue was considered certain from a duty to be imposed on all tonnage employed in them.

Bancroft, Hist. of the U.S., vol.1, p.215 - p.216

The patent placed emigrants to New England under the absolute authority of the corporation, and it was through grants from that plenary power, confirmed by the crown, that institutions the most favorable to colonial independence and the rights of mankind came into being. The French derided the action of the British monarch in bestowing lands and privileges which their own sovereign seventeen years before had appropriated. The English nation was incensed at the largess of immense monopolies by the royal prerogative; and in April, 1621, Sir Edwin Sandys brought the grievance before the house of commons. "Shall the English," he asked, "be debarred from the freedom of the fisheries—a privilege which the French and Dutch enjoy? It costs the kingdom nothing but labor, employs shipping, and furnishes the means of a lucrative commerce with Spain." "The fishermen hinder the plantations," replied Calvert; "they choke the harbors with their ballast, and waste the forests by improvident use. America is not annexed to the realm, nor within the jurisdiction of parliament. You have, therefore, no right to interfere." "We may make laws for Virginia," rejoined another member; "a bill passed by the commons and the lords, if it receive the king's assent, will control the patent." The charter, argued Sir Edward Coke, with ample reference to early statutes, was granted without regard to previously existing rights, and is therefore void by the established laws of England. But the parliament was dissolved before a bill could be perfected.

Bancroft, Hist. of the U.S., vol.1, p.216

In 1622, five-and-thirty sail of vessels went to fish on the coasts of New England, and made good voyages. The monopolists appealed to King James, and he issued a proclamation, which forbade any to approach the northern coast of America, except with the leave of their company or of the privy council. In June, 1623, Francis West was despatched as admiral of New England, to exclude such fishermen as came without a license. But they refused to pay the tax which he imposed, and his ineffectual authority was soon resigned.

Bancroft, Hist. of the U.S., vol.1, p.216

The company, alike prodigal of charters and tenacious of their monopoly, having, in December, 1622, given to Robert Gorges, the Son of Sir Ferdinando, a patent for a tract extending ten miles on Massachusetts bay and thirty miles into the interior, appointed him lieutenant-general of New England, with power "to restrain interlopers." Morell, an Episcopal clergyman, was provided with a commission for the superintendence of ecclesiastical affairs. In 1623, under this patent the colony at Weymouth was revived, to meet once more with ill fortune. Morell, remaining in New England about a year, wrote a description of the country in very good Latin verse. The attempt of Robert Gorges at colonization ended in a short-lived dispute with Weston.

Bancroft, Hist. of the U.S., vol.1, p.217

When, in 1624, parliament was again convened, the commons resolved that English fishermen should have fishing with all its incidents. "Your patent," thus Gorges was addressed by Coke from the speaker's chair, "contains many particulars contrary to the laws and privileges of the subject; it is a monopoly, and the ends of private gain are concealed under color of planting a colony." "Shall none," asked the veteran lawyer in debate, "shall none visit the sea-coast for fishing? This is to make a monopoly upon the seas, which wont to be free. If you alone are to pack and dry fish, you attempt a monopoly of the wind and the sun." It was in vain for Sir George Calvert to resist; the bill for free fishing was adopted, but it never received the royal assent.

Bancroft, Hist. of the U.S., vol.1, p.217

The determined opposition of the house, though it could not move the king to overthrow the corporation, paralyzed its enterprise; and the cottages, which, within a few years, rose along the coast from Cape Cod to the bay of Fundy, were the results of private adventure.

Bancroft, Hist. of the U.S., vol.1, p.217

Gorges, the most energetic member of the council of Plymouth, had not allowed repeated ill success to chill his confidence and decision; and he found in John Mason, "who had been governor of a plantation in Newfoundland, a man of action," like himself. It was not difficult for Mason, who had been elected an associate and secretary of the council, to obtain, in March, 1621, a grant of the lands between Salem river and the farthest head of the Merrimack; but he did no more with it than name it Mariana. In August, 1622, Gorges and Mason took a patent for Laconia, the country between the sea, the St. Lawrence, the Merrimack, and the Kennebec; a company of English merchants was formed, and under its auspices, in 1623, permanent plantations were established on the banks of the Piscataqua. Portsmouth and Dover are among the oldest towns in New England. In the same year an attempt was made by Christopher Lovett to colonize the county and city of York, for which, at a later day, collections were ordered to be taken up in all the churches of England.

Bancroft, Hist. of the U.S., vol.1, p.217 - p.218

When the country on Massachusetts bay was granted to a company, of which the zeal and success were soon to overshadow all the efforts of proprietaries and merchants, Mason procured a new patent; and, in November, 1629, he received a fresh title to the territory between the Merrimack and Piscataqua, in terms which in some degree interfered with the pretensions of his neighbors on the south. This was the patent for New Hampshire, and was pregnant with nothing so signally as suits at law. The region had been devastated by the mutual wars of the tribes and the same wasting pestilence which left New Plymouth a desert; no notice seems to have been taken of the rights of the natives, nor did they now issue any deed of their lands; but the soil in the immediate vicinity of Dover, and afterward of Portsmouth, was conveyed to the planters themselves, or to those at whose expense the settlement had been made. A favorable impulse was thus given to the little colonies; and houses began to be built on the "Strawberry Bank" of the Piscataqua. But the progress of the town was slow; Josselyn, in 1638, described the coast as a wilderness, with here and there a few huts scattered by the sea-side. Thirty years after its settlement, Portsmouth contained "between fifty and sixty families."

Bancroft, Hist. of the U.S., vol.1, p.218

When, in 1635, the charter of the council of Plymouth was about to be revoked, Mason extended his pretensions to the Salem river, the southern boundary of his first territory, and obtained of the expiring corporation a corresponding patent. But he died before the king confirmed his grant, and his family avoided further expense by leaving the few inhabitants of New Hampshire to take care of themselves.

Bancroft, Hist. of the U.S., vol.1, p.218 - p.219

The designs of Sir Ferdinando Gorges were continued without great success. His first act with reference to the territory of the present state of Maine was to invite the Scottish nation to become the guardians of its frontier. Sir William Alexander, the ambitious writer of turgid rhyming tragedies, a man of influence with King James, and desirous of engaging in colonial adventure, seconded the design; and, in September, 1621, he obtained without difficulty a patent for the territory east of the river St. Croix and south of the St. Lawrence. The region, which had already been included in the provinces of Acadia and New France, was named Nova Scotia. Thus were the seeds of future wars scattered broadcast; for James gave away lands which already, and with a better title on the ground of discovery, had been granted by Henry IV of France, and occupied by his subjects. Twice attempts were made to effect a Scottish settlement; but, notwithstanding a brilliant eulogy of the soil, climate, and productions of Nova Scotia, they were fruitless.

Bancroft, Hist. of the U.S., vol.1, p.219

It may be left to English historians to relate how much their country suffered from the childish ambition of King James to marry the prince of Wales to the daughter of the king of Spain. In the rash and unsuccessful visit of Prince Charles and Buckingham to Madrid, the former learned to cherish the fine arts, and to rivet his belief that the king of England was rightfully as absolute as the monarchs of France and Spain; the latter received accounts of abundance of gold in the valley of the Amazon, and, after his return, obtained a grant of the territory on that river, with the promise of aid in his enterprise from the king of Sweden.

Bancroft, Hist. of the U.S., vol.1, p.219

After the death of James, the marriage of Charles I with Henrietta Maria promised between the rival claimants of the wilds of Acadia a peaceful adjustment of jarring pretensions. Yet, even at that period, the claims of France were not recognised by England; and, in July, 1625, a new patent confirmed to Sir William Alexander all the prerogatives which had been lavished on him, with the right of creating an order of baronets. The sale of titles proved to the poet a lucrative traffic; the project of a colony was abandoned.

Bancroft, Hist. of the U.S., vol.1, p.219

The self-willed, feeble monarch of England, having twice abruptly dissolved parliament, and having vainly resorted to illegal modes of taxation, found himself destitute of money and of credit, and yet engaged in a war with Spain. At such a moment, in 1627, Buckingham, eager to thwart Richelieu, hurried England into a needless and disastrous conflict with France.

Bancroft, Hist. of the U.S., vol.1, p.219 - p.220

Hostilities were nowhere successfully attempted, except in America. In 1628, Port Royal fell easily into the hands of the English; the conquest was no more than the acquisition of a small trading station. Sir David Kirk and his two brothers, Louis and Thomas, were commissioned to ascend the St. Lawrence, and Quebec received a summons to surrender. The garrison, destitute alike of provisions and of military stores, had no hope but in the character of Champlain, its commander; his answer of proud defiance concealed his weakness, and the intimidated assailants withdrew. But Richelieu sent no seasonable supplies; the garrison was reduced to extreme suffering and the verge of famine; and when, in 1623, the squadron of Kirk reappeared before the town, Quebec capitulated. That is to say, England gained possession of a few wretched hovels, tenanted by a hundred famished men, and a fortress of which the English admiral could not but admire the position. Not a port in North America remained to the French; from Long Island to the pole, England had no rival. But, before the conquest of Canada was achieved, peace had been proclaimed; and, as an article in the treaty promised the restitution of all acquisitions made subsequent to April 14, 1629, Richelieu recovered not Quebec and Canada only, but Cape Breton and the undefined Acadia.

Bancroft, Hist. of the U.S., vol.1, p.220

From the scanty memorials which the earliest settlers of the coast east of New Hampshire have left, it is perhaps not possible to ascertain precisely when the fishing stages of a summer began to be transformed into permanent establishments. In 1626, the first settlement was probably made "on the Maine," a few miles from Monhegan, at the mouth of the Pemaquid.

Bancroft, Hist. of the U.S., vol.1, p.220 - p.221

Hardly had the settlement, which claimed the distinction of being the oldest on that coast, gained a permanent existence, before a succession of patents distributed the territory from the Piscataqua to the Penobscot among various proprietors. The grants issued from 1629 to 1631 were couched in vague language, and were made in hasty succession, without deliberation on the part of the council of Plymouth, and without any firm purpose of establishing colonies by those to whom they were issued. In consequence, as the neighborhood of the French foreboded border feuds, so uncertainty about land titles and boundaries threatened perpetual lawsuits. At the same time enterprise was wasted by its diffusion over too wide a surface. Every harbor along the sea was accessible, and groups of cabins were scattered at wide intervals, without any point of union. Agriculture was hardly attempted. The musket and the hook and line were more productive than the implements of husbandry. The farmers who came to occupy a district of forty miles square, named Lygonia, and stretching from Harpswell to the Kennebec, soon sought a home among the rising settlements of Massachusetts. Except for peltry and fish, the coast of Maine would not at that time have been tenanted by Englishmen.

Bancroft, Hist. of the U.S., vol.1, p.221

Yet, from pride of character, Gorges clung to the project of territorial aggrandizement. When, in February, 1635, Mason limited himself to the country west of the Piscataqua, while Sir William Alexander obtained of the Plymouth company a patent for the country between the St. Croix and the Kennebec, Gorges succeeded in soliciting the district that remained between the Kennebec and New Hampshire, and was named governor-general of New England. Without delay he sent his nephew, William Gorges, to govern his territory. Saco may have contained one hundred and fifty inhabitants when, in 1636, the first court ever duly organized on the soil of Maine was held within its limits. Before that time there may have been voluntary combinations of the settlers themselves; but there had existed on the Kennebec no power to prevent or to punish bloodshed. William Gorges remained in the country less than two years. Six Puritans of Massachusetts and Connecticut, who, in 1637, received a commission to act as his successors, declined the trust, and for two years no records of the infant settlements then called New Somersetshire can be found. In April, 1639, a royal charter constituted Gorges the lord proprietary of the country, for which the old soldier, who had never seen America, immediately aspired to establish boroughs, frame schemes of colonial government, and enact a code of laws.

Bancroft, Hist. of the U.S., vol.1, p.221

The region which lies but a little nearer the sun was already converted, by the energy of religious zeal, into a busy, well-organized, and even opulent state. The early history of Massachusetts is the history of a class of men as remarkable for their qualities and influence as any by which the human race has been diversified.

Bancroft, Hist. of the U.S., vol.1, p.221 - p.222

The settlement near Weymouth was kept up; a plantation was begun near Mount Wollaston, within the present limits of Quincy; and the merchants of the west continued their voyages to New England for fish and furs. But these things were of feeble moment, compared with the attempt at a permanent establishment near Cape Ann; by which Arthur Lake, bishop of Bath and Wells, and John White, the patriarch minister of Dorchester, Puritans, but not separatists, "occasioned, yea, founded the work" of colonization, on a higher principle than the desire of gain. "He would go himself but for his age," declared Lake shortly before his death. Roger Conant, having left New Plymouth for Nantasket, through a brother in England who was a friend of White, the minister, in 1625, obtained the agency of the adventure. A year's experience proved that the speculation must change its form or it would produce no results; the merchants, therefore, paid with honest liberality all the persons whom they had employed, and abandoned the unprofitable scheme. But Conant, a man of extraordinary vigor, "inspired as it were by some superior instinct," and confiding in the active friendship of White, succeeded in breathing a portion of his sublime courage into three of his companions; and, making choice of Salem as opening a convenient place of refuge for the exiles for religion, they resolved to remain as the sentinels of Puritanism on the bay of Massachusetts.

Bancroft, Hist. of the U.S., vol.1, p.222

In the year 1627, some friends being together in Lincolnshire fell into discourse about New England and the planting of the gospel there; and, after some deliberation, they imparted their reasons by letters and messages to some in London and the west country.

Bancroft, Hist. of the U.S., vol.1, p.222 - p.223 - p.224

"The business came afresh to agitation" in London; the project of colonizing by the aid of fishing voyages was given up; and from that city, Lincolnshire, and the west country, men of fortune and religious zeal, merchants and country gentlemen, the discreeter sort among the many who desired a reformation in church government, "offered the help of their purses" to advance "the glory of God" by establishing a colony of the best of their countrymen on the shores of New England. To facilitate the grant of a charter from the crown, they sought the concurrence of the council of Plymouth for New England; they were befriended in their application by the earl of Warwick, and obtained the approbation of Sir Ferdinando Gorges; and, on the nineteenth of March, 1628, that company, which had proved itself incapable of colonizing its domain, and could derive revenue only from sales of territory, disregarding a former grant of a large district on the Charles river, conveyed to Sir Henry Roswell, Sir John Young, Thomas Southcoat, John Humphrey, John Endecott, and Simon Whetcomb, a belt of land extending three miles south of the river Charles and the Massachusetts bay, and three miles north of every part of the river Merrimack, from the Atlantic to the Pacific Ocean, to be held by the same tenure as in the county of Kent. The grantees associated to themselves Sir Richard Saltonstall, Isaac Johnson, Matthew Cradock, Increase Nowell, Richard Bellingham, Theophilus Eaton, William Pynchon, and others, of whom nearly all united religious zeal with a capacity for vigorous action. Endecott—who, "ever since the Lord in mercy had revealed himself unto him," had maintained the straitest judgment against the outward form of God's worship as prescribed by English statutes; a man of dauntless courage, and that cheerfulness which accompanies courage; benevolent, though austere; firm, though choleric; of a rugged nature, which his stern principles of non-conformity had not served to mellow—was selected as a "fit instrument to begin this wilderness work." In 1628, before June came to an end, he was sent over as governor, assisted by a few men, having his wife and family for the companions of his voyage, the hostages of his irrevocable attachment to the New World. Arriving in safety in September, he united his own party and those who had gone there before him into one body, which counted in all not much above fifty or sixty persons. With these he founded the oldest town in the colony, soon to be called Salem, and extended some supervision over the waters of Boston harbor, then called Massachusetts bay, near which the lands were "counted the paradise of New England." At Charlestown an Englishman, one Thomas Walford, a blacksmith, dwelt in a thatched and palisaded cabin. William Blackstone, an Episcopal clergyman, a courteous recluse, gifted with the impatience of restraint which belongs to the pioneer, had seated himself on the opposite peninsula; the island now known as East Boston was occupied by Samuel Maverick, a prelatist, though son of a pious non-conformist minister of the west of England. At Nantasket and farther south, stragglers lingered near the seaside, attracted by the gains of a fishing station and a petty trade in beaver. The Puritan ruler visited the remains of Morton's unruly company in what is now Quincy, rebuked them for their profane revels, and admonished them "to look there should be better walking."

Bancroft, Hist. of the U.S., vol.1, p.224

After the departure of the emigrant ship from England, the company, counselled by White, an eminent lawyer, and supported by lord Dorchester, better known as Sir Dudley Carleton, who, in December, became secretary of state, obtained from the king a confirmation of their grant. It was the only way to secure the country as a part of his dominions; for the Dutch were already trading in the Connecticut river; the French claimed New England as within the limits of New France; and the prelatical party, which had endeavored again and again to colonize the coast, had tried only to fail. Before the news reached London of Endecott's arrival, the number of adventurers was much enlarged; on the second of March, 1629, an offer of "Boston men," that promised good to the plantation, was accepted; and on the fourth of the same month, a few days only before Charles I, in a public state paper, avowed his purpose of reigning without a parliament, the broad seal of England was put to the letters-patent for Massachusetts.

Bancroft, Hist. of the U.S., vol.1, p.224 - p.225

The charter, which was cherished for more than half a century as the most precious boon, constituted a body politic by the name of the Governor and Company of the Massachusetts Bay in New England. The administration of its affairs was intrusted to a governor, deputy, and eighteen assistants, who were annually, on the last Wednesday of Easter term, to be elected by the freemen or members of the corporation, and to meet once a month or oftener "for despatching such businesses as concerned the company or plantation." Four times a year the governor, assistants, and all the freemen were to be summoned to "one great, general, and solemn assembly;" and these "great and general courts" were invested with full powers to choose and admit into the company so many as they should think fit, to elect and constitute all requisite subordinate officers, and to make laws and ordinances for the welfare of the company and for the government of the lands and the inhabitants of the plantation, "so as such laws and ordinances be not contrary and repugnant to the laws and statutes of the realm of England."

Bancroft, Hist. of the U.S., vol.1, p.225

"The principle and foundation of the charter of Massachusetts," wrote Charles II at a later day, when he had Clarendon for his adviser, "was the freedom of liberty of conscience." The governor, or his deputy, or two of the assistants, was empowered, but not required, to administer the oaths of supremacy and allegiance to every person who should go to inhabit the granted lands; and, as the statutes establishing the common prayer and spiritual courts did not reach beyond the realm, the silence of the charter respecting them released the colony from their power. The English government did not foresee how wide a departure from English usages would grow out of the emigration of Puritans to America; but, as conformity was not required of the new commonwealth, the persecutions in England were a guarantee that the immense majority of emigrants would be fugitives who scrupled compliance with the common prayer. Freedom of Puritan worship was the purpose and the result of the colony. The proceedings of the company, moreover, did not fall under the immediate supervision of the king, and did not need his assent; so that self-direction, in ecclesiastical as well as civil affairs, passed to the patentees, subject only to conflicts with the undefined prerogative of the king, and the unsettled claim to superior authority by parliament.

Bancroft, Hist. of the U.S., vol.1, p.225

The company was authorized to transport to its territory any persons, whether English or foreigners, who would go willingly, would become lieges of the English king, and were not restrained "by especial name;" and they were encouraged to do so by a promise of favor to the commerce of the colony with foreign parts, and a total or partial exemption from duties for seven and for twenty-one years. The emigrants and their posterity were ever to be considered as natural-born subjects, entitled to all English liberties and immunities.

Bancroft, Hist. of the U.S., vol.1, p.225 - p.226

The corporate body alone was to decide what liberties the colonists should enjoy. All ordinances published under its seal were to be implicitly obeyed. Full legislative and executive authority was conferred on the company, but the place where it should hold its courts was not named.

Bancroft, Hist. of the U.S., vol.1, p.226

The charter had been granted in March; in April, the first embarkation was far advanced. The local government temporarily established for Massachusetts was to consist of a governor and thirteen councillors, of whom eight were to be appointed by the corporation in England; three were to be named by these eight; and, to complete the number, the old planters who intended to remain were "to choose two of the discreetest men among themselves."

Bancroft, Hist. of the U.S., vol.1, p.226

As the propagating of the gospel was the professed aim of the company, care was taken to make plentiful provision of godly ministers; all "of one judgment, and fully agreed on the manner how to exercise their ministry." One of them was Samuel Skelton, of Clare Hall, Cambridge, from whose faithful preachings Endecott had formerly received much good; a friend to the utmost equality of privileges in church and state. Another was the able, reverend, and grave Francis Higginson, of Jesus College, Cambridge, commended for his worth by Isaac Johnson, the friend of Hampden. Deprived of his parish in Leicester for non-conformity, he received the invitation to conduct the emigrants as a call from Heaven.

Bancroft, Hist. of the U.S., vol.1, p.226

Two other ministers were added, that there might be enough, not only to build up those of the English nation, but also to "wynne the natives to the Christian faith." "If any of the salvages," such were the instructions to Endecott, uniformly followed under the succeeding changes of government, "pretend right of inheritance to all or any part of the lands granted in our patent, endeavor to purchase their tytle, that we may avoid the least scruple of intrusion." "Particularly publish that no wrong or injury be offered to the natives." In pious sincerity, the company desired to redeem these wrecks of human nature; the colony seal was an Indian erect, with an arrow in his right hand, and the motto, "Come over and help us "—a device of which the appropriateness has been lost by the modern substitution of the line of Algernon Sidney, which invites to the quest of freedom by the sword.

Bancroft, Hist. of the U.S., vol.1, p.226 - p.227

The passengers for Salem included six shipwrights and an experienced surveyor, who was to give advice on the proper site for a fortified town, and, with Samuel Sharpe, master gunner of ordnance, was to muster all such as lived under the government, both planters and servants, and at appointed times to exercise them in the use of arms. A store of cattle, horses, and goats was put on shipboard. Before sailing, servants of ill life were discharged. "No idle drone may live among us," was the spirit as well as the law of the dauntless community. As Higginson and his companions were receding from the Land's End, he called his children and others around him to look for the last time on their native country, not as the scene of sufferings from intolerance, but as the home of their fathers, and the dwelling-place of their friends. During the voyage they "constantly served God, morning and evening, by reading and expounding a chapter in the Bible, singing and prayer." On "the sabbath they added preaching twice, and catechising;" and twice they "faithfully" kept "solemn fasts." The passage was "pious and Christian-like," for even "the ship-master and his religious company set their eight and twelve o'clock watches with singing a psalm and with prayer that was not read out of a book."

Bancroft, Hist. of the U.S., vol.1, p.227

In the last days of June, the band of two hundred arrived at Salem. They found eight or ten pitiful hovels, one larger tenement for the governor, and a few cornfields, as the only proofs that they had been preceded by their countrymen. The old and new planters, without counting women and children, formed a body of about three hundred, of whom the larger part were "godly Christians, helped hither by Isaac Johnson and other members of the company, to be employed in their work for a while, and then to live of themselves."

Bancroft, Hist. of the U.S., vol.1, p.227

To anticipate the intrusion of John Oldham, who was minded to settle himself on Boston bay, pretending a title to much land there by a grant from Robert Gorges, Endecott with all speed sent a large party, accompanied by a minister, to occupy Charlestown. On the neck of land, which was full of stately timber, with the leave of Sagamore John, the petty chief who claimed dominion over it, Graves, the surveyor, employed some of the servants of the company in building a "great house," and modelled and laid out the form of the town, with streets about the hill.

Bancroft, Hist. of the U.S., vol.1, p.228

To the European world the few tenants of the huts and cabins at Salem were too insignificant to merit notice; to themselves, they were chosen emissaries of God; outcasts from England, yet favorites with Heaven; destitute of security, of convenient food, and of shelter, and yet blessed as instruments selected to light in the wilderness the beacon of pure religion. They were not so much a body politic as a church in the wilderness, seeking, under a visible covenant, to have fellowship with God, as a family of adopted sons.

Bancroft, Hist. of the U.S., vol.1, p.228

"The governor was moved to set apart the twentieth of July to be a solemn day of humiliation, for the choyce of a pastor and a teacher at Salem." After prayer and preaching, "the persons thought on," presenting no claim founded on their ordination in England, acknowledged a twofold calling: the inward, which is of God, who moves the heart and bestows fit gifts; the outward, which is from a company of believers joined in covenant, and allowing to every member a free voice in the election of its officers. The vote was then taken by each one's writing in a note the name of his choice. Such is the origin of the use of the ballot on this continent; in this manner Skelton was chosen pastor and Higginson teacher. Three or four of the gravest members of the church then laid their hands on Skelton with prayer, and in like manner on Higginson: so that "these two blessed servants of the Lord came in at the door, and not at the window;" by the act of the congregation, and not by the authority of a prelate. A day in August was appointed for the election of ruling elders and deacons. The church, like that of Plymouth, was self-constituted, on the principle of the independence of each religious community. It did not ask the assent of the king, or recognise him as its head; its officers were set apart and ordained among themselves; it used no liturgy; it rejected unnecessary ceremonies, and reduced the simplicity of Calvin to a still plainer standard. The motives which controlled its decisions were so deeply seated that its practices were repeated spontaneously by Puritan New England.

Bancroft, Hist. of the U.S., vol.1, p.228 - p.229

There were a few at Salem by whom the new system was disapproved; and in John and Samuel Browne they found able leaders. Both were members of the colonial council: both were reputed "sincere in their affection for the good of the plantation;" they had been specially recommended to Endecott by the corporation in England; and one of them, an experienced lawyer, had been a member of the board of assistants. They refused to unite with the public assembly, and gathered a company, in which "the common prayer worship" was upheld. But should the emigrants, thus the colonists reasoned, give up the purpose for which they had crossed the Atlantic? Should the success of the colony be endangered by a breach of its unity, and the authority of its government overthrown by the confusion of an ever recurring conflict? They deemed the co-existence of their liberty and of prelacy impossible; anticipating invasions of their rights, they feared the adherents of the establishment as spies in the camp; and the form of religion from which they had suffered was repelled, not as a sect, but as a tyranny. "You are separatists," said the Brownes, in self-defence, "and you will shortly be Anabaptists." "We separate," answered the ministers, "not from the church of England, but from its corruptions. We came away from the common prayer and ceremonies, in our native land, where we suffered much for non-conformity; in this place of liberty we cannot, we will not, use them. Their imposition would be a sinful violation of the worship of God." The supporters of the liturgy were in their turn rebuked as separatists; their plea was reproved as sedition, their worship forbidden as a mutiny; and the Brownes were sent back to England, as men "factious and evil conditioned," who could not be suffered to remain within the limits of the grant, because they would not be conformable to its government. Thus was episcopacy professed in Massachusetts, and thus was it exiled.

Bancroft, Hist. of the U.S., vol.1, p.229

The Brownes, on their arrival in England, raised rumors of scandalous and intemperate speeches uttered by the ministers in their public sermons and prayers, and of rash innovations begun and practiced in the civil and ecclesiastical government. The returning ships carried with them numerous letters from the emigrants, and a glowing description of "New England's Plantation" by Higginson which was immediately printed and most eagerly and widely sought for.

Chapter 14:

Self-Government in Massachusetts

Bancroft, Hist. of the U.S., vol.1, p.230

THE concession of the Massachusetts charter seemed to the Puritans like a summons from Heaven, inviting them to America. England, by her persecutions, proved herself weary of her inhabitants, esteeming them more vile than the earth on which they trod. Habits of expense degraded men of moderate fortune; and the schools, which should be fountains of living waters, had become corrupt. What nobler work than to plant a church without a blemish where it might spread over a continent?

Bancroft, Hist. of the U.S., vol.1, p.230

But was it right, a scrupulous conscience demanded, to fly from persecutions? Yes, they answered, for persecutions might lead their posterity to abjure the truth. The certain misery of their wives and children was the most gloomy of their forebodings; but a stern sense of duty hushed the alarms of affection, and set aside all consideration of physical evils as the fears of too carnal minds. Respect for the rights of the natives offered an impediment more easily removed; much of the land from the Penobscot to Plymouth had been desolated by a fatal contagion, and the good leave of the surviving tribes might be purchased. The ill success of other plantations could not chill the rising enthusiasm; former enterprises had aimed at profit, the present object was purity of religion; the earlier settlements had been filled with a lawless multitude, it was now proposed to form a "peculiar government," and to colonize "THE BEST." Such were the "Conclusions," which were privately circulated among the Puritans of England.

Bancroft, Hist. of the U.S., vol.1, p.230 - p.231

At a general court, held on the twenty-eighth of July, 1629, Matthew Cradock, governor of the company, who had engaged himself beyond all expectation in the business, following out what seems to have been the early design, proposed "the transfer of the government of the plantation to those that should inhabit there." At the offer of freedom from subordination to the company in England, several "persons of worth and quality," wealthy commoners, zealous Puritans, were confirmed in the desire of founding a new and a better commonwealth beyond the Atlantic, even though it might require the sale of their estates, and hazard the inheritance of their children. To his father, who was the most earnest of them all, the younger Winthrop, then about four-and-twenty, wrote cheeringly: "I shall call that my country where I may most glorify God, and enjoy the presence of my dearest friends. Therefore herein I submit myself to God's will and yours, and dedicate myself to God and the company, with the whole endeavors both of body and mind. The Conclusions which you sent down are unanswerable; and it cannot but be a prosperous action which is so well allowed by the judgments of God's prophets, undertaken by so religious and wise worthies in Israel, and indented to God's glory in so special a service."

Bancroft, Hist. of the U.S., vol.1, p.231

On the twenty-sixth of August, at Cambridge, in England, twelve men, of large fortunes and liberal culture, among whom were John Winthrop, Isaac Johnson, Thomas Dudley, Richard Saltonstall, bearing in mind that the adventure could grow only upon confidence in each other's fidelity and resolution, bound themselves in the presence of God, by the word of a Christian, that if before the end of September an order of the court should legally transfer the whole government, together with the patent, they would themselves pass the seas to inhabit and continue in New England. Two days after this covenant had been executed, the subject was again brought before the court; a serious and long-continued debate ensued, and on the twenty-ninth of August a general consent appeared, by the erection of hands, that "the government and patent should be settled in New England."

Bancroft, Hist. of the U.S., vol.1, p.231 - p.232

This vote, by which the commercial corporation became the germ of an independent commonwealth, was simply a decision of the question where the future meetings of the company should be held; it was sanctioned by the best legal advice; its lawfulness was at the time not questioned by the privy council; at a later day was expressly affirmed by Sawyer, the attorney-general; and, in 1677, the chief justices Rainsford and North still described the "charter as making the adventurers a corporation upon the place." Similar patents were granted by the Long Parliament and Charles II, to be executed in Rhode Island and Connecticut; and Baltimore and Penn had an undisputed right to reside in their domains. The removal of the place of holding the courts from London to the bay of Massachusetts changed nothing in the relations of the company to the crown, and it conferred no franchise or authority on emigrants who were not members of the company; but the corporate body and their successors retained the chartered right of making their own selection of the persons whom they would admit to the freedom of the company. The conditions on which the privilege should be granted would control the political character of Massachusetts.

Bancroft, Hist. of the U.S., vol.1, p.232 - p.233

At a very full general court, convened on the twentieth of October for the choice of new officers out of those who were to join the plantation, John Winthrop, of Groton in Suffolk, of whom "extraordinary great commendations had been received both for his integrity and sufficiency, as being one altogether well fitted and accomplished for the place of governor," was by erection of hands elected to that office for one year from that day; and with him were joined a deputy and assistants, of whom nearly all proposed to go over. The greatness of the undertaking brought a necessity for a supply of money. It was resolved that the business should be proceeded in with its first intention, which was chiefly the glory of God; and to that purpose its meetings were sanctified by the prayers and guided by the advice of Archer and Nye, two faithful ministers in London. Of the old stock of the company, two thirds had been lost; the remainder, taken at its true value, with fresh sums adventured by those that pleased, formed a new stock, which was to be managed by ten undertakers, five chosen out of adventurers remaining in England and five out of the planters. The undertakers, receiving privileges in the fur trade and in transportation, assumed all engagements and charges, and after seven years were to divide the stock and profits; but their privileges were not asserted, and nine tenths of the capital were sunk in the expenses of the first year. There was nothing to show for the adventure but the commonwealth which it helped to found. Of ships for transporting passengers, Cradock furnished two. The large ship, the Eagle, purchased by members of the company, took the name of Arbella, from a sister of the earl of Lincoln, wife to Isaac Johnson, who was to sail in it. The corporation, which had not many more than one hundred and ten members, could not meet the continual outlays for colonization; another common stock was therefore raised from such as bore good affection to the plantation, to defray public charges, such as maintenance of ministers, transportation of poor families, building of churches and fortifications. To the various classes of contributors and emigrants, frugal grants of land promised some indemnity. In this manner, by the enterprise of the ten undertakers and other members of the company, especially of those who were ship-owners, by the contributions of Puritans in England, but mainly by the resources of the emigrants themselves, there were employed, during the season of 1630, seventeen vessels, which brought over not far from a thousand souls, besides horses, kine, goats, and all that was most necessary for planting, fishing, and shipbuilding.

Bancroft, Hist. of the U.S., vol.1, p.233 - p.234

As the hour of departure drew near, the hearts of some even of the strong began to fail. On the eighteenth of March, 1630, it became necessary at Southampton to elect three substitutes among the assistants; and, of these three, one never came over. Even after they had embarked, a court was held on board the Arbella, and Thomas Dudley was chosen deputy governor in the place of Humphrey, who stayed behind. It was principally the calm decision of Winthrop which sustained the courage of his companions. In him a yielding gentleness of temper and a never failing desire for unity and harmony were secured against weakness by deep but tranquil enthusiasm. His nature was touched by the sweetest sympathies of affection for wife, children, and associates; cheerful in serving others and suffering with them, liberal without reluctance, helpful without reproaching, in him God so exercised his grace that he discerned his own image and resemblance in his fellow-man, and cared for his neighbor like himself. He was of a sociable nature; so that "to love and be beloved was his soul's paradise," and works of mercy were the habit of his life. Parting from affluence in England, he unrepiningly went to meet impoverishment and premature age for the welfare of Massachusetts. His lenient benevolence tempered the bigotry of his companions, without impairing their resoluteness. An honest royalist, averse to pure democracy, yet firm in his regard for existing popular liberties; in his native parish, a conformist, yet wishing for "gospel purity;" in America, mildly aristocratic, advocating a government of "the least part," yet desiring that part to be "the wiser of the best;" disinterested, brave, and conscientious—his character marks the transition of the reformation into virtual republicanism. The sentiment of loyalty, which it was still intended to cherish, gradually yielded to the unobstructed spirit of civil freedom.

Bancroft, Hist. of the U.S., vol.1, p.234

England rung from side to side with the "general rumor of this solemn enterprise." On leaving the isle of Wight, Winthrop and the chief of his fellow-passengers on board the Arbella, including the ministers, bade an affectionate farewell "to the rest of their brethren in and of the church of England." "Reverend fathers and brethren," such was their address to them, "howsoever your charitie may have met with discouragement through the misreport of our intentions, or the indiscretion of some amongst us, yet we desire you would be pleased to take notice that the principals and body of our company esteem it our honor to call the church of England, from whence wee rise, our deare mother, and cannot part from our native countrie, where she specially resideth, without much sadnes of heart and many tears in our eyes; blessing God for the parentage and education, as members of the same body, and, while we have breath, we shall syncerely indeavour the continuance and abundance of her welfare.

Bancroft, Hist. of the U.S., vol.1, p.234 - p.235

"Be pleased, therefore, reverend fathers and brethren, to helpe forward this worke now in hand; which, if it prosper, you shall bee the more glorious. It is a usuall exercise of your charity to recommend to the prayers of your congregations the straights of your neighbours: do the like for a church springing out of your owne bowels; pray without ceasing for us, who are a weake colony from yourselves.

Bancroft, Hist. of the U.S., vol.1, p.235

"What we intreat of you that are ministers of God, that we crave at the hands of all the rest of our brethren, that they would at no time forget us in their private solicitations at the Throne of Grace. If any, through want of cleare intelligence of our course, or tenderness of affection towards us, cannot conceive so well of our way as we could desire, we would intreat such not to desert us in their prayers, and to express their compassion towards us.

Bancroft, Hist. of the U.S., vol.1, p.235

"What goodness you shall extend to us, wee, your brethren in Christ Jesus, shall labour to repay; wishing our heads and hearts may be as fountains of tears for your everlasting welfare, when wee shall be in our poore cottages in the wildernesse, overshadowed with the spirit of supplication, through the manifold necessities and tribulations which may not altogether unexpectedly, nor, we hope, unprofitably befall us."

Bancroft, Hist. of the U.S., vol.1, p.235 - p.236

About seven hundred persons or more—most of them Puritans, inclining to the principles of the Independents; not conformists, but not separatists; many of them men of high endowments and large fortune; scholars, well versed in the learning of the times; clergymen, who ranked among the best educated and most pious in the realm—embarked with Winthrop in eleven ships, bearing with them the charter which was to be the warrant of their liberties. The land was to be planted with a noble vine, wholly of the right seed. The principal emigrants were a community of believers, professing themselves to be fellow-members of Christ; not a school of philosophers, proclaiming universal toleration and inviting associates without regard to creed. They desired to be bound together in a most intimate and equal intercourse, for one and the same great end. They knew that they would be as a city set upon a hill, and that the eyes of all people were upon them. Reverence for their faith led them to pass over the vast seas to the good land of which they had purchased the exclusive possession, with a charter of which they had acquired the entire control, for the sake of reducing to practice the system of religion and the forms of civil liberty which they cherished more than life itself. They constituted a corporation to which they themselves might establish the terms of admission. They kept firmly in their own hands the key to their asylum, and were resolved on closing its doors against the enemies of its unity, its safety, and its peace.

Bancroft, Hist. of the U.S., vol.1, p.236

"The worke wee have in hand," these are Winthrop's words on board the Arbella during the passage, "is by a mutuall consent, through a speciall overruling Providence, and a more than ordinary approbation of the churches of Christ, to seeke out a place of cohabitation and consorteshipp under a due forme of government both civill and ecclesiastical. For this wee are entered into covenant with God; for this wee must be knitt together as one man, allways having before our eyes our commission as members of the same body. Soe shall wee keepe the unitie of the spirit in the bond of peace. The Lord will be our God, and delight to dwell among us, as his owne people; wee shall see much more of his wisdome, power, goodness, and truthe, than formerly wee have been acquainted with; hee shall make us a prayse and glory, that men shall say of succeeding plantations, 'The Lord make it likely that of New England.'"

Bancroft, Hist. of the U.S., vol.1, p.236 - p.237

After sixty-one days at sea, the Arbella came in sight of Mount Desert; on the tenth of June, the White Hills were descried afar off; near the isle of Shoals and Cape Ann the sea was enlivened by the shallops of fishermen; and on the twelfth, as the ship came to anchor outside of Salem harbor, it was visited by William Peirce, of the Lyon, whose frequent voyages had given him experience as a pilot on the coast. Winthrop and his companions came full of hope; they found the colony in an "unexpected condition" of distress. Above eighty had died the winter before. Higginson himself was wasting under a hectic fever; many others were weak and sick; all the corn and bread among them was hardly a fit supply for a fortnight. The survivors of one hundred and eighty servants, who had been sent over in the two years before at a great expense, instead of having prepared a welcome, thronged to the newcomers to be fed; and were set free from all engagements, for their labor, urgent as was the demand for it, was worth less than the cost of their support. Famine threatened to seize the emigrants as they stepped on shore; and it soon appeared necessary for them, even at a ruinous expense, to send the Lyon to Bristol for food.

Bancroft, Hist. of the U.S., vol.1, p.237 - p.238

To seek out a place for their plantation, since Salem pleased them not, Winthrop, on the seventeenth of June, sailed into Boston harbor. The west country men, who, before leaving England, had organized their church with Maverick and Warham for ministers, and who in a few years were to take part in calling into being the commonwealth of Connecticut, were found at Nantasket, where they had landed just before the end of May. Winthrop ascended the Mystic a few miles, and on the nineteenth took back to Salem a favorable report of the land on its banks. Dudley and others, who followed, preferred the country on the Charles river at Watertown. By common consent, early in the next month the removal was made, with much cost and labor, from Salem to Charlestown. But, while drooping with toil and sorrow, fevers consequent on the long voyage, and the want of proper food and shelter, twelve ships having arrived, the colonists kept the eighth of July as a day of thanksgiving. The emigrants had intended to dwell together, but in their distress they planted where each was inclined. A few remained at Salem; others halted at the Saugus, and founded Lynn. The governor was for the time at Charlestown, where the poor "lay up and down in tents and booths round the hill." On the other side of the river the little peninsula, scarce two miles long by one broad, marked by three hills, and blessed with sweet and pleasant springs, safe pastures, and land that promised "rich cornfields and fruitful gardens," attracted, among others, William Coddington, of Boston in England, who, in friendly relations with William Blackstone, built the first good house there, before it took the name which was to grow famous throughout the world. Some planted on the Mystic, in what is now Maiden. Others, with Sir Richard Saltonstall and George Phillips, "a godly minister specially gifted, and very peaceful in his place," made their abode at Watertown; Pynchon and a few began Roxbury; Ludlow and Rossiter, two of the assistants, with the men from the west of England, after wavering in their choice, took possession of Dorchester Neck, now South Boston. The dispersion of the company was esteemed a grievance; but it was no time for crimination or debate, and those who had health made haste to build. Winthrop himself, "givinge good example to all the planters, wore plaine apparell, drank ordinarily water, and, when he was not conversant about matters of justice, put his hand to labor with his servants."

Bancroft, Hist. of the U.S., vol.1, p.238 - p.239

On Friday, the thirtieth of July, a fast was held at Charlestown; and, after prayers and preaching, Winthrop, Dudley, Isaac Johnson, and Wilson united themselves by covenant into one "congregation," as a part of the visible church militant. On the next Lord's Day others were received; and the members of this body could alone partake of the Lord's Supper, or present their children for baptism. They were all brothers and equals; they revered, each in himself, the dignity of God's image, and nursed a generous reverence for one another; bound to a healing superintendence over each other's lives, they exercised no discipline to remove evil out of the inmost soul, except the censure of the assembly of the faithful, whom it would have been held grievous to offend. This church, the seminal centre of the ecclesiastical system of Massachusetts, was gathered while Higginson was yet alive; on the sixth of August be gave up the ghost with joy, for the future greatness of New England and the coming glories of its many churches floated in cheerful visions before his eyes. When, on the twenty-third of August, the first court of assistants on this side the water was held at Charlestown, how the ministers should be maintained took precedence of all other business; and it was ordered that houses should be built for them, and support provided at the common charge. Four days later the men "of the congregation" kept a fast, and, after their own free choice of John Wilson for their pastor, they themselves set him apart to his office by the imposition of hands, yet without his renouncing his ministry received in England. In like manner the ruling elder and deacons were chosen and installed. Thus was constituted the body which, crossing the Charles river, became known as the First Church of Boston. It embodied the three great principles of Congregationalism; a right faith attended by a true religious experience as the requisite qualifications for membership; the equality of all believers, including the officers of the church; the equality of the several churches, free from the jurisdiction of ecclesiastical court or bishop, free from the jurisdiction of one church over another, free from the collective authority of them all.

Bancroft, Hist. of the U.S., vol.1, p.239

The civil government was exercised with mildness and impartiality, yet with determined vigor. Justices of the peace were commissioned with the powers of those in England. On the seventh of September, names were given to Dorchester, Watertown, and Boston, which thus began their career as towns under sanction of law. Quotas were settled and money levied. The interloper who dared to "confront" the public authority was sent to England, or enjoined to depart out of the limits of the patent.

Bancroft, Hist. of the U.S., vol.1, p.239

As the year for which Winthrop and his assistants had been chosen was coming to an end, on the nineteenth of October, 1630, a general court, the first in America, was held at Boston. Of members of the company, less than twenty had come over. One hundred and eight inhabitants, some of whom were old planters, were now, at their desire, admitted to be freemen. The former officers of government were continued; as a rule for the future, "it was propounded to the people, and assented unto by the erection of hands, that the freemen should have power to choose assistants, when any were to be chosen, the assistants to choose from among themselves the governor and his deputy." The rule implied a purpose to retain continuously in the board any person once elected magistrate, and revealed a natural anxiety respecting the effect of the large creation of freemen which had just been made, and by which the old members of the company had abdicated their controlling power in the court; but, as it was ill conflict with the charter, it could have no permanence.

Bancroft, Hist. of the U.S., vol.1, p.239 - p.240 - p.241

During these events, the emigrants, miserably lodged, beheld their friends "weekly, yea, almost daily, drop away before their eyes;" in a country abounding in secret fountains, they pined for the want of good water. Many of them had been accustomed to plenty and ease, the refinements and the conveniences of luxury. Woman was there to struggle against unforeseen hardships, unimagined sorrows; the men, who defied trials for themselves, were miserable at beholding those whom they cherished dismayed by the horrors which encompassed them. The virtues of the lady Arbella Johnson could not break through the gloom; she had been ill before her arrival, and grief hurried her to the grave. Her husband, a wise and holy man, in life "the greatest furtherer of the plantation," and by his bequests a large benefactor of the infant state, sank under disease and afflictions; but "he died willingly and in sweet peace," making a "most godly end." Winthrop lost a son, who left a widow and children in England. A hundred or more, some of them of the board of assistants, men who had been trusted as the inseparable companions of the common misery or the common success, disheartened by the scenes of woe, and dreading famine and death, deserted Massachusetts, and sailed for England, while Winthrop remained, "parent-like, to distribute his goods to brethren and neighbors." Before December, two hundred, at the least, had died. Yet, as the brightest lightnings are kindled in the darkest clouds, the general distress did but augment the piety and confirm the fortitude of the colonists. Their earnestness was softened by the mildest sympathy with one another, while trust in Providence kept guard against despair. Not a trace of repining appears in their records; the congregations always assembled at the stated times, whether in the open fields or under the shade of an ancient oak; in the midst of want, they abounded in hope; in the solitudes of the wilderness, they believed themselves watched over by an omnipresent Father. Honor is due not less to those who perished than to those who survived; to the martyrs, the hour of death was an hour of triumph. For that placid resignation, which diffuses grace round the bed of sickness, and makes death too serene for sorrow and too beautiful for fear, no one was more remarkable than the daughter of Thomas Sharpe, whose youth and sex and unequalled virtues won the eulogies of the austere Dudley. Even children caught the spirit of the place, and, in tranquil faith, went to the grave full of immortality. The survivors bore all things meekly, "remembering the end of their coming hither." "We here enjoy God and Jesus Christ," wrote Winthrop to his wife, whom pregnancy had detained in England, "and is not this enough? I thank God I like so well to be here, as I do not repent my coming. I would not have altered my course, though I had foreseen all these afflictions. I never had more content of mind."

Bancroft, Hist. of the U.S., vol.1, p.241

The supply of bread was nearly exhausted, when, on the fifth of February, 1631, after a long and stormy passage, the timely arrival of the Lyon from Bristol, laden with provisions, caused public thanksgiving through all the plantations. Yet the ship brought but twenty passengers, and quenched all hope of immediate accessions. In 1631, ninety only came over, fewer than had gone back the preceding year; in 1632, no more than two hundred and fifty arrived. Men waited to learn the success of the early adventurers. Those who had deserted excused their cowardice by defaming the country; and, moreover, ill-willers to New England were already railing against its people as separatists from the established church and traitors to the king.

Bancroft, Hist. of the U.S., vol.1, p.241

The colony, now counting not many more than one thousand souls, while it developed its principles with unflinching courage, desired to avoid giving scandal to the civil and ecclesiastical government in England. Wilson was on the point of returning to bring over his wife; his church stood in special need of a teacher in his absence, and a young minister, "lovely in his carriage," "godly and zealous, having precious gifts," opportunely arrived in the Lyon. It was Roger Williams. "From his childhood, the Father of lights and mercies touched his soul with a love to himself, to his only-begotten Son, the true Lord Jesus, and his holy scriptures." In the forming period of his life he had been employed by Sir Edward Coke, and his natural inclination to study and activity was spurred on by the instruction and encouragement of the statesman, who was then, "in his intrepid and patriotic old age, the strenuous asserter of liberty on the principles of ancient laws," and, by his writings, speeches, and example, lighted the zealous enthusiast on his way. Through the affection of the great lawyer, who called him endearingly his son, "the youth," in whom all saw good hope, was sent to the Charter House in 1621, and passed with honor from that school to Pembroke College, in Cambridge, where he took a degree; but his clear mind went far beyond his patron in his persuasions against bishops, ceremonies, and the national church.

Bancroft, Hist. of the U.S., vol.1, p.242

Pursued by Laud out of his native land, he had revolved the nature of intolerance, and had arrived at its only effectual remedy, the sanctity of conscience. In soul matters, he would have no weapons but soul weapons. The civil magistrate should restrain crime, but never control opinion; should punish guilt, but never violate inward freedom. The principle contained within itself an entire reformation of theological jurisprudence: it would blot from the statute-book the felony of non-conformity; would quench the fires that persecution had so long kept burning; would repeal every law compelling attendance on public worship; would abolish tithes and all forced contributions to the maintenance of religion; would give an equal protection to every form of religious faith; and never suffer the force of the government to be employed against the dissenters' meeting-house, the Jewish synagogue, or the Roman cathedral. In the unwavering assertion of his views, he never changed his position; the sanctity of conscience was the great tenet which, with all its consequences, he defended, as he first trod the shores of New England; and, in his extreme old age, it was still the desire of his heart. The doctrine was a logical consequence of either of the two great distinguishing principles of the reformation, as well of justification by faith alone as of the equality of all believers; and it was sure to be one day accepted by the whole Protestant world. But it placed the emigrant in direct opposition to the system of the founders of Massachusetts, who were bent on making the state a united body of believers.

Bancroft, Hist. of the U.S., vol.1, p.242

On landing in Boston, Roger Williams found himself unable to join with its church members. He had separated from the establishment in England, which wronged conscience by disregarding its scruples; they were "an unseparated people," who refused to renounce communion with their persecutors; he would not suffer the magistrate to assume jurisdiction over the soul by punishing what was no more than a breach of the first table, an error of conscience or belief; they were willing to put the whole decalogue under the guardianship of the civil authority. The thought of employing him as a minister was therefore abandoned, and the church of Boston was, in Wilson's absence, commended to "the exercise of prophecy."

Bancroft, Hist. of the U.S., vol.1, p.243

The death of Higginson had left Salem in want of a teacher, and in April it called Williams to that office. Winthrop and the assistants "marvelled" at the precipitate choice; and, by a letter to Endecott, they desired the church to forbear. The warning was heeded, and Roger Williams withdrew to Plymouth.

Bancroft, Hist. of the U.S., vol.1, p.243 - p.244

The government was still more careful to protect the privileges of the colony from "episcopal and malignant practices," against which they had been cautioned from England. For that purpose, at the general court convened in May after "the corn was set," an oath of fidelity was offered to the freemen, binding them "to be obedient and conformable to the laws and constitutions of this commonwealth, to advance its peace, and not to suffer any attempt at making any change or alteration of the government contrary to its laws." One hundred and eighteen of "the commonalty" took this oath; the few who refused were never "betrusted with any public charge or command." The old officers were again continued in office without change, but "the commons" asserted their right of annually adding or removing members from the bench of magistrates. And a law of still greater moment, pregnant with evil and with good, at the same time narrowed the elective franchise: "To the end this body of the commons may be preserved of honest and good men, it was ordered and agreed that, for the time to come, no man shall be admitted to the freedom of this body politic but such as are members of some of the churches within the limits of the same." Thus the polity became a theocracy; God himself was to govern his people; and the "saints by calling," whose names an immutable decree had registered from eternity as the objects of divine love, whose election had been visibly manifested by their conscious experience of religion in the heart, whose union was confirmed by the most solemn compact formed with Heaven and one another around the memorials of a crucified Redeemer, were, by the fundamental law of the colony, constituted the oracle of the divine will. An aristocracy was founded; not of wealth, but of those who had been ransomed at too high a price to be ruled by polluting passions, and had received the seal of divinity in proof of their fitness to do "the noblest and godliest deeds." Other states have confined political rights to the opulent, to freeholders, to the first-born; the Calvinists of Massachusetts, refusing any share of civil power to the clergy, established the reign of the visible church, a commonwealth of the chosen people in covenant with God.

Bancroft, Hist. of the U.S., vol.1, p.244

The dangers apprehended from England seemed to require a union consecrated by the holiest rites. The public mind of the colony was in other respects ripening for democratic liberty. It could not rest satisfied with leaving the assistants in possession of all authority, and of an almost independent existence; and the magistrates, with the exception of the passionate Ludlow, were willing to yield. It was therefore agreed, at the next general court, that the governor and assistants should be annually chosen. The people, satisfied with the recognition of their right, re-elected their former magistrates with silence and modesty. The germ of a representative government was already visible; each town was ordered to choose two men, to appear at the next court of assistants, and concert a plan for a public treasury. The measure had become necessary, for a levy, made by the assistants alone, had awakened alarm and opposition.

Bancroft, Hist. of the U.S., vol.1, p.244

While a happy destiny was thus preparing for Massachusetts a representative government, relations with the natives were extended. In April, 1631, there came from the banks of the Connecticut the sagamore of the Mohegans, to extol the fertility of his country, and solicit an English plantation as a bulwark against the Pequods; in May, the nearer Nipmucks invoked the aid of the emigrants against the tyranny of the Mohawks; and in July, the son of the aged Canonicus exchanged presents with the governor.

Bancroft, Hist. of the U.S., vol.1, p.244

In August, 1632, Miantonomoh himself, the great warrior of the Narragansetts, the youthful colleague of Canonicus, became a guest at the board of Winthrop, and was present with the congregation at a sermon from Wilson.

Bancroft, Hist. of the U.S., vol.1, p.244 - p.245

To perfect friendship with the pilgrims, the governor of Massachusetts, with Wilson, pastor of Boston, near the end of October, 1632, repaired to Plymouth. From the south shore of Boston harbor it was a day's journey, for they travelled on foot. In honor of the great event, Bradford and Brewster, the governor and elder of the old colony, came forth to meet them and conduct them to the town, where they were kindly entertained and feasted. "On the Lord's Day they did partake of the sacrament;" in the afternoon, a question was propounded for discussion; the pastor spoke briefly; the teacher prophesied; the governor of Plymouth, the elder, and others of the congregation took part in the conference, which, by express desire, was closed by the guests from Boston. Thus was fellowship confirmed with Plymouth. From the Chesapeake a rich freight of corn had been received, and trade was begun with the Dutch at Hudson river.

Bancroft, Hist. of the U.S., vol.1, p.245 - p.246

These better auspices and the invitations of Winthrop won new emigrants from Europe. In 1633, during the long summer voyage of the two hundred passengers who freighted the Griffin, three sermons a day beguiled their weariness. Among them was Haynes, a man of very large estate, and larger affections; of a "heavenly" mind and a spotless life; of rare sagacity and accurate but unassuming judgment; by nature tolerant, ever a friend to freedom, ever conciliating peace; an able legislator; dear to the people by his benevolent virtues and his disinterested conduct. Then also came the most revered spiritual teachers of two commonwealths: the acute and subtile John Cotton, the son of a Puritan lawyer; eminent at Cambridge as a scholar; quick in the nice perception of distinctions, and pliant in dialectics; in manner persuasive rather than commanding; skilled in the fathers and the schoolmen, but finding all their wisdom compactly stored in Calvin; deeply devout by nature as well as habit from childhood; hating heresy and still precipitately eager to prevent evil actions by suppressing ill opinions, yet verging toward a progress in truth and in religions freedom; an avowed enemy to democracy, which he feared as the blind despotism of animal instincts in the multitude, yet opposing hereditary power in all its forms; desiring a government of moral opinion, according to the laws of universal equity, and claiming "the ultimate resolution for the whole body of the people;" and Thomas Hooker, of vast endowments, a strong will, and an energetic mind; ingenuous in his temper, and open in his professions; trained to benevolence by the discipline of affliction; versed in tolerance by his refuge in Holland; choleric, yet gentle in his affections; firm in his faith, yet readily yielding to the power of reason; the peer of the reformers without their harshness; the devoted apostle to the humble and the poor, severe toward the proud, mild in his soothings of a wounded spirit, glowing with the raptures of devotion, and kindling with the messages of redeeming love; his eye, voice, gesture, and whole frame animate with the living vigor of heart-felt religion; public-spirited and lavishly charitable; and, "though persecutions and banishments had awaited him as one wave follows another," ever serenely blessed with "a glorious peace of soul;" fixed in his trust in Providence, and in his adhesion to that cause of advancing civilization, which he cherished always, even while it remained to him a mystery. This is he whom, for his abilities and services, his contemporaries placed "in, the first rank" of men; praising him as "the one rich pearl, with which Europe more than repaid America for the treasures from her coast." The people to whom Hooker ministered had preceded him; on the fourth of September, as he landed, they crowded about him with their welcome. With open arms he embraced them, and answered: "Now I live, if ye stand fast in the Lord."

Bancroft, Hist. of the U.S., vol.1, p.246

Thus recruited, the little band in Massachusetts grew more jealous of its liberties. "The prophets in exile see the true forms of the house." By a common impulse, the freemen of the towns, in 1634, chose deputies to consider in advance the duties of the general court. The charter plainly gave legislative power to the whole body of the freemen; if it allowed representatives, thought Winthrop, it was only by inference; and, as the whole people could not always assemble, the chief power, it was argued, lay necessarily with the assistants.

Bancroft, Hist. of the U.S., vol.1, p.246 - p.247

Far different was the reasoning of the people. To check the democratic tendency, Cotton, on the election day, in May, preached to the assembled freemen against rotation in office. The right of an honest magistrate to his place was like that of a proprietor to his freehold. But the electors, now between three and four hundred in number, were bent on exercising "their absolute power," and, reversing the recommendation of the pulpit, chose a new governor and deputy. The mode of taking the votes was at the same time reformed; and, instead of the erection of hands, the ballot-box was introduced. "The people established a reformation of such things as they judged to be amiss in the government."

Bancroft, Hist. of the U.S., vol.1, p.247

It was further decreed that the whole body of the freemen should be convened only for the election of the magistrates; to these, with deputies to be chosen by the several towns, the powers of legislation and appointment were henceforward intrusted. The trading corporation became a representative democracy.

Bancroft, Hist. of the U.S., vol.1, p.247

The law against arbitrary taxation followed. None but the immediate representatives of the people might dispose of lands or raise money. Thus early did Massachusetts echo the voice of Virginia, like deep calling unto deep. The state was filled with the hum of village politicians; "the freemen of every town on the bay were busily inquiring into their liberties and privileges." With the exception of the principal of universal suffrage, the representative democracy was as perfect two centuries ago as it is to-day. Even the magistrates, who acted as judges, held their office by the annual popular choice. "Elections cannot be safe there long," said the lawyer Lechford. The same prediction has been made these two hundred and fifty years. The public mind, ever in perpetual agitation, is still easily shaken, even by slight and transient impulses; but, after all vibrations, it follows the laws of the moral world, and safely recovers its balance.

Bancroft, Hist. of the U.S., vol.1, p.247 - p.248

To limit the discretion of the executive, of which the people were persistently jealous, they next demanded a written constitution; and, in May, 1635, a commission was appointed "to frame a body of grounds of laws in resemblance to a magna charta," to serve as a bill of rights, on which the ministers, as well as the general court, were to pass judgment. A year having passed without a report, the making of a draft of laws was intrusted to a larger committee, of which Cotton was a member. His colleagues remained inactive, but Cotton compiled in an exact method "all the judicial laws from God by Moses, so far as they were of moral, that is, of perpetual and universal, equity;" and be urged the establishment of a "theocraty, God's government over God's people." But his code was never adopted. In March, 1638, the several towns were ordered before the coming June to deliver in writing to the governor the heads of the laws which they held to be necessary and fundamental; and, from these materials and their own wisdom, a numerous body, of whom Nathaniel Ward was one, were instructed to perfect the work.

Bancroft, Hist. of the U.S., vol.1, p.248

The relative powers of the assistants and the deputies remained for nearly ten years—from 1634 to 1644—the subject of discussion and contest. Both were elected by the people; the former by the whole colony, the latter by the several towns. The two bodies sat together in convention for the transaction of business; but, when their joint decision displeased the assistants, the latter claimed and exercised the further right of a separate negative vote on their joint proceedings. The popular branch grew impatient, and desired to overthrow the veto power; yet the authority of the patricians was for the time maintained, sometimes by wise delay, sometimes by "a judicious sermon."

Bancroft, Hist. of the U.S., vol.1, p.248

The controversy had required the arbitrament of the elders, for the rock on which the state rested was religion; a common faith had gathered, and still bound the people together. They were exclusive, for they had come to the outside of the world for the privilege of living by themselves. Fugitives from persecution, they shrank from contradiction as from the approach of peril. And why should they open their asylum to their oppressors? Religious union was made the bulwark of the exiles against expected attacks from the hierarchy of England. The wide continent of America invited colonization; they claimed their own narrow domains for "the brethren." Their religion was their life; they welcomed none but its adherents; they could not tolerate the scoffer, the infidel, or the dissenter and the whole people met together in their congregations. Such was the system, cherished as the stronghold of their freedom and their happiness. "The order of the churches and the commonwealth," wrote Cotton to friends in Holland, "is now so settled in New England by common consent that it brings to mind the new heaven and new earth wherein dwells righteousness."

Chapter 15:

The Providence Plantations

Bancroft, Hist. of the U.S., vol.1, p.249

WHILE the state was thus connecting by the closest bonds the energy of its faith with its form of government, Roger Williams, after remaining two years or a little more in Plymouth, accepted a second invitation to Salem. The ministers in the bay and of Lynn used to meet once a fortnight at each other's houses, to debate some question of moment; at this, in November, 1633, Skelton and Williams took some exception, for fear the custom might grow into a presbytery or a superintendency, to the prejudice of the church's liberties; but such a purpose was disclaimed, and all were clear that no church or person can have power over another church. Not long afterward, in January, 1634, complaints were made against Williams for a paper which he had written at Plymouth, to prove that a grant of land in New England from an English king could not be perfect except the grantees "compounded with the natives." The opinion sounded like treason against the charter of the colony; Williams was willing that the offensive manuscript should be burned; and so explained its purport that the court, applauding his temper, declared "the matters not so evil as at first they seemed."

Bancroft, Hist. of the U.S., vol.1, p.249 - p.250

Yet his generosity and forbearance did not allay a jealousy of his radical opposition to the established system of theocracy, which he condemned, because it plucked up the roots of civil society and brought all the strifes of the state into the garden and paradise of the church. The government avoided an explicit rupture with the church of England; Williams would hold no communion with it on account of its intolerance; "for," said he, "the doctrine of persecution for cause of conscience is most evidently and lamentably contrary to the doctrine of Jesus Christ." The magistrates insisted on the presence of every man at public worship; Williams reprobated the law; the worst statute in the English code was that which did but enforce attendance upon the parish church. To compel men to unite with those of a different creed he regarded as an open violation of their natural rights; to drag to public worship the irreligious and the unwilling seemed only like requiring hypocrisy. "An unbelieving soul is dead in sin," such was his argument; and to force the indifferent from one worship to another "was like shifting a dead man into several changes of apparel." "No one should be bound to worship, or," he added, "to maintain a worship, against his own consent." "What!" exclaimed his antagonists, amazed at his tenets; "is not the laborer worthy of his hire?" "Yes," replied he, "from them that hire him."

Bancroft, Hist. of the U.S., vol.1, p.250

The magistrates were selected exclusively from the members of the church; with equal propriety, reasoned Williams, might "a doctor of physick or a pilot" be selected according to his skill in theology and his standing in the church.

Bancroft, Hist. of the U.S., vol.1, p.250

It was objected to him that his principles subverted all good government. The commander of the vessel of state, replied Williams, may maintain order on board the ship, and see that it pursues its course steadily, even though the dissenters of the crew are not compelled to attend the public prayers of their companions.

Bancroft, Hist. of the U.S., vol.1, p.250 - p.251

But the controversy finally turned on the question of the rights and duty of magistrates to guard the minds of the people against corrupting influences, and to punish what would seem to them error and heresy. Magistrates, Williams protested, are but the agents of the people, or its trustees, on whom no spiritual power in matters of worship can ever be conferred, since conscience belongs to the individual, and is not the property of the body politic; and with admirable dialectics, clothing the great truth in its boldest and most general forms, he asserted that "the civil magistrate may not intermeddle even to stop a church from apostasy and heresy," "that his power extends only to the bodies and goods and outward estate of men." With corresponding distinctness, he foresaw the influence of his principles on society. "The removal of the yoke of soul-oppression," to use the words in which, at a later day, he confirmed his early view, "as it will prove an act of mercy and righteousness to the enslaved nations, so it is of binding force to engage the whole and every interest and conscience to preserve the common liberty and peace."

Bancroft, Hist. of the U.S., vol.1, p.251

The same magistrates who punished Eliot, the apostle of the Indian race, for censuring their measures, could not brook the independence of Williams; and the circumstances of the times seemed to them to justify their apprehensions. An in tense jealousy was excited in England against Massachusetts; "members of the general court received intelligence of some episcopal and malignant practices against the country;" and the magistrates on the one hand were careful to avoid all unnecessary offence to the English government, on the other were consolidating their own institutions, and even preparing for resistance. It was in this view that the freeman's oath was appointed, by which every freeman was obliged to pledge his allegiance, not to King Charles, but to Massachusetts. There was room for scruples on the subject; and an English lawyer would have questioned the legality of the measure. The liberty of conscience, for which Williams contended, denied the right of a compulsory imposition of an oath: when, in March, 1635, he was summoned before the court, he could not renounce his belief; and his influence was such "that the government was forced to desist from that proceeding." To the magistrates he seemed the ally of a civil faction; to himself he appeared only to make a frank avowal of truth. Before the tribunals, he spoke with the distinctness of clear and settled convictions. He was fond of discussion; and to the end of his life was always ready for controversy, as the means "to bolt out the truth to the bran."

Bancroft, Hist. of the U.S., vol.1, p.251 - p.252

The court at Boston remained as yet undecided; the church of Salem—those who were best acquainted with Williams—taking no notice of the recent investigations, elected him their teacher. Immediately the ministers met together, and declared any one worthy of banishment who should obstinately assert that "the civil magistrate might not intermeddle even to stop a church from apostasy and heresy;" the magistrates delayed action, only that a committee of divines might have time to repair to Salem and deal with Williams and with the church in a church way. Meantime, the people of Salem were blamed for their choice of a religious guide; and a tract of land, to which they had a claim, was withheld from them as a punishment.

Bancroft, Hist. of the U.S., vol.1, p.252

To the ministers Williams frankly but temperately explained his doctrines; and he was armed at all points for their defence. In conjunction with the church, he wrote "letters unto all the churches whereof any of the magistrates were members, that they might admonish the magistrates of their injustice."

Bancroft, Hist. of the U.S., vol.1, p.252

At the next general court, Salem was disfranchised till an ample apology for the letter should be made. The town submitted; so did the church. Williams was left alone. Anticipating the censures of the colonial churches, he declared himself no longer subjected to their spiritual jurisdiction. "My own voluntary withdrawing from all these churches, resolved to continue in persecuting the witnesses of the Lord, presenting light unto them, I confess it was mine own voluntary act; yea, I hope the act of the Lord Jesus, sounding forth in me the blast, which shall in his own holy season cast down the strength and confidence of those inventions of men." Summoned in October to appear before the representatives of the state, he "maintained the rocky strength" of his convictions, and held himself "ready to be bound and banished, and even to die in New England," rather than renounce them.

Bancroft, Hist. of the U.S., vol.1, p.252

The members of the general court of 1635 pronounced against him the sentence of exile, yet not by a very large majority. Some, who consented to his banishment, would never have yielded but for the persuasions of Cotton; and the judgment was vindicated, not as a restraint on freedom of conscience, but because the application of the new doctrine to the construction of the patent, to the discipline of the churches, and to the "oaths for making tryall of the fidelity of the people," seemed about "to subvert the fundamental state and government of the country."

Bancroft, Hist. of the U.S., vol.1, p.253

Winter was at hand; Williams obtained permission to remain till spring, intending then to begin a new plantation. But the affections of the people of Salem revived; they thronged to his house to hear him whom they were so soon to lose forever; "many of the people were much taken with the apprehension of his godliness;" his opinions were contagious; the infection spread widely. It was therefore resolved to remove him to England in a ship that was just ready to set sail. In January, 1636, a warrant was accordingly sent to him to come to Boston and embark. For the first time he declined the summons of the court. A pinnace was sent for him; the officers repaired to his house; he was no longer there. Three days before, he had left Salem, in winter snow and inclement weather, of which he remembered the severity even in his late old age. "For fourteen weeks he was sorely tost in a bitter season, not knowing what bread or bed did mean." Often in the stormy night he had neither fire, nor food, nor company; often he wandered without a guide, and had no house but a hollow tree. But he was not without friends. The respect for the rights of others, which had led him to defend the freedom of conscience, had made him the champion of the Indians. He had learned their language during his residence at Plymouth, had often been the guest of the neighboring sachems; and now, when he came in winter to the cabin of the chief of Pokanoket, he was welcomed by Massassoit; and "the barbarous heart of Canonicus, the chief of the Narragansetts, loved him as his son to the last gasp." "The ravens," he relates, "fed me in the wilderness." And, in requital for their hospitality, he was ever through his long life their friend and benefactor; the apostle of Christianity to them without hire, or weariness, or impatience at their idolatry; the pacificator of their own feuds; the guardian of their rights, whenever Europeans attempted an invasion of their soil.

Bancroft, Hist. of the U.S., vol.1, p.253

He first began to build and plant at Seekonk, which was within the patent of Plymouth. "That ever-honored Governor Winthrop," says Williams, "privately wrote to me to steer my course to the Narragansett bay, encouraging me from the freeness of the place from English claims or patents. I took his prudent motion as a voice from God."

Bancroft, Hist. of the U.S., vol.1, p.254

In June, the law-giver of Rhode Island, with five companions, embarked on the stream; a frail Indian canoe contained the founder of an independent state and its earliest citizens. Tradition has marked the spring of water near which they landed. To express unbroken confidence in the mercies of God, he called the place PROVIDENCE. "I desired," said he, "it might be for a shelter for persons distressed for conscience."

Bancroft, Hist. of the U.S., vol.1, p.254

In his new abode, "My time," wrote Williams of himself, "was not spent altogether in spiritual labors; but day and night, at home and abroad, on the land and water, at the hoe, at the oar, for bread." Within two years others fled to his asylum. The land which he occupied was within the territory of the Narragansetts. In March, 1638, an Indian deed from Canonicus and Miantonomoh made him the undisputed possessor of an extensive domain; but he "always stood for liberty and equality, both in land and government." The soil became his "own as truly as any man's coat upon his back;" and he "reserved to himself not one foot of land, not one tittle of political power, more than he granted to servants and strangers." "He gave away his lands and other estate to them that he thought were most in want, until be gave away all."

Bancroft, Hist. of the U.S., vol.1, p.254

So long as the number of inhabitants was small, public affairs were transacted by a monthly town meeting. A commonwealth was built up where the will of the greater number of householders or masters of families, and such others as they should admit into their town fellowship, should govern the state; yet "only in civil things;" God alone was respected as the Ruler of conscience.

Bancroft, Hist. of the U.S., vol.1, p.254 - p.255 - p.256

At a time when Germany was desolated by the implacable wars of religion; when even Holland could not pacify vengeful sects; when France was still to go through the fearful struggle with bigotry; when England was gasping under the despotism of intolerance; almost half a century before William Penn became an American proprietary; and while Descartes was constructing modern philosophy on the method of free reflection—Roger Williams asserted the great doctrine of intellectual liberty, and made it the corner-stone of a political constitution. It became his glory to found a state upon that principle, and to stamp himself upon its rising institutions, in characters so deep that the impress has remained to the present day, and can never be erased without the total destruction of the work. The principles which he first sustained amid the bickerings of a colonial parish, next asserted in the general court of Massachusetts, and then introduced into the wilds on Narragansett bay, he found occasion, in 1644, to publish in England, and to defend as the basis of the religious freedom of mankind; so that, borrowing the language employed by his antagonist in derision, we may compare him to the lark, the pleasant bird of the peaceful summer, that, "affecting to soar aloft, springs upward from the ground, takes his rise from pale to tree," and at last utters his clear carols through the skies of morning. He was the first person in modern Christendom to establish civil government on the doctrine of the liberty of conscience, the equality of opinions before the law; and in its defence he was the harbinger of Milton, the precursor and the superior of Jeremy Taylor. For Taylor limited his toleration to a few Christian sects; the wisdom of Williams compassed mankind. Taylor favored partial reform, commended lenity, argued for forbearance, and entered a special plea in behalf of each tolerable sect; Williams would permit persecution of no opinion, of no religion, leaving heresy unharmed by law, and orthodoxy unprotected by the terrors of penal statutes. Taylor clung to the necessity of positive regulations enforcing religion and eradicating error, like the poets, who first declare their hero to be invulnerable, and then clothe him in earthly armor; Williams was willing to leave Truth alone, in her own panoply of light, believing that, if in the ancient feud between Truth and Error the employment of force could be entirely abrogated, Truth would have much the best of the bargain. High honors are justly awarded to those who advance the bounds of human knowledge, but a moral principle has a much wider and nearer influence on human happiness; nor can any discovery be of more direct benefit to society than that which is to establish in the world the most free activity of reason and a perpetual religious peace. Had the territory of Rhode Island been large, the world would at once have been filled with wonder and admiration at its history. The excellency of the principles on which it rested its earliest institutions is not diminished by the narrowness of the land in which they were for the first time tested. Let, then, the name of Roger Williams be preserved in universal history as one who advanced moral and political science, and made himself a benefactor of his race.

Bancroft, Hist. of the U.S., vol.1, p.256

The most touching trait in the founder of Rhode Island was his conduct toward those who had driven him out of their society. He says of them truly: "I did ever, from my soul, honor and love them, even when their judgment led them to afflict me." In his writings he inveighs against the spirit of intolerance, and never against his persecutors or the colony of Massachusetts. We shall presently behold him requite their severity by exposing his life at their request and for their benefit. It is not strange, then, if "many hearts were touched with relentings." The half-wise Cotton Mather concedes that many judicious persons confessed him to have had the root of the matter in him; and the immediate witnesses of his actions declared him, from "the whole course and tenor of his life and conduct, to have been one of the most disinterested men that ever lived, a most pious and heavenly minded soul."

Chapter 16:

Colonization of New Hampshire,

Rhode Island, and Connecticut

Bancroft, Hist. of the U.S., vol.1, p.257 - p.258

RHODE ISLAND was the offspring of Massachusetts; but the loss of a few inhabitants was not sensibly felt in the parent colony. When the first difficulties of encountering the wilderness had been surmounted, and an apprehension had arisen of evil days that were to befall England, the stream of emigration flowed with a full current to Massachusetts; "Godly people there began to apprehend a special hand of Providence in raising this plantation, and their hearts were generally stirred to come over." The new settlers were so many that there was no room for them all in the earlier places of abode; and Simon Willard, a trader, joining with Peter Bulkeley, a minister from St. John's College in Cambridge, a man of wealth, benevolence, and great learning, became chief instruments in extending the frontier. Under their guidance, at the fall of the leaf in 1635, a band of twelve families, toiling through thickets of ragged bushes, and clambering over crossed trees, made their way along Indian paths to the green meadows of Concord. A tract of land six miles square was purchased for the planters of the squaw sachem and a chief to whom, according to Indian laws of property, it belonged. The suffering settlers burrowed for their first shelter under a hillside. The cattle sickened on the wild fodder; sheep and swine were destroyed by wolves; there was no flesh but game. The long rains poured through the insufficient roofs of their smoky cottages, and troubled even the time for sleep. Yet the men labored willingly, for they had their wives and little ones about them. The forest rung with their psalms; and "the poorest people of God in the whole world," unable "to excel in number, strength, or riches, resolved to strive to excel in grace and in holiness." That New England village will one day engage the attention of the world.

Bancroft, Hist. of the U.S., vol.1, p.258

Meantime, the fame of the liberties of Massachusetts extended widely. Among those who came in 1635 was the fiery Hugh Peter, who had been pastor of a church of English exiles in Rotterdam, a republican of energy and eloquence, not always tempering enterprise with judgment. At the same time came Henry Vane, the younger, "for conscience sake." "He liked not the discipline of the church of England, of which none of the ministers would give him the sacrament standing." "Neither persuasions of the bishops nor authority of his parents prevailed with him;" and, from "obedience of the gospel," he cheerfully "forsook the preferments of the court of Charles for the ordinances of religion in their purity in New England."

Bancroft, Hist. of the U.S., vol.1, p.258

The freemen of Massachusetts, pleased that a young man of his rank and ability agreed with them in belief and shared their exile, in 1636, elected him their governor. The choice was unwise, for neither age nor experience entitled him to the distinction. He came but as a sojourner, and was not imbued with the genius of the place; his clear mind, fresh from the public business of England, saw distinctly what the colonists did not wish to see—the wide difference between their practice under their charter and the meaning of that instrument on the principles of English jurisprudence.

Bancroft, Hist. of the U.S., vol.1, p.258 - p.259

At first, the arrival of Vane seemed a pledge for the emigration of men of the highest rauk. Several English peers, especially Lord Say and Seal, a Presbyterian, a friend to the Puritans, yet with but dim perceptions of the true nature of civil liberty, and Lord Brooke, a man of charity and meekness, an early friend to tolerance, had begun to negotiate for such changes as would offer them inducements for removing to America. They demanded a division of the general court into two branches, that of assistants and of representatives—a change which, from domestic reasons, was ultimately adopted; but they further required an acknowledgment of their own hereditary right to a seat in the upper house. The fathers of Massachusetts promised them the honors of magistracy, and began to make appointments for life; but, as for the establishment of hereditary dignity, they answered by the hand of Cotton: "Where God blesseth any branch of any noble or generous family with a spirit and gifts fit for government, it would be a taking of God's name in vain to put such a talent under a bushel, and a sin against the honor of magistracy to neglect such in our public elections. But, if God should not delight to furnish some of their posterity with gifts fit for magistracy, we should expose them rather to reproach and prejudice, and the commonwealth with them, than exalt them to honor, if we should call them forth, when God doth not, to public authority." The people, moreover, were uneasy at any permanent concession of office; Saltonstall, "that much-honored and upright-hearted servant of Christ," loudly reproved "the sinful innovation," and advocated its reform; nor would the freemen be quieted till, in 1639, it was made a law that those who were appointed magistrates for life should yet not be magistrates except in those years in which they should be regularly chosen at the annual election.

Bancroft, Hist. of the U.S., vol.1, p.259

The institutions of Massachusetts were likewise in jeopardy from religious divisions. In Boston and its environs, the most profound questions relating to human existence and the laws of the moral world were discussed with passionate zeal; the Holy Spirit was claimed as the inward companion of man; while many persons, in their zeal to distinguish between abstract truth and the forms under which truth is conveyed, between unchanging principles and changing institutions, were in perpetual danger of making shipwreck of all religious faith.

Bancroft, Hist. of the U.S., vol.1, p.259 - p.260

Amid the arrogance of spiritual pride, the vagaries of undisciplined imaginations, and the extravagances to which the intellectual power may be led in its pursuit of ultimate principles, two distinct parties may be perceived. The first consisted of the original settlers, the framers of the civil government and their adherents; they who were intent on the foundation and preservation of a commonwealth, and were satisfied with the established order of society. They had founded their government on the basis of the church, and church membership could be obtained only by an exemplary life and the favor of the clergy. They dreaded unlimited freedom of opinion as the parent of ruinous divisions. "The cracks and flaws in the new building of the reformation," thought they, "portend a fall;" they desired patriotism, union, and a common heart; they were earnest to confirm and build up the state, the child of their cares and their sorrows.

Bancroft, Hist. of the U.S., vol.1, p.260

The other party was composed of individuals who had arrived after the civil government and religious discipline of the colony had been established. Their pride consisted in following the principles of the reformation with logical precision to all their consequences. Their eyes were not primarily directed to the institutions of Massachusetts, but to articles of religion; and they resisted every form of despotism over the mind. To them, the clergy of Massachusetts were "the ushers of persecution," "popish factors" who had not imbibed the true principle of Christian reform; the magistrates were "priest-ridden" under a covenant of works; and they applied to the influence of the Puritan ministers the principle which Luther and Calvin had employed against the observances and pretensions of the Roman church. Standing on the doctrine of justification by faith alone, they derided the formality of the established religion; and by asserting that the Holy Spirit dwells in every believer, that the revelation of the Spirit is superior "to the ministry of the word," they sustained with intense fanaticism the paramount authority of private judgment.

Bancroft, Hist. of the U.S., vol.1, p.260

The founder of this party was Anne Hutchinson, a woman of such admirable understanding "and profitable and sober carriage" that her enemies could never speak of her without acknowledging her eloquence and ability. She was encouraged by John Wheelwright, a silenced minister, who had married her husband's sister, and by Henry Vane, the governor of the colony; while a majority of the people of Boston approved her rebellion against the clergy. Men of learning, members of the magistracy and of the general court, accepted her opinions. The public mind seemed hastening toward an insurrection against spiritual authority; and she was denounced as "weakening the hands and hearts of the people toward the ministers," as being "like Roger Williams, or worse."

Bancroft, Hist. of the U.S., vol.1, p.261

Nearly all the clergy, except Cotton, in whose house Vane was an inmate, clustered together in defence of their influence, and in opposition to Vane; and Wheelwright, who, in a sermon on a fast day appointed in March, 1637, for the reconciliation of differences, maintained that "those under a covenant of grace must prepare for battle and come out and fight with spiritual weapons against pagans, and anti-Christians, and those that runne under a covenant of works," in spite of the remonstrance of the governor, was censured by the general court for sedition. At the ensuing choice of magistrates, the religious divisions controlled the elections. Some of the friends of Wheelwright had threatened an appeal to England. The contest appeared, therefore, to the people, not as the struggle for intellectual freedom against the authority of the clergy, but for the liberties of Massachusetts against the interference of the English government. In the midst of such high excitement that even Wilson climbed into a tree to harangue the people on election day, Winthrop and his friends, the fathers and founders of the colony, recovered power. But the dispute infused its spirit into everything; it interfered with the levy of troops for the Pequod war; it influenced the respect shown to the magistrates; the distribution of town-lots; the assessment of rates; and in May the continued existence of the two opposing parties was held to be inconsistent with the general welfare. To prevent the increase of a faction esteemed so dangerous, it was enacted by the party in power that none should be received within the jurisdiction but such as should be allowed by some of the magistrates. The dangers which were simultaneously menaced from the Episcopal party in the mother country gave to the measure an air of magnanimous defiance; it was almost a proclamation of independence. As an act of intolerance, it found in Vane an inflexible opponent; and, using the language of the times, he left a memorial of his dissent. "Scribes and Pharisees, and such as are confirmed in any way of error"—these are the remarkable words of the man, who soon embarked for England, where he pleaded in parliament for the liberties of Catholics and dissenters—"all such are not to be denyed cohabitation, but are to be pitied and reformed. Ishmael shall dwell in the presence of his brethren."

Bancroft, Hist. of the U.S., vol.1, p.262

The friends of Wheelwright could not brook his censure; but, in justifying their remonstrances, they employed the language of fanaticism. "A new rule of practice by immediate revelations" was to be the guide of their conduct; not that they expected a revelation "in the way of a miracle;" such an idea Anne Hutchinson rejected "as a delusion;" they only slighted the censures of the ministers and the court, and avowed their determination to follow the free thought of their own minds. But individual conscience is often the dupe of interest, and often but a specious name for self-will. The government feared, or pretended to fear, a disturbance of the public peace. A synod of the ministers of New England was therefore assembled, to settle the true faith. Numerous opinions were so stated that they could be harmoniously condemned; and vagueness of language, so often the parent of furious controversy, performed the office of a peace-maker. After Vane had returned to England, it was hardly possible to find any grounds of difference between the flexible Cotton and his equally orthodox opponents. The triumph of the clergy being complete, the civil magistrates proceeded to pass sentence on the more resolute offenders. Wheelwright, Anne Hutchinson, and Aspinwall were exiled from the territory of Massachusetts, as "unfit for the society" of its citizens; and their adherents, who, it was feared, "might, upon some revelation, make a sudden insurrection," and who were ready to seek protection by an appeal from the authority of the colonial government, were required to deliver up their arms.

Bancroft, Hist. of the U.S., vol.1, p.262

The principles of Anne Hutchinson are best seen in the institutions which were founded by her associates. Wheelwright and his friends removed to the banks of the Piscataqua; and, at the head of tide-water on that stream, they founded the town of Exeter, one more little republic in the wilderness, organized on the principles of natural justice by the voluntary combination of the inhabitants.

Bancroft, Hist. of the U.S., vol.1, p.262 - p.263

A larger number, led by John Clark and William Coddington, proceeded to the south, designing to make a plantation on Long Island or near Delaware bay. But Roger Williams persuaded them to plant in his vicinity. In March, 1638, a social compact, signed after the precedent of New Plymouth, founded their government upon the universal consent of the inhabitants; the forms of administration were borrowed from the Jews. Coddington, who had been one of the magistrates in Massachusetts, and had always testified against their persecuting spirit, was elected judge in the new Israel. Before the month was at an end, the influence of Roger Williams and the name of Henry Vane prevailed with Miantonomoh, the chief of the Narragansetts, to make them a gift of the beautiful island of Rhode Island. Under this grant, they clustered round the cove on the north-east part of the island; and, as they grew rapidly in numbers, in the spring of 1639, a part of them removed to Newport. The colony rested on the principle of intellectual liberty; philosophy itself could not have placed it on a broader basis. In March, 1641, it was ordered by the whole body of freemen, and "unanimously agreed upon, that the government, which this body politic doth attend unto in this island and the jurisdiction thereof, in favor of our prince, is a DEMOCRACIE, or popular government; that is to say, it is in the power of the body of freemen orderly assembled, or major part of them, to make or constitute just lawes, by which they will be regulated, and to depute from among themselves such ministers as shall see them faithfully executed between man and man." "It was further ordered that none be accounted a delinquent for doctrine;" the law for "liberty of conscience was perpetuated." The little community was held together by the bonds of affection and freedom of opinion; and "the signet for the state" was ordered to be "a sheafe of arrows," with "the motto AMOR VINCET OMNIA: Love shall conquer all things." A patent from England was necessary for their security; and in September they obtained it through the now powerful Henry Vane.

Bancroft, Hist. of the U.S., vol.1, p.263 - p.264

Of these institutions Anne Hutchinson did not long enjoy the protection. Recovering from dejectedness, she gloried in her sufferings, as her greatest happiness; travelled from Massachusetts to the settlement of Roger Williams, and from thence joined her friends on the island. Young men from other colonies became converts to her opinions; and she excited such admiration that to the leaders in Massachusetts it "gave cause of suspicion of witchcraft." One of her sons and Collins, her son-in-law, ventured to expostulate with the people of Boston on the wrongs of their mother. Severe imprisonment for many months was the punishment for their boldness. Rhode Island itself seemed no longer a safe refuge; and the family removed beyond New Haven into the territory of the Dutch. There Kieft, the violent governor, provoked an insurrection among the Indians; in 1643, the house of Anne Hutchinson, then a widow, was attacked and set on fire; herself, her son-in-law, and all their family, save one child, perished by the savages or by the flames. The river near which stood her house is to this day called by her name.

Bancroft, Hist. of the U.S., vol.1, p.264

Williams and Wheelwright and Aspinwall suffered not more from their banishment than some of the best men of the colony encountered from choice.

Bancroft, Hist. of the U.S., vol.1, p.264

The valley of the Connecticut, as early as 1630, became an object of competition. In the following year the earl of Warwick became its first proprietary, under a grant from the council for New England; and it was held by Lord Say and Seal, Lord Brooke, John Hampden, and others, as his assigns. Before any colony could be established with their sanction, the people of New Plymouth, in October, 1633, built a trading-house at Windsor, and conducted with the natives a profitable commerce in furs. For the same trade, "Dutch intruders" from Manhattan, ascending the river, raised at Hartford the house "of Good Hope," and struggled to secure the territory to themselves. In 1635, the younger Winthrop returned from England with a commission from its proprietaries to erect a fort at the mouth of the stream, and the commission was carried into effect. Other settlements were begun by emigrants from the environs of Boston at Hartford and Windsor and Wethersfield; and, in the last days of October, a company of sixty, among whom were women and children, removed to the west. But their journey was undertaken too late in the season; their sufferings were severe, and were greatly exaggerated by malicious rumor to deter others from following them.

Bancroft, Hist. of the U.S., vol.1, p.264 - p.265

In the opening of 1636," the people, who had resolved to transplant themselves and their estates unto the river Connecticut, judged it inconvenient to go away without any frame of government;" and, at their desire, on the third of March, the general court of Massachusetts granted a temporary commission to eight men, two from each of the companies who were to plant Springfield, Windsor, Hartford, and Wethersfield. At the budding of the trees and the springing of the grass, some smaller parties made their way to the new Hesperia of Puritanism. In June, led by Thomas Hooker, "the light of the western churches," the principal body of about one hundred persons, many of them accustomed to affluence and the ease of European life, began their march. Traversing on foot the pathless forest, they drove before them herds of cattle; advancing hardly ten miles a day; subsisting on the milk of the kine, which browsed on the fresh leaves and early shoots; having no guide but the compass, no pillow for their nightly rest but heaps of stones. How did the hills echo with the unwonted lowing of herds! How were the wilds enlivened by the loud piety of Hooker, famed as "a son of thunder"! The emigrants had been gathered from among the most valued citizens, the earliest settlers, and the oldest churches of the bay. Roger Ludlow, the first named in the commission for government, unsurpassed in his knowledge of the law and the rights of mankind, had been deputy governor of Massachusetts; John Haynes had for one year been its governor; and Hooker had no rival in public estimation but Cotton, whom he surpassed in force of character, in liberality of spirit, in soundness of judgment, and in clemency.

Bancroft, Hist. of the U.S., vol.1, p.265

The new settlement so far toward the west was environed by perils. The Dutch indulged a hope of dispossessing them. No part of New England was more thickly covered with aboriginal inhabitants than Connecticut. The Pequods could muster at least seven hundred fighting men; the white men, in number less than two hundred, were incessantly exposed to an enemy whose delight was carnage.

Bancroft, Hist. of the U.S., vol.1, p.265 - p.266

In 1633, some of the Pequods had murdered the captain and crew of a small Massachusetts vessel trading in Connecticut river. With some appearance of justice, they pleaded the necessity of self-defence; and in November, 1634, the messengers, whom they sent to Boston to ask the alliance of the white men, carried great store of wampum peag, and bundles of sticks in promise of so many beaver and otter skins. The government of Massachusetts accepted the excuse conditionally, and reconciled the Pequods with their hereditary enemies, the Narragansetts. No longer at variance with a powerful neighbor, the Pequods did not deliver up the murderers. In July, 1636, John Oldham, an enterprising trader, returning from a voyage to the Connecticut river, was murdered, and his men carried off by the Indians at Block island. To punish the crime, Massachusetts sent out ninety men under the command of Endecott. Conforming as nearly as they could to their sanguinary orders, they ravaged Block island, and then, re-enforced by volunteers from Connecticut, they undertook the chastisement of the Pequods. That warlike tribe sought the alliance of its neighbors, the Narragansetts and the Mohicans. The general rising of the natives against the colonists could be frustrated by none but Roger Williams, who was the first to give information of the impending danger. Having received letters from Vane and the council of Massachusetts, requesting his utmost and speediest endeavors to prevent the league, neither storms of wind nor high seas could detain him. Shipping himself alone in a poor canoe, every moment at the hazard of his life, he hastened to the house of the sachem of the Narragansetts. The Pequod ambassadors, reeking with blood freshly spilled, were already there; and for three days and nights the business compelled him to lodge and mix with them, having cause every night to expect their knives at his throat. The Narragansetts were wavering; but Roger Williams succeeded in dissolving the conspiracy. It was the most intrepid achievement of the war, as perilous in its execution as it was fortunate in its issue. The Pequods were left to contend single-handed against the English.

Bancroft, Hist. of the U.S., vol.1, p.266 - p.267

Continued injuries and murders roused Connecticut to action; and, on the first of May, 1637, the court of its three infant towns decreed immediate war. Uncas, sachem of the Mohegans, was their ally. To John Mason the staff of command was delivered at Hartford by Hooker; and, after nearly a whole night spent, at the request of the soldiers, in importunate prayer by the very learned and godly Stone, about sixty men, one third of the whole colony, aided by John Underhill and twenty gallant recruits, whom the forethought of Vane had sent from the Bay State, sailed past the Thames, and, designing to reach the Pequod fort unobserved, entered a harbor near Wickford, in the bay of the Narragansetts. The next day was the Lord's, sacred to religion and rest. Early in the week, the captains of the expedition, with the pomp of a military escort, repaired to the court of Canonicus, the patriarch and ruler of the tribe; and the younger and more fiery Miantonomoh, surrounded by two hundred of his bravest warriors, received them in council. "Your design," said he, "is good; but your numbers are too weak to brave the Pequods, who have mighty chieftains, and are skilful in battle;" and, after doubtful friendship, he deserted the desperate enterprise.

Bancroft, Hist. of the U.S., vol.1, p.267

To the tribe on Mystic river their bows and arrows seemed formidable weapons; ignorant of European fortresses, they viewed their palisades with complacency; and, as the English boats sailed by, it was rumored that their enemies had vanished through fear. Hundreds of the Pequods spent much of the last night of their lives in rejoicings, at a time when the sentinels of the English were within hearing of their songs. On the twenty-sixth, two hours before day, the soldiers of Connecticut put themselves in motion; and, at the early dawn, they made their attack on the principal fort, which stood in a strong position at the summit of a hill. A watch-dog bays an alarm at their approach; the Indians awake, rally, and resist, as well as bows and arrows can resist weapons of steel. The superiority of number was with them; and fighting closely, hand to hand, victory was tardy. "We must burn them!" shouted Mason, and cast a firebrand to the windward among the light mats of their cabins. Hardly could the English withdraw to encompass the place before the encampment was in a blaze. About six hundred Indians men, women, and children—perished; two only of the English had fallen.

Bancroft, Hist. of the U.S., vol.1, p.267 - p.268

With the light of morning, three hundred or more Pequod warriors were descried, approaching from their second fort. As they beheld the smoking ruins, they stamped on the ground and tore their hair; but it was in vain to attempt revenge; then and always, to the close of the war, the feeble resistance of the natives hardly deserved, says Mason, the name of fighting; their defeat was certain, and with little loss to the English. They were never formidable till they became supplied with European weapons.

Bancroft, Hist. of the U.S., vol.1, p.268

A portion of the troops hastened homeward to protect the settlements from any sudden attack, while Mason, with about twenty men, marched across the country from the neighborhood of New London to the English fort at Saybrook. He reached the river at sunset; Gardner, who commanded the fort, observed his approach; and never did a Roman consul, returning in triumph, ascend the capitol with more joy than that of Mason and his friends when they found themselves received as victors, and "nobly entertained with many great guns."

Bancroft, Hist. of the U.S., vol.1, p.268

In a few days the troops from Massachusetts arrived, attended by Wilson; for the ministers shared every danger. The remnants of the Pequods were pursued into their hiding-places. Sassacus, their sachem, was killed by the Mohawks, to whom he fled for protection. The few that survived, about two hundred, surrendering in despair, were enslaved by the English, or incorporated among the Mohegans and the Narragansetts. "Fifteen of the boys and two women" were exported by Massachusetts to Providence isle; and the returning ship brought back "some cotton, tobacco, and negroes."

Bancroft, Hist. of the U.S., vol.1, p.268

The vigor and courage displayed by the settlers on the Connecticut, in this first Indian war in New England, secured a long period of peace. The infant was safe in its cradle, the laborer in the fields, the solitary traveller during the night-watches in the forest; the houses needed no bolts, the settlements no palisades. The constitution which, on the fourteenth of January, 1639, was adopted, was of unexampled liberality.

Bancroft, Hist. of the U.S., vol.1, p.268 - p.269

In two successive years, a general court had been held in May; at the time of the election the committees from the towns came in and chose their magistrates, installed them, and engaged themselves to submit to their government and dispensation of justice. "The foundation of authority," said Hooker, in an election sermon preached before the general court, on the last day of May, 1638, "is laid in the free consent of the people, to whom the choice of public magistrates belongs by God's own allowance." "They who have power to appoint officers and magistrates, it is in their power, also, to set the bounds and limitations of the power and place into which they call them."

Bancroft, Hist. of the U.S., vol.1, p.269

Winthrop, of Massachusetts, held it to be an error in the sister colony "that they chose divers men who, though otherwise holy and religious, had no learning or judgment which might fit them for affairs of government; by occasion whereof the main burden for managing state government fell upon some one of their ministers, who, though they were men of singular wisdom and godliness, yet, stepping out of their course, their actions wanted that blessing which otherwise might have been expected." In a letter, therefore, written to Hooker, in the midsummer of 1638," to quench these sparks of contention," Winthrop made remarks on the boundary between the states, and on the rejected articles of confederation which would have given to the commissioners of the states "absolute power;" that is, power of final decision, without need of approval by the several states. He further "expostulated about the unwarrantableness and unsafeness of referring matter of counsel or judicature to the body of the people, quia the best part is always the least, and of that best part the wiser part is always the lesser. The old law was: Thou shalt bring the matter to the judge."

Bancroft, Hist. of the U.S., vol.1, p.269 - p.270

In reply, Hooker expressed an unwillingness in the matter of confederation "to exceed the limits of that equity which is to be looked at in all combinations of free states." As to the manner of conducting their separate governments, he wrote unreservedly: "That, in the matter which is referred to the judge, the sentence should be left to his discretion, I ever looked at as a way which leads directly to tyranny, and so to confusion; and must plainly profess, if it was in my liberty, I should choose neither to live, nor leave my posterity, under such a government. Let the judge do according to the sentence of the law. Seek the law at its mouth. The heathen man said, by the candle-light of common sense: 'The law is not subject to passion, and, therefore, ought to have chief rule over rulers themselves.' It's also a truth that counsel should be sought from councillors; but the question yet is, who those should be. In matters of greater consequence, which concern the common good, a general council, chosen by all, to transact businesses which concern all, I conceive, under favor, most suitable to rule, and most safe for relief of the whole. This was the practice of the Jewish church, and the approved experience of the best ordered states."

Bancroft, Hist. of the U.S., vol.1, p.270 - p.271

From this seed sprung the constitution of Connecticut, first in the series of written American constitutions framed by the people for the people. Reluctantly leaving Springfield to the jurisdiction of Massachusetts, on the fourteenth of January, 1639, "the inhabitants and residents of Windsor, Hartford, and Wethersfield, associated and conjoined to be as one public state or commonwealth." The supreme power was intrusted to a general court composed of a governor, magistrates, and deputies from the several towns, all freemen of the commonwealth, and all chosen by ballot. The governor was further required to be "a member of some approved congregation, and" to have been "formerly of the magistracy;" nor might the same person be chosen to that office oftener than once in two years. The governor and the magistrates were chosen by a majority of the whole body of freemen; the deputies of the towns, by all who had been admitted inhabitants of them and had taken the oath of fidelity. Each of the three towns might send four deputies to every general court, and new towns might send so many deputies as the court should judge to be in a reasonable proportion to the number of freemen in the said towns; so that the representatives might form a general council, chosen by all. The general court alone had power to admit a freeman, whose qualifications were required to be residence within the jurisdiction and preceding admission as an inhabitant of one of the towns; that is, according to a later interpretation, a householder. By the oath of allegiance, as in Massachusetts, every freeman must swear to be true and faithful to the government of the jurisdiction of Connecticut; and of no other sovereign was there a mention. The governor was in like manner sworn "to maintain all lawful privileges of this commonwealth," and to give effect "to all wholesome laws that are, or shall be, made by lawful authority here established." The oath imposed on the magistrates bound them "to administer justice according to the laws here established, and for want thereof according to the word of God." The amendment of the fundamental orders rested with the freemen in general court assembled. All power proceeded from the people. From the beginning, Connecticut was a republic, and was in fact independent.

Bancroft, Hist. of the U.S., vol.1, p.271

More than two centuries have elapsed; but the people of Connecticut have found no reason to deviate essentially from the frame of government established by their fathers. Equal laws were the basis of their commonwealth; and therefore its foundations were lasting. These unpretending emigrants invented an admirable system; for they were near to Nature, listened willingly to her voice, and easily copied her forms. No ancient usages, no hereditary differences of rank, no established interests, impeded the application of the principles of justice. Freedom springs spontaneously into life; the artificial distinctions of society require centuries to ripen. History has ever celebrated the heroes who have won laurels in scenes of carnage. Has it no place for the wise legislators, who struck the rock in the wilderness, so that the waters of liberty gushed forth in copious and perennial streams? They who judge of men by their services to the human race will never cease to honor the memory of Hooker, and will join with it that of Ludlow, and still more that of Haynes.

Bancroft, Hist. of the U.S., vol.1, p.271 - p.272

In equal independence, a Puritan colony sprang up at New Haven, under the guidance of John Davenport as its pastor, and of his friend, the excellent Theophilus Eaton. Its forms were austere, unmixed Calvinism; but the spirit of humanity sheltered itself under the rough exterior. In April, 1638, the colonists held their first gathering under a branching oak. Beneath the leafless tree the little flock was taught by Davenport that, like the Son of man, they were led into the wilderness to be tempted. After a day of fasting and prayer, they rested their first frame of government on a simple plantation covenant, that "all of them would be ordered by the rules which the scriptures held forth to them." A title to lands was obtained by a treaty with the natives, whom they protected against the Mohawks. When, after more than a year, the free planters of the colony desired a more perfect form of government, the followers of Him who was laid in a manger held their constituent assembly in a barn. There, by the influence of Davenport, it was resolved that the scriptures are the perfect rule of a commonwealth; that the purity and peace of the ordinances to themselves and their posterity were the great end of civil order; and that church members only should be free burgesses. A committee of twelve was selected to choose seven men, qualified for the foundation-work of organizing the government. Eaton, Davenport, and five others, were "the seven pillars" for the new House of Wisdom in the wilderness.

Bancroft, Hist. of the U.S., vol.1, p.272

In August 1639, the seven met together. Abrogating every previous executive trust, they admitted to the court all church members; the character of civil magistrates was next expounded "from the sacred oracles;" and the election followed. Then Davenport, in the words of Moses to Israel in the wilderness, gave a charge to the governor to judge righteously; "the cause that is too hard for you," such was part of the minister's text, "bring it unto me, and I will hear it." Annual elections were ordered; and God's word established as the only rule in public affairs. Eaton, one of the most opulent of the comers to New England, was annually elected governor for near twenty years, till his death. All agree that he conducted public affairs with unfailing discretion and equity; in private life, he joined the stoicism of the Puritan to innate benevolence and mildness.

Bancroft, Hist. of the U.S., vol.1, p.272

New Haven made the Bible its statute-book, and the elect its freemen. As neighboring towns were planted, each constituted itself a house of wisdom, resting on its seven pillars, and aspiring to be illumined by the eternal light. The colonists prepared for the second coming of Christ, which they confidently expected. Meantime, their pleasant villages spread along the Sound and on the opposite shore of Long Island, and for years they nursed the hope of "speedily planting Delaware."

Chapter 17:

The Prelates and Massachusetts

Bancroft, Hist. of the U.S., vol.1, p.273

THE prohibition of the Book of Common Prayer at Salem produced an early harvest of implacable enemies to the colony. Resentment rankled in the minds of some, whom Endecott had perhaps too passionately punished; and Mason and Gorges persistently kept alive their vindictive complaints. A petition even reached King Charles, complaining of distraction and disorder in the plantations; but Massachusetts was ably defended by Saltonstall, Humphrey, and Cradock, its friends in England; and, in January, 1633, the committee of the privy council ordered the adventurers to continue their undertakings cheerfully, for the king did not design to impose on the people of Massachusetts the ceremonies which they had emigrated to avoid. The country, it was believed, would in time be very beneficial to England.

Bancroft, Hist. of the U.S., vol.1, p.273

After the charter had been carried over to America, the progress of these earliest settlements was watched in the mother country with the most glowing interest. A letter from New England was venerated "as a sacred script or as a writing of some holy prophet, and was carried many miles, where divers came to hear it." Voices from the churches of Massachusetts prevailed with their persecuted friends in Old England till "the departure of so many of the BEST, such numbers of faithful and free-born Englishmen and good Christians," seemed to the serious minded" an ill-boding sign to the nation," and began to effray the Episcopal party. In February, 1634, ships bound with passengers for New England were detained in the Thames by an order of the council.

Bancroft, Hist. of the U.S., vol.1, p.273 - p.274

But the change reached farther. The archbishops could complain that not only was the religious system which was forbidden by the laws of the realm established in the new colony in America, but the service established by law in England was prohibited. Proof was produced of marriages celebrated by civil magistrates, and of an established system of church discipline which was at variance with the laws of England. The superintendence of the colonies was, therefore, in April, 1634, removed from the privy council to an arbitrary special commission, of which William Laud, archbishop of Canterbury, and the archbishop of York, were the chief. These, with ten of the highest officers of state, were invested with full power to make laws and orders for the government of English colonies planted in foreign parts, to appoint judges and magistrates and establish courts for civil and ecclesiastical affairs, to regulate the church, to impose penalties and imprisonment for offences in ecclesiastical matters, to remove governors and require an account of their government, to determine all appeals from the colonies, and to revoke all charters and patents which had been surreptitiously obtained, or which conceded liberties prejudicial to the royal prerogative.

Bancroft, Hist. of the U.S., vol.1, p.274

Cradock, who had been governor of the corporation in England before the transfer of the charter of Massachusetts, was strictly charged to deliver it up; and he wrote to the governor and council to send it home. Upon receipt of his letter, they resolved "not to return any answer or excuse at that time." In September, a copy of the commission to Archbishop Laud and his associates was brought to Boston; and it was at the same time rumored that the colonists were to be compelled by force to accept a new governor, the discipline of the church of England, and the laws of the commissioners. The intelligence awakened "the magistrates and deputies to discover their minds each to other, and to hasten their fortifications," toward which, poor as was the colony, six hundred pounds were raised.

Bancroft, Hist. of the U.S., vol.1, p.274

In January, 1635, all the ministers assembled at Boston; and they unanimously declared against the reception of a general governor, saying: "We ought to defend our lawful possessions, if we are able; if not, to avoid and protract."

Bancroft, Hist. of the U.S., vol.1, p.274 - p.275

In the month before this declaration, it is not strange that Laud and his associates should have esteemed the inhabitants of Massachusetts to be men of refractory humors; complaints resounded of parties consenting in nothing but hostility to the church of England; of designs to shake off the royal jurisdiction. Restraints were placed upon emigration; no one above the rank of a serving man might remove to the colony without the special leave of Laud and his associates; and persons of inferior order were required to take the oaths of supremacy and allegiance, of obedience to the church of England, as well as fidelity to its king.

Bancroft, Hist. of the U.S., vol.1, p.275

Willingly as these acts were enforced by religious bigotry, they were promoted by another cause. A change had come over the character of the great Plymouth council for the colonization of New England, which had already made grants of all the lands from the Penobscot to Long Island. The members of the company desired as individuals to become the proprietaries of extensive territories, even at the dishonor of invalidating all their grants as a corporation. A meeting of the lords was convened in April, 1635; and the coast, from Acadia to beyond the Hudson; was divided into shares, and distributed among them by lots.

Bancroft, Hist. of the U.S., vol.1, p.275

To the possession of their prizes the inflexible colony of Massachusetts formed an obstacle, which they hoped to overcome by surrendering their general patent for New England to the king. To obtain of him a confirmation of their respective grants, they set forth "that the Massachusetts patentees, having surreptitiously obtained from the crown a confirmation of their grant of the soil, had made themselves a free people, and for such hold themselves at present; framing unto themselves new conceits of religion and new forms of ecclesiastical and temporal government, punishing divers that would not approve thereof, under other pretences indeed, yet for no other cause save only to make themselves absolute masters of the country, and uncontrollable in their new laws."

Bancroft, Hist. of the U.S., vol.1, p.275 - p.276

At the Trinity term of the court of king's bench, a quo warranto was brought against the company of the Massachusetts bay. At the ensuing Michaelmas, several of its members who resided in England made their appearance, and judgment was pronounced against them individually; the rest of the patentees stood outlawed, but no judgment was entered against them. The unexpected death of Mason, the proprietary of New Hampshire, in December, 1635, removed the chief instigator of these aggressions.

Bancroft, Hist. of the U.S., vol.1, p.276

In July, 1637, the king, professing "to redress the mischiefs that had arisen out of the many different humours," took the government of New England into his own hands, and appointed over it Sir Ferdinando Gorges as governor-general, upon whose "gravity, moderation, and experience," some hope of introducing a new system was reposed. But the measure was feeble and ineffectual. While Gorges in England sided with the adversaries of Massachusetts, he avoided all direct collision with its people, pretending by his letters and speeches to seek their welfare; he never left England, and was hardly heard of except by petitions to its government. Attempting great matters and incurring large expenses, he lost all. The royal grant of extended territory in Maine was never of any avail to him.

Bancroft, Hist. of the U.S., vol.1, p.276 - p.277

Persecution in England gave strength to the Puritan colony. The severe censures in the star-chamber, the greatness of the fines which avarice rivalled bigotry in imposing, the rigorous proceedings with regard to ceremonies, the suspending and silencing of multitudes of ministers, continued; and men were "enforced by heaps to desert their native country. Nothing but the wide ocean and the savage deserts of America could hide and shelter them from the fury of the bishops." The pillory had become the scene of human agony and mutilation, as an ordinary punishment; and the friends of Laud jested on the sufferings which were to cure the obduracy of fanatics. "The very genius of that nation of people," said Wentworth, "leads them always to oppose, both civilly and ecclesiastically, all that ever authority ordains for them." They were provoked to the indiscretion of a complaint, and then involved in a persecution. They were imprisoned and scourged; their noses were slit; their ears were cut off; their cheeks were marked with a red-hot brand. But the lash and the shears and the glowing iron could not destroy principles which were rooted in the soul, and which danger made it glorious to profess. The injured party even learned to despise the mercy of their oppressors. Four years after Prynne had been punished for a publication, he was a second time arraigned for a like offence. "I thought," said Lord Finch, "that Prynne had lost his ears already; but," added he, looking at the prisoner, "there is something left yet;" and an officer of the court, removing the hair, displayed the mutilated organs. A crowd gathered round the scaffold where Prynne and Bastwick and Burton were to suffer maim. "Christians" said Prynne, "stand fast; be faithful to God and your country; or you bring on yourselves and your children perpetual slavery." The dungeon, the pillory, and the scaffold were stages in the progress of civil liberty toward its triumph.

Bancroft, Hist. of the U.S., vol.1, p.277

There was a period when the ministry of Charles feared no dangerous resistance in England; and the attempts to override the rights of parliament by monarchical power were accompanied by analogous movements against New England, of whose colonists a correspondent of Laud reported, "that they aimed not at new discipline, but at sovereignty; that it was accounted treason in their general court to speak of appeals to the king."

Bancroft, Hist. of the U.S., vol.1, p.277 - p.278

The Puritans, hemmed in by dangers on every side, and having no immediate prospect of success at home, desired at any rate to escape from their native country. "To restrain the transportation to the colonies of subjects whose principal end was to live as much as they could without the reach of authority," one proclamation succeeded another. On the first day of May, 1635, the privy council interfered to stay a squadron of eight ships, which were in the Thames, preparing to embark for New England. It has been said that Hampden and Cromwell were on board this fleet. The English ministry of that day might willingly have exiled Hampden, who was at that very time engaged in resisting the levy of ship-money; no original authors, except royalists writing on hearsay, allude to the design imputed to him; in America there exists no evidence of his expected arrival; the remark of the historian Hutchinson refers to the well-known schemes of Lord Say and Seal and Lord Brooke. There came over, during this summer, twenty ships, and at least three thousand persons; and, had Hampden designed to emigrate, he possessed energy enough to have accomplished his purpose. He undoubtedly had watched with deep interest the progress of Massachusetts; The "Conclusions" had early attracted his attention; and, in 1631, he had taken part in a purchase of territory on the Narragansett; but the greatest patriot statesmen of his times, the man whom Charles I would gladly have seen drawn and quartered, whom Clarendon paints as possessing beyond all his contemporaries "a head to contrive, a tongue to persuade, and a hand to execute," and whom Baxter revered as able, by his presence and conversation, to give a new charm to the rest of the saints in Heaven, never embarked for America. The fleet in which he is said to have taken his passage was delayed but a few days; on petition of the owners and passengers, King Charles removed the restraint; the ships proceeded on their voyage; and the company arrived in the bay of Massachusetts. Had Hampden and Cromwell been of the party, they would have reached New England.

Bancroft, Hist. of the U.S., vol.1, p.278

Twenty-six days before this attempt to stay emigration, the lords of the council had written to Winthrop, recalling to mind the former proceedings by a quo warranto, and demanding the return of the patent. In case of refusal, it was added, the king would assume into his own hands the entire management of the plantation.

Bancroft, Hist. of the U.S., vol.1, p.278

But "David in exile could more safely expostulate with Saul for the vast space between them." The colonists, on the sixth of September, without desponding, demanded a trial before condemnation. They urged that the recall of the patent would be a manifest breach of faith, pregnant with evils to themselves and their neighbors; that it would strengthen the plantations of the French and the Dutch; that it would discourage all future attempts at colonial enterprise; and, finally, "if the patent be taken from us," such was their remonstrance, "the common people will conceive that his majesty has cast them off, and that hereby they are freed from their allegiance and subjection, and therefore will be ready to confederate themselves under a new government for their necessary safety and subsistence, which will be of dangerous example unto other plantations, and perilous to ourselves of incurring his majesty's displeasure."

Bancroft, Hist. of the U.S., vol.1, p.279

What liberal English statesmen thought of the people of Massachusetts we know from D'Ewes, who wrote: "All men whom malice blindeth not, nor impiety transverseth, may see that the very finger of God hath hitherto gone with them and guided them." On the other hand, the government of Charles were of the opinion that "all corporations, as is found by experience in the corporation of New England, are refractory to monarchical government and endeavor to poison a plantation with factious spirits."

Bancroft, Hist. of the U.S., vol.1, p.279

Before the supplication of the colony was made, the monarch was himself involved in disasters. Anticipating success in his tyranny in England, with headlong indiscretion, he insisted on introducing a liturgy into Scotland, and compelling the uncompromising disciples of Knox to listen to prayers translated from the Roman missal. In July, 1637, the first attempt at reading the new service in the cathedral of Edinburgh was the signal for that series of events which promised to restore liberty to England and give peace to the colonies. The movement began, as great revolutions almost always do, from the ranks of the people. The nobles of Scotland take advantage of the anger of the people to promote their ambition. In the next year the national covenant is published, and is signed by the Scottish nation, almost without distinction of rank or sex; the defences of despotism are broken down; the flood washes away every vestige of Anglican ecclesiastical oppression. Scotland rises in arms for a holy war, and enlists religious enthusiasm under its banner in its contest against a despot, who has neither a regular treasury, nor an army, nor the confidence of his people. The wisest of his subjects esteem the insurgents as their friends and allies. There is now no time to oppress New England; the throne itself totters: there is no need to forbid emigration; fiery spirits, who had fled for a refuge to the colonies, rush back to share in the open struggle of England for liberty. In the following years the reformation of church and state, the attainder of Strafford, the impeachment of Laud, caused all men to stay at home in expectation of a new world.

Bancroft, Hist. of the U.S., vol.1, p.279 - p.280

Yet a nation was already planted in New England; a commonwealth was ripened; the contests in which the unfortunate Charles became engaged, and the republican revolution that followed, left the colonists, for twenty years, nearly unmolested in the enjoyment of virtual independence. The change which their industry had wrought in the wilderness was the admiration of their times. The wigwams and hovels in which the English had at first found shelter were replaced by well-built houses. The number of emigrants who had arrived in New England before the assembling of the Long Parliament is esteemed to have been twenty-one thousand two hundred. Two hundred and ninety-eight ships had borne them across the Atlantic; and the cost of the plantations had been almost a million of dollars—a great expenditure and a great emigration for that age. In a little more than ten years, fifty towns and villages had been planted; between thirty and forty churches built; and strangers, as they gazed, could not but acknowledge God's blessing on the endeavors of the planters. A public school, for which, on the eighth of September, 1636, the general court made provision, was, in the next year, established at Cambridge; and when, in 1638, John Harvard, a church member of Charlestown, where he was "sometimes minister of God's word," dying in the second year of his residence, bequeathed to it his library and half his fortune, it was named HARVARD COLLEGE. "To complete the colony in church and commonwealth work," Jose Glover, a worthy minister, "able in estate," and of a liberal spirit, in that same year embarked for Boston with fonts of letters for printing, and a printer. He died on the passage; but, in 1639, Stephen Daye, the printer, printed the Freeman's Oath, and an almanac calculated for New England; and, in 1640, "for the edification and comfort of the saints," the Psalms, faithfully but rudely translated in metre from the Hebrew by Thomas Welde and John Eliot, ministers of Roxbury, assisted by Richard Mather, minister of Dorchester, were published in a volume of three hundred octavo pages. This was the first book printed in America north of the city of Mexico.

Bancroft, Hist. of the U.S., vol.1, p.280 - p.281

In temporal affairs, affluence came in the train of industry. The natural exports of the country were furs and lumber; grain was carried to the West Indies; fish was a staple. The art of ship-building was introduced with the first emigrants to Salem; but "Winthrop had with him William Stephens, a shipwright, who had been preparing to go for Spain, and who would have been as a precious jewel to any state that obtained him." He had built in England many ships of great burden, one even of six hundred tons, and he was "so able a man that there was hardly such another to be found in the kingdom." In New England he lived with great content, where, from the time of his arrival, ship-building was carried on with surpassing skill, so that vessels were soon constructed of four hundred tons. So long as the ports were thronged with new-comers, the older settlers found full employment in supplying their wants. But now "men began to look about them, and fell to a manufacture of cotton, whereof they had store from Barbadoes." In view of the exigency, "the general court made order for the manufacture of woollen and linen cloth."

Bancroft, Hist. of the U.S., vol.1, p.281

"Upon the great liberty which the king had left the parliament in England" that first met in 1641, "some of our friends there," says Winthrop, "wrote to us advice to solicit for us in the parliament, giving us hope that we might obtain much. But, consulting about it, we declined the motion for this consideration, that, if we should put ourselves under the protection of the parliament, we must then be subject to all such laws as they should make, or, at least, such as they might impose upon us. It might prove very prejudicial to us." When the letters arrived, inviting the colonial churches to send their deputies to the Westminster assembly of divines, the same sagacity led them to neglect the summons. Especially Hooker, of Hartford, "liked not the business," and deemed it his duty rather to stay in quiet and obscurity with his people in Connecticut than to go three thousand miles to plead for independency with Presbyterians in England. Yet such commercial advantages were desired as might be obtained without a surrender of chartered rights. In 1641, the general court "sent three chosen men into England to congratulate the happy success there, and to be ready to make use of any opportunity God should offer for the good of the country here, as also to give any advice, as it should be required, for the settling of the right form of church discipline there." Of these agents, Hugh Peter was one.

Bancroft, Hist. of the U.S., vol.1, p.282

The security enjoyed by New England presented the long desired opportunity of establishing a "body of liberties" as a written constitution of government. In the absence of a code of laws, the people had for several years continued to be uneasy at the extent of power that rested in the discretion of the magistrates. On the other hand, most of the magistrates and some of the elders, thinking that the fittest laws would arise upon occasions, and gain validity as customs, and, moreover, fearing that their usages, if established as regular statutes, might be censured by their enemies as repugnant to the laws of England, "had not been very forward in this matter." Now that some of the causes of apprehension existed no longer, the great work of constitutional legislation was resumed; and, in December, 1641, a session of three weeks was employed in considering a system which had been prepared chiefly by Nathaniel Ward, of Ipswich. He had been formerly a student and practiser in the courts of common law in England, but became a non-conforming minister; so that he was competent to combine the humane principles of the common law with those of natural right and equality, as deduced from the Bible. After mature deliberation, his "model," which for liberality and comprehensiveness may vie with any similar record from the days of Magna Charta, was adopted as "the body of liberties" of the Massachusetts colony.

Bancroft, Hist. of the U.S., vol.1, p.282 - p.283

All the general officers of the jurisdiction, including governor, deputy governor, treasurer, assistants, military commander, and admiral, if there should be a naval force, were to be chosen annually by the freemen of the plantation, and paid from the common treasury. The freemen in the several towns were to choose deputies from among themselves; or, "to the end the ablest gifted men might be made use of in so weighty a work," they might select them elsewhere as they judged fittest; the deputies were to be paid from the treasury of their respective towns, and to serve "at the most but one year; that the country may have an annual liberty to do in that case what is most behooveful for the best welfare thereof." No general assembly could be dissolved or adjourned without the consent of the major part thereof. The freemen of every town had power to make such by-laws and constitutions as might concern the welfare of the town, provided they be not of a criminal nature, nor repugnant to the public laws of the country; and that their penalties exceed not twenty shillings for one offence. They had power to choose yearly selectmen "to order the prudential occasions of the town according to instructions to be given them in writing."

Bancroft, Hist. of the U.S., vol.1, p.283

Life, honor, and personal liberty and estate were placed under the perpetual protection of law. To every person, whether inhabitant or foreigner, was promised equal justice without partiality or delay. Every man, whether inhabitant or foreigner, free or not free—that is, whether admitted as a member of the general court of the freemen under the charter or not—had the liberty to come to any court, council, or town-meeting, and there to move any question or present any petition, either by speech or writing. Every officer exercising judicial authority was annually elected; the assistants by the freemen of the whole plantation; the associates to assist the assistants in any inferior court, by the towns belonging to that court; and all jurors, by the freemen of the town where they dwelt. Judicial proceedings were simplified; by mutual consent of plaintiff and defendant, actions might be tried, at their option, by the bench or by a jury; and in criminal trials the like choice was granted to the accused.

Bancroft, Hist. of the U.S., vol.1, p.283 - p.284

Every incident of feudal tenure that would have been a restraint on the possession and transmission of real estate was utterly forbidden; and all lands and heritages were declared free and alienable; so that the land of a child under age, or an idiot, might, with the consent of a general court, be conveyed away. The charter had indeed reserved to the king, by way of rent, one fifth of the gold and silver that might be mined; but this was a mere theoretical feud, resolving itself into fealty alone. In Massachusetts, all the land was allodial. All persons of the age of twenty-one years, even the excommunicate or condemned, had full power to alienate their lands and estates, and to make their wills and testaments. Children inherited equally as co-partners the property of intestate parents, whether real or personal, except that to the first-born son, where there was a son, a double portion was assigned, unless the general court should judge otherwise. No man could be compelled to go out of the limits of the plantation upon any offensive war. To every man within the jurisdiction, free liberty was assured to remove himself and his family at their pleasure. The grant of monopolies was prohibited, except of new inventions profitable to the country, and that for a short time. Every married woman was protected against bodily correction or stripes by her husband, and had redress if at his death he should not leave her a competent portion of his estate. As to foreign nations professing the true Christian religion, all fugitives from the tyranny or oppression of their persecutors, or from famine or wars, were ordered to be entertained according to that power and prudence that God should give; so that the welcome of the commonwealth was as wide as sorrow. On slavery this was the rule: "There shall never be any bond slaverie, villinage, or captivitie amongst us, unles it be lawfull captives taken in just warres, and such strangers as willingly selle themselves or are sold to us. And these shall have all the liberties and Christian usages which the law of God established in Israel concerning such persons doeth morally require. This exempts none from servitude who shall be judged thereto by authoritie." "If any man stealeth a man or mankinde, he shall surely be put to death."

Bancroft, Hist. of the U.S., vol.1, p.284

The severity of the Levitical law against witchcraft, blasphemy, and sins against nature, was retained; otherwise, death was the punishment only for murder, adultery, man-stealing, and false witness wittingly to take away any man's life. In the following year, rape was made a capital crime.

Bancroft, Hist. of the U.S., vol.1, p.284

With regard to the concerns of religion, all the people of God who were orthodox in judgment and not scandalous in life had full liberty to gather themselves into a church estate; to exercise all the ordinances of God; and from time to time to elect and ordain all their officers, provided they be able, pious, and orthodox. For the preventing and removing of error, ministers and elders of near adjoining churches might hold public Christian conference, provided that nothing be imposed by way of authority by one or more churches upon another, but only by way of brotherly consultations.

Bancroft, Hist. of the U.S., vol.1, p.284 - p.285

Such were the most important of the liberties and laws: established at the end of 1641, for the government of Massachusetts. Embracing the freedom of the commonwealth, of municipalities, of persons, and of churches according to the principles of Congregationalism, "the body of liberties" exhibits the truest picture of the principles, character, and intentions of the people of Massachusetts, and the best evidence of its vigor and self-dependence.

Bancroft, Hist. of the U.S., vol.1, p.285

In its main features it only gave authority to the customs of the colony. The public teaching of all children, the trainbands and the training-field, the town-meeting and the meeting of all the inhabitants for public worship—these essential elements of early New England public life grew out of the character and condition of the people, and, as it were, created the laws for their perpetuation.

Bancroft, Hist. of the U.S., vol.1, p.285 - p.286

Do we seek to trace the New England town to its origin? The vital principle of Teutonic liberty lies in the immemorial usage of the meeting of all the people with the equal right of each qualified inhabitant to give counsel and to vote on public affairs. The usage still exists, nearly in its pristine purity, in some of the cantons of Switzerland; it has left in the Teutonic race a profound sense of the need of local self-government; in England it is the formative idea of its parliament and of its hundred, and in some narrow measure still survives in the parish. It was saved in many English towns by special agreement with their rulers, though these agreements were warred upon and essentially changed by later and more arbitrary kings. This seminal principle of English liberty took root wherever Englishmen trod the soil of America. The first ordinance for the constitution of Virginia enumerated the divisions of towns, hundreds, and plantations; but there the system was imperfectly developed from the scattered mode of life of the planters and the introduction of the English system of parishes. In New England the precious seed fell on the best ground for its quickening. Each company of settlers as it arrived, or as it divided from earlier companies, formed a town, which at once began as by right with taking care of its own concerns. All the electors met annually, and more often if required. They might at any time be called together to treat of any subject that was of interest to them, even if it were but to express an opinion. When business became too complicated to be executed in the public assembly, the annual meeting voted what should be done in the year, and selected men to carry out their votes. When the annual gathering of all the freemen of the corporation gave way to the representative system, each town that had as many as ten freemen might send at least one deputy to what was still called the general court. Thus in Massachusetts, and it was substantially so in all the New England states, the commonwealth was made up of living, integral organizations, in which the people, from the beginning, brought themselves up to be members of the state, and to take their share in public life.

Bancroft, Hist. of the U.S., vol.1, p.286

In these early days, there fell under the control of the several towns two subjects, which are now removed from them. The minister, without whom the existence of a town could not be conceived of, was chosen in open town-meeting, and received his support according to the contract that might be made between him and the people. This regulation continued in usage in some of the interior precincts for nearly two centuries.

Bancroft, Hist. of the U.S., vol.1, p.286

By the charter, all the land of the commonwealth was granted to the freemen of the corporation; but they never claimed a right to distribute it among themselves, nor was a permanent community of property in it ever attempted or designed. As the rule, the land within the limits of a town was granted by the commonwealth to the individuals who were to plant the town, not in perpetuity, nor in equal parts, but to be distributed among the inhabitants according to their previous agreements, or to their wants and just expectations as judged of by the towns themselves. Each town made its own rules for the division of them. It was usual to reserve a large part of the town's domain for such persons as from time to time were yet to be received as inhabitants; and, in the mean while, rights to wood, timber, and herbage, in the undivided lands, attached to all householders.

Bancroft, Hist. of the U.S., vol.1, p.286 - p.287

Soon after the promulgation of its "liberties," the territory of Massachusetts was extended to the Piscataqua, for which the strict interpretation of its charter offered an excuse. The people of New Hampshire had long been harassed by vexatious proprietary claims; dreading the perils of anarchy, they provided a remedy for the evils of a disputed jurisdiction by the immediate exercise of their natural rights; and, on the fourteenth of April, 1642, by their own voluntary act, they were annexed to their powerful neighbor, not as a province, but on equal terms, as an integral portion of the state. The change was effected with great deliberation. The banks of the Piscataqua had not been peopled by Puritans; and the system of Massachusetts could not properly be applied to the new acquisitions. In September, the general court adopted the measure which justice recommended; neither the freemen nor the deputies of New Hampshire were required to be church members. Thus political harmony was maintained, though the settlements long retained marks of the difference of their origin.

Bancroft, Hist. of the U.S., vol.1, p.287

The attempt to acquire the land on Narragansett bay was less deserving of success. Samuel Gorton, a benevolent enthusiast, who used to say heaven was not a place, there was no heaven but in the hearts of good men, no hell but in the mind, had created disturbances in the district of Warwick. In 1641, a minority of the inhabitants, wearied with harassing disputes, requested the interference of the magistrates of Massachusetts; and two sachems near Providence surrendered the soil to the jurisdiction of that state. Gorton and his partisans did not disguise their scorn for the colonial clergy; they were advocates for liberty of conscience, and at the same time, having no hope of protection except from England, they were, by their position, enemies to colonial independence; they denied the authority of the magistrates of Massachusetts, not only on the soil of Warwick, but everywhere, inasmuch as it was tainted by a want of true allegiance. Such opinions, if carried into effect, would have subverted the liberties of Massachusetts, as well as its ecclesiastical system, and were therefore by a few thought worthy of death; but a small majority of the deputies, in 1643, was more merciful, and Gorton and his associates were imprisoned. The people murmured even at this less degree of severity, and the imprisoned men were soon set at liberty; but the claim to the territory was not immediately abandoned.

Bancroft, Hist. of the U.S., vol.1, p.288

In May, 1643, the general court of Massachusetts received an official copy of the order of the house of commons of the tenth of March of that year, in which it was acknowledged that "the plantations in New England had, by the blessing of the Almighty, had good and prosperous success, without any public charge to the parent state;" and their imports and exports were freed from all taxation "until the house of commons should take order to the contrary." The ordinance was thankfully acknowledged, and "entered among their public records to remain there to posterity." At the same time the governor was directed in his oath of office to omit to swear allegiance to King Charles, "seeing that he had violated the privileges of parliament and had made war upon them."

Chapter 18:

The United Colonies of New England

Bancroft, Hist. of the U.S., vol.1, p.289

THE enlargement of the dominion of Massachusetts was, in part, a result of the virtual independence which the commotions in the mother country had secured to the colonies. The UNION of the Calvinist states of New England was a still more important measure. In August, 1637, immediately after the victories over the Pequods, and before New Haven was planted, at a time when the earliest synod of New England ministers had gathered in Boston, a day of meeting was appointed, at the request of the leading magistrates and elders of Connecticut, to agree upon articles of confederation, and notice was given to Plymouth that they might join in it. Many of the American statesmen, familiar with the character of the government of the Netherlands, possessed sufficient experience and knowledge to frame a plan of union; but the warning to Plymouth was so short that they could not come, and the subject was deferred.

Bancroft, Hist. of the U.S., vol.1, p.289 - p.290

In March, 1638, Davenport and Eaton, declining the solicitations of the government of Massachusetts to remain within its jurisdiction, pledged themselves in their chosen abode "to be instrumental for the common good of the plantations which the Divine Providence had combined together in a strong bond of brotherly affection, so that their several armies might mutually strengthen them both against their several enemies." The dangers against which they needed to concert joint action were those which threatened their institutions from the prelates and the king, and those which menaced their territory from the Dutch of New Netherlands and the French of Acadia and Canada. In the course of the year, a union of the Calvinist colonies came again into discussion; and Massachusetts propounded as the order of confederation that, upon any matter of difference, the assembled commissioners of every one of the confederate colonies should have full power to determine it. Those of Connecticut, from their shyness of coming under the government of Massachusetts, insisted that the commissioners, if they could not agree, should only make reports to their several colonies till unanimity should be obtained. But Massachusetts, "holding it very unlikely that all the churches in all the plantations would ever unanimously agree upon the same propositions, refused the reservation to each state of a negative upon the proceedings of the whole confederacy;" for, in that ease, "all would have come to nothing," and, after infinite trouble and expense, the issue would have been left to the sword.

Bancroft, Hist. of the U.S., vol.1, p.290

The Dutch on Manhattan had received a new and more active governor, who complained much of the encroachments of Connecticut, and sought by a friendly correspondence with Massachusetts to nurse divisions in New England. To guard against this danger, in May, 1639, Hooker and Haynes sailed into Massachusetts bay, where they remained a month in the hope to bring about a treaty for confederation. The general court moved first in the measure, and the more readily that the Dutch "might not notice any breach or alienation" between kindred colonies.

Bancroft, Hist. of the U.S., vol.1, p.290

The confederation having failed in consequence of the reluctance of Connecticut to consent to be bound by any vote that should be less than unanimous, it devolved on that colony, if it would renew efforts for union, to prepare a form that should be accepted by Massachusetts. A concert was established with Fenwick, the representative of "the lords and gentlemen" interested at Saybrook; and, in 1641, he proposed to wait "one year longer," in expectation of the arrival of his company, or at least some part of them. But, under the change in the political condition of England, they had abandoned the thought of emigration, though not their friendly interest in New England. At length, in September, 1642, Connecticut sent to Massachusetts propositions "for a combination of the colonies."

Bancroft, Hist. of the U.S., vol.1, p.291

These propositions reached Boston at a time when the colony was closely watching the rage of parties in the mother country, and when it was rumored that a party in Virginia was about to rise for the king. On the advice of the elders, the general court, then in session, had ordered a fast "chiefly on account of the news out of England concerning the breach between the king and parliament." On the twenty-seventh of September, the propositions from Connecticut were read in the general court and referred to a committee, to be considered of after its adjournment.

Bancroft, Hist. of the U.S., vol.1, p.291

The result of the deliberations of the several colonies was that, in May, 1643, the general court, which was then in session, chose their governor, two magistrates, and three deputies, "to treat with their friends of New Haven, Connecticut, and Plymouth, who were come about a confederacy between them." At a time so fraught with danger from their wide dispersion on the sea-coasts and rivers, from living encompassed with people of other nations and strange languages, from a combination of the natives against the several English plantations, and from the sad distractions in England, whence they had no right to expect either advice or protection, "they conceived it their bounden duty without delay to enter into a present consociation among themselves for mutual help and strength, that, as in nation and religion, so in other respects they might be and continue one." The meeting was in fact a regular convention for framing a constitution, and its members were selected from the ablest men of New England. Among others there came from Connecticut, Haynes; from New Haven, Eaton; from Saybrook, Fenton, by the consent of New Haven; from Plymouth, Winslow; from Massachusetts, Winthrop.

Bancroft, Hist. of the U.S., vol.1, p.291 - p.292

The articles of confederation, which were completed before the end of the month, gave to the four Calvinist governments the name of THE UNITED COLONIES OF NEW ENGLAND. For themselves and their posterity, they entered into a firm and perpetual league of offence and defence, mutual advice and succor, both for preserving and propagating the truths and liberties of the gospel, and for their mutual safety and welfare. It was established that each of them should preserve entirely to itself the "peculiar jurisdiction and government" within its own limits; and with these the confederation was never "to intermeddle." The charge of all just wars, whether offensive or defensive, was to be apportioned upon the several jurisdictions according to the number of their male inhabitants from sixteen years old to threescore, each jurisdiction being left to collect its quota according to its own custom of rating. In like equitable proportion, the advantage derived from war was to be shared. The method of repelling a sudden invasion of one of the colonies by an enemy, whether French, Dutch, or Indian, was minutely laid down. For the concluding of all affairs that concerned the whole confederation, the largest state, superior to all the rest in territory, wealth, and population, had no more delegates than the least; there were to be chosen, by and out of each of the four jurisdictions, two commissioners, of whom every one was required to be "in church fellowship." These were to meet annually on the first Thursday in September, the first and fifth of every five years at Boston, the intervening years at Hartford, New Haven, and Plymouth in rotation; and to vote not by states, but man by man.

Bancroft, Hist. of the U.S., vol.1, p.292

At each meeting, they might choose out of themselves a president, but could endow him with no other power than to direct the comely carrying on of all proceedings. The commissioners were by a vote of three fourths of their number to determine all affairs of war, peace, and alliances; Indian affairs; the admission of new members into the confederacy; the allowing of any one of the present confederates to enlarge its territory by annexing other plantations, or any two of these to join in one jurisdiction; and "all things of like nature, which are the proper concomitants or consequents of such a confederation for amity, offence, and defence." When six of the eight commissioners could agree, their vote was to be final; otherwise, the propositions, with their reasons, were to be referred to the four general courts of Massachusetts, Connecticut, Plymouth, and New Haven.

Bancroft, Hist. of the U.S., vol.1, p.292 - p.293

The commissioners were enjoined to provide for peace among the confederates themselves, and to secure free and speedy justice to all the confederates in each of the other jurisdictions equally as in their own. The runaway servant was to be delivered up to his master, and the fugitive from justice to the officer in pursuit of him. The power of coercing a confederate who should break any of the articles rested with the commissioners for the other jurisdictions, "that both peace and this present confederation might be entirely preserved without violation."

Bancroft, Hist. of the U.S., vol.1, p.293

"This perpetual confederation and the several articles and agreements thereof," so runs its record of May, 1643, "being read and seriously considered, were fully allowed and confirmed by the Massachusetts, Connecticut, and New Haven." On the seventh of the following June, Plymouth by its general court gave order "to subscribe the same in its name, and to affix thereto its seal."

Bancroft, Hist. of the U.S., vol.1, p.293

The articles of the New England confederacy not only provided for the return of the fugitive slave; they classed persons among the spoils of war, and the sternest morality of that day doomed captive red men to slavery. As early as 1637, negro slaves were imported into New England from Providence isle. But when, in 1645, a party who sailed from Boston "for Guinea to trade for negroes," joined some Londoners in detaining as prisoners the natives "whom they invited upon the Lord's day aboard one of their ships," and assaulted a town which they burned, killing some of the people, a cry was raised against "such vile and most odious courses, abhorred of all good and just men." The accused escaped punishment only because the court could not take cognizance of crimes committed in foreign lands. In the next year, after advice with the elders, the representatives of the people, bearing "witness against the heinous crime of man-stealing," ordered the negroes to be restored, at the public charge, "to their native country, with a letter expressing the indignation of the general court" at their wrongs.

Bancroft, Hist. of the U.S., vol.1, p.293 - p.294

When George Fox visited Barbados, in 1671, he enjoined it upon the planters that they should "deal mildly and gently with their negroes; and that, after certain years of servitude, they should make them free." His idea had been anticipated by the fellow-citizens of Gorton and Roger Williams. On the eighteenth of May, 1652, the representatives of Providence and Warwick, perceiving the disposition of people in the colony "to buy negroes," and hold them "as slaves forever," enacted that "no black mankind" shall, "by covenant, bond, or otherwise," be held to perpetual service; the master, "at the end of ten years, shall set them free, as the manner is with English servants; and that man that will not let" his slave "go free, or shall sell him away, to the end that he may be enslaved to others for a longer time, shall forfeit to the colony forty pounds." Now forty pounds was nearly twice the value of a negro slave. The law was not enforced; but the principle did not perish.

Bancroft, Hist. of the U.S., vol.1, p.294

The confederacy possessed no direct executive power; and it remained for its several members to interpret and to execute the votes of their commissioners. Moreover, Massachusetts too greatly exceeded the others in power. Yet the union lived or lingered through forty years; and, after it was cut down, left the hope that a wider and better one would spring from its root.

Bancroft, Hist. of the U.S., vol.1, p.294

The provision for the reception of new members into the confederacy was without results. The people beyond the Piscataqua were not admitted, because "they ran a different course both in their ministry and in their civil administration." The desire of the plantations of Providence was rejected; the request of the islanders of Rhode Island was equally vain, because they would not consent to form a part of the jurisdiction of Plymouth.

Bancroft, Hist. of the U.S., vol.1, p.294 - p.295

On the seventh of September, 1643, the commissioners of the confederacy opened their first meeting by the election of John Winthrop as their president. Against the claim of the Dutch they allowed the right of Connecticut to colonize Long Island, and they assumed the office of protecting the settlements against the natives, whose power was growing formidable in proportion as they became acquainted with the arts of civilized life, but who were, at the same time, weakened by dissensions among themselves. Now that the Pequod nation was extinct, the more quiet Narragansetts could hardly remain at peace with the less numerous Mohegans. Anger and revenge brooded in the mind of Miantonomoh. He hated the Mohegans, for they were the allies of the English, by whom he had been arraigned as a criminal. He had suffered indignities at Boston, alike wounding to his pride as a chieftain and his honor as a man. His savage wrath was kindled against Uncas, his accuser, whom he detested as doubly his enemy—once as the sachem of a hostile tribe, and again as the sycophant of the white men. Gathering his men suddenly together, in defiance of a treaty to which the English were parties, Miantonomoh, accompanied by a thousand warriors, fell upon the Mohegans. But his movements were as rash as his spirit was impetuous: he was defeated and taken prisoner by those whom he had doomed as a certain prey to his vengeance. By the laws of Indian warfare, the fate of the captive was death. Yet Gorton and his friends, who held their lands by a grant from Miantonomoh, interceded for their benefactor. The unhappy chief was conducted to Hartford; and the wavering Uncas, who had the strongest claims to the gratitude and protection of the English, asked the advice of the commissioners of the united colonies. Murder had ever been severely punished by the Puritans: they had at Plymouth, with the advice of Massachusetts, executed three of their own men for taking the life of one Indian; and the elders, to whom the case of Miantonomoh was referred—finding that he had, deliberately and in time of quiet, murdered a servant of the Mohegan chief; that he had fomented discontents against the English; and that, in contempt of a league, he had plunged into a useless and bloody war—could not perceive any reason for interfering to save him. Uncas received his captive, and, conveying the helpless victim beyond the limits of the jurisdiction of Connecticut, put him to death. So perished Miantonomoh, the friend of the exiles from Massachusetts, the benefactor of the fathers of Rhode Island.

Bancroft, Hist. of the U.S., vol.1, p.295

The tribe of Miantonomoh burned to avenge the execution of their chief; but they feared a conflict with the English, whose alliance they vainly solicited, and who persevered in protecting the Mohegans. The Narragansetts at last submitted in sullenness to a peace, of which the terms were alike hateful to their independence, their prosperity, and their love of revenge.

Bancroft, Hist. of the U.S., vol.1, p.295 - p.296

While the commissioners, thus unreservedly and without appeal, controlled the relation of the native tribes, they, of their own authority, negotiated a treaty of peace with the governor of Acadia.

Bancroft, Hist. of the U.S., vol.1, p.296

Content with the security which the confederacy afforded, the people of Connecticut desired no guarantee for their institutions from the government of England; taking care only, by a regular purchase, to obtain a title to the soil that belonged to the assigns of the earl of Warwick.

Bancroft, Hist. of the U.S., vol.1, p.296

The people of Rhode Island, excluded from the colonial union, could never have maintained their existence as a separate state had they not sought the interference and protection of the mother country; and Roger Williams, the founder of the colony, was chosen to conduct the important mission. In 1643, embarking at Manhattan, he arrived in England about the time of the death of Hampden. The parliament had committed the affairs of the American colonies to the earl of Warwick, as governor in chief, assisted by a council of five peers and twelve commoners. Among these commoners was Henry Vane, who welcomed the American envoy as an ancient friend. The favor of parliament was won by the "printed Indian labors of Roger Williams, the like whereof was not extant from any part of America;" and his merits as a missionary induced "both houses to grant unto him, and friends with him, a free and absolute charter of civil government for those parts of his abode." On the fourteenth of March, 1644, the places of refuge for "soul-liberty," on the Narragansett bay, were incorporated, "with full power and authority to rule themselves, and such others as shall hereafter inhabit within any part of the said tract of land, by such a form of civil government as by voluntary consent of all, or the greater part of them, they shall find most suitable to their estate and condition;" "to place and displace officers of justice, as they, or the greatest part of them, shall by free consent agree unto." To the Long Parliament, and especially to Sir Henry Vane, Rhode Island owes its existence as a political state.

Bancroft, Hist. of the U.S., vol.1, p.296 - p.297

A double triumph awaited Williams in 1644 on his return to New England. He arrived at Boston, where letters from the parliament insured him a safe reception. But what honors were prepared for the happy negotiator on his return to the province which he had founded! As he reached Seekonk, he found the water covered with a fleet of canoes; all Providence had come forth to welcome the return of its benefactor. Receiving their successful ambassador, the group of boats started for the opposite shore; and, as they paddled across the stream, Roger Williams, placed in the centre of his grateful fellow-citizens, "was elevated and transported out of himself."

Bancroft, Hist. of the U.S., vol.1, p.297

And now came the experiment of the efficacy of popular sovereignty. The value of a moral principle may be tried on a small community as well as a large one. There were already several towns in the new state, filled with the strangest and most incongruous elements—Anabaptists and Antinomians, fanatics, and infidels, as its enemies asserted; so that, if a man had lost his religious opinions, he might have been sure to find them again in some village of Rhode Island. All men were equal; all might meet and debate in the public assemblies; all might aspire to office; the people, for a season, constituted itself its own tribune, and every public law required confirmation in the primary assemblies. The little "democracie," which, at the beat of the drum or the voice of the herald, used to assemble beneath an oak or by the open sea-side, was famous for its "headiness and tumults," its stormy town-meetings, and the angry feuds of its herdsmen and shepherds; but, true as the needle to the pole, the popular will instinctively pursued the popular interest. Amidst the jarring quarrels of rival statesmen in the plantations, good men were chosen to administer the government; and the spirit of mercy, of liberality and wisdom, was impressed on its legislation. "Our popularitie," say their records for May, 1647, "shall not, as some conjecture it will, prove an anarchic, and so a common tirannie; for we are exceeding desirous to preserve every man safe in his person, name, and estate."

Bancroft, Hist. of the U.S., vol.1, p.297 - p.298

Yet danger still menaced. The executive council of state in England, in April, 1651, granted to Coddington a commission for governing the islands; and such a dismemberment of the territory of the narrow state must have terminated in the division of the remaining soil between the adjacent governments. Williams again returned to England; and, with John Clarke, his colleague in the mission, was again successful. The dangerous commission was vacated, and, on the second of October, 1652, the charter and union of what now forms the state of Rhode Island was confirmed. The general assembly, in its gratitude, desired that Williams might himself obtain from the sovereign authority in England an appointment as governor, for a year, over the whole colony. But, if gratitude blinded the Province, ambition did not blind its envoy. Williams refused to sanction a measure which would have furnished a most dangerous precedent, and was content with the honor of doing good. His success with the executive council was due to the intercession of Sir Henry Vane. "Under God, the sheet-anchor of Rhode Island was Sir Henry." "From the first beginning of the Providence colony," thus, in 1654, did the town-meeting address Sir Henry Vane, "you have been a noble and true friend to an outcast and despised people; we have ever reaped the sweet fruits of your constant loving-kindness and favor. We have long been free from the iron yoke of wolvish bishops; we have sitten dry from the streams of blood spilt by the wars in our native country. We have not felt the new chains of the Presbyterian tyrants, nor in this colony have we been consumed by the over-zealous fire of the (so called) godly Christian magistrates. We have not known what an excise means; we have almost forgotten what tithes are. We have long drunk of the cup of as great liberties as any people, that we can hear of, under the whole heaven. When we are gone, our posterity and children after us shall read, in our town records, your loving-kindness to us, and our real endeavor after peace and righteousness."

Bancroft, Hist. of the U.S., vol.1, p.298 - p.299 - p.300

Far different were the early destinies of the province of Maine. In June, 1640, a general court was held at Saco, under the auspices of the lord proprietary, who had drawn upon paper a stately scheme of government, with deputies and counsellors, a marshal and a treasurer of the public revenue, chancellors, and a master of the ordnance, and every thing that the worthy old man deemed essential to his greatness. Sir Ferdinando had "travailed in the cause above forty years," and expended above twenty thousand pounds; yet, in 1642, all the regalia which Thomas Gorges, his trusty and well-beloved cousin and deputy, could find in the principality, were not enough for the scanty furniture of a cottage. Agamenticus, though in truth but "a poor village," soon became a chartered borough; like another Romulus, the veteran soldier resolved to perpetuate his name, and the land round York, known transiently as Gorgeana, became as good a city as seals and parchment, a nominal mayor and aldermen, chancery court and court-leet, sergeants and white rods, can make of a town of less than three hundred inhabitants and its petty officers. Yet the nature of Gorges was generous, and his piety sincere. He sought pleasure in doing good; fame, by advancing Christianity among the heathen; a durable monument, by erecting houses, villages, and towns. The contemporary and friend of Raleigh, he adhered to schemes in America for almost half a century; and, long after he became convinced of their unproductiveness, was still bent on plans of colonization, at an age when other men are but preparing to die with decorum. Firmly attached to the monarchy, he never disobeyed his king, except that, as a churchman and a Protestant, he refused to serve against the Huguenots. When the wars in England broke out, the septuagenarian royalist buckled on his armor and gave his last strength to the defence of the unfortunate Charles. In America, his fortunes had met with a succession of untoward events. The patent for Lygonia had been purchased in 1643, by Rigby, a republican member of the Long Parliament; and a dispute ensued between the deputies of the respective proprietaries. In vain did Cleaves, the agent of Rigby, in 1644, solicit the assistance of Massachusetts; the colony warily refused to take part in the strife. Both aspirants now solicited the Bay magistrates to act as umpires. In June, 1645, the cause was learnedly argued in Boston, and the decree of the court was oracular. Neither party was allowed to have a clear right; and both were enjoined to live in peace. But how could Vines and Cleaves assert their authority? On the death of Gorges, the people repeatedly wrote to his heirs. No answer was received; and such commissioners as had authority from Europe gradually withdrew. There was no relief for the colonists but in themselves; and, in July, 1649, the inhabitants of Piscataqua, Gorgeana, and Wells, following the American precedent, with free and unanimous consent formed themselves into a body politic for the purposes of self-government. Massachusetts readily offered its protection. In May, 1652, the great charter of the Bay company was unrolled before the general court in Boston; and, "upon perusal of the instrument, it was voted that this jurisdiction extends from the northernmost part of the river Merrimack, and three miles more, north, be it one hundred miles, more or lesse, from the sea; and then upon a straight line east and west to each sea." The words were precise. Nothing remained but to find the latitude of a point three miles to the north of the remotest waters of the Merrimack, and to annex the territory of Maine which lies south of that parallel; for the grant to Massachusetts was prior to the patents under which Rigby and the heirs of Gorges had been disputing. The "engrasping" Massachusetts promptly despatched commissioners to the eastward to settle the government. The remonstrances of the loyalist Edward Godfrey, then governor of the province, were disregarded; and one town after another, yielding in part to menaces and armed force, gave in its adhesion. Every man was confirmed in his possessions; the religious liberty of the Episcopalians was unharmed; the privileges of citizenship were extended to all inhabitants; and the eastern country gradually, yet reluctantly, submitted to the change. When, in 1656, the claims of the proprietaries were urged before Cromwell, many inhabitants of the towns of York, Kittery, Wells, Saco, and Cape Porpoise, yet not a majority, remonstrated. To sever them from Massachusetts would be to them "the subverting of all civil order." By following the most favorable interpretation of its charter, Massachusetts extended its frontier to the islands in Casco bay.

Bancroft, Hist. of the U.S., vol.1, p.300 - p.301

In 1644, the year after the confederation of the four Calvinist colonies, the government of Massachusetts was brought nearer to its present form. The discontent of the deputies at the separate negative of the assistants came to its height, when, on an appeal to the general court, the assistants and the deputies sitting together reversed a decision of the lower court, and the assistants, by their separate act, immediately restored it. The time had come for a change; but, instead of the old proposition to take from the magistrates their negative, and so introduce the system of one irresponsible, absolute chamber, better thoughts arose; and, "as the groundwork for government and order in the issuing of business of greatest and highest consequence," it was agreed that the magistrates and deputies should sit in separate chambers, each of which should have the right to originate orders and laws, and each have a negative on the acts of the other. So far the form of the Massachusetts government was established as it now exists; but as yet no separate negative was allowed to the governor.

Bancroft, Hist. of the U.S., vol.1, p.301

With the increase of English freedom, the dangers which had menaced Massachusetts appeared to pass away; its government began to adventure on a more lenient policy; the sentence of exile against Wheelwright was rescinded; a proposition was made to extend the franchises of the company to those who were not church members, provided "a civil agreement among all the English could be formed" for asserting the common liberty. For this purpose, letters were written to the confederated states; but the want of concert defeated the plan. The law which, nearly at the same time, threatened obstinate Anabaptists with exile, was not designed to be enforced. "Anabaptism," says Jeremy Taylor, in his famous argument for liberty, "is as much to be rooted out as anything that is the greatest pest and nuisance to the public interest." The fathers of Massachusetts reasoned more mildly. The dangers apprehended from some wild and turbulent spirits, "whose conscience and religion seemed only to sett forth themselves and raise contentions in the country, did provoke us "—such was their language in 1646—"to provide for our safety by a law, that all such should take notice how unwelcome they should be unto us, either comeing or staying. But for such as differ from us only in judgment, and live peaceably amongst us, such have no cause to complain; for it hath never beene as yet putt in execution against any of them, although such are known to live amongst us." Even two of the presidents of Harvard College were Anabaptists.

Bancroft, Hist. of the U.S., vol.1, p.301 - p.302

While dissenters were thus treated with an equivocal toleration, no concessions were made toward the government in England. It was the creed of even the most loyal deputy, that, "if the king, or any party from him, should attempt anything against this commonwealth," it was the common duty "to spend estate, and life, and all, without scruple, in its defence;" that, "if the parliament itself should hereafter be of a malignant spirit, then, if the colony have strength sufficient, it may withstand any authority from thence to its hurt." Massachusetts called itself "a perfect republic." Nor was the expression a vain boast. The commonwealth, by force of arms, preserved in its harbors a neutrality between the ships of the opposing English factions; and the law, which placed death as the penalty on any "attempt at the alteration of the frame of polity fundamentally," was well understood to be aimed at those who should assert the supremacy of the English parliament. The establishment of a mint, in 1652, was an exercise of sovereignty. The silver shilling, stamped with the image of a pine-tree, was largely coined.

Bancroft, Hist. of the U.S., vol.1, p.302

Whilst the public mind was agitated with discussions on liberty of conscience and independence of English jurisdiction, the community, in this infancy of popular government, was disturbed with a third "great question about the authority of the magistrates and the liberty of the people."

Bancroft, Hist. of the U.S., vol.1, p.302 - p.303

The oldest dispute in the colony was of 1632, and related to the limits of the authority of the governor. In 1634, on occasion of dividing the town lands, "men of the inferior sort were chosen" in Boston. Eliot, the apostle of the Indians, maintained that treaties should not be made without consulting the commons. The doctrine of rotation in office was asserted in 1639, even to the neglect of Winthrop, "lest there should be a governor for life." Like symptoms broke out in the next five years. When one of the elders proposed that the place of governor should be held for life, the deputies immediately resolved that no magistrate of any kind should be elected for more than a year. The magistrates once nominated several persons for office; and every one of their candidates was rejected. On the other hand, when one of the ministers attempted to dissuade the freemen from choosing the same officers twice in succession, they disliked the interference of the adviser more than they loved the doctrine of frequent change, and re-elected the old magistrates almost without exception. The condition of a new colony which discarded the legislation of the mother country necessarily left many things to the opinions of the executive. The people were loud in demanding a government of law, and not of discretion. No sooner had Winthrop pleaded against the establishment of an exact penalty for every offence—because justice, not less than mercy, imposed the duty of regulating the punishment by the circumstances of the case—than they raised the cry of arbitrary power, and refused the hope of clemency, when it was to be obtained from the capricious judgments of a magistrate. The authority exercised by the assistants during the intervals between the sessions became a subject of apprehension. A majority of the deputies proposed to substitute a joint commission. The proposition being declined as inconsistent with the patent, they then desired to reserve the question for further deliberation. When to this it was answered that, in the mean time, the assistants would act according to the power and trust which they claimed by the charter, the deputies rejoined, by their speaker, Hawthorne: "You will not be obeyed."

Bancroft, Hist. of the U.S., vol.1, p.303

In 1645, the popular party felt a consciousness of so great strength as to desire a struggle with its opponents. The opportunity could not long be wanting. The executive magistrates, accustomed to tutelary vigilance over the welfare of the towns, had set aside a military election in Hingham. There had been, perhaps, in the proceedings, sufficient irregularity to warrant the interference. The affair came before the general court. "Two of the magistrates and a small majority of the deputies were of opinion that the magistrates exercised too much power, and that the people's liberty was thereby in danger; while nearly half the deputies, and all the rest of the magistrates, judged that authority was over-much slighted, which, if not remedied, would endanger the commonwealth and introduce a mere democracy." The two branches being at variance, a reference to the arbitration of the elders was proposed. But "to this the deputies would by no means consent; for they knew that many of the elders were more careful to uphold the honor and power of the magistrates than themselves well liked of."

Bancroft, Hist. of the U.S., vol.1, p.304

The root of the disturbance at Hingham existed in "a presbyterial spirit," which opposed the government of the colonial commonwealth. Some of those who pleaded the laws of England against the charter and the administration in Massachusetts had been committed by Winthrop, then deputy governor, for contempt of the established authority. It was proposed to procure their release by his impeachment. Hitherto the enemies of the state had united with the popular party, and both had assailed the charter as the basis of magisterial power; the former with the view of invoking the interposition of England, the latter in the hope of increasing popular liberty. But the citizens would not, even in the excitement of political divisions, wrong the purest of their leaders, and the factious elements were rendered harmless by decomposition. Winthrop appeared at the bar only to triumph in his acquittal, while his false accusers were punished by fines. "Civil liberty," said the noble-minded man, in "a little speech" on resuming his seat upon the bench, "is the proper end and object of authority, and cannot subsist without it. It is a liberty to that only which is good, just, and honest. This liberty you are to stand for with the hazard not only of your goods, but, if need be, of your lives. Whatsoever crosseth this is not authority, but a distemper thereof."

Bancroft, Hist. of the U.S., vol.1, p.304

It now became possible to adjust the long-continued difference by a compromise. The power of the magistrates over the militia was diminished by law; but though the magistrates themselves were by some declared to be but public servants, holding "a ministerial office," and though it became a favorite idea that all authority resides essentially with the people in their body representative, yet the Hingham disturbers were punished by heavy fines, while Winthrop and his friends retained the affectionate confidence of the colony.

Bancroft, Hist. of the U.S., vol.1, p.304 - p.305

The court of Massachusetts was ready to concede the enjoyment of religious worship under Presbyterian forms; yet its discontented enemies, defeated in their hope of a union with the popular party, determined to rally on the principle of liberty of conscience, which had been rapidly making progress. Many books had come from England in defence of toleration. Many of the court were well inclined to suspend the laws against Anabaptists, and the order subjecting strangers to the supervision of the magistrates; and Winthrop thought that "the rule of hospitality required more moderation and indulgence." In Boston, a powerful liberal party already openly existed; but the apparent purpose of advancing religious freedom was made to disguise measures of the deadliest hostility to the frame of civil government. The nationality of New England was in danger. William Vassal, of Scituate, was the chief of the "busy and factious spirits, always opposite to the civil governments of the country and the way of its churches;" and, at the same time, through his brother, a member of the Long Parliament and of the commission for the colonies, he possessed influence in England.

Bancroft, Hist. of the U.S., vol.1, p.305

The new party desired to subvert the charter government, and introduce a general governor from England. They endeavored to acquire strength by rallying all the materials of opposition. The friends of Presbyterianism were soothed by hopes of a triumph; the democratic party was assured that the government should be more popular; while the penurious were provoked by complaints of unwise expenditures and intolerable taxations. But the people refused to be deceived; the petition to the general court for redress of grievances had with difficulty obtained the signatures of seven men, and of these some were sojourners in the colony, who desired only an excuse for appealing to England. Written in a spirit of wanton insult, it introduced every topic that had been made the theme of party discussion, and asserted that there existed in the country no settled form of government according to the laws of England. A thorough reformation was demanded; "if not," add the remonstrants, "we shall be necessitated to apply our humble desires to both houses of parliament;" and in the English parliament Presbyterianism was become the ruling power.

Bancroft, Hist. of the U.S., vol.1, p.305 - p.306

In 1646, Gorton carried his complaints to the mother country, and, though unaided by personal influence or by powerful friends, succeeded in all his wishes. At this juncture, an order respecting his claims arrived in Boston, and was couched in terms which involved an assertion of the right of parliament to reverse the decisions and control the government of Massachusetts. Had the Long Parliament revoked the patent of Massachusetts, the Stuarts, on their restoration, would have found not one chartered government in the colonies, and the tenor of American history would have been changed. The people rallied with great unanimity in support of their magistrates. A law had been drawn up conferring on all residents equal power in town affairs, and enlarging the constituency of the state. It was deemed safe to defer the enactment till the present controversy should be settled; the order against Anabaptists was left unrepealed; and, notwithstanding strong opposition from the friends of toleration in Boston, it was resolved to convene a synod to give counsel on the permanent settlement of the ecclesiastical polity.

Bancroft, Hist. of the U.S., vol.1, p.306

In November, 1646, the general court assembled for the discussion of the usurpations of parliament and the dangers from domestic treachery. The elders did not fail to attend in the hour of gloom. One faithless deputy was desired to withdraw; and then, with closed doors, that the consultation might remain in the breast of the court, the nature of the relation with England was made the subject of debate. After much deliberation, it was agreed that Massachusetts owed to England the same allegiance as the free Hanse Towns had rendered to the empire; as Normandy, when its dukes were kings of England, had paid to the monarchs of France. It was resolved not to accept a new charter from the parliament, for that would imply a surrender of the old. Besides, parliament granted none but by way of ordinance which the king might one day refuse to confirm, and always made for itself an express reservation of "a supreme power in all things." The elders, after a day's consultation, confirmed the decision: "If parliament should be less inclinable to us, we must wait upon Providence for the preservation of our just liberties."

Bancroft, Hist. of the U.S., vol.1, p.306 - p.307

The colony then proceeded to exercise the independence which it claimed. The general court summoned the disturbers of the public security into its presence. Robert Childe and his companions appealed to the commissioners in England. The appeal was not admitted. "The charter," he urged, "does but create a corporation within the realm, subject to English laws." "Plantations," replied the court, "are above the rank of an ordinary corporation; they have been esteemed other than towns, yea, than many cities. Colonies are the foundations of great commonwealths. It is the fruit of pride and folly to despise the day of small things."

Bancroft, Hist. of the U.S., vol.1, p.307

To the parliament of England which was then Presbyterian, the legislature remonstrated against any assertion of the paramount authority of that body in these words:

Bancroft, Hist. of the U.S., vol.1, p.307

"An order from England is prejudicial to our chartered liberties, and to our well-being in this remote part of the world. Times may be changed; for all things here below are subject to vanity, and other princes or parliaments may arise. Let not succeeding generations have cause to lament and say, England sent our fathers forth with happy liberties, which they enjoyed many years, notwithstanding all the enmity and opposition of the prelacy, and other potent adversaries; and yet these liberties were lost in the season when England itself recovered its own. We rode out the dangers of the sea: shall we perish in port? We have not admitted appeals to your authority, being assured they cannot stand with the liberty and power granted us by our charter, and would be destructive to all government. These considerations are not new to the high court of parliament, the records whereof bear witness of the wisdom and faithfulness of our ancestors in that great council, who, in those times of darkness when they acknowledged a supremacy in the Roman bishops in all causes ecclesiastical, yet would not allow appeals to Rome.

Bancroft, Hist. of the U.S., vol.1, p.307

"The wisdom and experience of that great council, the English parliament, are more able to prescribe rules of government and judge causes than such poor rustics as a wilderness can breed up; yet the vast distance between England and these parts abates the virtue of the strongest influences. Your councils and judgments can neither be so well grounded, nor so seasonably applied, as might either be useful to us, or safe for yourselves, in your discharge, in the great day of account. If any miscarriage shall befall us when we have the government in our own hands, the state of England shall not answer for it.

Bancroft, Hist. of the U.S., vol.1, p.307 - p.308

"Continue your favorable aspect to these infant plantations; that we may still rejoice and bless our God under your shadow, and be there still nourished with the warmth and dews of heaven. Confirm our liberties; discountenance our enemies, the disturbers of our peace under pretence of our injustice. A gracious testimony of your wonted favor will oblige us and our posterity."

Bancroft, Hist. of the U.S., vol.1, p.308

In the same spirit, Edward Winslow, the agent for Massachusetts in England, publicly denied that the jurisdiction of parliament extended to America. "If the parliament of England should impose laws upon us, having no burgesses in the house of commons, nor capable of a summons by reason of the vast distance, we should lose the liberties and freedom of English indeed." In the Long Parliament, the doctrine of colonial equality was received with favor. "Sir Henry Vane, though he might have taken occasion against the colony for some dishonor which he apprehended to have been unjustly put upon him there, yet showed himself a true friend to New England, and a man of a noble and generous mind." In 1647, after ample deliberation, the committee of parliament magnanimously replied: We encourage no appeals from your justice. We leave you with all the freedom and latitude that may, in any respect, be duly claimed by you."

Bancroft, Hist. of the U.S., vol.1, p.308

Hardly five-and-twenty persons could be found in Massachusetts to join in a complaint against the strictness of the government; and when the discontented introduced the dispute into the elections, their candidates were routed.

Bancroft, Hist. of the U.S., vol.1, p.308 - p.309

The people and the elders were in harmony; and the relation of the church to the state was now more elaborately inwrought into the laws. The synod which first convened at Cambridge, in September, 1646, after two adjournments and nearly two years of reflection, framed what they called a "Platform of church discipline gathered out of the word of God." In the main, it upheld the principle of the independence of each church; but it suffered councils, composed of elders and other messengers of churches, to advise, to admonish, and to withhold fellowship from, a church, but not to exercise censures in the way of discipline, nor any act of authority or jurisdiction. If any church should rend itself from the communion of the other churches, none but the magistrate might put forth coercive power. The general court, to whom the Platform was referred for consideration and acceptance, tardily submitted it to the judgment and approbation of the several churches within the jurisdiction. Not till October, 1651, did the legislature give their own testimony to this book of discipline, that in substance it was what "they had practised and did believe." In this way the Congregational churches of Massachusetts planted themselves between the government by presbyters on the one side, and the unconnected independence of each individual association on the other.

Bancroft, Hist. of the U.S., vol.1, p.309

The Long Parliament asserted its power over the royalist colonies in general terms, which seemed alike to threaten the plantations of the north; and, after royalty was abolished, it invited Massachusetts to receive a new patent, and to hold courts and issue warrants in its name. But the men of that commonwealth were too wary to merge their rights in the acts of a government which, as they saw, was passing away. In a public state paper, they refused to submit to its requisitions, and yet never carried their remonstrance beyond the point which their charter appeared to them to warrant.

Bancroft, Hist. of the U.S., vol.1, p.309

In 1651, after the successes of Cromwell in Ireland, he offered the inhabitants of New England estates and a settlement in the island. His offers were declined; for the emigrants loved their land of refuge, where their own courage and toils had established "the liberties of the gospel in its purity." Our government, they said among themselves, "is the happiest and wisest this day in the world."

Bancroft, Hist. of the U.S., vol.1, p.309 - p.310

The war which was carried on, from 1651 to 1654, between England and Holland, hardly disturbed the tranquillity of the colonies. The western settlements, which would have suffered extreme misery from a combined attack of the Indians and the Dutch, were earnest for attempting to reduce New Amsterdam, and thus to carry the boundary of New England to the Delaware. At a meeting of the commissioners at Boston, three of the four united colonies declared for war; yet the dissentient Massachusetts interposed delay; cited the opinions of its elders that "it was most agreeable to the gospel of peace and safest for the colonies to forbear the use of the sword;" and at last refused to be governed by the decision. The refusal was a plain breach of covenant, and led to earnest remonstrance and altercations. The nature of the reserved rights of the members of the confederacy became the subject of animated discussion; and the union would have come to an end had not Massachusetts receded, though tardily, from her interpretation of the articles; but in the mean time the occasion for war with Manhattan had passed away.

Bancroft, Hist. of the U.S., vol.1, p.310

In 1654, a ship which had a short passage brought word that the European republics had composed their strife, before the English fleet, which was sent against New Netherland, reached America. There was peace between England and France; yet the English forces, turning to the north, made the easy conquest of Acadia, an acquisition which no remonstrance or complaint could induce the protector to restore.

Bancroft, Hist. of the U.S., vol.1, p.310

The inhabitants of New England were satisfied that Cromwell's battles were the battles of the Lord; and "the spirits of the brethren were carried forth in faithful and affectionate prayers in his behalf." Cromwell, in return, confessed to them that the battle of Dunbar, where "some, who were godly," were fought into their graves, was, of all the acts of his life, that on which his mind had the least quiet; and he declared himself "truly ready to serve the brethren and the churches" in America. The declaration was sincere. The people of New England were ever sure that Cromwell would listen to their requests, and would take an interest in the details of their condition. He left them independence, and favored their trade. The American colonies remember the years of his power as the period when British sovereignty was for them free from rapacity, intolerance, and oppression. He may be called the benefactor of the English in America; for in his time they enjoyed freedom of industry, of commerce, of religion, and of government.

Chapter 19:

The Place of Puritanism in History

Bancroft, Hist. of the U.S., vol.1, p.311

YET the Puritans of New England perceived that their security rested on the personal character of the protector, and that other revolutions were ripening; they, therefore, never allowed their vigilance to be lulled. With the influence of the elders, the spirit of independence was confirmed; but the evils ensued that are in some measure inseparable from a religious establishment; the severity of the laws was sharpened against infidelity and against dissent.

Bancroft, Hist. of the U.S., vol.1, p.311

Saltonstall wrote from Europe that but for their severities, the people of Massachusetts would have been "the eyes of God's people in England." Sir Henry Vane, in 1651, had urged that "the oppugners of the Congregational way should not, from its own principles and practice, be taught to root it out." "It were better," he added, "not to censure any persons for matters of a religious concernment." The elder Winthrop relented before his death, and professed himself weary of banishing heretics; the younger Winthrop never harbored a thought of intolerant cruelty; but the rugged Dudley was not mellowed by old age. "God forbid," said he, "our love for the truth should be grown so cold that we should tolerate errors. I die no libertine." "Better tolerate hypocrites and tares than thorns and briers," affirmed Cotton. "Polypiety," echoed Ward, "is the greatest impiety in the world. To say that men ought to have liberty of conscience is impious ignorance." "Religion," said the melancholic Norton, "admits of no eccentric motions." But Massachusetts was in the state of transition when expiring bigotry exhibited its worst aspect.

Bancroft, Hist. of the U.S., vol.1, p.311 - p.312

In 1651, John Clarke, the tolerant Baptist of Rhode Island one of the purest and most disinterested patriots, as he began to preach to a small audience in Lynn, was seized by the civil officers. Being compelled to attend public worship with the congregation of the town, he expressed his aversion by an indecorum, which would have been without excuse had his presence been voluntary. He and his companions were tried, and condemned to pay fines of twenty or thirty pounds; one of them, who refused to pay, was whipped unmercifully.

Bancroft, Hist. of the U.S., vol.1, p.312

Since a particular form of worship had become a part of the civil establishment, irreligion was a civil offence. Treason against the civil government was treason against Christ; and reciprocally, as the gospel had the right paramount, blasphemy, or what a jury should call blasphemy, was the highest offence in the catalogue of crimes. To deny any book of the Old or New Testament to be the written and infallible word of God was punishable by fine or by stripes, and, in case of obstinacy, by exile or death. Absence from "the ministry of the word" was punished by a fine.

Bancroft, Hist. of the U.S., vol.1, p.312

By degrees the spirit of the establishment began to subvert the fundamental principles of independency. The liberty of prophesying was refused, except the approbation of four elders, or of a county court, had been obtained. The union of church and state was fast corrupting both. In 1658, the general court claimed for itself, for the council, and for any two organic churches, the right of silencing any person who was not as yet ordained. The uncompromising Congregationalists of Massachusetts indulged the passions of their English persecutors.

Bancroft, Hist. of the U.S., vol.1, p.312

The early Quakers in New England appeared like a motley tribe of persons—half fanatic, half insane, and without definite purposes. Persecution called them forth to show what intensity of will can dwell in the depths of the human heart.

Bancroft, Hist. of the U.S., vol.1, p.312 - p.313

In the month of July, 1656, Mary Fisher and Ann Austin arrived in the road before Boston. There was as yet no statute respecting Quakers; but, on the general law against heresy, their trunks were searched and their books burnt by the hangman; "though no token could be found on them but of innocence," their persons were examined in search of signs of witchcraft; and, after five weeks' close imprisonment, they were thrust out of the jurisdiction. During the year, eight others were sent back to England. Mary Fisher repaired alone to Adrianople, and delivered a message to the Grand Sultan. The Turks thought her crazed, and she passed through their army "without hurt or scoff."

Bancroft, Hist. of the U.S., vol.1, p.313

The next year, although a special law had prohibited the introduction of Quakers, Mary Dyar, an Antinomian exile, and Ann Burden, came into the colony; the former was claimed by her husband, and taken to Rhode Island; the latter was sent to England. A woman who had come all the way from London to warn the magistrates against persecution, was whipped with twenty stripes. Some, who had been banished, came a second time; they were imprisoned, whipped, and once more sent away, under penalty of further punishment if they returned again. A fine was imposed on such as should entertain any "of the accursed sect." A payment of ten shillings was the penalty for being present at a Quaker meeting, of five pounds for speaking at such a meeting. In the execution of the laws, the pride of consistency involved the magistrates in acts of extreme cruelty. But Quakers swarmed where they were feared. They came expressly because they were not welcome, and threats were construed as invitations.

Bancroft, Hist. of the U.S., vol.1, p.313

In 1658, the government of Massachusetts resolved to follow the advice of the commissioners for the United Colonies, from which the younger Winthrop alone had dissented. Willing that the Quakers should live in peace in any other part of the wide world, yet desiring effectually to deter them from coming within its jurisdiction, the general court, after much resistance, and by a majority of but a single vote, banished them on pain of death. "For the security of the flock," said Norton, "we pen up the wolf; but a door is purposely left open whereby he may depart at his pleasure." Vain legislation! and frivolous apology! The soul, by its freedom and immortality, preserves its convictions or its frenzies amidst the threat of death.

Bancroft, Hist. of the U.S., vol.1, p.313 - p.314

It is true that some of the Quakers were extravagant and foolish; they cried out from the windows at the magistrates and ministers that passed by, and mocked the civil and religious institutions of the country. They riotously interrupted public worship; and women, forgetting the decorum of their sex, and claiming a scriptural precedent for their caprices, smeared their faces, and even went naked through the streets.

Bancroft, Hist. of the U.S., vol.1, p.314

Prohibiting the coming of Quakers was not persecution; and banishment is a term hardly to be used of one who has not acquired a home. The magistrates of Massachusetts left all in peace but the noisy brawlers, and left to them the opportunity of escape. The four, of whose death New England was guilty, fell victims rather to the contest of will than to the opinion that Quakerism was a capital crime.

Bancroft, Hist. of the U.S., vol.1, p.314

In September, 1659, of four persons ordered to depart the jurisdiction on pain of death, Mary Dyar, a firm disciple of Anne Hutchinson whose exile she had shared, and Nicholas Davis, obeyed. Marmaduke Stephenson and William Robinson had come on purpose to offer their lives; instead of departing, they went from place to place "to build up their friends in the faith." In October, Mary Dyar returned. These three persons were arraigned on the sanguinary law. Robinson pleaded in his defence the special message and command of God. "Blessed be God, who calls me to testify against wicked and unjust men." Stephenson refused to speak till sentence had been pronounced; and then he imprecated a curse on his judges. Mary Dyar exclaimed: "The will of the Lord be done;" and returned to the prison "full of joy." From the jail she wrote a remonstrance. "Were ever such laws heard of among a people that profess Christ come in the flesh? Have you no other weapons but such laws to fight against spiritual wickedness withal, as you call it?" The three were led forth to execution. "I die for Christ," said Robinson. "We suffer not as evil-doers, but for conscience' sake," were the last words of his companion. Mary Dyar was reprieved; yet not till the rope had been fastened round her neck, and she had prepared herself for death. Transported with enthusiasm, she exclaimed: "Let me suffer as my brethren, unless you annul your wicked law." She was conveyed out of the colony; but, soon returning, she was hanged on Boston common.

Bancroft, Hist. of the U.S., vol.1, p.315

These cruelties excited great discontent. Yet William Leddra was arraigned for the same causes. While the trial was proceeding, Wenlock Christison, already banished on pain of death, entered the court, and struck dismay into the judges, who found their severities ineffectual. Leddra was desired to accept his life, on condition of promising to come no more within the jurisdiction. He refused, and was hanged.

Bancroft, Hist. of the U.S., vol.1, p.315

Christison met his persecutors with undaunted courage. "By what law," he demanded, "will ye put me to death?" "We have a law," it was answered, "and by it you are to die." "So said the Jews to Christ. But who empowered you to make that law?" "We have a patent, and may make our own laws." "Can you make laws repugnant to those of England?" "No." "Then you are gone beyond your bounds. Your heart is as rotten toward the king as toward God. I demand to be tried by the laws of England, and there is no law there to hang Quakers." "The English banish Jesuits on pain of death; and with equal justice we may banish Quakers." The jury returned a verdict of guilty. The magistrates were divided in pronouncing sentence; the vote was put a second time, and there appeared a majority for the doom of death. "What do you gain," cried Christison, "by taking Quakers' lives? For the last man that ye put to death, here are five come in his room. If ye have power to take my life, God can raise up ten of his servants in my stead."

Bancroft, Hist. of the U.S., vol.1, p.315

The people were averse to taking Quakers' lives; the magistrates, infatuated for a season, became convinced of their error; Christison, with twenty-seven of his friends, was discharged from prison; and the doctrine of toleration, with pledges of peace, was soon to be received.

Bancroft, Hist. of the U.S., vol.1, p.315 - p.316

The victims of intolerance met death bravely; they would be entitled to perpetual honor were it not that their own mad extravagances occasioned the foul enactment, to repeal which they laid down their lives. Causes were already in action which were fast substituting the charity of intelligence for bigotry. It was ever the custom, and, in 1642, it became the law, in Puritan New England, that "none of the brethren shall suffer so much barbarism in their families as not to teach their children and apprentices so much learning as may enable them perfectly to read the English tongue." "To the end that learning may not be buried in the graves of our forefathers," in 1647 it was ordered in all the Puritan colonies "that every township, after the Lord hath increased them to the number of fifty householders, shall appoint one to teach all children to read and write; and where any town shall increase to the number of one hundred families, they shall set up a grammar school, the masters thereof being able to instruct youth so far as they may be fitted for the university." The press began its work in 1639. "When New England was poor, and they were but few in number, there was a spirit to encourage learning." Harvard College was a favorite from its beginning; Connecticut and Plymouth, and the towns in the east, often contributed offerings to promote the success of that "school of the prophets;" the gift of the rent of a ferry was a proof of the care of the state; and once, at least, every family in each of the colonies gave to the college at Cambridge twelvepence, or a peck of corn, or its value in unadulterated wampum peag; while the magistrates and wealthier men were profuse in their liberality. The college, in return, assisted in forming the early character of the country. In these measures, especially in the laws establishing common schools, lies the secret of the success and character of New England. Every child, as it was born into the world, was lifted from the earth by the ordinance of the country, and, in the statutes of the land, received, as its birthright, a pledge of the public care for its morals and its mind.

Bancroft, Hist. of the U.S., vol.1, p.316 - p.317

There are some who love to enumerate the singularities of the early Puritans. They were opposed to wigs; they could preach against veils; they denounced long hair; they disliked the cross in the banner, as much as the people of Paris disliked the lilies of the Bourbons. They would not allow Christmas to be kept sacred; they called neither months, nor days, nor seasons, nor churches, nor inns, by the names common in England: they revived scripture names at christenings. The grave Romans legislated on the costume of men, and their senate could even stoop to interfere with the triumphs of the sex to which civic honors were denied; the fathers of New England prohibited frivolous fashions in their own dress; and their austerity, checking extravagance even in woman, frowned on her hoods of silk and her scarfs of tiffany, extended her sleeve to the wrist, and limited its greatest width to half an ell. The Puritans were formal and precise in their manners; singular in the forms of their legislation. Every topic of the day found a place in their extemporaneous prayers, and infused a stirring interest into their long and frequent sermons. The courts of Massachusetts respected in practice the code of Moses; in New Haven, the members of the constituent committee were called the seven pillars, hewn out for the house of wisdom. But these are only forms, which gave to the new faith a marked exterior. If from the outside peculiarities we look to the genius of the sect itself, Puritanism had two cardinal principles: Faith in the absolute sovereignty of God, whose will is perfect right; and the Equality of all who believe that his will is to be done. It was Religion struggling in, with, and for the People; a war against tyranny and superstition. "Its absurdities," says one of its scoffers, "were the shelter for the noble principles of liberty." It was its office to engraft the new institutions of popular energy upon the old European system of a feudal aristocracy and popular servitude; the good was permanent; the outward emblems, which were the signs of the party, were of transient duration, like the clay and ligaments which hold the graft in its place, and are brushed away as soon as the scion is firmly united.

Bancroft, Hist. of the U.S., vol.1, p.317 - p.318

The principles of Puritanism proclaimed the civil magistrate subordinate to the authority of religion; and its haughtiness in this respect has been compared to "the infatuated arrogance" of a Roman pontiff. In the firmness with which their conviction was held, the Puritans did not yield to the Catholics; and, if the will of God is the criterion of justice, both were, in one sense, in the right. The question arises, Who shall be the interpreter of that will? In the Roman Catholic Church, the office was claimed by the infallible pontiff, who, as the self-constituted guardian of the oppressed, insisted on the power of dethroning kings, repealing laws, and subverting dynasties. The principle thus asserted could not but become subservient to the temporal ambition of the clergy. Puritanism conceded no such power to its spiritual guides; the church existed independent of its pastor, who owed his office to its free choice; the will of the majority was its law; and each one of the brethren possessed equal rights with the elders. The right, exercised by each congregation, of electing its own ministers was in itself a moral revolution; religion was now with the people, not over the people. Puritanism exalted the laity. Every individual who had experienced the raptures of devotion, every believer, who in moments of ecstasy had felt the assurance of the favor of God, was in his own eyes a consecrated person, chosen to do the noblest and godliest deeds. For him the wonderful counsels of the Almighty had appointed a Saviour; for him the laws of nature had been suspended and controlled, the heavens had opened, earth had quaked, the sun had veiled his face, and Christ had died and had risen again; for him prophets and apostles had revealed to the world the oracles and the will of God. Before Heaven he prostrated himself in the dust; looking out upon mankind, how could he but respect himself, whom God had chosen and redeemed? He cherished hope; he possessed faith; as he walked the earth, his heart was in the skies. Angels hovered round his path, charged to minister to his soul; spirits of darkness vainly leagued together to tempt him from his allegiance. His burning piety could use no liturgy; his penitence revealed itself to no confessor. He knew no superior in holiness. He could as little become the slave of priestcraft as of a despot. He was himself a judge of the orthodoxy of the elders; and, if he feared the invisible powers of the air, of darkness, and of hell, he feared nothing on earth. Puritanism constituted not the Christian clergy, but the Christian people, the interpreter of the divine will; and the issue of Puritanism was popular sovereignty.

Bancroft, Hist. of the U.S., vol.1, p.318

The effects of Puritanism display its character still more distinctly. Ecclesiastical tyranny is of all kinds the worst; its fruits are cowardice, idleness, ignorance, and poverty: Puritanism was a life-giving spirit; activity, thrift, intelligence, followed in its train; and, as for courage, a coward and a Puritan never went together.

Bancroft, Hist. of the U.S., vol.1, p.318 - p.319

The history of religious persecution in New England is this: the Puritans established a government in America such as the laws of natural justice warranted, and such as the statutes and common law of England did not warrant; and that was done by men who still acknowledged a limited allegiance to the parent state. The Episcopalians declared themselves the enemies of the party, and waged against it a war of extermination: Puritanism excluded them from its asylum. Roger Williams, the apostle of "soul-liberty," weakened civil independence by impairing its unity; and he was expelled, even though Massachusetts bore good testimony to his spotless virtues. Wheelwright and his friends, in their zeal for liberty of speech, were charged with forgetting their duty as citizens, and they also were exiled. The Anabaptist, who could not be relied upon as an ally, was watched as possibly a foe. The Quakers denounced the worship of New England as an abomination, and its government as treason; and they were excluded on pain of death. The fanatic for Calvinism was a fanatic for liberty; and, in the moral warfare for freedom, his creed was his most faithful counsellor and his never-failing support.

Bancroft, Hist. of the U.S., vol.1, p.319

For "New England was a religious plantation, not a plantation for trade. The profession of the purity of doctrine, worship, and discipline was written on her forehead." "We all," says the confederacy in one of the two oldest of American written constitutions, "came into these parts of America to enjoy the liberties of the gospel in purity and peace." "He that made religion as twelve, and the world as thirteen, had not the spirit of a true New England man." Religion was the object of the emigrants, and it was their consolation. With this the wounds of the outcast were healed, and the tears of exile sweetened.

Bancroft, Hist. of the U.S., vol.1, p.319 - p.320

Of all contemporary sects, the Puritans were the most free from credulity, and, in their zeal for reform, pushed their regulations to what some would consider a skeptical extreme. So many superstitions had been bundled up with every venerable institution of Europe that ages have not yet dislodged them all. The Puritans at once emancipated themselves from the thraldom to observances. They established a worship purely spiritual. They stood in prayer. To them the elements remained but wine and bread, and in communing they would not kneel. They invoked no saints; they raised no altar; they adored no crucifix; they kissed no book; they asked no absolution; they paid no tithes; they saw in the priest nothing more sacred than a man; ordination was no more than an approbation of the officer, which might be expressed by the brethren just as well as by other ministers; the church, as a place of worship, was to them but a meetinghouse; they dug no graves in consecrated earth; unlike their posterity, they married without a minister, and buried the dead without a prayer. Witchcraft had not been made the subject of skeptical consideration; and, in the years in which Scotland sacrificed hecatombs to the delusion, there were three victims in New England. Dark crimes, that seemed without a motive, may have been pursued under that name; I find one record of a trial for witchcraft where the prisoner was proved a murderess.

Bancroft, Hist. of the U.S., vol.1, p.320 - p.321

On every subject but religion the mildness of Puritan legislation corresponded to the popular character of Puritan doctrines. Hardly a nation of Europe has as yet made its criminal law so humane as that of early New England. A crowd of offences was at one sweep brushed from the catalogue of capital crimes. The idea was never received that the forfeiture of life may he demanded for the protection of property; the punishment for theft, for burglary, and highway robbery was far more mild than the penalties imposed even by modern American legislation. The habits of the young promoted real chastity. The sexes lived in social intimacy, and were more pure than the recluse. Marriage was a civil contract; and under the old charter of Massachusetts all controversies respecting it were determined by the court of assistants which decreed divorces especially for adultery or desertion. The rule in Connecticut was not different. Separation from bed and board without the dissolution of the marriage, an anomaly which may punish the innocent more than the guilty, was abhorrent to every thought of that day. The sanctity of the nuptial vow was protected by the penalty of death. If in this respect the laws were more severe, in another they were more lenient than modern manners approve. The girl whom youth and affection and the promise of marriage betrayed into weakness was censured, pitied, and forgiven; the law compelled the seducer of innocence to marry the person who had imposed every obligation by the concession of every right. The law implies an extremely pure community; in no other could it have found a place in the statute-book.

Bancroft, Hist. of the U.S., vol.1, p.321

The benevolence of the Puritans appears from other examples. Their thoughts were always fixed on posterity. Domestic discipline was highly valued; the law was severe against the undutiful child; and it was severe against a faithless parent. Till 1654, the laws did not permit any imprisonment for debt, except when there was an appearance of some estate which the debtor would not produce. Even the brute creation was not forgotten; and cruelty toward animals was a civil offence. The sympathies of the colonists were wide; a feeling for Protestant Germany is as old as emigration; and during the thirty years' war the people of New England held fasts and offered prayers for the success of their German brethren.

Bancroft, Hist. of the U.S., vol.1, p.321

The earliest years of the residence of Puritans in America were years of great hardship and affliction; this short season of distress was promptly followed by abundance and happiness. The people struck root in the soil immediately. They were, from the first, industrious, enterprising, and frugal; and affluence followed of course. When persecution ceased in England, there were already in New England "thousands who would not change their place for any other in the world;" and they were tempted in vain with invitations to the Bahama isles, to Ireland, to Jamaica, to Trinidad. The purity of morals completes the picture of colonial felicity. "As Ireland will not brook venomous beasts, so will not that land vile livers." One might dwell there "from year to year, and not see a drunkard, or hear an oath, or meet a beggar." As a consequence, the average duration of life in New England, compared with Europe of that day, was doubled; and, of all who were born into the world, more than two in ten, full four in nineteen, attained the age of seventy. Of those who lived beyond ninety, the proportion, as compared with European tables of longevity, was still more remarkable.

Bancroft, Hist. of the U.S., vol.1, p.321 - p.322

I have dwelt the longer on the character of the early Puritans of New England, for they were the parents of one third the whole white population of the United States as it was in 1834. Within the first fifteen years—and there was never afterward any considerable increase from England—we have seen that there came over twenty-one thousand two hundred persons, or four thousand families. Their descendants were, in 1534, not far from four millions. Each family had multiplied, on the average, to one thousand souls. To New York and Ohio, where they then constituted half the population, they carried the Puritan system of free schools; and their example is spreading it through the civilized world.

Bancroft, Hist. of the U.S., vol.1, p.322

Historians have loved to eulogize the manners and virtues, the glory and the benefits, of chivalry. Puritanism accomplished for mankind far more. If it had the sectarian crime of intolerance, chivalry had the vices of dissoluteness. The knights were brave from gallantry of spirit; the Puritans, from the fear of God. The knights obeyed the law of honor; the Puritans hearkened to the voice of duty. The knights were proud of loyalty; the Puritans, of liberty. The knights did homage to monarchs, in whose smile they beheld honor, whose rebuke was disgrace; the Puritans, in their disdain of ceremony, would not bow at the name of Jesus, nor bend the knee to the King of kings. Chivalry delighted in outward show, favored pleasure, multiplied amusements, and degraded the human race by an exclusive respect for the privileged classes; Puritanism bridled the passions, commanded the virtues of self-denial, and rescued the name of man from dishonor. The former valued courtesy; the latter, justice. The former adorned society by graceful refinements; the latter founded national grandeur on universal education. The institutions of chivalry were subverted by the gradually increasing weight and knowledge and opulence of the industrious classes; the Puritans, rallying upon those classes, planted in their hearts the undying principles of democratic liberty.

Bancroft, Hist. of the U.S., vol.1, p.322

The age of Puritanism was passing away. Time was silently softening its asperities, and the revolutions of England prepared an era in its fortunes. Massachusetts never acknowledged Richard Cromwell; it read in the aspect of parties the impending restoration.

Part 2: British America Attains Geographical Unity, 1660-1688

PART II

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British America Attains Geographical Unity

From 1660 to 1688

Chapter 1:

The Fall and Restoration of the Stuarts

Bancroft, Hist. of the U.S., vol.1, p.325

THE revolution, which, in 1660, came to its end, had been in its origin a democratic revolution, and had apparently succeeded in none of its ultimate purposes. The power of the feudal aristocracy had been gradually broken by the increased authority of the monarch; and the people, beginning to claim the lead in the progress of humanity, prepared to contend for equality against privilege, as well as for freedom against prerogative. The contest failed, because too much was attempted. Immediate emancipation from the past was impossible; hereditary inequalities were themselves endeared to the nation, through the beneficent institutions with which they were connected; the mass of the people was still buried in listless ignorance; even for the strongest minds, public experience had not yet generated the principles by which a reconstruction of the government on a popular basis could have been safely undertaken; and thus the democratic revolution in England was a failure, alike from the events and passions of the fierce struggle which rendered moderation impossible, and from the unripeness of the age, which had not as yet acquired the political knowledge that time alone could generate or gather up.

Bancroft, Hist. of the U.S., vol.1, p.325 - p.326

Charles I [1629-1640], inheriting his father's belief in the unlimited rights of the king of England, conspired against the national constitution, which he, as the most favored among the natives of England, was the most solemnly bound to protect; and he resolved to govern without the aid of a parliament. To convene one was therefore, in itself, an acknowledgment of defeat. The house of commons, which assembled in April, 1640, was filled with men not less loyal to the monarch than faithful to the people; yet the king, offended by its firmness, disregarded the wishes of his more prudent friends, and capriciously dissolved a parliament more favorable to the crown than any which he could again hope for.

Bancroft, Hist. of the U.S., vol.1, p.326

The exercise of absolute power became more and more difficult. There were those who refused to take the oath never to consent to alterations in the church of England. "Send for the chief leaders," wrote Strafford, "and lay them by the heels; no other satisfaction is to be thought of." But Strafford was not without his enemies among the royalists. During the suspension of parliament, two parties in the cabinet had disputed with each other for the emoluments of despotism. The ministers and the council of state were envied by the queen and the courtiers; and Strafford and Laud had as bitter rivals in the palace as they had enemies in the nation. There was no unity among the upholders of absolutism.

Bancroft, Hist. of the U.S., vol.1, p.326

The expedient of a council of peers, convened in 1640 at York, could not satisfy a people that venerated representative government as the most valuable bequest of its ancestors; and a few weeks showed clearly that concession was necessary. The advisers of Charles hesitated from rivalries and the want of plan; while the popular leaders were full of energy and united in the distinct purpose of limiting the royal authority. The summons of a new parliament was, on the part of the monarch, a surrender at discretion. But, by the English constitution, the royal prerogative was in some cases the bulwark of popular liberty; the subversion of the royal authority made a way for the despotism of parliament.

Bancroft, Hist. of the U.S., vol.1, p.326 - p.327

The Long Parliament, which met on the third of November, 1640, was not originally homogeneous. The usurpations of the monarch threatened the privileges of the nobility not less than the liberties of the people. The movement in the public mind, though it derived its vigor as well as its origin from the influence of the Puritans, aimed only at raising an impassable barrier against the encroachments of royalty. This object met with favor from a majority of the peerage, and from royalists among the commons; and the past arbitrary measures of the court found opponents in Hyde, the faithful counsellor of the Stuarts; in the more scrupulous Falkland, who inclined to the popular side, till he began to dread innovations from its leaders more than from the king; and even in Capel, afterward one of the bravest of the cavaliers, and a martyr on the scaffold for his obstinate fidelity. When the highest authority in England began to belong to the majority in parliament, no republican party as yet existed; the first division ensued between the ultra royalists and the undivided friends of constitutional monarchy; and, though the house was in a great measure filled with members of the aristocracy, the moderate royalists united with the friends of the people. On the choice of speaker, an immense majority appeared in favor of the constitution.

Bancroft, Hist. of the U.S., vol.1, p.327 - p.328

The earl of Strafford anticipated danger, and he desired to remain in Ireland. "As I am king of England," said Charles, "the parliament shall not touch one hair of your head;" and the reiterated urgency of the king compelled his attendance. His arraignment, within eight days of the commencement of the session, marks the spirit of the commons; his attainder was the sign of their ascendency. "On the honor of a king," wrote Charles, in April, 1641, to the prisoner, "you shall not be harmed in life, fortune, or honor;" and, the fourth day after the passage of the bill of attainder, the king sent his adhesion to the commons, adding: "If Strafford must die, it were charity to reprieve him till Saturday." Men dreaded the service of a sovereign whose love was so worthless, and whose prerogative was so weak; and the parliament proceeded without control to its work of reform. Its earliest acts were worthy of all praise. The liberties of the people were recovered and strengthened by appropriate safeguards; the arbitrary courts of high commission and the court of wards were broken up; the star-chamber, doubly hated by the aristocracy, as "ever a great eclipse to the whole nobility," was with one voice abolished; the administration of justice was rescued from the paramount influence of the crown; and taxation, except by consent, was forbidden. The principle of the writ of habeas corpus was introduced; and the kingdom of England was lifted out of the bondage of feudalism by a series of reforms, which were afterward renewed, and which, when successfully embodied among the statutes, the commentator on English law esteemed above Magna Charta itself. These measures were adopted almost without opposition, and received the nearly unanimous assent of the nation. They were truly English measures, directed in part against abuses introduced at the Norman conquest, in part against the encroachments of the sovereign. They wiped away the traces that England had been governed as a conquered country; they were in harmony with the intelligence and the pride, the prejudices and the wants, of England. Public opinion was the ally of the parliament.

Bancroft, Hist. of the U.S., vol.1, p.328

But an act declaring that the parliament should neither be prorogued nor dissolved, unless with its own consent, had been urged with pertinacity, till it received the royal concurrence. Parliament, in its turn, set aside the constitution, by establishing its own paramount authority, and making itself virtually irresponsible to its constituents. The usurpation foreboded the overthrow of the throne and the subjection of the people.

Bancroft, Hist. of the U.S., vol.1, p.328

As the demands of the commons advanced, stormy debates ensued. In November, 1641, the remonstrance on the state of the kingdom, an uncompromising manifesto against the arbitrary measures of Charles, proposed no specific reform, but was rather a general and passionate appeal to popular opinion. The English mind was as restless as the waves of the ocean by which the isle is environed; the remonstrance was designed to increase that restlessness; in a house of more than five hundred members, it was adopted by the meagre majority of eleven. "Had it not been carried," said Cromwell to Falkland," I should have sold all I possess, and left the kingdom; many honest men were of the same resolution." From the contest for "English liberties," men advanced to the discussion of natural rights; with the expansion of their views, their purposes ceased to be definite; reform was changing into a revolution; and it was observable that religious faith was on the side of innovation, while incredulity abounded among the supporters of the established church and the divine right.

Bancroft, Hist. of the U.S., vol.1, p.328 - p.329

The king had yielded where he should have been firm; moderation and sincerity would have restored his influence. But when, in January, 1642, attended by armed men, he repaired in person to the house of commons, with the intent of seizing six of the leaders of the patriot party, the attempt, so bloody in its purpose and so illegal in its course, could only justify for the time every diminution of his prerogative, and drive the leaders of the popular party to a gloomy inflexibility. A change of dynasty was not then proposed; and England languished of a disease for which no cure had been discovered. It was evident that force must decide the struggle. The parliament demanded the control of the national militia with the possession of the fortified towns; to Charles no alternative remained but resistance or the surrender of all power; and, unfurling the royal standard, he began a civil war.

Bancroft, Hist. of the U.S., vol.1, p.329

The contest was between a permanent parliament and an arbitrary king. The people had no mode of intervention except by serving in the armies; they could not act as mediators or as masters. The parliament was become a body, of which the duration depended on its own will, unchecked by a supreme executive or by an independent co-ordinate branch of legislation; and, therefore, of necessity, a multitudinous despot, unbalanced and irresponsible; levying taxes, enlisting soldiers, commanding the navy and the army, enacting laws, and changing at its will the forms of the English constitution. The issue was certain. Every representative assembly is swayed by the public interests, the pretensions of its own body, and the personal interests of its respective members; and never was the successive predominance of each of these sets of motives more clear than in the Long Parliament. Its first acts were mainly for its constituents, whose rights it vindicated and whose liberties it increased; its corporate ambition next asserted itself against the throne and the peerage, both of which it was hurried forward to subvert; individual selfishness at last prevailed.

Bancroft, Hist. of the U.S., vol.1, p.329

In 1644, after one hundred and eighteen royalist members, obeying the summons of the king, repaired to Oxford, the friends of royalty and of the church of England were unrepresented in the national legislature. The commons at once divided into two imposing parties—the Presbyterians and the Independents; the friends of a revolution which should yet preserve a nobility, a limited monarchy, and a national church, and the friends of a revolution on the principle of equality.

Bancroft, Hist. of the U.S., vol.1, p.329 - p.330

The Presbyterians represented a powerful branch of the aristocracy of England; they had a majority in the commons; the exclusive possession of what remained of the house of lords; the command of the army; and numerous and active adherents among the clergy. The English people favored them; Scotland was devoted to them; and they were at all times prepared to make peace with the king, if he would but accept Presbyterianism as the religion of the state.

Bancroft, Hist. of the U.S., vol.1, p.330

The Independents could hope for superior influence only by rising above the commons, the peers, the commanders of the army, all Scotland, and the mass of the English people. They had no omen of success but the tendency of revolutions to go forward, the enthusiasm of converts for the newly accepted ideas, the inclination of the human mind to push principles to their remoter consequences. They gradually became the advocates of religious liberty and the power of the people; and the glorious vision of emancipating the commons of England from feudal oppression, from intellectual servitude, and from royalty itself, kindled a zeal which would not be rebuked by the inconsistency of their schemes with the opinions, habits, and institutions of the nation.

Bancroft, Hist. of the U.S., vol.1, p.330

The Presbyterian nobility were unwilling that innovation should go so far as to impair their rank or diminish their grandeur; the Independents, as new men, who had their fortunes to make, were ready not only to subvert the throne, but to contend for equality against privilege. "The Presbyterian earl of Manchester," said Cromwell, "shall be content with being no more than plain Montague." The men who broke away from the forms of society, and venerated nothing but truth; others who, in the folly of their pride, claimed for their opinions the sanctity and the rights of truth; they who longed for a more equal diffusion of social benefits; the friends of entire liberty of conscience; the friends of a reform in the law and a diminution of the profits of the lawyers; the men, like Milton and Sidney, whose imagination delighted in pictures of Roman liberty; the less educated, who indulged in visions of a restoration of that happy Anglo-Saxon system which had been invented in the woods in days of Anglo-Saxon simplicity; the republicans, the levellers, the fanatics—all ranged themselves on the side of the new ideas.

Bancroft, Hist. of the U.S., vol.1, p.331

The true representative of the better principles of the Independents was Henry Vane; their acknowledged leader was Oliver Cromwell. Was he sincere? It is difficult to disbelieve that he was imbued with the principles of Puritan reforms, and may have always thought himself faithful to the interest of England; as in his foreign policy he most certainly was. All great men incline to fatalism, for their success is a mystery to themselves; and it was not entirely with hypocrisy that Cromwell professed himself the servant of Providence, borne along by irresistible necessity.

Bancroft, Hist. of the U.S., vol.1, p.331

Had peace never been broken, the Independents would have remained a powerless minority; the civil war gave them a rallying point in the army. In the season of great public excitement, fanatics crowded to the camp; an ardor for popular liberty mingled with the fervors of religious excitement. Cromwell had early perceived that the pride and valor of the cavaliers could never be overthrown by ordinary hirelings; he therefore sought to fill the ranks of his army with enthusiasts. His officers were alike ready to preach and pray, and to take the lead in the field of battle. With much hypocrisy, his camp was the scene of much real piety; and long afterward, when his army was disbanded, its members, who for the most part were farmers and yeomen and their sons, resumed their places in the industrious classes, while the soldiers of the royalists were often found among vagabonds and beggars. It was the troops of Cromwell that first, in the open field, broke the ranks of the royal squadrons; and the decisive victory of Marston Moor was won by their iron energy and valor.

Bancroft, Hist. of the U.S., vol.1, p.331 - p.332

The final overthrow of the prospects of Charles in the field, in 1647, marks the crisis of the struggle for the ascendent between the Presbyterians and Independents. The former had their organ in the parliament, the latter in the army, in which the Presbyterian commander had been surprised into a resignation by the self-denying ordinance and the intrigues of Cromwell. As the duration of the parliament depended on its own will, the army refused to be disbanded, claiming to represent the interests of the people, and actually constituting the only balance to the otherwise unlimited power of the parliament. The army could call the parliament a usurper, and the parliament could arraign the army as a branch of the public service, whose duty was obedience, and not counsel. On the other hand, if the parliament pleaded its office as the grand council of the nation, the army could urge its merits as the active and successful antagonist to royal despotism.

Bancroft, Hist. of the U.S., vol.1, p.332

The Presbyterians broke forth into menaces against the army. "These men," whispered Cromwell to Ludlow, "will never leave till the army pull them out by the ears." The Presbyterian majority appeared to possess paramount power, and did not possess it. Could they gain the person of the king, and succeed in pacific negotiations, their influence would be renewed by the natural love of order in the minds of the English people. A conflict with the Independents was unavoidable; for the Independents could in no event negotiate with the king. In every negotiation, a free parliament must have been a condition; and a free parliament would have been their doom. Self-preservation, uniting with ambition and wild enthusiasm, urged them to uncompromising hostility with Charles I. He or they must perish. "If my head or the king's must fall," argued Cromwell, "can I hesitate which to choose?" By an act of violence the Independents seized on the king, and held him in their special custody. "Now," said the exulting Cromwell, "now that I have the king in my hands, I have the parliament in my pocket."

Bancroft, Hist. of the U.S., vol.1, p.332 - p.333

At length the Presbyterian majority, sustained by the eloquence of Prynne, attempted to dispense with the army, and, by a decided vote, resolved to make peace with the king. To save its party from an entire defeat, in December, 1648, the army interposed, and "purged" the house of commons. "Hear us," said the excluded members to Colonel Pride, who expelled them. "I cannot spare the time," replied the soldier. "By what right are we arrested?" demanded they of the extravagant Hugh Peter. "By the right of the sword," answered the late envoy from Massachusetts. "You are called," said he, as he preached to the decimated parliament, "to lead the people out of Egyptian bondage; this army must root up monarchy, not only here, but in France and other kingdoms round about." Cromwell, the night after "the interruption," reiterated: "I knew nothing of these late proceedings; but, since the work has been done, I am glad of it and will endeavor to maintain it."

Bancroft, Hist. of the U.S., vol.1, p.333

When the winnowing of the house of commons was finished, there remained few beside republicans; and it was resolved to bring the unhappy monarch to trial before a special commission. "Providence and necessity," said Cromwell, affecting indecision, "have cast the house upon this deliberation. I shall pray God to bless our counsels." The young and sincere Algernon Sidney opposed, and saw the danger of a counter-revolution. "No one will stir," cried Cromwell impatiently: "I tell you, we will cut off his head with the crown on it." Sidney withdrew; and Charles was abandoned to the sanguinary severity of a sect. To sign the death-warrant was a solemn deed, from which some of his judges were inclined to shrink; Cromwell concealed the magnitude of the act under an air of buffoonery; the chamber rung with gayety; he daubed the cheek of one of the judges that sat next him with ink, and, amidst shouts of laughter, compelled another, the wavering Ingoldsby, to sign the paper as a jest. The ambassadors of foreign princes presented no remonstrance; and, when the admirable collections of the unhappy king were sold at auction, they purchased his favorite works of art with rival eagerness. Holland alone negotiated. The English people were overawed.

Bancroft, Hist. of the U.S., vol.1, p.333 - p.334

Treason against the state, on the part of its highest officers, is the darkest of human offences. Fidelity to the constitution is due from every citizen; in a monarch, the debt is enhanced, for the monarch is the hereditary and special favorite of the fundamental laws. The murderer, even where his victim is eminent for mind and character, destroys what time will repair; and, deep as is his guilt, society suffers but transiently from the transgression. But the king who conspires against the liberties of the people conspires to subvert the most precious bequest of past ages, the dearest hope of future time; he would destroy genius in its birth and enterprise in its sources, and sacrifice the prolific causes of intelligence and virtue to his avarice or his vanity, his caprices or his ambition; would rob the nation of its nationality, the individual of the prerogatives of man; would deprive common life of its sweets, by depriving it of its security, and religion of its power to solace, by subjecting it to supervision and control. His crime would not only enslave a present race of men, but forge chains for unborn generations. There can be no fouler deed.

Bancroft, Hist. of the U.S., vol.1, p.334

Tried by the standard of his own intentions and his own actions, Charles I, it may be, had little right to complain. Yet, when history gives its impartial verdict on the execution, it remembers that the king was delivered, by a decimated parliament, which had prejudged his case, to a commission composed of his bitterest enemies, and erected in defiance of the wishes of the people. His judges were but a military tribunal; and the judgment, which assumed to be a solemn exercise of justice on the worst of criminals, arraigned by a great nation and tried by its representatives, was, in truth, an act of tyranny. His accusers could have rightfully proceeded only as the agents of the popular sovereignty; and the people disclaimed the deed. An appeal to them would have reversed the decision. The churchmen, the Presbyterians, the lawyers, the opulent landholders, the merchants, and the great majority of the English nation, preferred the continuance of a limited monarchy. There could be no republic. Not sufficient advancement had been made in political knowledge. Milton believed himself a friend of popular liberty; and defended the revocable nature of all conceded civil power; yet his scheme of government, which proposed to subject England to the executive authority of a self-perpetuating council, is ruinous to equal freedom. Not one of the proposed methods of government was practicable.

Bancroft, Hist. of the U.S., vol.1, p.334 - p.335

If the execution of Charles, on the thirtieth of January, 1649, be considered by the rule of utility, its effects will be found to have been entirely bad. A free parliament would have saved the king, and reformed church and state; in aiming at the immediate enjoyment of democratic liberty, the Independents of that day delayed popular enfranchisements. Nations change their institutions but slowly: to attempt to pass abruptly from feudalism and monarchy to democratic equality was the thought of enthusiasts, who understood neither the history, the character, nor the condition of the country. It was like laying out into new streets a city already crowded with massive structures. The death of the king was the policy of Cromwell, and not the policy of the nation.

Bancroft, Hist. of the U.S., vol.1, p.335

The remaining members of the commons were now by their own act constituted the sole legislature and sovereign of England. The peerage was abolished with monarchy; the connection between state and church rent asunder; but there was no republic. Selfish ambition forbade it; the state of society and the distribution and tenure of property forbade it. The commons usurped not only all powers of ordinary legislation, but even the right of remoulding the constitution. They were a sort of collective, self-constituted, perpetual dictatorship. Like Rome under its decemviri, England was enslaved by its legislators; English liberty had become the patrimony and estate of the commons; the forms of government, the courts of justice, peace and war, all executive, all legislative power, rested with them. They were irresponsible, absolute, and apparently never to be dissolved but at their own pleasure.

Bancroft, Hist. of the U.S., vol.1, p.335

But the commons were not sustained by public opinion. They were resisted by the royalists and the Catholics, by the Presbyterians and the fanatics, by the honest republicans and the army. In Ireland, the Catholics dreaded from them the worst cruelties that Protestant bigotry could inflict. Scotland, almost unanimous in its adhesion to Presbyterianism, regarded with horror the rise of democracy and the triumph of the Independents; the fall of the Stuarts foreboded the overthrow of its independence; it loved liberty, but it loved its nationality. It feared the sovereignty of an English parliament, and desired the restoration of monarchy as a guarantee against the danger of being treated as a conquered province. In England, the opulent landholders, who swayed their ignorant dependants, rendered popular institutions impossible; and too little intelligence had as yet been diffused through the mass of the people to make them capable of taking the lead in the progress of civilization. The schemes of social and civil equality found no support but in the enthusiasm of the few who fostered them; and clouds of discontent gathered sullenly over the nation.

Bancroft, Hist. of the U.S., vol.1, p.335 - p.336

The attempt at a counter-revolution followed. But the parties by which it was made, though they formed a vast majority of the three nations, were filled with mutual antipathies; the Catholics of Ireland had no faith in the Scottish Presbyterians; and these in their turn were full of distrust of the English cavaliers. They feared each other as much as they feared the commons. There could, therefore, be no concert of opposition; the insurrections, which, had they been made unitedly, would probably have been successful, were not simultaneous. The strength of the Independents lay in a small but well-disciplined army; the celerity and military genius of Cromwell ensured to them unity of counsels and promptness of action; they conquered their adversaries in detail; and the massacre of Drogheda, the field of Dunbar, and the victory of Worcester, destroyed the present hopes of the friends of monarchy.

Bancroft, Hist. of the U.S., vol.1, p.336

The lustre of Cromwell's victories ennobled the crimes of his ambition. When the forces of the insurgents had been beaten down, there remained but two powers in the state—the Long Parliament and the army. To submit to a military despotism was inconsistent with the genius of the people of England; and yet the Long Parliament, now containing but a fraction of its original members, could not be recognised as the rightful sovereign of the country, and possessed only the shadow of executive power. Public confidence rested on Cromwell alone. The few true republicans had no party in the nation; a dissolution of the parliament would have led to anarchy; a reconciliation with Charles II, whose father had just been executed, was impossible; a standing army, it was argued, required to be balanced by a standing parliament; and the house of commons, the mother of the commonwealth, insisted on nursing the institutions which it had established. But the public mind reasoned differently; the virtual power rested with the army; men dreaded confusion, and yearned for peace; and they were pleased with the retributive justice that the parliament, which had destroyed the English king, should itself be subverted by one of its members.

Bancroft, Hist. of the U.S., vol.1, p.336 - p.337

Thus the effort at absolute monarchy on the part of Charles I yielded to a constitutional, true English parliament; the control of parliament passed from the constitutional royalists to the Presbyterians, or representatives of a part of the aristocracy opposed to Episcopacy; from the Presbyterians to the Independents, the enthusiasts for popular liberty; and, when the course of the revolution had outstripped public opinion, a powerful reaction gave the supreme authority to Cromwell. Sovereignty had escaped from the king to the parliament, from the parliament to the commons, from the commons to the army, and from the army to its successful commander. Each revolution was a natural and necessary consequence of its predecessor.

Bancroft, Hist. of the U.S., vol.1, p.337

Cromwell was one whom even his enemies cannot name without acknowledging his greatness. The farmer of Huntingdon, accustomed only to rural occupations, unnoticed till he was more than forty years old, engaged in no higher plots than how to improve the returns of his land and fill his orchard with choice fruit, of a sudden became the best officer in the British army, and the greatest statesman of his time; overturned the English constitution, which had been the work of centuries; held in his own grasp the liberties which formed a part of the nature of the English people, and cast the kingdoms into a new mould. Religious peace, such as England till now has never again seen, flourished under his calm mediation; justice found its way even among the remotest Highlands of Scotland; commerce filled the English marts with prosperous activity; his fleets rode triumphant in the West Indies; Nova Scotia submitted to his orders without a struggle; the Dutch begged of him for peace as for a boon; Louis XIV was humiliated; the Protestants of Piedmont breathed their prayers in security. His squadron made sure of Jamaica; he had strong thoughts of Hispaniola and Cuba; and, to use his own words, resolved "to strive with the Spaniard for the mastery of all those seas." The glory of the English was spread throughout the world: "Under the tropic was their language spoke."

Bancroft, Hist. of the U.S., vol.1, p.337 - p.338 - p.339

And yet his career was but an attempt to conciliate a union between his power and permanent public order; and the attempt was always unavailing, from the inherent impossibility growing out of the origin of his power. It was derived from the submission, not from the will, of the people; it came by the sword, not from the nation, nor from national usages. Cromwell saw the impracticability of a republic, and offered no excuse for his usurpations but the right of the strongest to restore tranquillity—the plea of tyrants and oppressors from the beginning of the world. He had made use of the enthusiasm of liberty for his advancement; he sought to sustain himself by conciliating the most opposite sects. For the republicans, he had apologies: "The sons of Zeruiah, the lawyers, and the men of wealth, are too strong for us. If we speak of reform, they cry out that we design to destroy all property." To the witness of the young Quaker against priestcraft and war, he replied: "It is very good; it is truth; if THOU and I were but an hour of a day together, we should be nearer one to the other." From the field of Dunbar he had charged the Long Parliament "to reform abuses, and not to multiply poor men for the benefit of the rich." Presently he appealed to the moneyed men and the lawyers: "he alone could save them from the levellers, men more ready to destroy than to reform." Did the sincere levellers, the true commonwealth's men, make their way into his presence, he assured them "he preferred a shepherd's crook to the office of protector; he would resign all power so soon as God should reveal his definite will;" and then he would invite them to pray. "For," said he one day to the poet Waller, "I must talk to these people in their own style." Did the passion for political equality blaze up in the breasts of the yeomanry, who constituted his bravest troops, it was checked by the terrors of a military execution. The Scotch Presbyterians could not be cajoled: he resolved to bow their pride; and did it in the only way in which it could be done, by wielding against their bigotry the great conception of the age, the doctrine of Roger Williams and Descartes, freedom of conscience. "Approbation," said he, as I believe, with sincerity of conviction, "is an act of conveniency, not of necessity. Does a man speak foolishly, suffer him gladly, for ye are wise. Does he speak erroneously, stop such a man's mouth with sound words, that cannot be gainsaid. Does he speak truly, rejoice in the truth." To win the royalists, he obtained an act of amnesty, a pledge of future favor to such of them as would submit. He courted the nation by exciting and gratifying national pride, by able negotiations, by victory and conquest. He sought to enlist in his favor the religious sympathies of the people, by assuming for England a guardianship over the interests of Protestant Christendom.

Bancroft, Hist. of the U.S., vol.1, p.339 - p.340

Seldom was there a less scrupulous or more gifted politician than Cromwell. But he was no longer a leader of a party. He had no party. A party cannot exist except by the force of common principles; it is truth, and truth only, that of itself rallies men together. Cromwell, the oppressor of the Independents, had ceased to respect principles; his object was the advancement of his family; his hold on opinion went no farther than the dread of anarchy, and the strong desire for order. If moderate and disinterested men consented to his power, it was to his power as high constable, engaged to preserve the public peace. He could not confer on his country a fixed form of government, for that required a concert with the national affections, which he was never able to gain. He had clear notions of public liberty, and he understood how much the English people are disposed to honor their representatives. Thrice did he attempt to connect his usurpation with the forms of representative government, and always without success. His first parliament, convened in 1653", by special writ, and mainly composed of the members of the party by which he had been advanced, represented the movement in the English mind which had been the cause of the revolution. It indulged in pious ecstasies, laid claim to the enjoyment of the presence of Jesus Christ, and spent whole days in exhortations and prayers. But the delirium of mysticism was not incompatible with clear notions of policy; and, amid the hyperboles of Oriental diction, they prepared to overthrow despotic power by using the power a despot had conceded. The objects of this assembly were all democratic: it labored to effect a most radical reform; to codify English law, by reducing the huge volumes of the common law into a few simple English axioms; to abolish tithes; and to establish an absolute religious freedom, such as the United States now enjoy. This parliament has for ages been the theme of unsparing ridicule. Historians, with little generosity toward a defeated party, have sided against the levellers; and the misfortune of failure in action has doomed them to censure and contempt. Yet they only demanded what had often been promised, and what, on the immutable principles of freedom, was right. They did but remember the truths which Cromwell had professed, and had forgotten. Fearing their influence, and finding the republicans too honest to become the dupes of his ambition, he induced such members of the house of commons as were his creatures to resign, and scattered the rest with his troops. The public looked on with much indifference, for the parliament, from the mode of its convocation, was unpopular; the royalists, the army, and the Presbyterians, alike dreaded its activity. With it expired the last feeble hope of a commonwealth. The successful soldier, at once and openly, pleading the necessity of the moment, assumed supreme power, as the highest peace-officer in the realm.

Bancroft, Hist. of the U.S., vol.1, p.340 - p.341

Cromwell next attempted an alliance with the property of the country. Affecting contempt for the regicide republicans, who, as his accomplices, could not forego his protection, he prepared to espouse the cause of the lawyers, the clergy, and the moneyed interest. Here, too, he was equally unsuccessful. The moneyed interest loves to exercise dominion, but submits to it reluctantly; and his second parliament, chosen, in 1654, on such principles of reform as rejected the rotten boroughs, and, limiting the elective franchise to men of considerable estate, made the house a representation of the wealth of the country, was equally animated by a spirit of stubborn defiance. It first resisted the decisions of the council of Cromwell on the validity of its elections, next vindicated freedom of debate, and, at its third sitting, called in question the basis of Cromwell's authority. "Have we cut down tyranny in one person, and shall the nation be shackled by another?" cried a republican. "Hast thou, like Ahab, killed and taken possession?" exclaimed a royalist. At the opening of this assembly, Cromwell, hoping for a majority, declared "the meeting more precious to him than life." The majority favored the Presbyterians, and secretly desired the restoration of the Stuarts. The protector dissolved them, saying: "The mighty things done among us are the revolutions of Christ himself; to deny this is to speak against God." How highly the public mind was excited by this abrupt act of tyranny is evident from what ensued. The dissolution of the parliament was followed by Penruddoc's insurrection.

Bancroft, Hist. of the U.S., vol.1, p.341

A third and final effort could not be adventured till the nation had been propitiated by naval successes, and victories over Spain had excited and gratified the pride of Englishmen and the zeal of Protestants. "The Red Cross," said Cromwell's admirers, "rides on the sea without a rival; our ready sails have made a covenant with every wind; our oaks are as secure on the billows as when they were rooted in the forest: to others the ocean is but a road; to the English it is a dwelling-place." The fleets of the protector returned rich with the spoils of Peru; and there were those who joined in adulation:

Bancroft, Hist. of the U.S., vol.1, p.341

His conquering head has no more room for bays:

Let the rich ore forthwith be melted down,

And the state fixed by making him a crown;

With ermine clad and purple, let him hold

A royal sceptre, made of Spanish gold.

Bancroft, Hist. of the U.S., vol.1, p.341 - p.342

The question of a sovereign for England seemed but to relate to the Protector Cromwell and the army, or King Cromwell and the army; and, for the last time, Cromwell hoped, through a parliament, to reconcile his dominion to the English people, and to take a place in the line of English kings. For a season, the majority was not unwilling; the scruples of the more honest among the timid he overcame by levity. Our oath, he would say, is not against the three letters that make the word REX. "Royalty is but a feather in a man's cap; let children enjoy their rattle." But here his ambition was destined to a disappointment; the Presbyterians, ever his opponents, found on this point allies in many officers of the army; and Owen, afterward elected president of Harvard College, drafted for them an effectual remonstrance. In view of his own elevation, Cromwell had established an upper house, its future members to be nominated by the protector, in concurrence with the peers. But the wealth of the ancient hereditary nobility continued; its splendor was not yet forgotten; the new peerage, exposed to the contrast, excited ridicule without imparting strength; the house of commons continually spurned at their power, and controverted their title. This parliament, of 1658, was dissolved. Unless Cromwell could exterminate the Catholics, convert the inflexible Presbyterians, chill the loyalty of the royalists, and corrupt the judgment of the republicans, he never could hope the cheerful consent of the British nation to the permanence of his government, which was well understood to be coextensive only with his life. He did not connect himself with the revolution, for he put himself above it, and controlled it; nor with the monarchy, for he was an active promoter of the execution of Charles; nor with the church, for he overpowered it; nor with the Presbyterians, for he barely tolerated their worship without gratifying their ambition. He rested on himself; his own genius and his own personal resources were the basis of his power. Having subdued the revolution, there was no firm obstacle but himself to the restoration of the Stuarts, of which his death was necessarily the signal.

Bancroft, Hist. of the U.S., vol.1, p.342

The accession of Richard Cromwell, in September, 1658, met with no instant opposition. Like his father, he had no party in the nation; unlike his father, he had no capacity for public affairs. He met a parliament in January, 1659, but only to dissolve it; he could not control the army, and he could not govern England without the army. Involved in perplexities, he resigned. His accession had changed nothing; his abdication changed nothing; content to be the scoff of the proud, he acted upon the consciousness of his own incompetency, and, in the bosom of private life, remote from wars, from ambition, from power, he lived to extreme old age in the serene enjoyment of a gentle and modest temper. English politics went forward in their course.

Bancroft, Hist. of the U.S., vol.1, p.342 - p.343

The council of officers, the revival of the "interrupted" Long Parliament, the intrigues of Fleetwood and Desborough, the transient elevation of Lambert, were but a series of unsuccessful attempts to defeat the wishes of the people. Every new effort was soon a failure; and each successive failure did but expose the enemies of royalty to increased indignation and contempt. In vain did Milton forebode that, "of all governments, that of a restored king is the worst;" nothing could long delay the restoration. The fanaticism which had made the revolution had burnt out, and was now a spent volcano.

Bancroft, Hist. of the U.S., vol.1, p.343

Monk was at that time the commander of the English army in Scotland. Sir William Coventry, no mean judge of men, esteemed him a drudge; Lord Sandwich sneered at him plainly as a thick-skulled fool; and the more courteous Pepys paints him as "a heavy, dull man, who will not hinder business and cannot aid it." When Monk marched his army from Scotland into England, he was only the instrument of the restoration, not its author. Originally a soldier of fortune in the army of the royalists, he deserted his party, served against Charles I, and readily offered to Cromwell his support. Incapable of laying among the wrecks of the English constitution the foundations of a new creation of civil liberty, he now took advantage of circumstances to gratify his own passion for rank and fortune. He cared nothing for England, and therefore made terms only for himself. He held the Presbyterians in check, and, prodigal of perjuries to the last, he prevented the adoption of any treaty or binding compact between the returning monarch and the people.

Bancroft, Hist. of the U.S., vol.1, p.343 - p.344

Yet the want of such a compact could not restrain the determined desire of the people of England. All classes demanded the restoration of monarchy, as the only effectual guarantee of peace. The Presbyterians, hoping to gain favor by an early and effectual union with the royalists, contented themselves with a vague belief that the martyrdoms of Dunbar would never be forgotten; misfortunes and the fate of Charles I were taken as sureties that Charles II had learned moderation in the school of exile; and his return could have nothing humiliating, for it was the nation itself that recalled its sovereign. Every party that had opposed the dynasty of the Stuarts had failed in the attempt to give England a government; the constitutional royalists, the Presbyterians, the Independents, the Long Parliament, the army, had all in their turn been unsuccessful; the English, preserving a latent zeal for their ancient liberties, were at the time carried away with a passionate enthusiasm for their hereditary king. The Long Parliament is reassembled; the Presbyterians, expelled before the trial of Charles, resume their seats; and the parliament is dissolved, to be succeeded by a new assembly. The king's return is at hand. They who had been its tardiest advocates endeavor to throw oblivion on their hesitancy by the excess of loyalty; men vie with one another in eagerness for the restoration; no one of them is disposed to gain the certain ill-will of the monarch by proposing conditions which might not be seconded; they forget their country in their zeal for the king; they forget liberty in their eagerness to advance their fortunes; a vague proclamation on the part of Charles II, promising a general amnesty, fidelity to the Protestant religion, regard for tender consciences, and respect for the English laws, was the only pledge from the sovereign. And now that peace dawns, after twenty years of storms, all England was in ecstasy. Groups of men gathered round buckets of wine in the streets, and drank the king's health on their knees. The bells in every steeple rung merry peals; the bonfires round London were so numerous and brilliant that the city seemed encircled with a halo; and under a clear sky, with a favoring wind, the path of the exiled monarch homeward to the kingdom of his fathers was serene. As he landed on the soil of England, he was received by infinite crowds with all imaginable love. The shouting and general joy were past imagination. On the journey from Dover to London, the hillocks all the way were covered with people; the trees were filled; and such was the prodigality of flowers from maidens, such the acclamations from throngs of men, the whole kingdom seemed gathered along the roadsides. The companies of the city welcomed the king with loud thanks to God for his presence.

Bancroft, Hist. of the U.S., vol.1, p.344 - p.345

The tall and swarthy grandson of Henry IV of France was of a disposition which, had he preserved purity of morals, would have made him one of the most amiable of men. It was his misfortune, in very early life, to have become thoroughly debauched in mind and heart; and adversity, the rugged nurse of virtue, made the selfish libertine more reckless. Attached to the faith of his mother, he had no purpose so seriously at heart as the restoration of the Catholic worship in England; but even this intention could not raise him above his natural languor. Did the English commons impeach Clarendon, Charles II could think of nothing but how to get the duchess of Richmond to court again. Was the Dutch war signalized by disasters, "the king did still follow his women as much as ever," and took more pains to reconcile the rival beauties of his court than to save his kingdom. He was incapable of steady application, read imperfectly, and, when drunk, was a good-natured, subservient fool. In the council of state, he played with his dog, never minding the business, or making a speech memorable only for its silliness; and, if he visited the naval magazines, "his talk was equally idle and frothy."

Bancroft, Hist. of the U.S., vol.1, p.345

His bounty was that of facility, and left him to be "governed by the women and the rogues about him;" and his placable temper, incapable of strong revenge, was equally incapable of affection. He so loved present tranquillity that he signed the death-warrants of innocent men rather than risk disquiet, though of himself he was reluctant to hang any but republicans. "For God's sake, send for a Catholic priest," said he, on the last morning of his life, in the desire for absolution; but checked himself, lest he should expose the duke of York to danger. He pardoned all his enemies, no doubt sincerely. The queen sent to beg forgiveness for any offences. "Alas, poor woman, she beg my pardon!" he replied: "I beg hers with all my heart; take back to her that answer."

Bancroft, Hist. of the U.S., vol.1, p.345

On the favor of this dissolute king of England depended the liberties of New England, where dissoluteness was held a crime and adultery punished by death on the gallows.

Chapter 2:

The Navigation Acts

Bancroft, Hist. of the U.S., vol.1, p.346

THE republican revolution in England set in motion the ideas of popular liberty which the experience of happier ages was to devise ways of introducing into the political life of the nation. The swift and immoderate loyalty of the moment doomed the country to the necessity of a new revolution.

Bancroft, Hist. of the U.S., vol.1, p.346

All the regicides that were caught would have perished but for Charles II, whom good nature led at last to exclaim: "I am tired of hanging, except for new offences." Haste was, however, made to despatch at least half a score, as if to appease the shade of Charles I; and among the selected victims was Hugh Peter, once the minister of Salem, the father-in-law of the younger Winthrop; one whom Roger Williams honored and loved, and whom Milton is supposed to include among

Men whose life, learning, faith, and pure intent

Would have been held in high esteem with Paul.

Bancroft, Hist. of the U.S., vol.1, p.346 - p.347

As a preacher, his homely energy resembled the directness of the earlier divines; in Salem he won general affection; he perseveringly strove to advance the interests and the industry of New England, and assisted in founding its earliest college. Monarchy and episcopacy he had repelled with fanatical passion, but was not a regicide. He could thank God for the massacres of Cromwell in Ireland; yet was benevolent, and would plead for the rights of the feeble and the poor. "Many godly in New England dared not condemn what he had done." In October, 1660, on his trial, he was allowed no counsel; and even false witnesses did not substantiate the specific charges urged against him. "Go home to New England, and trust God there," were his last words to his daughter. To his friends he said: "Weep not for me; my heart is full of comfort;" and he smiled as he made himself ready to leave the world.

Bancroft, Hist. of the U.S., vol.1, p.347

But it was not enough to punish the living; vengeance invaded the tombs. The corpses of Cromwell, Bradshaw, and Ireton were, by the order of both houses of parliament, and with the approbation of the king, disinterred, dragged on hurdles to Tyburn, and hanged at the three corners of the gallows. In the evening, they were cut down and beheaded, amidst the merriment of the cavaliers.

Bancroft, Hist. of the U.S., vol.1, p.347

Of the judges of King Charles I, three escaped to America. Edward Whalley, who won laurels in the field of Naseby, always enjoyed the confidence of Cromwell and remained a friend to the Independents, and William Goff, a firm friend to the family of Cromwell, a good soldier, but ignorant of the true principles of freedom, escaped to Boston. For nearly a year they resided unmolested within the limits of Massachusetts, publicly preached and prayed, and gained universal applause. When, in 1661, warrants arrived from England for their apprehension, they fled to New Haven, where it was esteemed a crime against God to bewray the wanderer or give up the outcast. They removed in secrecy from house to house; sometimes concealed themselves in a mill, sometimes in clefts of the rocks by the sea-side; and for weeks together they dwelt in a cave in the forest. Great rewards were offered for their apprehension; Indians as well as English were urged to scour the woods in quest of their hiding-place, as men hunt for the holes of foxes. When the search was nearly over, they retired to a village on the sound; till at last they took refuge in Hadley, and the most beautiful valley of New England gave shelter to their wearisome age.

Bancroft, Hist. of the U.S., vol.1, p.347

John Dixwell, changing his name, was absorbed among the inhabitants of New Haven, married, and lived peacefully and happily. The history of the world, which Raleigh had written in imprisonment, with the sentence of death hanging over his head, was his favorite study; and he ever retained the belief that the spirit of English liberty would demand the new revolution, which was achieved in England a few months before his death.

Bancroft, Hist. of the U.S., vol.1, p.348

Three of the regicides, who had escaped to the Netherlands, found themselves, in the territory of a free republic, less secure than their colleagues in a dependent colony. In 1662, they were surrendered, and executed in England.

Bancroft, Hist. of the U.S., vol.1, p.348

Sir Henry Vane, the former governor of Massachusetts, the benefactor of Rhode Island, the ever faithful friend of New England, adhered with undaunted firmness to "the glorious cause" of popular liberty; and, shunned by every man who courted the returning monarch, he became noted for the most "catholic" unpopularity. He fell from the affections of the English people, when the English people fell from the jealous care of their liberties. He had always been incorrupt and disinterested, merciful and liberal. When Unitarianism was persecuted, not as a sect, but as a blasphemy, Vane interceded for its advocate; he pleaded for the release of Quakers imprisoned for their opinions; as a legislator, he demanded justice in behalf of the Roman Catholics; he resisted the sale of Penruddoc's men into slavery, as an aggression on the rights of man. The immense emoluments of his office as treasurer of the navy he voluntarily resigned. When the Presbyterians, though his adversaries, were forcibly excluded from the house of commons, he absented himself. After the monarchy was overthrown and a commonwealth attempted, Vane reluctantly filled a seat in the council; and, amid the floating wrecks of the English constitution, he clung to the existing parliament as to the only fragment on which it was possible to rescue English liberty. His energy gave to the English navy an efficient organization, so that England could cope with Holland on the sea; and he desired such a reform of parliament as would make it a true representative of the people. He steadily resisted the usurpation of Cromwell, and for this was confined to Carisbrook Castle. Cromwell and Vane were equally unsuccessful; the first failed to secure the government of England to his family; the other, to vindicate it for the people.

Bancroft, Hist. of the U.S., vol.1, p.348 - p.349

The convention parliament had excepted Vane from the indemnity, on the king's promise that he should not suffer death. It was now resolved to bring him to trial; and, in June, 1662, he turned his trial into a triumph. Though "supposed to be a timorous man," he appeared before his judges with animated fearlessness; he denied the imputation of treason with scorn, defended the right of Englishmen to be governed by successive representatives, and took glory to himself for actions which promoted the good of his country, and were sanctioned by parliament as the virtual sovereign of the realm. He spoke not for his life and estate, but for the honor of the martyrs to liberty that were in their graves, for the liberties of England, for the interests "of all posterity." He asked for counsel. "Who," cried the solicitor, "will dare to speak for you, unless you can call down from the gibbet the heads of your fellow-traitors?" "Alone, I am not afraid," answered Vane, "to seal my witness to the glorious cause with my blood." "Certainly," wrote the king, "Sir Henry Vane is too dangerous a man to let live, if we can honestly put him out of the way." He could not honestly be put out of the way; but still, the solicitor urged, "he must be made a sacrifice."

Bancroft, Hist. of the U.S., vol.1, p.349

The day before his execution, his friends were admitted to his prison; and he reasoned with them calmly on death and immortality. Of his political career he could say: "I have not the least recoil in my heart as to matter or manner of what I have done." A friend prayed that the cup of death might be averted. "Why should we fear death?" answered Vane; "I find it rather shrinks from me than I from it." He stooped to embrace his children, mingling consolation with kisses; and his farewell counsel to them was: "Suffer anything from men rather than sin against God." As to his resistance to arbitrary rule, "I leave my life," he said, "as a seal to the justness of that quarrel. Ten thousand deaths, rather than defile the chastity of my conscience; nor would I, for ten thousand worlds, resign the peace and satisfaction I have in my heart."

Bancroft, Hist. of the U.S., vol.1, p.349 - p.350

From the scaffold Vane surveyed the surrounding multitude with composure, and sought to speak to them of English liberty, wishing to confirm the wavering and convince the ignorant by his martyrdom. His voice was overpowered with trumpets; not disconcerted by the rudeness, he foretold to those around him that a better day would dawn in the clouds, though "they were coming thicker and thicker for a season." "Blessed be God," exclaimed he, as he bared his neck for the axe, "I have kept a conscience void of offence to this day, and have not deserted the righteous cause for which I suffer." In the history of the world, he was the first martyr to the principle of the paramount power of the people; and, as he predicted, "his blood gained a voice to speak his innocence." Milton, ever parsimonious of praise, devoted a majestic poem to encomiums on him when "young in years but in sage counsel old," the best of senators, the eldest son of religion; and Clarendon, writing for posterity, records of him: "If he were not superior to Hampden, he was inferior to no other man;" "his whole life made good the imagination that there was in him something extraordinary."

Bancroft, Hist. of the U.S., vol.1, p.350

Puritanism, with the sects to which it gave birth, ceased to sway the destinies of England. The army of Cromwell displayed its might in the field; Milton still lived to create works that are among the noblest productions of the human mind; Vane proved how fearlessly it could bear witness for truth in the face of death; New England is the monument of its ability to establish free states.

Bancroft, Hist. of the U.S., vol.1, p.350

The new parliament was chosen in 1660, just before the coronation, while the country still glowed with unreflecting loyalty. Few Presbyterians were returned: the irresistible majority, many of whom had fought for the king, was all for monarchy and prelacy. Severe enactments restrained the press; the ancient right of petition was narrowed and placed under supervision. The restored king was a papist: but whoever should affirm him to be a papist was incapacitated from holding office in church or state. He was ready "to conspire with the king of France and wicked advisers at home, to subvert the religion and liberty of the English people;" and the parliament, in its eagerness to condemn rebellion, renounced for itself every right of withstanding him even in defensive war.

Bancroft, Hist. of the U.S., vol.1, p.350 - p.351

The Presbyterians formed the governing body in many municipalities; the sincere ones were dislodged by an act removing all incumbents who should not by oath declare it unlawful to take up arms against the king on any pretence whatsoever; and requiring of every candidate that, within the year before the election, he should have received the sacrament according to the rites of the church of England.

Bancroft, Hist. of the U.S., vol.1, p.351

The Book of Common Prayer and the ceremonies, having never been abrogated by law, revived with the restoration. From Holland the king had in some measure laid asleep the watchfulness of those whom he most feared, by promising that the scruples of the Presbyterians should be respected; and, with regard to ceremonies, pretended that he would have none to receive the sacrament on the knees or to use the cross in baptism. Cranmer saw no intrinsic difference between bishops and priests; and "the old common, moderate sort" of Episcopalians had taken Episcopacy to be good, but not necessary, and owned the reformed churches of the continent to be true ones. "Episcopal ordination was now, for the first time," so writes a great English historian, "made an indispensable qualification for church preferment." The reformed churches, alike of England and the continent, were excluded from fellowship with the Anglican church. Every minister, who should not, before the twenty-fourth of August, 1662, publicly declare his assent and consent to everything contained in the Book of Common Prayer, was by his silence deprived of his benefice; and on that day nearly two thousand persons gave up their livings rather than stain their consciences. The subscription was required even of schoolmasters: at one swoop, the right of teaching was taken away from every person in England, except churchmen.

Bancroft, Hist. of the U.S., vol.1, p.351 - p.352

An act of 1664 made attendance at a dissenting place of worship a crime, to be punished, on conviction without a jury, before a single justice of the peace, by long imprisonment for the first and second offence, and by seven years' transportation for the third. But the exiled Calvinist might not be shipped to New England, where he would have found sympathy and an open career. To strike a death blow at non-conformity, a statute of 1665 required the deprived to swear that it is not lawful, under any pretext whatsoever, to take arms against the king, and that they would not at any time endeavor any alteration in church or state. Those who refused this oath were forbidden to come within five miles of any city, corporate town, borough sending members to parliament, or towns where they had themselves resided as ministers.

Bancroft, Hist. of the U.S., vol.1, p.352

To the Anglican church this total expulsion of the Calvinists wrought evil, while every terrible oppression of dissenters in England, in Scotland, or in Ireland, drove the best of them to America.

Bancroft, Hist. of the U.S., vol.1, p.352

The American colonies were held to be subordinate to the English parliament, and bound by its acts, whenever they were specially named in a statute or clearly embraced within its provisions. But Massachusetts had refused to be subject to the laws of parliament, and had remonstrated against such subjection, as "the loss of English liberty." The Long Parliament had conceded the justice of the remonstrance.

Bancroft, Hist. of the U.S., vol.1, p.352

On the restoration of Charles II, the convention parliament in 1660 granted to the monarch a subsidy of twelvepence in the pound—that is, of five per cent—on all merchandise exported from or imported into the kingdom of England, or "any dominion thereto belonging." The tax was never levied in the colonies; nor was it understood that the colonies were bound by a statute, unless they were expressly named.

Bancroft, Hist. of the U.S., vol.1, p.352

That distinctness was not wanting, when it was required by the interests of English merchants. The navigation act of the commonwealth had not been designed to trammel the commerce of the colonies; the convention parliament connected in one act the protection of English shipping and a monopoly to the English merchant of the trade with the colonies. In the reign of Richard II, the commerce of English ports had been secured to English shipping: the act of navigation of 1651 had done no more. The present act renewed the same provisions, and added: "No merchandise shall be imported into the plantations but in English vessels, navigated by Englishmen, under penalty of forfeiture." Henceforward, no one but a native or naturalized subject might become a merchant or factor in any English settlement.

Bancroft, Hist. of the U.S., vol.1, p.352 - p.353

American industry offered articles for exportation of two kinds. Some were produced in quantities only in America, and would not compete in the English market with English productions. These were enumerated, and it was declared that none of them—that is, no sugar, tobacco, ginger, indigo, cotton, fustic, dyeing woods—shall be transported to any other country than those belonging to the crown of England, under penalty of forfeiture; and, as new articles of industry of this class grew up, they were added to the list. But such other commodities as the English merchant might not find convenient to buy, the American planter might ship to foreign markets; the farther off the better, because they would thus interfere less with the trades which were carried on in England. The colonists were, therefore, by a clause in the navigation act, confined to ports south of Cape Finisterre.

Bancroft, Hist. of the U.S., vol.1, p.353

Hardly had time enough elapsed for a voyage or two across the Atlantic, before it was found that the English merchant might derive still further advantages at the cost of the colonists. A new law, of 1663, prohibited the importation of European commodities into the colonies, except in English ships from England, to the end that England might be made the staple not only of colonial productions but of colonial supplies. Thus the colonists were compelled to buy in England not only all English manufactures, but everything else that they might need from any soil but their own.

Bancroft, Hist. of the U.S., vol.1, p.353

The activity of the shipping of New England excited envy in the minds of the English merchants. The produce of the plantations of the southern colonies were brought to New England, as a result of colonial exchanges. In 1673, parliament therefore resolved to exclude New England merchants from competing with the English in the markets of the southern plantations; the liberty of free traffic between the colonies was accordingly taken away; and enumerated commodities exported from one colony to another were subjected to a duty equivalent to the duty on the consumption of these commodities in England.

Bancroft, Hist. of the U.S., vol.1, p.353

By degrees, the greed of English shopkeepers became bolder; and America was forbidden, by act of parliament, not merely to manufacture those articles which might compete with the English in foreign markets, but even to supply herself, by her own industry, with those articles which her position enabled her to manufacture with success.

Bancroft, Hist. of the U.S., vol.1, p.353 - p.354

The policy of Great Britain, with respect to her colonies, was a system of monopoly, adopted after the example of Spain, and for more than a century inflexibly pursued, in no less than twenty-nine acts of parliament. The colonists were allowed to sell to foreigners only what England would not take; so that they might gain means to pay for the articles forced upon them by England. The colonies could buy European and all foreign commodities only at the shops of the metropolis; and thus the merchant of the mother country could sell his goods for a little more than they were worth. England gained at the expense of America. The profit of the one was balanced by the loss of the other.

Bancroft, Hist. of the U.S., vol.1, p.354

In the sale of their products, the colonists were equally injured. The English, being the sole purchasers, could obtain those products at a little less than their fair value. The merchant of Bristol or London was made richer; the planter of Virginia or Maryland was made poorer. No new value was created; one lost what the other gained; and both parties had equal claims to the benevolence of the legislature.

Bancroft, Hist. of the U.S., vol.1, p.354

Thus the colonists were wronged, both in their purchases and in their sales; the law "cut them with a double edge." The English consumer gained nothing; for the surplus colonial produce was re-exported to other nations. The English merchant, not the English people, profited by the injustice. Moreover, the navigation act involved England in contradictions; she was herself a monopolist of her own colonial trade, and yet steadily aimed at sharing the trade of the Spanish settlements.

Bancroft, Hist. of the U.S., vol.1, p.354

In the domestic policy of England, the act increased the tendency to unequal legislation. The English merchant having become the sole factor for American colonies, and the manufacturer claiming to supply colonial wants, the English landholder consented to uphold the artificial system only by sharing in its emoluments; and, in 1663, corn laws began to be enacted, in order to secure the profits of capital, applied to agriculture, against foreign and colonial competition. The system which impoverished the Virginia planter, by lowering the price of his tobacco crop, oppressed the English laborer, by raising the price of his bread; and at last a whig ministry offered a bounty on the exportation of corn.

Bancroft, Hist. of the U.S., vol.1, p.355

Durable relations in society are correlative and reciprocally beneficial. In this case, the statute was made by one party to bind the other, and was made on iniquitous principles. Established as the law of the strongest, it could endure no longer than the superiority in force. It converted commerce, which should be the bond of peace, into a source of rankling hostility, and contained a pledge of the ultimate independence of America.

Bancroft, Hist. of the U.S., vol.1, p.355

To the colonists, the navigation acts were an unmitigated evil; for the prohibition of planting tobacco in England and Ireland was useless. As a mode of taxing the colonies, the monopoly was a failure; the contribution was made to the merchant, not to the treasury of the public.

Bancroft, Hist. of the U.S., vol.1, p.355

The usual excuse for colonial restrictions is founded on the principle that colonies were established at the cost of the mother country for that very purpose. Of the American colonies, the state founded not one. Virginia was begun by private companies; New England was the home of exiles, whom England owned as her children only to oppress them!

Bancroft, Hist. of the U.S., vol.1, p.355

The monopoly, it must be allowed, was of the least injurious kind. It was conceded not to an individual, nor to a company, nor to a single city, but to all Englishmen.

Bancroft, Hist. of the U.S., vol.1, p.355

The history of the navigation acts would be incomplete were it not added that, whatever party obtained a majority, it never, till the colonies gained great strength, occurred to the British parliament that the legislation was a wrong. Bigotry is not exclusively a passion of religious superstition; it is the obstinate, unreasoning, and merciless zeal with which selfishness in power upholds an unjust interest. The English parliament, as the instrument of mercantile eagerness for gain, had no scruple in commencing the legislation, which, when the colonists grew powerful, was, by the greatest British economist, declared to be "a manifest violation of the rights of mankind."

Chapter 3:

Connecticut, Rhode Island, and Charles II

Bancroft, Hist. of the U.S., vol.1, p.356

THE commission issued by the king on the first day of December, 1660, to Clarendon and seven others as a standing council, for regulating the numerous remote colonies and governments, "so many ways considerable to the crown," included the names of the earl of Manchester and the Viscount Say and Seal, who were sincere friends to New England.

Bancroft, Hist. of the U.S., vol.1, p.356

Massachusetts, which had been republican, but never regicide, strong in its charter, made no haste to present itself in England as a suppliant. "The colony of Boston," wrote Stuyvesant, "remains constant to its old maxims of a free state, dependent on none but God." Had the king resolved on sending them a governor, the several towns and churches throughout the whole country were resolved to oppose him.

Bancroft, Hist. of the U.S., vol.1, p.356

The colonies of Plymouth, of Connecticut, and of New Haven, not less than of Rhode Island, proclaimed the new king and acted in his name. Connecticut appeared in London by its representative, the younger Winthrop. Its people had purchased lands of the assigns of the earl of Warwick, and from Uncas the territory of the Mohegans; the news of the restoration awakened a desire for a patent. But they proceeded warily: they draughted among themselves the instrument which they desired the king to ratify; and they could plead for their possessions their rights by purchase, by conquest from the Pequods, and by their own labor which had redeemed the wilderness. A letter was addressed to the aged Lord Say and Seal, their early friend.

Bancroft, Hist. of the U.S., vol.1, p.356 - p.357

The venerable man secured for his clients the kind offices of the lord chamberlain, the earl of Manchester, a man "of an obliging temper, universally beloved, being of a virtuous and generous mind." "Indeed he was a noble and a worthy lord, and one that loved the godly." "He and Lord Say did join together, that their godly friends in New England might enjoy their just rights and liberties."

Bancroft, Hist. of the U.S., vol.1, p.357 - p.358

But the chief happiness of Connecticut was in the selection of its agent. The younger Winthrop, as a child, had been the pride of his father's house; he had received the best instruction which Cambridge and Dublin could afford, and had perfected his education by visiting, in part at least, in the public service, not Holland and France only, in the days of Prince Maurice and Richelieu, but Venice and Constantinople. As he travelled through Europe, he sought the society of men eminent for learning. Returning to England in the bloom of life, with the fairest promise of advancement, he preferred to follow his father to the New World, regarding "diversities of countries but as so many inns," alike conducting to "the journey's end." When his father became impoverished, the son, unsolicited and without recompense, relinquished his inheritance, that "it might be spent in furthering the great work" in Massachusetts, himself, without wealth, engaging in the enterprise of planting Connecticut. Care for posterity seemed the motive to his actions. He respected learning and virtue and ability in whatever sect they might be found; and, when Quakers were the objects of persecution, he was unremitting in argument and entreaty to prevent the taking of their lives. He never regretted the brilliant prospects he had resigned, nor complained of the comparative solitude of New London; books furnished employment to his mind; the study of nature according to the principles of the philosophy of Bacon was his delight, for "he had a gift in understanding and art;" and his home was endeared by a happy marriage and "many sweet children." Understanding the springs of action and the principles that control affairs, he never attempted impracticable things, and noiselessly succeeded in all that he undertook. The New World was full of his praises; Puritans and Quakers and the freemen of Rhode Island were alike his eulogists; the Dutch at New York had confidence in his integrity; and it is the beautiful testimony of his own father that "God gave him favor in the eyes of all with whom he had to do." His personal merits, sympathy for his family, his exertions, the petition of the colony, and the ready good-will of Clarendon—for we must not reject all faith in generous feeling—easily prevailed to obtain for Connecticut an ample patent. The courtiers of King Charles, who themselves had an eye to possessions in America, suggested no limitations; and perhaps it was believed that Connecticut would serve to balance the power of Massachusetts.

Bancroft, Hist. of the U.S., vol.1, p.358

The charter, sealed on the twentieth of April, 1662, connected New Haven and Hartford in one colony, with limits extending from the Narragansett river to the Pacific ocean. It confirmed to the colonists the right to govern themselves, which they had assumed from the beginning. They were allowed to elect all their own officers, to enact their own laws, to administer justice without appeals to England, to inflict punishments, to confer pardons, and, in a word, to exercise every power, deliberative and active. The king, far from reserving a negative on their laws, did not even require that they should be transmitted for his inspection; and no provision was made for the interference of the English government in any event whatever. Connecticut was independent except in name.

Bancroft, Hist. of the U.S., vol.1, p.358

After his successful negotiations, varied by active concert in founding the Royal Society, Winthrop returned to America. The amalgamation of New Haven and Connecticut was effected without collision, though New Haven was at first reluctant to merge itself in the larger colony. The well-founded gratitude of the united commonwealth followed him throughout his life; and for fourteen years he was annually elected its chief magistrate.

Bancroft, Hist. of the U.S., vol.1, p.358 - p.359

The charter of Connecticut secured to her an existence of unsurpassed tranquillity. Unmixed popular power was safe under the shelter of severe morality; and beggary and crime could not thrive. From the first, the minds of the yeomanry were kept active by the constant exercise of the elective franchise; and, except under James II, there was no such thing in the land as a home officer appointed by the English king. The government was in honest and upright hands; the strifes of rivalry never became heated; in the choice of magistrates, gifts of learning and genius were valued, but the state was content with virtue and single-mindedness; and the public welfare never suffered at the hands of plain men. Roger Williams was ever a welcome guest at Hartford; and "that heavenly man, John Haynes," would say to him: "I think, Mr. Williams, I must now confesse to you that the most wise God hath provided and cut out this part of the world as a refuge and receptacle for all sorts of consciences." There never existed a persecuting spirit in Connecticut; and "it had a scholar to their minister in every town or village." Religious speculation was carried to the highest degree of refinement, alike in its application to moral duties and to the mysterious questions on the nature of God, of liberty, and of the soul. A hardy race multiplied along the alluvion of the streams, and subdued less inviting fields; its population for a century doubled once in twenty years, in spite of considerable emigration. Religion united with the pursuits of agriculture to form a people of steady habits. The domestic wars were discussions of knotty points in theology; the concerns of the parish, the merits of the minister, were the weightiest affairs; and a church reproof the heaviest calamity. The strifes of the parent country, though they sometimes occasioned a levy among the sons of the husbandmen, never brought an enemy over their border. No fears of midnight ruffians disturbed the sweetness of slumber; the best house required no fastening but a latch, lifted by a string.

Bancroft, Hist. of the U.S., vol.1, p.359 - p.360

Industry enjoyed the abundance which it created. No great inequalities of condition excited envy or raised political feuds; wealth could display itself only in a larger house and a fuller barn. There was venison from the hills; salmon, in their season, not less than shad, from the rivers; and sugar from the maple of the forest. For a foreign market little was produced beside cattle; and, in return for them, but few foreign luxuries stole in. Even so late as 1713, the number of seamen did not exceed one hundred and twenty. The soil had originally been justly divided, or held as common property in trust for the public, and for new-comers. There was for a long time hardly a lawyer in the land. The husbandman who held his own plough and fed his own cattle, was the great man of that day; no one was superior to the matron, who, with her busy daughters, kept the hum of the wheel incessantly alive, spinning and weaving every article of their dress. Life was uniform. The only revolution was from the time of sowing to the time of reaping; from the plain dress of the week to the more trim attire of Sunday. There was nothing morose in the Connecticut character. Frolic mingled with innocence; and the annual thanksgiving to God was, from primitive times, as joyous as it was sincere.

Bancroft, Hist. of the U.S., vol.1, p.360

One question distressed and divided families. Without inward experience of the truth and power of Christianity, no one of a congregation of Calvinists was admitted to take the covenant which gave admission to the communion table; and the rite of baptism was administered to the children of those only who were communicants. There grew up an increasing number of parents of blameless lives, who did not become members of the church and yet wished baptism for their children. Influenced by their condition, the general court of Connecticut expressed a desire for a council of ministers of the four confederated Calvinistic colonies. The general court of Massachusetts proposed to refer the question to a general synod, and of itself went so far as to appoint fifteen ministers of its own colony as its delegates. Connecticut readily followed the example; but Plymouth kept aloof; and the austere colony of New Haven, guided by the inflexible Davenport, not only refused to send delegates, but by letter strongly rebuked the measure as fraught with dangers to religion. Yet, in February, 1657, the synod, representing the two colonies which, in extent of territory and in numbers, far outweighed the rest, sanctioned the baptizing of children of parents who themselves had been baptized, and though they were not ready to assume all the obligations of church members, would yet promise to give their offspring a Christian education. This mode of settlement was called in derision "the half-way covenant."

Bancroft, Hist. of the U.S., vol.1, p.360 - p.361

By the customs of the Congregational churches, the vote of a synod was but a recommendation, leaving the decision to each church for itself. In 1662, a Massachusetts synod repeated the advice which had before been given in conjunction with Connecticut; and the general court sent it to the several towns "for the consideration of all the churches and people." There, in Massachusetts, legislative action on the matter ended. In 1664, the general court of Connecticut, after its absorption of New Haven, recommended the less exclusive system to the churches; but the majority of them adhered stiffly to the ancient rule.

Bancroft, Hist. of the U.S., vol.1, p.361

The frugality of private life had its influence on public expenditure. Half a century after the concession of the charter, the annual expenses of the government did not exceed eight hundred pounds. The wages of the chief justice were ten shillings a day while on service. In each county a magistrate acted as judge of probate, and the business was transacted with small expense to the fatherless.

Bancroft, Hist. of the U.S., vol.1, p.361

There were common schools from the first. Nor was it long before a college, such as the day of small things permitted, began to be established; and Yale owes its birth "to ten worthy fathers, who, in 1700, assembled at Branford, and each one, laying a few volumes on a table, said: 'I give these books for the founding of a college in this colony.'"

Bancroft, Hist. of the U.S., vol.1, p.361 - p.362

But the political education of the people is due to the happy organization of towns, which here, as throughout all New England, constituted each settlement in its local affairs a self-governing democracy. In the ancient republics, citizenship had been an hereditary privilege. In Connecticut, it was acquired by inhabitancy, was lost by removal. Each town-meeting was a legislative body; and all inhabitants, the affluent and the more needy, the reasonable and the foolish, were members with equal franchises. There the taxes of the town were discussed and levied; there its officers were chosen; there roads were laid out and bridges voted; there the minister was elected, the representatives to the assembly were instructed. The debate was open to all; wisdom asked no favors; the churl abated nothing of his pretensions. Who ever reads the records of these village commonwealths will be perpetually coming upon some little document of rare political sagacity. When Connecticut emerged into scenes where a new political world was to be created, the rectitude that had ordered the affairs of a neighborhood showed itself in the field and in council.

Bancroft, Hist. of the U.S., vol.1, p.362

During the intervening century, we shall rarely have occasion to recur to Connecticut: its institutions were perfected, and, with transient interruptions, were unharmed. To describe its condition is but to enumerate the blessings of self-government, as exercised by a community of thoughtful freeholders, who have neither a nobility nor a populace. How dearly it remembered the parent island is told by the English names of its towns. Could Charles II have looked back upon earth, and seen what security his gift of a charter had conferred, he might have gloried in an act which redeemed his life from the charge of having been unproductive of public happiness. In a proclamation, Connecticut, under its great seal, told the world that its days under the charter were "halcyon days of peace." Time, as it advances, may unfold scenes of more wealth and of wider action, but not of more contentment and purity.

Bancroft, Hist. of the U.S., vol.1, p.362 - p.363

Rhode Island was fostered by Charles II with still greater liberality. When Roger Williams had succeeded in obtaining from the Long Parliament the confirmed union of the territories that now constitute the state, he returned to America, leaving John Clarke as the agent of the colony in England. Never did a young commonwealth possess a more faithful friend; and never did a young people cherish a fonder desire for the enfranchisement of mind. "Plead our case," they had said to him in previous instructions, which Gorton and others had drafted, "in such sort as we may not be compelled to exercise any civil power over men's consciences; we do judge it no less than a point of absolute cruelty." And now that the hereditary monarch was restored and duly acknowledged, they had faith that "the gracious hand of Providence would preserve them in their just rights and privileges." "It is much in our hearts," they urged in their petition to Charles II," to hold forth a lively experiment, that a most flourishing civil state may stand, and best be maintained, with a full liberty of religious concernments." The good-natured monarch listened to their petition; Clarendon exerted himself in their behalf; the making trial of religious freedom in a nook of a remote continent could not appear dangerous; it might at once build up another rival to Massachusetts and solve a problem in the history of man. The charter, retarded only by controversies about bounds, on the eighth of July, 1663, passed the seals, and, with new principles, embodied all that had been granted to Connecticut. The supreme authority was committed to a governor deputy governor, ten assistants, and deputies from the towns. The scruples of the inhabitants were so respected that no oath of allegiance was required of them; the laws were to be agreeable to those of England, yet with the kind reference "to the constitution of the place, and the nature of the people;" and the monarch proceeded to exercise, as his brother attempted to do in England, and as by the laws of England he could not do within the realm, the dispensing power in matters of religion: "No person within the said colony, at any time hereafter, shall be any wise molested, punished, disquieted, or called in question, for any difference in opinion in matters of religion; every person may at all times freely and fully enjoy his own judgment and conscience in matters of religious concernments."

Bancroft, Hist. of the U.S., vol.1, p.363

No joy could be purer than that of the colonists when, in November, 1663, the news was spread abroad that "George Baxter, the most faythful and happie bringer of the charter," had arrived. On the beautiful island of Rhode Island, the whole people gathered together, "for the solemn reception of his majesty's gracious letters-patent." It was "a very great meeting and assembly." The letters of the agent "were opened, and read with good delivery and attention;" the charter was next taken forth from the precious box that contained it, and "was read by Baxter, in the audience and view of all the people; and the letters with his majesty's royal stamp and the broad seal, with much beseeming gravity were held up on high, and presented to the perfect view of the people."

Bancroft, Hist. of the U.S., vol.1, p.363 - p.364

This charter of government, establishing a political system which few beside the Rhode Islanders themselves then believed to be practicable, remained in existence till it became the oldest constitutional charter in the world. The probable population of Rhode Island, at the time of its reception, may have been two thousand five hundred. In one hundred and seventy years that number increased forty-fold; and the government, which was hardly thought to contain checks enough on the power of the people to endure even among shepherds and farmers, protected a dense population and the accumulations of a widely extended commerce. Nowhere in the world were life, liberty, and property safer than in Rhode Island.

Bancroft, Hist. of the U.S., vol.1, p.364

The thanks of the colony were unanimously voted to a triumvirate of benefactors: to "King Charles of England, for his high and inestimable, yea, incomparable favor;" to Clarendon, who had shown "to the colony exceeding great care and love;" and to the modest and virtuous Clarke, the persevering and disinterested envoy, who, during a twelve years' mission, had sustained himself by his own exertions and a mortgage on his estate; whose whole life was a continued exercise of benevolence, and who, at his death, bequeathed all his possessions for the relief of the needy and the education of the young. Others have sought office to advance their fortunes; he, like Roger Williams, parted with his little means for the public good. He had unsparing enemies in Massachusetts, and left a name on which no one cast a shade.

Bancroft, Hist. of the U.S., vol.1, p.364 - p.365

In May, 1664, the assembly of the people of Rhode Island, at their regular session, established religious freedom in the very words of the charter: "No person shall at any time hereafter be any ways called in question for any diference of opinion in matters of religion." In May, 1665, the legislature asserted that "liberty to all persons, as to the worship of God, had been a principle maintained in the colony from the very beginning thereof; and it was much in their hearts to preserve the same liberty for ever." The commissioners from England, who visited Rhode Island, reported of its people: "They allow liberty of conscience to all who live civilly; they admit of all religions." And again, in 1680, the government of the colony could say, what there was no one oppressed individual to controvert: "We leave every man to walk as God persuades his heart; all our people enjoy freedom of conscience." To Jews who had inquired if they could find a home in Rhode Island, the assembly of 1684 made answer: "We declare that they may expect as good protection here as any stranger, not being of our nation, residing among us ought to have;" and in August, 1694, the Jews, who from the time of their expulsion from Spain had had no safe resting-place, entered the harbor of Newport to find equal protection, and in a few years to build a house of God for a Jewish congregation. Freedom of conscience "to every man, whether Jew, or Turk, or papist, or whomsoever that steers no otherwise than his conscience dares," was, from the first, the trophy of Rhode Island.

Bancroft, Hist. of the U.S., vol.1, p.365

In 1665, it divided its general assembly into two houses—a change which, near the close of the century, was permanently adopted. It was importuned by Plymouth and vexed by Connecticut on the subject of boundaries.

Bancroft, Hist. of the U.S., vol.1, p.365

The royal commissioners, in 1665, required of all the oath of allegiance; the general assembly, scrupulous in its respect for the rights of conscience, would listen to no proposition except for an engagement of fidelity and due obedience to the laws as a condition of exercising the elective franchise. This engagement being found irksome to the Quakers, it was the next year repealed.

Bancroft, Hist. of the U.S., vol.1, p.365

Virginia possessed far stronger claims to favor than Rhode Island and Connecticut; and, in April, 1661, Sir William Berkeley embarked for England as her agent. We shall see how vainly she asked relief from the navigation act, or a guarantee for her constitution. Her agent, joining with seven others, obtained, in 1663, the grant of Carolina, which narrowed her limits on her whole southern frontier. King Charles was caricatured in Holland with a woman on each arm and courtiers picking his pocket; this time they took provinces, which, if divided among the eight, would have given to each a tract as extensive as the kingdom of France. To gratify favorites, Virginia, in 1669, was dismembered by lavish grants; and, in 1673, all that remained of it was given away for a generation, as recklessly as a man might part with a life-estate in a barren field.

Bancroft, Hist. of the U.S., vol.1, p.365 - p.366

To complete the picture of the territorial changes made by Charles II, it must be added that, in 1664, he not only enfeoffed his brother, the duke of York, with the country between Pemaquid and the St. Croix, but—in defiance of his own charter to Winthrop and the possession of the Dutch and the rights of ten thousand inhabitants—with the country from Connecticut river to Delaware bay. In 1667, Acadia, with indefinite boundaries, was restored to the French. In 1669, the frozen zone was invaded, and Prince Rupert and his associates were endowed with a monopoly of the regions on Hudson's bay. In 1677, the proprietary rights to New Hampshire and Maine were revived, in the intent to purchase them for the duke of Monmouth. In 1679, after Philip's war in New England, Mount Hope was hardly rescued from a courtier, then famous as the author of two indifferent comedies. The charter which secured a large and fertile province to William Penn, and thus invested philanthropy with executive power on the western bank of the Delaware, was a grant from Charles II. From the outer cape of Nova Scotia to Florida, with few exceptions, the tenure of every territory was changed. Further, the trade with Africa, the link in the chain of universal commerce, that first joined Europe, Asia, and America together, and united the Caucasian, the Malay, and the Ethiopian races, was given away to a company, which alone had the right of planting on the African coast.

Bancroft, Hist. of the U.S., vol.1, p.366

During the first four years of his reign, Charles II gave away a large part of a continent. Could he have continued as lavish, in the course of his rule he would have given away the world.

Chapter 4:

Massachusetts and Charles II

Bancroft, Hist. of the U.S., vol.1, p.367

THE virtual independence which had been hitherto exercised by MASSACHUSETTS was too dear to be relinquished. The news of the restoration, brought to Boston in July, 1660, by the ships in which Goffe and Whalley, two of the regicide judges, were passengers, was received with skeptical anxiety, and no notice was taken of the event. At the session of the general court, in October, a motion for an address to the king did not succeed; affairs in England were still regarded as unsettled. In November, it became certain that the hereditary family of kings had recovered the throne, and that swarms of enemies to the colony had gathered round the new government; a general court was convened, and addresses were prepared for the parliament and the monarch. By advice of the great majority of elders, no judgment was expressed on the execution of Charles I and "the grievous confusions" of the past. The colonists appealed to the king of England, as "a king who had seen adversity, and who, having himself been an exile, knew the hearts of exiles." They prayed for "the continuance of civil and religious liberties," and against complaints requested an opportunity of defence. "Let not the king hear men's words," such was their petition; "your servants are true men, fearing God and the king. We could not live without the public worship of God; that we might enjoy divine worship without human mixtures, we, not without tears, departed from our country, kindred, and fathers' houses. Our garments are become old by reason of the very long journey; ourselves, who came away in our strength, are, many of us, become gray-headed, and some of us stooping for age." In return for the protection of their liberties, they promise the blessing of a people whose trust is in God.

Bancroft, Hist. of the U.S., vol.1, p.368

Leverett, the patriotic and able agent of the colony, was instructed to intercede with members of parliament and the privy council for its chartered liberties; to resist appeals to England, alike in cases civil or criminal. Some hope was entertained that the new government might confirm to New England commerce the favors which the Long Parliament had conceded. But Massachusetts never gained an exemption from the Severity of the navigation acts till she ceased to demand it as a favor.

Bancroft, Hist. of the U.S., vol.1, p.368

At this juncture, Eliot, the apostle of the red men, the same who had claimed for the people a voice even in making treaties, published an essay "on the Christian commonwealth," showing how it must be constituted through the willing self-organization of individuals into tens, then hundreds, then thousands, till at last the whole would form itself into one strictly popular government. His treatise was condemned as too full of the seditious doctrines of democratic liberty. Upon this the single-minded author did not hesitate to suppress it, and in guarded language to acknowledge the form of government by king, lords, and commons, as not only lawful, but eminent.

Bancroft, Hist. of the U.S., vol.1, p.368

A letter from the king, expressing general good-will, could not quiet the apprehensions of the colonists. The committee for the plantations already, in April, 1661, surmised that Massachusetts would, if it dared, cast off its allegiance, and resort to an alliance with Spain, or to any desperate remedy, rather than admit of appeals to England. Upon this subject a controversy immediately arose; and the royal government resolved to establish the principle which the Long Parliament had waived.

Bancroft, Hist. of the U.S., vol.1, p.368 - p.369

It was therefore not without reason that the colony foreboded collision with the crown; and, after a full report from a numerous committee, of which Bradstreet, Hawthorne, Mather, and Norton were members, the general court, on the tenth of June, 1661, published a declaration of natural and chartered rights. In this paper, which was probably written by Thomas Danforth, they declare their liberties under God and their patent to be: to choose their own governor, deputy governor, and representatives; to admit freemen on terms to be prescribed at their own pleasure; to set up all sorts of officers, superior and inferior, and point out their power and places; to exercise, by their annually elected magistrates and deputies, all power and authority, legislative, executive, and judicial, without appeal, so long as the laws were not repugnant to the laws of England; to defend themselves by force of arms against every aggression; and to reject, as an infringement of their right, any parliamentary or royal imposition prejudicial to the country, and contrary to any just act of colonial legislation." The duties of allegiance were narrowed to a few points, which conceded neither revenue nor substantial power.

Bancroft, Hist. of the U.S., vol.1, p.369

When the Puritan commonwealth had thus joined issue with its sovereign by denying the right of appeal from its courts, and with the English parliament by declaring the navigation act an infringement of its chartered rights, on the seventh of August, more than a year after the restoration, Charles II was proclaimed at Boston, amid the cold observation of a few formalities. Yet the "gratulatory and lowly script," sent him on the same day, interpreted his letter as an answer of peace from "the best of kings." "Royal sir," it continued, excusing the tardiness of the colony with unseemly adulation, "your just title to the crown enthronizeth you in our consciences; your graciousness in our affections; that inspireth unto dutie, this naturalizeth unto loyaltie; thence wee call you lord, hence a saviour. Mephibosheth, how prejudicially soever misrepresented, yet rejoiceth that the king is come in peace to his owne house. Nowe the Lord hath dealt well with our lord the king, may New England, under your royal protection, bee permitted still to sing the Lord's song in this strange land."

Bancroft, Hist. of the U.S., vol.1, p.369 - p.370

The young republic had continued the exercise of its government as of right; complaints against her had multiplied; and her own interests, coinciding with the express orders of the monarch, induced her to send envoys to London. The country was divided in opinion; the large majority insisted on sustaining its established system in undiminished force; others were willing to make such concessions as would satisfy the ministry of Clarendon. The former party prevailed; and John Norton, an accomplished scholar and rigid Puritan, yet a friend to moderate counsels, was joined with the worthy but not very able Simon Bradstreet in the commission to England. In January, 1662, they were instructed to persuade the king of the loyalty of the colony of Massachusetts, yet to "engage to nothing prejudicial to their present standing according to their patent, and to endeavor the establishment of the rights and privileges then enjoyed." Letters were at the same time transmitted to the English statesmen on whose friendship it was safe to rely.

Bancroft, Hist. of the U.S., vol.1, p.370

King Charles received the messengers with courtesy; and they returned in the fall with the royal answer, which probably originated with Clarendon. The charter was confirmed, and an amnesty of all offences during the late troubles was conditionally promised. But the king directed a repeal of all laws derogatory to his authority; the taking of the oath of allegiance; the administration of justice in his name; a concession of the elective franchise to all freeholders of competent estates; and, as "the principle of the charter was the freedom of the liberty of conscience," the allowance of that freedom to those who desired to use "the booke of common prayer, and perform their devotion in the manner established in England."

Bancroft, Hist. of the U.S., vol.1, p.370

Henceforward legal proceedings were transacted in the king's name; and, after a delay of two years, the elective franchise was extended to all freeholders who paid an annual tax of ten shillings, provided the general court, on certificates to their orthodoxy and good life, should admit them as freemen. But the people of Massachusetts regarded not so much the nature of the requisitions as the power by which they were made. Complete acquiescence would have seemed to recognise in the monarch the right of reversing the judgments of their courts; of dictating laws for their enactment; and of changing by his own authority the character of their domestic constitution. The question of obedience was a question of liberty, and gave birth to the parties of prerogative and of freedom.

Bancroft, Hist. of the U.S., vol.1, p.371

The character of the times connected religious intolerance with the contest. Episcopacy and monarchy were feared as natural allies: Anabaptists had appeared before the ministry in England as plaintiffs against Massachusetts, and could boast of the special favor of Charles II. The principles of toleration were rapidly gaining ground, and had repeatedly possessed a majority in one branch of the legislature; but in the fear of renewed aggressions from the royal power, a censorship over the press was established; and the distrust of all dissension from the established form of dissent renewed the energies of religious bigotry. The representatives resolved on measures conducive "to the glory of God, and to the felicity of his people;" that is, to a continuance of their religious institutions and government.

Bancroft, Hist. of the U.S., vol.1, p.371

In January, 1663, the council for the colonies complained of Massachusetts "that the government there had withdrawn all manner of correspondence, as if intending to suspend their absolute obedience to the authority" of the king. False rumors, mingled with true reports, assisted to incense the court at St. James. Whalley and Goffe, it was currently asserted, were at the head of an army; the union of the four New England colonies was believed to have had its origin in the express "purpose of throwing off dependence on England." Sir Thomas Temple, Cromwell's governor of Acadia, had resided for years in New England, and now appeared as their advocate. "I assure you," such was Clarendon's message to Massachusetts, "of my true love and friendship to your country; neither in your privileges, charter, government, nor church discipline, shall you receive any prejudice." Yet the news was soon spread abroad that commissioners would be appointed to regulate the affairs of New England; and, early in 1664, there was room to believe that they had already embarked, and that ships-of-war would soon anchor in the harbor of Boston.

Bancroft, Hist. of the U.S., vol.1, p.371 - p.372

Precautionary measures were promptly adopted. The patent was delivered to a committee of four, by whom it was to be kept safely and secretly for the country. To guard against danger from an armed force, officers and soldiers were forbidden to land from ships, except in small parties; and strict obedience to the laws of Massachusetts was required from them. The train-bands were reviewed; the command of the castle at the entrance of Boston harbor was confided to the trustworthy officer Davenport. A day of fasting and prayer was appointed. In that age of religious faith, every person but the sick was required to attend public worship; the mother took with her the nursling whom she could not leave. To appoint a day of fasting on a special occasion was to call together, in their respective assemblies, every individual of the colony, and, under divine sanction, to direct the attention of them all at one and the same time to a single subject. No mode of diffusing intelligence could equal this, which reached every one's ear.

Bancroft, Hist. of the U.S., vol.1, p.372

In July, the fleet, equipped for the reduction of the Dutch settlements on the Hudson, arrived at Boston, bearing commissioners nominated by the duke of York and hostile to colonial liberties. "The main end and drift" of their appointment was to gain "a good footing and foundation for a further advance" of English power, by leading the people to submit to alterations in their charter; especially to yield up to the king the nomination or approbation of the governor, and the chief command of the militia. This instruction was secret; but it was known that they were charged to investigate the manner in which the charters of New England had been exercised, "with full authority to provide for the peace of the country, according to the royal instructions and their own discretion." No exertion of power was immediately attempted; but the people of Massachusetts descried the approach of tyranny, and their general court assembled to meet the danger.

Bancroft, Hist. of the U.S., vol.1, p.372 - p.373

It was agreed to levy two hundred men for the expected war against the Dutch, although no requisition for their services had been made. But the commission was considered a flagrant violation of chartered rights. In regard to the obedience due to a government, the inhabitants of Massachusetts distinguished between natural obedience and voluntary subjection. The child born on the soil of England is necessarily an English subject; but they held that, by the original right of expatriation, every man may withdraw from the land of his birth, and renounce all duty of allegiance with all claim to protection. This they had done. Remaining in England, they acknowledged the obligatory force of established laws; because those laws were intolerable, they had emigrated to a new world, where they could all have organized their government, as many of them originally did, on the basis of natural rights and of perfect independence.

Bancroft, Hist. of the U.S., vol.1, p.373

It had seemed good to them to retain their connection with England; but this connection they held to be purely voluntary; originally established and exclusively defined by the charter, which was the only existing compact connecting them with England. The right of England to the soil, under the pretence of discovery, they derided as a popish doctrine, derived from Alexander VI; and they pleaded, as of more avail, their just occupation and their purchase from the natives.

Bancroft, Hist. of the U.S., vol.1, p.373

As the establishment of a commission with discretionary powers was not specially sanctioned by their charter, they resolved to resist the orders of the king, and nullify his commission. While, therefore, the fleet was engaged in reducing New York, Massachusetts, in September, published an order prohibiting complaints to the commissioners; and, preparing a remonstrance, not against deeds of tyranny but the menace of tyranny, not against actual wrong but against a principle of wrong, on the twenty-fifth of October it thus addressed King Charles II:

Bancroft, Hist. of the U.S., vol.1, p.373 - p.374

"DREAD SOVEREIGN: The first undertakers of this plantation did obtain a patent, wherein is granted full and absolute power of governing all the people of this place, by men chosen from among themselves, and according to such laws as they should see meet to establish. A royal donation, under the great seal, is the greatest security that may be had in human affairs. Under the encouragement and security of the royal charter, this people did, at their own charges, transport themselves, their wives and families, over the ocean, purchase the land of the natives, and plant this colony, with great labor, hazards, cost, and difficulties; for a long time wrestling with the wants of a wilderness and the burdens of a new plantation; having also now above thirty years enjoyed the privilege of GOVERNMENT WITHIN THEMSELVES, as their undoubted right in the sight of God and man. To be governed by rulers of our own choosing and lawes of our own, is the fundamental privilege of our patent.

Bancroft, Hist. of the U.S., vol.1, p.374

"A commission under the great seal, wherein four persons (one of them our professed enemy) are impowered to receive and determine all complaints and appeals according to their discretion, subjects us to the arbitrary power of strangers, and will end in the subversion of our all.

Bancroft, Hist. of the U.S., vol.1, p.374

"If these things go on, your subjects here will either be forced to seeke new dwellings or sink under intolerable burdens. The vigor of all new endeavors will be enfeebled; the king himself will be a loser of the wonted benefit by customs, exported and imported from bence into England, and this hopeful plantation will in the issue be ruined.

Bancroft, Hist. of the U.S., vol.1, p.374

"If the aime should be to gratify some particular gentlemen by livings and revenues here, that will also fail, for the poverty of the people. If all the charges of the whole government by the year were put together, and then doubled or trebled, it would not be counted for one of those gentlemen a considerable accommodation. To a coalition in this course the people will never come; and it will be hard to find another people that will stand under any considerable burden in this country, seeing it is not a country where men can subsist without hard labor and great frugality.

Bancroft, Hist. of the U.S., vol.1, p.374

"God knows our greatest ambition is to live a quiet life, in a corner of the world. We came not into this wildernesse to seek great things to ourselves; and, if any come after us to seeke them heere, they will be disappointed. We keep ourselves within our line; a just dependence upon, and subjection to, your majestie, according to our charter, it is far from our hearts to disacknowledge. We would gladly do anything within our power to purchase the continuance of your favorable aspect. But it is a great unhappiness to have no testimony of our loyalty offered but this, to yield up our liberties, which are far dearer to us than our lives, and which we have willingly ventured our lives and passed through many deaths to obtain.

Bancroft, Hist. of the U.S., vol.1, p.374 - p.375

"It was Job's excellency, when he sat as king among his people, that he was a father to the poor. A poor people, destitute of outward favor, wealth, and power, now cry unto their lord the king. May your majestie regard their cause, and maintain their right; it will stand among the marks of lasting honor to after generations."

Bancroft, Hist. of the U.S., vol.1, p.375

The spirit of the people corresponded with this address. Did any appear to pay court to the commissioners, they became objects of derision. Even the writing to the king and chancellor was not held to be a duty; the compact by the charter required only the payment to the king of one fifth of all gold and silver ore; this was an obligation; any notice of the king beyond this was only by way of civility. It was also hoped to weary the English government by a tedious correspondence, which might be continued till the new revolution, of which they foreboded the approach. It is sometimes difficult to distinguish the instinct of fanaticism from the soundest judgment; sometimes fanaticism has the keenest sagacity. There were many in New England who confidently expected a revival of liberty after the restoration, and what was called "the shying of the witnesses." "Who knows," it was asked, "what the event of this Dutch war will be?" The establishment of arbitrary power would bring in its train arbitrary taxation for the advantage of greedy courtiers. A report was spread that Massachusetts was to yield a revenue of five thousand pounds yearly for the king. Public meetings of the people were held; the brave and liberal Hawthorne, at the head of a company of train-bands, made a speech which royalists deemed "seditious;" and Endecott, of whom Charles II had written to the colony as of a person not well affected, just as the last sands of life were running out, addressed the people at their meetinghouse in Boston. The aged Davenport was equally unbending. "The commission," said he from New Haven, "is but a tryal of our courage; the Lord will be with his people while they are with him. If you consent to this court of appeals, you pluck down with your own hands the house which wisdom has built for you and your posterity."

Bancroft, Hist. of the U.S., vol.1, p.375 - p.376

In the elections, in the spring of 1665, the people sustained their government. Richard Bellingham, late deputy governor, the unbending, faithful old man, skilled from his youth in English law, perhaps the draughtsman of the charter, certainly familiar with it from its beginning, was chosen to succeed Endecott. Meantime, letters of entreaty had been sent to Robert Boyle and the earl of Manchester; for, from the days of Southampton and Sandys, of Warwick and Say, to those of Burke and Chatham, America was not destitute of friends in England. But none of them would perceive the reasonableness of complaining against an abstract principle. "We are all amazed," wrote Clarendon, who was no enemy to Massachusetts; "you demand a revocation of the commission, without charging the commissioners with the least matter of crymes or exorbitances." The statesmen of that day in Massachusetts understood the doctrine of liberty better than the chancellor of England. A century later, and there were none in England who did not esteem the commission an unconstitutional usurpation.

Bancroft, Hist. of the U.S., vol.1, p.376

To Connecticut, the controversy with Massachusetts was fraught with benefits. The commissioners, desirous to make friends in the other colonies, gave no countenance to a claim advanced by the duke of Hamilton to a large part of its territory, and, in arranging the limits of New York, though the charter of Clarendon's son-in-law extended to the river Connecticut, they established the boundary, on the main, in conformity with the claims of Connecticut itself. Long Island went to the duke of York. Satisfied with the harmony which they had secured by attempting nothing but for the interests of the colony, they saw fit to praise to the monarch "the dutifulness and obedience of Connecticut," which was "set off with the more lustre by the contrary deportment of Massachusetts."

Bancroft, Hist. of the U.S., vol.1, p.376

We shall soon have occasion to narrate the events in which Nicolls was engaged at New York, where he remained. In February, 1665, Carr, Cartwright, and Maverick, the other commissioners, returning to Massachusetts, desired that, at the next general election day, the whole male population might be assembled in Boston, to hear the message from the king. The proposal was rejected. "He that will not attend to the request," said Cartwright, "is a traitor."

Bancroft, Hist. of the U.S., vol.1, p.376 - p.377

The nature of the government of Rhode Island, and its habitual policy of relying on England for protection, secured to the royal agents in that province a less unfavorable reception. Plymouth, the weakest colony of all, too poor to "maintain scholars to their ministers," but in some places making use of "a guifted brother," stood firm for independence, although the long-cherished hopes of the inhabitants were flattered by the promise of a charter, if they would but allow the king to select their governor from among three candidates, whom they themselves should nominate. The general assembly, after due consideration, "with many thanks, and great protestations of loyalty to the king," "chose to be as they were."

Bancroft, Hist. of the U.S., vol.1, p.377

In Massachusetts, the conference between the two parties degenerated into an altercation. "It is insufferable," said its government, "that the colony should be brought to the bar of a tribunal unknown to its charter." In May, the royal commissioners asked categorically: "Do you acknowledge his majesty's commission?" The colony declined giving a direct answer, and chose rather to plead his majesty's patent.

Bancroft, Hist. of the U.S., vol.1, p.377

Tired of discussion, the commissioners declared their intention of holding a court to decide a cause in which the colony was cited to appear as defendant. The general court of the colony forbade them to proceed. On the twenty-third of May, the morning fixed for the trial, they were preparing to go on with the cause, when a herald stepped forth, and, having sounded a trumpet, made proclamation in the name of the king and by authority of the charter, that the general court of Massachusetts, in observance of their duty to God, to the king, and to their constituents, could not suffer any to abet his majesty's honorable commissioners in their designs.

Bancroft, Hist. of the U.S., vol.1, p.377

The herald sounded the trumpet in three several places, repeating his proclamation. We may smile at this ceremony; yet when had the voice of a herald proclaimed the approach of so momentous a contest? It was the dawning strife of the new system against the old system, of American politics against European politics.

Bancroft, Hist. of the U.S., vol.1, p.377 - p.378

The commissioners could only wonder that the arguments of the king, his chancellor, and his secretary, did not convince the government of Massachusetts. "Since you will misconstrue our endeavors," said they, "we shall not lose more of our labors upon you;" and so they retreated to the north. There they endeavored to inquire into the bounds of New Hampshire and Maine, and to prepare for the restoration of proprietary claims; but Massachusetts was again equally active and fearless; its governor and council forbade the towns on the Piscataqua to meet, or in anything to obey the commission, at their utmost peril.

Bancroft, Hist. of the U.S., vol.1, p.378

On the first of August, the general court of Massachusetts, as petitioners, thus addressed their complaints to the king: "Your poor subjects are threatened with ruin, reproached with the name of rebels, and your government, established by charter, and our privileges, are violated and undermined; some of your faithful subjects dispossessed of their lands and goods without hearing them speak in their cases; the unity of the English colonies, which is the wall and bulwark under God against the heathen, discountenanced, reproached, and undermined; our bounds and limits clipped and shortened. A just dependence upon and allegiance unto your majesty, according to the charter, we have, and do profess and practice, and have by our oaths of allegiance to your majesty confirmed; but to be placed upon the sandy foundations of a blind obedience unto that arbitrary, absolute, and unlimited power which these gentlemen would impose upon us, who in their actings have carried it not as indifferent persons toward us, this as it is contrary to your majesty's gracious expressions and the liberties of Englishmen, so we can see no reason to submit thereto."

Bancroft, Hist. of the U.S., vol.1, p.378 - p.379

In Maine, the temper of the people was more favorable to royalty; they preferred the immediate protection of the king to an incorporation with Massachusetts, or a subjection to the heir of Gorges; and the commissioners, setting aside the officers appointed by Massachusetts and neglecting the pretensions of Gorges, issued commissions to persons of their selection to govern the district. There were not wanting those who, in spite of threats, openly expressed fears of "the sad contentions" that would follow, and acknowledged that their connection with Massachusetts had been favorable to their prosperity. In the country beyond the Kennebec, which had been recently granted to the duke of York as a province, the commissioners instituted a government in his name over the few and scattered inhabitants; and, when they were recalled, they retired in angry petulance, threatening the disloyal in New England with retribution and the gallows.

Bancroft, Hist. of the U.S., vol.1, p.379

The frowardness of Massachusetts was visited by reproofs from the English monarch, to whom it was well known that "the people of that colony affirmed his majesty had no jurisdiction over them." It was resolved to transfer the scene of negotiations. By a royal mandate of April, 1666, Bellingham and Hawthorne were commanded, on their allegiance, to repair to England, with two or three others, whom the magistrates of Massachusetts were to appoint as their colleagues. Till the final decision of the claims of Gorges, the government of Maine was to continue as instituted by the commissioners.

Bancroft, Hist. of the U.S., vol.1, p.379

It belonged to the general court to execute such commands as exceeded the powers of the magistrates; it was therefore convened to consider the letter from the king. The morning of the second day was spent in prayer; six elders prayed. The next day, after a lecture, some debate was had; and petitions, proposing compliance with the king, were forwarded from Boston, Salem, Ipswich, and Newbury. "Let some regular way be propounded for the debate," said Bellingham, the governor. "The king's prerogative gives him power to command our appearance," said the moderate Bradstreet; "before God and men we are to obey." "You may have a trial at law," insinuated an artful royalist; "when you come to England, you may insist upon it and claim it." "We must as well consider God's displeasure as the king's," retorted Willoughby; "the interest of ourselves and of God's things, as his majesty's prerogative; for our liberties are of concernment, and to be regarded as to the preservation; for if the king may send for me now, and another to-morrow, we are a miserable people." "Prerogative is as necessary as law," rejoined the royalist. "Prerogative is not above law," retorted Hawthorne. After much argument, obedience was refused. "We have already," such was the reply of the general court, "furnished our views in writing, so that the ablest persons among us could not declare our case more fully."

Bancroft, Hist. of the U.S., vol.1, p.379 - p.380

This decision of disobedience was made at a time when Louis XIV of France, eager to grasp at the Spanish Netherlands, and united with De Witt by a treaty of partition, had, in consequence of his Dutch alliance, declared war against England. It was on this occasion that the conquest of Canada was first distinctly proposed to New England; but "a land march of four hundred miles, over rocky mountains and howling deserts," was too terrible an obstacle. Boston equipped privateers, and not without success.

Bancroft, Hist. of the U.S., vol.1, p.380

At the same time, Massachusetts sent provisions to the English fleet in the West Indies; and, to the navy in England, a ship-load of masts; "a blessing, mighty unexpected, and but for which," adds Pepys, "we must have failed the next year."

Bancroft, Hist. of the U.S., vol.1, p.380

Secure in the support of a resolute minority, the Puritan commonwealth, in 1668, entered the province of Maine, and re-established its authority by force of arms. Great tumults ensued; many persons, opposed to what seemed a usurpation, were punished for "irreverent speeches;" some even reproached the authorities of Massachusetts "as traitors and rebels against the king;" but, from the southern limit of Massachusetts to the Kennebec, the colonial government maintained its independent jurisdiction till Gorges recovered his claims by adjudication in England.

Bancroft, Hist. of the U.S., vol.1, p.380 - p.381

The defiance of Massachusetts was not followed by immediate danger. Clarendon was in exile. The board of trade, projected in 1668, never assumed the administration of colonial affairs, and had not vitality enough to last more than three or four years; profligate libertines gained the confidence of the king's mistresses, and places in the royal cabinet. While Charles II was dallying with women and robbing the theatre of actresses; while Buckingham, who had succeeded in displacing Clarendon, wasted the vigor of his mind and body by indulging in every sensual pleasure "which nature could desire or wit invent;" while Louis XIV was bribing the mistress of the chief of the king's cabal—England remained without a good government, and the colonies flourished in purity and peace. The affairs of New England were often discussed; but the privy council was overawed by the moral dignity which they could not comprehend. There were great debates, in which the king took part, "in what style to write to New England." Charles himself commended this affair more expressly, because "the colony was rich and strong, able to contest with all other plantations about them;" "there is fear," said the monarch, in May, 1671," of their breaking from all dependence on this nation." "Some of the council proposed a menacing letter, which those who better understood the peevish and touchy humor of that colonie were utterly against." After many days, it was concluded "that, if any, it should be only a conciliating paper at first, or civil letter; for it was understood they were a people almost upon the very brink of renouncing any dependence upon the crown." "Information of the present face of things was desired," and Cartwright, one of the commissioners, was summoned before the council to give "a relation of that country;" but, such was the picture that he drew, the council were more intimidated than ever, so that nothing was recommended beyond "a letter of amnesty." By degrees, it was proposed to send a deputy to New England, under the pretext of adjusting boundaries, but "with secret instructions to inform the council of the condition of New England; and whether they were of such power as to be able to resist his majesty and declare for themselves, as independent of the crown." Their strength was reported to be the cause "which of late years made them refractory." But the king was taken up by "the childish, simple, and baby face" of a new favorite and his traffic of the honor and independence of England to the king of France. The duke of Buckingham, now in mighty favor, was revelling with a luxurious and abandoned rout; and, for the moment, the discussions at the council about New England were fruitless.

Chapter 5:

New England and Its Red Men

Bancroft, Hist. of the U.S., vol.1, p.382

COLONIES were valued in proportion as their products differed from those of the parent country. "Massachusetts," said Sir Joshua Child, in his discourse on trade, "is the most prejudicial plantation of Great Britain; the frugality, industry, and temperance of its people, and the happiness of their laws and institutions, promise them long life, and a wonderful increase of people, riches, and power." It paid no regard to the acts of navigation. With a jurisdiction stretching to the Kennebec, it possessed a widely extended trade; acting as a carrier for other English colonies, and sending ships into the most various climes. Boston harbor was open to vessels from Spain and Italy, from France and Holland. Commerce brought wealth to the colonists, and they employed it liberally; after the great fire in London, they sent large contributions to the sufferers.

Bancroft, Hist. of the U.S., vol.1, p.382

Beggary was unknown; theft was rare. If "strange new fashions" prevailed among "the younger sort of women," if "superfluous ribbons" decorated their apparel, at least "musicians by trade and dancing-schools" were not fostered. In spite of the increasing spirit of inquiry and toleration, the Congregational churches were upheld "in their purest and most athletick constitution." Affluence was uninterrupted.

Bancroft, Hist. of the U.S., vol.1, p.382 - p.383

This increase of the English alarmed the red men, who could not change their habits, and who saw themselves deprived of their ancient resources. It is difficult to form exact opinions on the population of the several colonies in this early period; the colonial accounts are incomplete; and those which were furnished by emissaries from England are extravagantly false. No great error will be committed if we suppose the white population of New England, in 1675, to have been fifty-five thousand souls. Of these, Plymouth may have contained not many less than seven thousand; Connecticut, nearly fourteen thousand; Massachusetts proper, more than twenty-two thousand; and Maine, New Hampshire, and Rhode Island, each perhaps four thousand. The settlements near the sea-side reached from New Haven to Pemaquid. The beaver trade, even more than traffic in lumber and fish, created the villages beyond the Piscataqua; yet in Maine, as in New Hampshire, there was "a great trade in deal-boards;" and the rivers were made to drive "the saw-mills," then described as a "late invention." Haverhill, on the Merrimack, was a frontier town; from Connecticut, emigrants had ascended as far as the rich meadows of Deerfield and Northfield; but Berkshire was a wilderness; Westfield was the remotest plantation. Between the towns on Connecticut river and the compact towns near Massachusetts bay, Lancaster and Brookfield were the solitary abodes of Christians in the desert. The confederacy of the colonies had been renewed, in anticipation of dangers.

Bancroft, Hist. of the U.S., vol.1, p.383 - p.384

The number of the red men of that day hardly amounted to thirty thousand in all New England west of the St. Croix. Of these, perhaps about five thousand dwelt in the territory of Maine; New Hampshire may have hardly contained three thousand; and Massachusetts, with Plymouth, never from the first peopled by many of them, seems to have had less than eight thousand. In Connecticut and Rhode Island, never depopulated by wasting sickness, the Mohegans, the Narragansetts, the Pokanokets, and kindred tribes, had multiplied their villages along the sea, the inlets, and the larger ponds, which added fish to their scanty supplies. Yet the exaggerated estimates of their numbers melt away when subjected to criticism. In Connecticut, there may have been two thousand able-bodied red men; the Narragansetts, like so many other tribes, boasted of their former grandeur, but they could not bring into action a thousand bowmen. West of the Piscataqua there were probably about fifty thousand whites and hardly twenty-five thousand Indians; while, east of it, there were about four thousand whites, and perhaps more than that number of red men.

Bancroft, Hist. of the U.S., vol.1, p.384

The ministers of the early emigration were tired with zeal to redeem these "wrecks of humanity," and gather them into civilized villages.

Bancroft, Hist. of the U.S., vol.1, p.384

No pains were spared to teach them to read and write; and, in a short time, a larger proportion of the Massachusetts Indians could do so than recently of the inhabitants of Russia. Some of them spoke and wrote English quite well. The morning star of missionary enterprise was John Eliot, whose character shone with the purest lustre of disinterested love. An Indian grammar was a pledge of his earnestness; the pledge was redeemed by his preparing and publishing a translation of the whole Bible into the Massachusetts dialect.

Bancroft, Hist. of the U.S., vol.1, p.384 - p.385

He lived with the red men; spoke to them of God and of the soul, and explained the virtues of self-denial. He became their law-giver. He taught the women to spin, the men to dig the ground; he established for them simple forms of government; and, in spite of menaces from their priests and chieftains, he instructed them in his own religious faith, and not without success. Groups of them used to gather round him as round a father, and often perplexed him with their doubts. "What is a spirit?" asked the Indians of Massachusetts of their apostle. "Can the soul be enclosed in iron so that it cannot escape?" "When Christ arose, whence came his soul?" Every clan had some vague conceptions of immortality of its own. "Shall I know you in heaven?" inquired a red man. "Our little children have not sinned; when they die, whither do they go?" "When such die as never heard of Christ, where do they go?" "Do they in heaven dwell in houses, and what do they do?" "Do they know things done here on earth?" The origin of moral evil has engaged the minds of the most subtle. "Why," demanded the natives on the banks of the Charles, "why did not God give all men good hearts?" "Since God is all-powerful, why did not God kill the devil, that made men so bad?" Of themselves they fell into the mazes of fixed decrees and free-will. "Doth God know who shall repent and believe, and who not?" The ballot-box was to them a mystery. "When you choose magistrates, how do you know who are good men, whom you dare trust?" And again: "If a man be wise, and his sachem weak, must he yet obey him?" Eliot preached against polygamy. "Suppose a man, before he knew God," inquired a convert, "hath had two wives, the first childless, the second bearing him many sweet children, whom he exceedingly loves, which of these two wives is he to put away?" And the case was put to the pure-minded Eliot, among the wigwams of Nonantum: "Suppose a squaw desert and flee from her husband, and live with another distant Indian, till, hearing the word, she repents, and desires to come again to her husband, who remains still unmarried: shall the husband, upon her repentance, receive her again?" The poet of civilization tells us that happiness is the end of our being. "How shall I find happiness?" demanded the savage. And Eliot was never tired by this importunity or by the hereditary idleness of the race; and his simplicity of life and manners won for him all hearts, whether in the villages of the emigrants or "the smoaky cells" of the natives.

Bancroft, Hist. of the U.S., vol.1, p.385

In the islands round Massachusetts, and within the limits of the Plymouth patent, "that young New England scholar," the gentle Mayhew, forgetting the pride of learning, endeavored to convert the natives. At a later day, he took passage for England to awaken interest in his mission, and the ship in which he sailed was never more heard of. But, such had been the force of his example, that his father, though bowed down by the weight of seventy years, assumed toward the red men the office of the son whom he had lost, and, though he declined to become the pastor of their regularly organized church, he continued his zeal for them till beyond the age of fourscore years and twelve, and with the happiest results. The Indians of the Elizabeth isles, though twenty times more numerous than the whites in their immediate neighborhood, preserved an immutable friendship with Massachusetts.

Bancroft, Hist. of the U.S., vol.1, p.385 - p.386

Churches of "praying Indians" were gathered; at Cambridge, an Indian became a bachelor of arts. Yet Christianity hardly spread beyond the Indians on Cape Cod, Martha's Vineyard, and Nantucket, and the seven feeble villages round Boston. The Narragansetts, hemmed in between Connecticut and Plymouth, restless and jealous, retained their old belief; and Philip of Pokanoket, at the head of seven hundred warriors, professed with pride the faith of his fathers.

Bancroft, Hist. of the U.S., vol.1, p.386

But he and the tribes that owned his influence were now shut in by the gathering plantations of the English, and were the first to forebode the danger of extermination. True, the inhabitants of New England had never, except in the territory of the Pequods, taken possession of a foot of land without first obtaining a title from the Indians. But the unlettered savage, who repented the alienation of vast tracts by affixing a shapeless mark to a bond, might deem the English tenure defeasible. Again, by repeated treaties, the red man had acknowledged the jurisdiction of the English, who claimed a guardianship over him, and really endeavored in their courts, with scrupulous justice, and even with favor, to protect him from fraud and to avenge his wrongs. But the wild inhabitants of the woods or the sea-shore could not understand the duty of allegiance to an unknown sovereign, or acknowledge the binding force of a political compact; crowded by hated neighbors, losing fields and hunting-grounds, and frequently summoned to Boston or Plymouth to reply to an accusation or to explain their purposes, they sighed for the forest freedom which was their immemorial birthright.

Bancroft, Hist. of the U.S., vol.1, p.386

The clans within the limits of the denser settlements, especially the Indian villages round Boston, were broken-spirited from the overwhelming force of the English. In their rude blending of new lessons with ancient superstitions, in their feeble imitations of the manners of civilization, in their appeals to the charities of Europeans, they had quenched the fierce spirit of savage independence. They loved the crumbs from the white man's table.

Bancroft, Hist. of the U.S., vol.1, p.386 - p.387

But the Pokanokets had always rejected the Christian faith and Christian manners, and their chief had desired to insert in a treaty, what the Puritans always rejected, that the English should never attempt to convert the warriors of his tribe from the religion of their race. The aged Massassoit—he who had welcomed the pilgrims to the soil of New England, and had opened his cabin to shelter the founder of Rhode Island—now slept with his fathers, and Philip, his son, had succeeded him as head of the allied tribes. Repeated sales of land had narrowed their domains, and the English had artfully crowded them into the tongues of land, as "most suitable and convenient for them," and as more easily watched. The principal seats of the Pokanokets were the peninsulas which we now call Bristol and Tiverton. As the English villages drew nearer and nearer to them, their hunting-grounds were put under culture, their natural parks were turned into pastures, their best fields for planting corn were gradually alienated, their fisheries were impaired by more skilful methods, till they found themselves deprived of their broad acres, and, by their own legal contracts, driven, as it were, into the sea.

Bancroft, Hist. of the U.S., vol.1, p.387

Collisions and mutual distrust were the necessary consequence. There exists no evidence of a deliberate conspiracy on the part of all the tribes. The commencement of war was accidental; many of the Indians were in a maze, not knowing what to do, and disposed to stand for the English; sure proof of no ripened conspiracy. But they had the same complaints, recollections, and fears; and, when they met, they could not but grieve together at the alienation of the domains of their fathers. They spurned the English claim of jurisdiction over them, and were indignant that Indian chiefs or warriors should be arraigned before a jury. And, when the language of their anger and sorrow was reported to the men of Plymouth colony by an Indian tale-bearer, fear professed to discover in their unguarded words the evidence of an organized conspiracy.

Bancroft, Hist. of the U.S., vol.1, p.387

The haughty Philip, who had once before been compelled to surrender his "English arms" and pay an onerous tribute, was, in 1674, summoned to submit to an examination, and could not escape suspicion. The wrath of his tribe was roused, and the informer was murdered. The murderers, in their turn, were identified, seized, tried by a jury, of which one half were Indians, and, in June, 1675, on conviction, were hanged. The young men of the tribe panted for revenge; without delay, eight or nine of the English were slain in or about Swansey, and the alarm of war spread through the colonies.

Bancroft, Hist. of the U.S., vol.1, p.387 - p.388

Thus was Philip hurried into "his rebellion;" and he is reported to have wept as he heard that a white man's blood had been shed. He had kept his men about him in arms, and had welcomed every stranger; and yet, against his judgment and his will, he was involved in war. For what chances had he of success? The English were united; the Indians had no alliance, and half of them joined the English, or were quiet spectators of the fight: the English had guns enough; few of the Indians were well armed, and they could get no new supplies: the English had towns for their shelter and safe retreat; the miserable wigwams of the natives were defenceless: the English had sure supplies of food; the Indians might easily lose their precarious stores. They rose without hope, and they fought without mercy. For them as a nation there was no to-morrow.

Bancroft, Hist. of the U.S., vol.1, p.388

The English were appalled at the impending conflict, and superstition indulged in its wild inventions. At the time of the eclipse of the moon, they saw the figure of an Indian scalp imprinted on the centre of its disk. The perfect form of an Indian bow appeared in the sky. The sighing of the wind was like the whistling of bullets. Some heard invisible troops of horses gallop through the air, while others interpreted prophecies of calamity in the howling of the wolves.

Bancroft, Hist. of the U.S., vol.1, p.388

At the first alarm, volunteers from Massachusetts joined the troops of Plymouth; on the twenty-ninth of June, within a week from the beginning of hostilities, the Pokanokets were driven from Mount Hope; and in less than a month Philip was a fugitive among the Nipmucks, the interior tribes of Massachusetts. The little army of the colonists then entered the territory of the Narragansetts, and from the reluctant tribe extorted a treaty of neutrality, with a promise to deliver up every hostile Indian. Victory seemed promptly assured. But it was only the commencement of horrors. Canonchet, the chief sachem of the Narragansetts, was the son of Miantonomoh; and could he forget his father's wrongs? Desolation extended along the whole frontier. Banished from his patrimony where the pilgrims found a friend, and from his cabin which had sheltered exiles, Philip and his warriors spread through the country, awakening their race to a warfare of extermination.

Bancroft, Hist. of the U.S., vol.1, p.389

The war, on the part of the Indians, was one of ambuscades and surprises. They never once met the English in open field; but always, even if eightfold in numbers, fled timorously before infantry. They were secret as beasts of prey, skilful marksmen, fleet of foot, conversant with all the paths of the forest, patient of fatigue, and mad with a passion for rapine, vengeance, and destruction, retreating into swamps for their fastnesses, or hiding in the greenwood thickets, where the leaves muffled the eyes of the pursuer. By the rapidity of their descent, they seemed omnipresent among the scattered villages, which they ravaged like a passing storm; and for a full year they kept all New England in a state of terror and excitement. The exploring party was waylaid and cut off, and the mangled carcasses and disjointed limbs of the dead were hung upon the trees. The laborer in the field, the reapers as they sallied forth to the harvest, men as they went to mill, the shepherd's boy among the sheep, were shot down by skulking foes, whose approach was invisible. The mother, if left alone in the house, feared the tomahawk for herself and children; on the sudden attack, the husband would fly with one child, the wife with another, and perhaps one only escape; the village cavalcade, making its way "to meeting" on Sunday, in files on horseback, the farmer holding the bridle in one hand and a child in the other, his wife seated on a pillion behind him, it may be with a child in her lap, as was the fashion in those days, could not proceed safely; but, at the moment when least expected, bullets would whiz among them, sent from an unseen enemy by the wayside. The forest, that hid the ambush of the Indians, secured their retreat.

Bancroft, Hist. of the U.S., vol.1, p.389 - p.390

On the second of August, Brookfield, a settlement of less than twenty families, the only one in the wilderness between Lancaster and Hadley, was besieged and set on fire, and most gallantly rescued by Simon Willard, then seventy years old, and rescued only to be abandoned; on the first of September, Deerfield was burnt. The plains of Northfield were wet with the blood of Beers and twenty of his valiant associates. On the eighteenth, as Lathrop's company of young men, all "culled" out of the towns of Essex county, were conveying the harvests of Deerfield to the lower towns, they were suddenly surrounded by a horde of Indians; and, as each party fought from behind trees, the victory was with the far more numerous savages. Hardly a white man escaped; the little stream that winds through the tranquil scene, by its name of blood, commemorates the massacre of that day. For ten weeks of the autumn, the commissioners of the united colonies, which were now but three in number, were almost constantly in session. With one voice they voted that the war was a just and necessary war of defence, to be jointly prosecuted by all the united colonies at their common charge. They directed that a thousand soldiers should be raised, of whom one half should be troopers with long arms. Of the whole number, the quota of Massachusetts was five hundred and twenty-seven; of Plymouth, one hundred and fifty-eight; of Connecticut, three hundred and fifteen. But the war still raged. In October, Springfield was burnt, and Hadley once more assaulted. The remoter villages were deserted; the pleasant residences of civilization in the wilderness were laid waste.

Bancroft, Hist. of the U.S., vol.1, p.390 - p.391

But the English were not the only sufferers. In winter, it was the custom of the red men to dwell together in their wigwams; in spring, they would disperse through the woods. In winter, the warriors who had spread misery through the west were sheltered among the Narragansetts; in spring, they would renew their devastations. In winter, the absence of foliage made the forests less dangerous; in spring, every bush would be a hiding-place. It was resolved to regard the Narragansetts as enemies; and, just before the solstice, a second levy of a thousand men, raised by order of the united colonies, and commanded by the brave Josiah Winslow, a native of New England, invaded their territory. After a night spent in the open air, they waded through the snow from daybreak till an hour after noon, and, on the nineteenth of December, reached the wigwams of their enemies within the limits of the present town of South Kingston. The village, built on about six acres of land which rose out of a swamp, was protected in its entire circumference by thickly set palisades, to which the approach was defended by a block-house. Without waiting to take food or rest, the New Englanders began the attack. Davenport, Gardner, Johnson, Gallop, Siely, Marshall, led their companions through the narrow entrance in the face of death, and left their lives as a testimony to their patriotism and courage. But the palisades, strong as they were, could not check the determined valor of the assailing party. Within the enclosure the battle raged hand to hand, till seventy of the New Englanders were killed and twice that number wounded; nor was it decided till the group of Indian cabins was set on fire. Then were swept away the winter's stores of the tribe; their curiously wrought baskets, full of corn; their famous strings of wampum; their wigwams nicely lined with mats—all the little comforts of savage life. Old men, women, and babes, perished in the flames. How many of their warriors fell was never known. The English troops, after the engagement, bearing with them their wounded, retraced their steps, by night, through a snow-storm, to Wickford.

Bancroft, Hist. of the U.S., vol.1, p.391

"We will fight," said the Indian warriors, "these twenty years; you have houses, barns, and corn; we have now nothing to lose;" and towns in Massachusetts, one after another—Lancaster, Medfield, Weymouth, Groton, Marlborough—were laid in ashes.

Bancroft, Hist. of the U.S., vol.1, p.391

Early in the morning of the tenth of February, 1676, Philip of Pokanoket, with warriors of the Wampanoag, Narragansett, and Nipmuck tribes, burst upon Lancaster in five several assaults. Forty-two persons had sought shelter under the roof of Mary Rowlandson; and, after a hot assault, the Indians succeeded in setting the house on fire. "Quickly," she writes, "it was the dolefulest day that ever mine eyes saw. Now the dreadful hour is come. Some in our house were fighting for their lives; others wallowing in blood; the house on fire over our heads, and the bloody heathen ready to knock us on the head if we stirred out. I took my children to go forth; but the Indians shot so thick that the bullets rattled against the house as if one had thrown a handful of stones. We had six stout dogs, but none of them would stir…. The bullets flying thick, one went through my side, and through my poor child in my arms." The brutalities of an Indian massacre followed; "there remained nothing to me," she continues, now in captivity, "but one poor wounded babe. Down I must sit in the snow, with my sick child, the picture of death, in my lap. Not the least crumb of refreshing came within either of our mouths from Wednesday night to Saturday night, except only a little cold water. One Indian, and then a second, and then a third, would come and tell me, 'Your master will quickly knock your child on the head.' This was the comfort I had from them: miserable comforters were they all."

Bancroft, Hist. of the U.S., vol.1, p.392

Nor were such scenes of ruin confined to Massachusetts. At the south, the Narragansett country was deserted by the English; Warwick was burnt; Providence was attacked and set on tire. "We will fight to the last man," said the gallant chieftain Canonchet, "rather than become servants to the English." In April, 1676, taken prisoner near the Blackstone, a young man began to question him. "Child," replied he, "you do not understand war; I will answer your chief." The offer of his life, if he would procure a treaty of peace, he refused with disdain. "I know," added he, "the Indians will not yield." Condemned to death, he only answered: "I like it well; I shall die before I speak anything unworthy of myself."

Bancroft, Hist. of the U.S., vol.1, p.392

There was no security but to seek out the hiding-places of the natives. On the banks of the Connecticut, just above the falls that take their name from the gallant Turner, was an encampment of large bodies of hostile Indians; a band of one hundred and fifty volunteers, from among the yeomanry of Springfield, Hadley, Hatfield, and Northampton, led by Turner and Holyoke, making a silent march in the dead of night, came at daybreak of the nineteenth of May upon the wigwams. The Indians are taken by surprise; some are shot down in their cabins; others rush to the river, and are drowned; others push from shore in their birchen canoes, and are hurried down the cataract.

Bancroft, Hist. of the U.S., vol.1, p.392 - p.393

As the season advanced, the Indians abandoned every hope. Their forces were wasted; they had no fields that they could plant. Continued warfare without a respite was against their usages. They began, as the unsuccessful and unhappy so often do, to quarrel among themselves; recriminations ensued; those of Connecticut charged their sufferings upon Philip; and his allies became suppliants for peace. Some surrendered to escape starvation. In the progress of the year, between two and three thousand Indians submitted or were killed. Church, the most famous partisan warrior, went out to hunt down parties of fugitives. Some of the tribes wandered away to the north, and were blended with tribes of Canada. Philip himself was chased from one hiding-place to another. He had vainly sought to engage the Mohawks in the contest; now that hope was at an end, he still refused to hear of peace, and struck dead the warrior who proposed it. At length, after a year's absence, he resolved, as it were, to meet his destiny, and returned to the beautiful land which held the graves of his forefathers, and had been his home. On the third of August, 1616, he escaped narrowly, leaving his wife and only son as prisoners. "My heart breaks," cried the tattooed chieftain, in the agony of his grief; "now I am ready to die." His own followers began to plot against him, to make better terms for themselves, and in a few days he was shot by a faithless Indian. His captive child was sold as a slave in Bermuda. Of the Narragansetts, once the chief tribe of New England, hardly one hundred men survived.

Bancroft, Hist. of the U.S., vol.1, p.393

During the war, the Mohegans remained faithful to the English, and not a drop of blood was shed on the happy soil of Connecticut. So much the greater was the loss in the adjacent colonies. Twelve or thirteen towns were destroyed; the disbursements and losses equalled in value half a million of dollars, an enormous sum for the few of that day. More than six hundred men, chiefly young men, the flower of the country, perished in the field. As many as six hundred houses were burnt. Of the able-bodied men in the colony, one in twenty had fallen; and one family in twenty had been burnt out.

Bancroft, Hist. of the U.S., vol.1, p.393

Let us not forget a good deed of the generous Irish; they sent over a contribution, small, it is true, to relieve in part the distresses of Plymouth colony. Connecticut, which had contributed soldiers to the war, furnished the houseless with more than a thousand bushels of corn. "God will remember and reward that pleasant fruit." Boston did the like, for "the grace of Christ always made Boston exemplary " in works of that nature.

Bancroft, Hist. of the U.S., vol.1, p.394

The eastern hostilities with the Indians had a different origin, and were of longer continuance. The news of the rising of the Pokanokets was, indeed, the signal for the commencement of devastations, and, within a few weeks, a border warfare extended over nearly three hundred miles. Sailors had committed outrages, and the Indians avenged the crimes of a corrupt ship's crew on the villages. There was no general rising of the Abenakis, as the eastern tribes were called, no gatherings of large bodies of men. Of the English settlements, nearly one half were destroyed in detail; the inhabitants were either driven away, killed, or carried into captivity; for the hope of a ransom sometimes counselled mercy.

Bancroft, Hist. of the U.S., vol.1, p.394

The escape of Anne Brackett, granddaughter of George Cleeves, the first settler of Portland, was the marvel of that day. In August her family were taken captive at the sack of Falmouth. When her captors hastened forward to further ravages on the Kennebec, she was able to loiter behind; with needle and thread from a deserted house, she repaired the wreck of a birchen bark; then, with her husband, a negro servant, and her infant child, she trusted herself to the sea in the patched canoe, which had neither sail nor mast and was like a feather on the waves. She crossed Casco bay, and, arriving at Black Point, where she feared to encounter savages, and at best could only have hoped to find a solitude, how great was her joy as she discovered a vessel from Piscataqua, that had just sought anchorage in the harbor!

Bancroft, Hist. of the U.S., vol.1, p.394

The surrender of Acadia to the French had rendered the struggle more arduous, for the eastern Indians obtained arms from the French on the Penobscot. A few of the Mohawks took up the hatchet; but distance rendered co-operation impossible. After several fruitless attempts at treaties, on the twelfth of April, 1678, peace was finally established by Edmund Andros, as governor of the duke of York's province beyond the Kennebec. The red men promised the release of prisoners and the security of English towns; in return, the English were to pay annually, as a quit-rent, a peck of corn for every English family.

Chapter 6:

The Overthrow of the Charter of Massachusetts

Bancroft, Hist. of the U.S., vol.1, p.395

To protect the Catholic religion and establish the absolute power of the crown were the constant desires of Charles II. The movements against the liberties of the colonies were marked by the same occasional hesitation and the same underlying persistency as those against the rights of English corporations and the English parliament. For fifteen or sixteen years after the restoration, there was no officer of the customs in Massachusetts, except the governor, annually elected by the people; and he had never taken the oath which the navigation act of 1660 required. During the disastrous Indian war, New England, jealous of independence, never applied to the parent country for assistance. "You are poor," said the earl of Anglesey, "and yet proud." The English ministry, contributing nothing to repair colonial losses, made no secret of its intention to "reassume the government of Massachusetts," and while the ground was still wet with the blood of her yeomanry, the ruins of her villages were still smoking, and the Indian war-cry was yet ringing in the forests of Maine, the committee of the privy council for plantations "did agree that this was the conjuncture to do something effectual for the better regulation of that government, or else all hopes of it might be hereafter lost." The choice of its agent fell upon Edward Randolph, who at the same time was intrusted by Robert Mason with the care of his claims to New Hampshire; so that he menaced at once the extent, the trade, and the charter of Massachusetts.

Bancroft, Hist. of the U.S., vol.1, p.395 - p.396

Arriving in June, 1676, the emissary immediately demanded of Leverett the governor, that the letter which he bore from the king should with convenient speed be read to the magistrates. The governor professed ignorance of the officer whose signature as secretary of state was affixed to the letter, and denied the right of the king or of parliament to bind the colony by laws adverse to its interests. To complaints of the neglect of the act of navigation, he answered: "The king can in reason do no less than let us enjoy our liberties and trade, for we have made this large plantation in the wilderness at our own charge, without any contribution from the crown."

Bancroft, Hist. of the U.S., vol.1, p.396

Randolph, who was received only as the agent for Mason, belonged to that class of hungry adventurers with whom America became familiar. Returning to England, after a residence of but six weeks in the New World, he exaggerated the population of the country fourfold, and its wealth in a still greater proportion. On his false reports, the English ministry grew more zealous to employ him; and, in the course of nine years, he made eight voyages to America.

Bancroft, Hist. of the U.S., vol.1, p.396

The colony, reluctantly yielding to the direct commands of Charles II, despatched William Stoughton and Peter Bulkeley as its envoys to England; but, agreeably to the advice of the elders, circumscribed their powers "with the utmost care and caution." The oath of fidelity to the local government was revived throughout the jurisdiction.

Bancroft, Hist. of the U.S., vol.1, p.396

In a memorial respecting the extent of their territory, the general court represented their peculiar unhappiness, to be required, at one and the same time, to maintain before courts of law a title to the provinces, and to dispute with a savage foe the possession of dismal deserts. Remonstrance was of no avail. In 1677, a committee of the privy council, which examined all the charters, denied to Massachusetts the right of jurisdiction over Maine and New Hampshire. The decision was so manifestly in conformity with English law that the colonial agents attempted no serious resistance.

Bancroft, Hist. of the U.S., vol.1, p.396 - p.397

These provinces being thus severed from the government of Massachusetts, King Charles was willing to secure them as an appanage for his reputed son, the kind-hearted, worthless duke of Monmouth, the Absalom of that day, whose frivolous ambition involved him in a dishonest opposition to his father, and at last conducted him to the scaffold. It was thought that the united provinces might form a noble principality, with an immediate and increasing revenue. But in May, 1677, before the monarch, whom extravagance had impoverished, could resolve on a negotiation, Massachusetts, through a Boston merchant, purchased the claims of Gorges for twelve hundred and fifty pounds.

Bancroft, Hist. of the U.S., vol.1, p.397

In a pecuniary point of view, the transaction was for Massachusetts most injurious; for it threw upon her the defence of a wide and most exposed frontier. But she did not, at this time, come into possession of the whole territory which now forms the state of Maine. France, under the treaty of Breda, occupied the district from the St. Croix to the Penobscot, and claimed the Kennebec as the line of separation between its rightful possessions and those of England; the duke of York held the tract between the Penobscot and the Kennebec, pretending, indeed, to own all that lies between the Kennebec and the St. Croix; while Massachusetts, as the successor to Gorges, was proprietary only of the district between the Kennebec and the Piscataqua.

Bancroft, Hist. of the U.S., vol.1, p.397

A novel form of political institution ensued. Massachusetts, in its corporate capacity, was become the lord proprietary of Maine. The district had thus far been represented in the Massachusetts house of representatives; in obedience to an ordinance of the general court, the governor and assistants, in 1680, organized its government as a province, according to the charter to Gorges; the president and council were appointed by the magistrates of Massachusetts; at the same time, a popular legislative branch was established, composed of deputies from the several towns in the district. Danforth, who was selected to be the first president, was a man of superior worth; yet the pride of the province was offended by its subordination; the old religious differences had not lost their influence; and royalists and churchmen prayed for the interposition of the king. Massachusetts was compelled to employ force to assert its sovereignty, which, nevertheless, was exercised with moderation and justice.

Bancroft, Hist. of the U.S., vol.1, p.397 - p.398

On the first apprehension that the claim of Mason would be revived, the people of New Hampshire, in their town meetings, expressed their content with the government of Massachusetts. But the popular wish availed little in the decision of a question of law; the patent of Mason was found on investigation to confer no jurisdiction; the unappropriated lands were allowed to belong to him; but the rights of the settlers to the soil which they actually occupied were reserved for litigation in colonial courts. In July, 1679, New Hampshire was separated from Massachusetts, and organized as a royal province. It was the earliest royal government in New England. The king, reserving a negative voice to himself and his officers, engaged to continue the privilege of an assembly, unless he or his heirs should deem that privilege "an inconvenience." The persons he first named to the offices of president and council were residents of the colony, and friends to the colonists; but, perceiving that their appointment had no other object than to render the transition to a new form of government less intolerable, they accepted office reluctantly.

Bancroft, Hist. of the U.S., vol.1, p.398

At length a general assembly was convened at Portsmouth, and it was thus that New Hampshire, in March, 1680, addressed its more powerful neighbor: "We thankfully acknowledge your kindness while we dwelt under your shadow, owning ourselves deeply obliged that, on our earnest request, you took us under your government, and ruled us well. If there be opportunity for us to be any wise serviceable to you, we shall show how ready we are to embrace it. Wishing the presence of God to be with you, we crave the benefit of your prayers on us, who are separated from our brethren."

Bancroft, Hist. of the U.S., vol.1, p.398

The colony then proceeded to assert its rights by a solemn decree, the first in its new code: "No act, imposition, law, or ordinance shall be valid, unless made by the assembly and approved by the people." New Hampshire seized the earliest moment of its separate existence to take its place by the side of Massachusetts and Virginia. But its code was disapproved in England both for style and matter; and its provisions were rejected as incongruous and absurd.

Bancroft, Hist. of the U.S., vol.1, p.398 - p.399

Nor was Mason successful in establishing his claims to the soil. The colonial government protected the colonists, and restrained his exactions. Hastening to England to solicit a change, he was allowed to make such arrangements as would promote his own interests. Himself a party in suits to be commenced, he was authorized to select the person to be appointed governor. He found a fit agent in Edward Cranfield, a man who had no object in banishing himself to America but to wrest a fortune from the sawyers and lumber-dealers of New Hampshire. By a deed enrolled in chancery, Mason, in January, 1682, surrendered one fifth part of all quit-rents to the king for the support of the governor, and gave a mortgage of the province for twenty-one years, as collateral security for the payment of his salary. Obtaining further the exclusive right to the anticipated harvest of fines and forfeitures, Cranfield relinquished a profitable employment in England, and embarked for the banks of the Piscataqua.

Bancroft, Hist. of the U.S., vol.1, p.399

But the assembly which he convened, in November, 1682, dispelled his golden visions. The "rugged" legislators voted him a gratuity of two hundred and fifty pounds; but they would not yield their liberties; and in their session of January, 1683, he dissolved them. The dissolution of an assembly was, in New England, till then unheard of; a crowd of rash men raised the cry for "liberty and reformation." The leader, Edward Gove, an unlettered enthusiast, was confined in irons, condemned to death for treason, and, having been transported to England, was kept a prisoner in the Tower of London till 1686. Lawsuits about land were multiplied. Packed juries and partial judges settled questions rapidly; but Mason could neither get possession of the estates nor find a purchaser.

Bancroft, Hist. of the U.S., vol.1, p.399

Repairing to Boston, in February, 1683, Cranfield wrote to the British ministry that should the duke of York survive Charles II, Massachusetts, buoyed up by the non-conformist party in England, would at once fall from their allegiance to the crown. He therefore advised for that country "a thorough regulation," and enforced the necessity of sending a frigate to Boston harbor till the government should pass "into the hands of loyal and honest gentlemen, and the faction be made incapable ever after of altering or disturbing that government."

Bancroft, Hist. of the U.S., vol.1, p.399 - p.400

In 1683, Cranfield, with a subservient council, began to exercise powers of legislation. When the towns privately sent an agent to England, Vaughan, who had been active in obtaining depositions for his use, was required to find securities for good behavior. He refused, declaring that he had broken no law; and the governor immediately imprisoned him.

Bancroft, Hist. of the U.S., vol.1, p.400

Cranfield, in his longing for money, stooped to falsehood, and, in January, 1684, hastily calling an assembly, on a vague rumor of an invasion, laid before them a bill granting a sudden supply. The representatives, after debate, negatived the bill.

Bancroft, Hist. of the U.S., vol.1, p.400

To intimidate the clergy, be forbade the usual exercise of church discipline. In Portsmouth, Moody, the minister, replied to his threats by a sermon, and the church was inflexible. Cranfield, asserting that the ecclesiastical laws of England were in force in the colony, ordered the people to keep Christmas as a festival, and to fast on the thirtieth of January. But his capital stroke of policy was an order that all persons should be admitted to the Lord's Supper as freely as in the Episcopal or Lutheran church, and that the English liturgy should in certain cases be adopted. The order was disregarded. The governor himself appointed a day, on which he claimed to receive the elements at the hands of Moody, after the forms of the English church. Moody refused; was prosecuted, condemned, and imprisoned. Religious worship was almost entirely broken up. But the people did not yield; and Cranfield, vexed at the stubbornness of the clergy, gave information in England that, "while the clergy were allowed to preach, no true allegiance could be found." It had long been evident "there could be no quiet till the factious preachers were turned out of the province."

Bancroft, Hist. of the U.S., vol.1, p.400 - p.401

In 1684, an attempt was made to impose taxes by the vote of the council. That the people might the less reluctantly pay them, a report of a war with the eastern Indians was spread abroad; and Cranfield made a visit to New York, under pretence of concerting measures with the governor of that province. The committee of plantations had been warned that, "without some visible force to keep the people of New Hampshire under, it would be a difficult or impossible thing to execute his majesty's commands or the laws of trade." Associations were formed for mutual support in resisting the collection of illegal taxes. At Exeter, the sheriff was driven off with clubs, and the farmers' wives threatened to scald his officer if he should attempt to attach property in the house. If rioters were committed, they were rescued by a new riot; when, in January, 1685, the troop of horse was ordered out, not a man obeyed the summons.

Bancroft, Hist. of the U.S., vol.1, p.401

Cranfield, in despair, wrote imploringly to the government in England: "I shall esteem it the greatest happiness in the world to be allowed to remove from these unreasonable people. They cavil at the royal commission, and not at my person. No one will be accepted by them, who puts the king's commands in execution." His conduct met with approbation, and he was allowed to withdraw from the province. The character of New Hampshire remained unchanged. It was ever esteemed in England "factious in its economy, affording no exemplary precedents " to the friends of arbitrary power.

Bancroft, Hist. of the U.S., vol.1, p.401

Massachusetts might, perhaps, still have defied the king, and escaped or overawed the privy council; but the merchants and manufacturers of England, fearing a rival beyond the ocean, discerned how their monopoly might be sustained, and pressed steadily toward their object. Their complaints had, in 1675, been received with favor; their selfish reasoning was heard with a willingness to be convinced.

Bancroft, Hist. of the U.S., vol.1, p.401

The agents of the colony, in 1676, had brought with them no sufficient power: "They professed their willingness to pay duties to the king within the plantation, provided they might be allowed to import the necessary commodities of Europe without entering first in England." An amnesty for the past would readily have been conceded; for the future, it was resolved "to consider the whole matter from the very root," and to reduce Massachusetts to "a more palpable dependence." That this might be done with its consent, the agents were enjoined to procure larger powers; but no larger powers were granted.

Bancroft, Hist. of the U.S., vol.1, p.401

It was against fearful odds that Massachusetts continued the struggle. All England was united. Whatever party triumphed, the mercantile interest would readily procure an enforcement of the laws of trade. "The country's neglect of the acts of navigation," wrote the agents, "has been most unhappy. Without a compliance in that matter, nothing can be expected but a total breach." "All the storms of displeasure" would be let loose.

Bancroft, Hist. of the U.S., vol.1, p.402

It was not, therefore, a surprise when, in April, 1675, the committee of plantations directed the attorney and solicitor-general to report whether the original charter had any legal entity, what was the effect of the quo warranto brought against it in 1635, and, lastly, whether the corporation had forfeited their charter by maladministration of its powers. In the following month the opinion of the crown lawyers, Jones and Winnington, was given, that the charter, if originally good, had not been dissolved by any quo warranto or judgment, but that the misdemeanors objected against the corporation were sufficient to avoid their patent. The committee immediately decided that a quo warranto should be brought against the charter of Massachusetts, and "new laws framed instead of such as were repugnant to the laws of England;" and Randolph was at once appointed "collector of his majesty's customs in New England." Many of the committee were confirmed in their belief that a general governor and a colonial judicature of the king's appointment were become "altogether necessary."

Bancroft, Hist. of the U.S., vol.1, p.402

In Massachusetts a synod of all the churches was convened, to inquire into the causes of the dangers to New England liberty, and the mode of removing the evils. The general court, in 1675 and 1679, enacted laws, partially removing the grounds of complaint. High treason was made a capital offence; the oath of allegiance was required of every male above sixteen years in the colony; the king's arms were "carved by an able artist and erected in the court-house." The colony was unwilling to forfeit its charter and its religious liberties on a pecuniary question, and yet to acknowledge its readiness to submit to an act of parliament would be a surrender of the privilege of independent legislation. It therefore declared that "the acts of navigation were an invasion of the rights and privileges of the subjects of his majesty in the colony, they not being represented in parliament." "The laws of England," it added, "do not reach America." The general court then gave validity to the laws of navigation by an act of its own. "We would not," so they wrote to their agents, "that by any concessions of ours, or of yours in our behalf, any the least stone should be put out of the wall, and we hope that his majesty's favor will be as the north wind to scatter the clouds."

Bancroft, Hist. of the U.S., vol.1, p.403

The committee of plantations proposed, as measures to be immediately adopted, that the bishop of London should appoint a minister to reside in Boston, and that conformists to the church of England should be admitted to all freedoms and privileges of the colony. The settlement of weightier matters was postponed till the charter should be set aside by a court of law.

Bancroft, Hist. of the U.S., vol.1, p.403

In December, 1679, the agents, Stoughton and Bulkeley, arrived in Boston. About the same time came Randolph, whose patent as collector was recognised and enrolled, but who as yet received no help in the administration of his office. The commands of the king, that other agents should be sent over with unlimited powers, were not followed. Twice did Charles II remonstrate against the disobedience of his subjects; twice did Randolph cross the Atlantic and return to England, to assist in directing measures against Massachusetts. The commonwealth continued its system of procrastination. But the extravagances and crimes of the anti-popery party in England soon brought about a reaction, and the king, dissolving parliament and making use of subservient courts, was left the undisputed master in his kingdom. A letter from him to Massachusetts announced categorically that agents must be sent over with full powers, or measures would be taken "whereby their charter might be legally evicted and made void." Moved by the nearness of the danger, the general court, in February, 1682, selected Joseph Dudley and John Richards as its agents. France had succeeded in bribing the king to betray the interests of England; Massachusetts was willing to purchase of him clemency toward its liberties.

Bancroft, Hist. of the U.S., vol.1, p.403 - p.404

The commission of the deputies was condemned by the privy council as insufficient, because they were expressly enjoined to consent to nothing that should infringe the privileges of the government established under the charter. In September, 1652, they were ordered to obtain full powers for the entire regulation of the government, or the method of a judicial process would be adopted. The agents represented the condition of the colony as desperate. Was it not safest for the colony to decline a contest, and throw itself upon the favor or forbearance of the king? Such was the theme of universal discussion; it entered into the prayers of families; it filled the sermons of the ministers; and, finally, Massachusetts resolved, in a manner that showed it to be distinctly the sentiment of the people, to resign the territory of Maine, which was held by purchase, but not to concede one liberty or one privilege which was held by charter. If liberty was to receive its death-blow, better that it should die by the violence and injustice of others than by their own weakness.

Bancroft, Hist. of the U.S., vol.1, p.404

Before the end of July, 1653, the quo warranto was issued; Massachusetts was arraigned before an English tribunal, under judges holding their office at the pleasure of the crown; and in October, Randolph, the hated messenger, arrived in Boston with the writ. At the same time, a declaration from the king asked once more for submission, promising as a reward the royal favor, and the fewest alterations in the charter consistent with the support of a royal government. To render submission in Massachusetts easy by showing that opposition was desperate, two hundred copies of the proceedings against London were sent over to be dispersed among the people. The governor and assistants, now eighteen in number, were persuaded of the hopelessness of further resistance; even a tardy surrender of the charter might conciliate the monarch. On the fifteenth of November, they therefore resolved to remind the king of his promises, and "not to contend with his majesty in a court of law," they would "send agents, empowered to receive his majesty's commands."

Bancroft, Hist. of the U.S., vol.1, p.404

The magistrates referred their vote to "their brethren the deputies" for concurrence. During a full fortnight the subject was debated.

Bancroft, Hist. of the U.S., vol.1, p.404 - p.405

"Ought the government of Massachusetts," thus it was argued, "submit to the pleasure of the court as to alteration of their charter? Submission would be an offence against the majesty of Heaven; the religion of the people of New England and the court's pleasure cannot consist together. By submission Massachusetts will gain nothing. The court design an essential alteration, destructive to the vitals of the charter. The corporations in England that have made an entire resignation have no advantage over those that have stood a suit in law; but, if we maintain a suit, though we should be condemned, we may bring the matter to chancery or to a parliament, and in time recover all again. We ought not to act contrary to that way in which God hath owned our worthy predecessors, who, in 1638, when there was a quo warranto against the charter, durst not submit. In 1664, they did not submit to the commissioners. We, their successors, should walk in their steps, and so trust in the God of our fathers that we shall see his salvation. Submission would gratify our adversaries and grieve our friends. Our enemies know it will sound ill in the world for them to take away the liberties of a poor people of God in a wilderness. A resignation will bring slavery upon us sooner than otherwise it would be; and will grieve our friends in other colonies, whose eyes are now upon New England, expecting that the people there will not, through fear, give a pernicious example unto others.

Bancroft, Hist. of the U.S., vol.1, p.405

"Blind obedience to the pleasure of the court cannot be without great sin, and incurring the high displeasure of the King of kings. Submission would be contrary unto that which has been the unanimous advice of the ministers, given after a solemn day of prayer. The ministers of God in New England have more of the spirit of John Baptist in them, than now, when a storm hath overtaken them, to be reeds shaken with the wind. The priests were to be the first that set their foot in the waters, and there to stand till the danger be past. Of all men, they should be an example to the Lord's people, of faith, courage, and constancy. Unquestionably, if the blessed Cotton, Hooker, Davenport, Mather, Shepherd, Mitchell, were now living, they would, as is evident from their printed books, say, Do not sin in giving away the inheritance of your fathers.

Bancroft, Hist. of the U.S., vol.1, p.405

"Nor ought we submit without the consent of the body of the people. But the freemen and church members throughout New England will never consent hereunto. Therefore the government may not do it.

Bancroft, Hist. of the U.S., vol.1, p.405 - p.406

"The civil liberties of New England are part of the inheritance of their fathers; and shall we give that inheritance away? Is it objected that we shall be exposed to great sufferings? Better suffer than sin. It is better to trust the God of our fathers than to put confidence in princes. If we suffer because we dare not comply with the wills of men against the will of God, we suffer in a good cause, and shall be accounted martyrs in the next generation and at the great day."

Bancroft, Hist. of the U.S., vol.1, p.406

At the request of the select men in Boston, Increase Mather, contrary to his wont, appeared at a town-meeting, and encouraged and excited the people to stand by their charter privileges. The decision of the representatives of the colony, made on the last day of November, 1653, is on record: "The deputies consent not, but adhere to their former bills."

Bancroft, Hist. of the U.S., vol.1, p.406

Addresses were forwarded to the king, urging forbearance; but entreaty and remonstrance were vain. The suit which had been begun in the court of the king's bench was dropped; a scire facias was issued from the court of chancery in England; and before the colony could act upon it, on the eighteenth of June, 1654, just one year and six days after the judgment against the city of London, the charter was conditionally adjudged to be forfeited. The judgment was confirmed on the first day of the Michaelmas term.

Bancroft, Hist. of the U.S., vol.1, p.406 - p.407

Thus fell the charter, which had been brought by the fleet of Winthrop to the shores of New England, and had been cherished with courage through every vicissitude. Massachusetts having lost its safeguards against absolute power and fallen into the hands of the king, his privy council took into consideration what was to be done with it. The question was thoroughly considered whether a government like that of England should be introduced into the colonies, or if their inhabitants should be ruled by a royal governor and council with authority limited only by royal instructions. Lord Halifax insisted with energy that the laws of England ought beyond a doubt to be established in a country composed of Englishmen; and omitted none of the reasons by which it may be proved that an absolute government is neither so happy nor so safe as one which sets bounds to the authority of the prince. For himself, he declared that he would never live under a king who should have power to take money from his pocket whenever it pleased him. The other ministers, avoiding a discussion of the best form of government, maintained that the crown could and ought to govern countries so remote from England, as it should deem best. The council resolved that there was no need of a colonial assembly to grant taxes and regulate other important matters; but that the governor and council should act, according to their own judgment, with no accountability except to his British majesty. Louis XIV, after reading a report of this debate, warned the king of England against listening to an adviser like Halifax on the manner of governing New England; and it was decided that, in those distant regions, the whole power, legislative as well as executive, should abide in the crown.

Bancroft, Hist. of the U.S., vol.1, p.407

A copy of the judgment against the charter of Massachusetts was received in Boston on the second of July of the following year; but, before that day, the duke of York had ascended the throne.

Bancroft, Hist. of the U.S., vol.1, p.407

Gloomy forebodings overspread New England. The confederacy of the Calvinist colonies had already died of apathy. The restoration of monarchy, in 1660, had been the signal for its decline. By its articles no two colonies could be joined in one except with the consent of the whole; and the charter by which Charles II annexed New Haven to Connecticut proved that there was a higher power, which overruled their decisions and paralyzed their acts. From that epoch the meetings of the commissioners were held but once in three years. The dangers of the Indian war roused their dying energies. After the peace at Boston, in 1651, they did but settle a few small war-claims; their only meeting after the forfeiture of the charter of Massachusetts was in September, 1654, at Hartford, from which place they appointed a day of fasting to bewail the rebukes and threatening from Heaven, and their last word was "for the defence of the Protestant religion."

Chapter 7:

Shaftesbury and Locke Legislate for Carolina

Bancroft, Hist. of the U.S., vol.1, p.408

MEANTIME, civilization had advanced at the South; and twin stars were emerging beyond the limits of Virginia, in the country over which Soto had rambled in quest of gold, where Calvinists, befriended by Coligny, had sought a refuge, and where Raleigh had attempted to found colonial principalities.

Bancroft, Hist. of the U.S., vol.1, p.408

In March, 1663, the province of Carolina, extending from the thirty-sixth degree of north latitude to the river San Matheo, was erected into one territory; and the earl of Clarendon; Monk, now duke of Albemarle; Lord Craven, a brave cavalier; Lord Ashley Cooper, afterward earl of Shaftesbury; Sir John Colleton; Lord Berkeley; Sir William Berkeley, the governor of Virginia; and the passionate, ignorant, and not too honest Sir George Carteret—were constituted its proprietors and immediate sovereigns. No authority was reserved to the crown but a barren allegiance.

Bancroft, Hist. of the U.S., vol.1, p.408

The territory now granted was included by the Spaniards within the limits of Florida; and the castle of St. Augustine was deemed proof of the actual possession of an indefinite adjacent country. Spain had not yet formally acknowledged the English title to any possessions in America; and the treaty concluded at Madrid, in May, 1667, did but faintly concede the right of England to transatlantic colonies, and to a continuance of commerce in "the accustomed seas." Three years later she recognised as English the colonies which were then in the possession of England, but their boundaries in the south and west were not determined.

Bancroft, Hist. of the U.S., vol.1, p.408 - p.409

And not Spain only claimed Carolina. In 1630, a patent for all the territory had been issued to Sir Robert Heath; and there is room to believe that, in 1639, permanent plantations were planned and perhaps attempted by his assign. William Hawley appeared in Virginia as "governor of Carolina," the land between the thirty-first and thirty-sixth parallels of latitude; and leave was granted by the Virginia legislature that it might be colonized by one hundred persons from Virginia, "freemen, being single, and disengaged of debt." The attempts were certainly unsuccessful, for, in 1663, the patent was declared void, because the purposes for which it was granted had never been fulfilled.

Bancroft, Hist. of the U.S., vol.1, p.409

In 1660 or 1661, New England men had found their way into the Cape Fear river, had purchased of the Indian chiefs a title to the soil, and had planted a little colony of herdsmen far to the south of any English settlement on the continent. They had partners in London, and, within five months of the grant of Carolina, their agents pleaded their discovery, occupancy, and purchase, as affording a valid title to the soil, while they claimed the privileges of self-government as a natural right. A compromise was offered; and the proprietaries, in their "proposals to all that would plant in Carolina," promised emigrants from New England religious freedom, a governor and council to be elected from among a number whom the emigrants themselves should nominate, a representative assembly, independent legislation, subject only to the negative of the proprietaries, land at a rent of a halfpenny an acre, and such freedom from customs as the charter would warrant. Yet the lands were not inviting to men who could choose their abodes from the whole wilderness; and, though Massachusetts, the young mother of colonies, in May, 1667, ministered to their wants by a general contribution through her settlements, the infant town planted on Oldtown creek, near the south side of Cape Fear river, was soon after abandoned.

Bancroft, Hist. of the U.S., vol.1, p.409

The conditions offered to the colony of Cape Fear "were not intended for the meridian" of Virginia. "There," said the proprietaries, in their instructions to Sir William Berkeley, "we hope to find more facile people" than the New England men. They intrusted the affair entirely to Sir William's management. He was to get settlers as cheaply as possible; yet at any rate to get settlers.

Bancroft, Hist. of the U.S., vol.1, p.410

As in Massachusetts, the plantations of Virginia extended along the sea. The banks of Nansemond river had been settled as early as 1609. In 1622, Pory, then secretary of the Old Dominion, travelled to the land on the river Chowan, and, on his return, celebrated the kindness of its native people, its fertility, and happy climate, that yielded two harvests in each year. Twenty-one years after the excursion of Pory, a company, that had heard of the region south-west of the Appomattox, obtained leave of the Virginia legislature to engage in its discovery, under the promise of a fourteen years' monopoly of the profits. Parties for the south, not less than for the west, continued to be encouraged by similar grants. The sons of Governor Yeardley wrote to England with pride, that the northern country of Carolina had been explored by "Virginians born."

Bancroft, Hist. of the U.S., vol.1, p.410 - p.411

A company from Nansemond county, led by Roger Green, were the first to show the way from Virginia to the rivers that flow into Albemarle sound. Green was rewarded, in 1653, by the grant of a thousand acres, while ten thousand acres were offered to any hundred persons who would plant on the banks of the Roanoke, or the south side of the Chowan and its tributary streams. Thomas Dew, once the speaker of the assembly, formed a plan for exploring the navigable rivers between Cape Hatteras and Cape Fear. The first settlements on Albemarle sound were a result of spontaneous overflowings from Virginia. Perhaps a few families were planted within the limits of Carolina before the restoration. At that period, men who were impatient of enforced religious conformity, and distrusted the new government in Virginia, plunged more deeply into the forests. It is known that, in 1662, the chief of a tribe of Indians granted to George Durant the neck of land which still bears his name; and, in the following year, George Cathmaid could claim a large grant of land upon the sound, for having established sixty-seven persons in Carolina. In September, the colony had attracted the attention of the proprietaries; and Berkeley was commissioned to institute a government over the region, which, in honor of Monk, received the name of Albemarle, that time has transferred to the bay. The plantations were chiefly on the northeast bank of the Chowan; and, as the mouth of that river is north of the thirty-sixth parallel of latitude, they were not included in the first patent of Carolina. Yet Berkeley, who was but governor of Virginia, and was a joint proprietary of Carolina, obeyed his interest as landholder more than his duty as governor; and, severing the settlement from the Ancient Dominion, established a separate government over men who had already, at least in part, obtained a grant of their lands from the aboriginal lords of the soil. He appointed William Drummond, an emigrant to Virginia from Scotland, a man of prudence and popularity, to be the governor of Northern Carolina; and, conforming to instructions from his associates, he instituted a simple form of government, a Carolina assembly, and an easy tenure of lands; leaving the infant people to enjoy liberty of conscience and to forget the world, till quit-rents should fall due. Such was the origin of fixed settlements in North Carolina.

Bancroft, Hist. of the U.S., vol.1, p.411 - p.412

But not New England and Virginia only turned their eyes to the southern part of our republic. In 1663, several planters of Barbados, dissatisfied with their condition, and desiring to establish a colony under their own exclusive direction, despatched a vessel to examine the country. The careful explorers reported that the climate was agreeable and the soil of various qualities; that game abounded; that the natives promised peace. They purchased of the Indians a tract of land thirty-two miles square, on Cape Fear river, near the neglected settlement of the New Englanders; and their employers begged of the proprietaries a confirmation of the purchase and a separate charter of government. Not all their request was granted; yet liberal terms were offered; and Sir John Yeamans, the son of a cavalier, a needy baronet, who, to mend his fortune, had become a Barbados planter, was appointed governor, with a jurisdiction extending from Cape Fear to the San Matheo. The country was called Clarendon. "Make things easy to the people of New England; from thence the greatest supplies are expected:" such were his instructions. In the autumn of 1665, under an ample grant of liberties for the colony, he conducted a band of emigrants from Barbados, and on the south bank of Cape Fear river laid the foundation of a town, which flourished so little that its site is at this day a subject of dispute. Yet the colony, barren as were the plains around them, exported boards and shingles and staves to Barbados. The traffic was profitable; emigration increased; and it has been said that, in 1666, the plantation contained eight hundred souls. Yeamans, who understood the nature of colonial trade, managed its affairs without reproach.

Bancroft, Hist. of the U.S., vol.1, p.412

The proprietaries of Carolina, having collected minute information respecting the coast, coveted an extension of their domains. Indifferent to the claims of Virginia, and in contempt of the Spanish garrison at St. Augustine, Clarendon and his associates, in June, 1665, obtained from the king a new charter, which granted to them all the land lying between twenty-nine degrees and thirty-six degrees thirty minutes, north latitude, from the Atlantic to the Pacific Ocean. The soil, and, under the limitation of a nominal allegiance, the sovereignty, were theirs, with the power of legislation, subject to the consent of the future freemen of the colony. The grant of privileges was ample, like those to Rhode Island and Connecticut. An express clause opened the way for religious freedom; another held out to the proprietaries a hope of revenue from colonial customs, to be imposed in colonial ports by Carolina legislatures; another gave them the power of erecting cities and manors, counties and baronies, and of establishing orders of nobility with other than English titles. The power to levy troops, to erect fortifications, to make war by sea and land on their enemies, and to exercise martial law in cases of necessity, was not withheld. Every favor was extended to the proprietaries; nothing was neglected but the interests of the English sovereign and the rights of the colonists. Imagination encouraged every extravagant hope; and Ashley Cooper, afterward earl of Shaftesbury, the most active and the most able of the corporators, was, in 1665, deputed by them to frame for the dawning states a perfect constitution, worthy to endure throughout all ages.

Bancroft, Hist. of the U.S., vol.1, p.412 - p.413

Shaftesbury was at this time in the maturity of his genius; celebrated for eloquence, philosophic acuteness, and sagacity; high in power, and of aspiring ambition. Born to hereditary wealth, the pupil of Prideaux had given his early years to the assiduous pursuit of knowledge; and from boyhood the intellectual part of his nature held the mastery. Cradled in politics and chosen a member of parliament at the age of nineteen, his long public career was checkered by the greatest varieties of success. His party connections were affected by the revolutions of the times; and he has been charged with political inconsistency. But men of great mental power, though they may often change their instruments, change their principles and their objects rarely. He often shifted his associates, never his purposes; alike the enemy to absolute monarchy and to democratic influence, he connected his own aggrandizement with the privileges and interests of British commerce, of Protestant religious liberty, and of the landed aristocracy of England. In the Long Parliament, he acted with the people against absolute power; but, while Vane adhered to the parliament from love of popular rights, Shaftesbury adhered to it as the guardian of aristocratic liberty. Under Cromwell, Shaftesbury was still the opponent of arbitrary power. At the restoration, he would not tolerate an agreement with the king; such agreement, at that time, could not but have been democratic; and the nobility sought, in the plenitude of the royal power, an ally against the people. When Charles II showed a disposition to become, like Louis XIV, superior to the gentry as well as to the democracy, Shaftesbury, from hostility to the supporters of prerogative, joined the party opposed to the ultra royalists. The party which he represented, the great aristocracy of blood and of wealth, had to sustain itself between the people on one side and the monarch on the other. The "nobility" was, in his view, the "rock" of "English principles;" the power of the peerage and of arbitrary monarchy were "as two buckets, of which one goes down exactly as the other goes up." In the people of England, as the depository of power and freedom, Shaftesbury had no confidence; his system protected wealth and privilege; and he desired to intrust the conservative principles of society to the exclusive custody of the favored classes. Cromwell had proposed, and Vane had advocated, a reform in parliament; Shaftesbury showed no disposition to diminish the influence of the nobility over the lower house.

Bancroft, Hist. of the U.S., vol.1, p.414

The personal character of Shaftesbury was analogous to his political principles. He loved wealth without being a slave to avarice, and, though he would have made no scruple of "robbing the devil or the altar," and, as lord chancellor, sometimes received a present, his judgment was never suspected of a bias. Careless of precedents, usages, and bar-rules, he was quick to discern the right, and to render an equitable decision. Everybody applauded but the lawyers; they censured the contempt of ancient forms, the diminished weight of authority, and the neglect of legal erudition; the historians, the poets, common fame, even his enemies, declared that never had a judge possessed more discerning eyes or cleaner hands:

"Unbribed, unbought, the wretched to redress,

Swift of despatch and easy of access."

Bancroft, Hist. of the U.S., vol.1, p.414

Nobody questioned that, as a royalist minister, he might have "freely gathered the golden fruit;" but he disdained the monarch's favor, and stood firmly by the vested rights of his order.

Bancroft, Hist. of the U.S., vol.1, p.414

In person he was small, and alike irritable and versatile. It belongs to such a man to have cunning rather than wisdom; celerity rather than dignity; the high powers of abstraction and generalization rather than the still higher power of successful action. He transacted business with an admirable ease and mastery, for his lucid understanding delighted in general principles; but he could not successfully control men, for he had neither conduct in the direction of a party nor integrity in the choice of means. He would use a prejudice as soon as an argument; would stimulate a superstition as soon as wake truth to the battle; would flatter a crowd or court a king. Despising the people, he attempted to guide them by inflaming their passions.

Bancroft, Hist. of the U.S., vol.1, p.414 - p.415

This contempt for humanity punishes itself; Shaftesbury was destitute of the healthy judgment which comes from sympathy with his fellow-men. Alive to the force of an argument, he never could judge of its effect on other minds; his subtle wit, prompt to seize on the motives to conduct and the natural affinities of parties, could not discern the moral obstacles to new combinations. He had no natural sense of propriety; he despised gravity as, what indeed it often is, the affectation of dulness, and thought it no condescension to charm by drollery. Himself without veneration for prescriptive usage, he never could estimate the difficulty of abrogating a form or overcoming a prejudice. His mind regarded purposes and results, and he did not so much defy appearances as rest ignorant of their power. Desiring to exclude the duke of York from the throne, no delicacy of sentiment restrained him from proposing the succession to the uncertain issue of an abandoned woman, who had once been mistress to the king, and he saw no cruelty in urging Charles II to divorce a confiding wife, who had the blemish of barrenness.

Bancroft, Hist. of the U.S., vol.1, p.415

The same want of common feeling, joined to a surprising mobility, left Shaftesbury in ignorance of the energy of religious convictions. Skeptics are apt to be superstitious; the moral restlessness of perpetual doubt often superinduces nervous timidity. Shaftesbury would not fear God, but he watched the stars; he did not receive Christianity, and he could not reject astrology.

Bancroft, Hist. of the U.S., vol.1, p.415

Excellent in counsel, Shaftesbury was poor as an executive agent. His spirit fretted at delay, and grew feverish with waiting. His eager impetuosity betrayed his designs, and, when unoccupied, his vexed and anxious mind lost its balance, and planned desperate counsels. In times of tranquillity, he was too restless for success; but, when the storm was really come, and old landmarks were washed away and the wonted lights in the heavens were darkened, Shaftesbury was self-possessed, and knew how to evolve a rule of conduct from general principles.

Bancroft, Hist. of the U.S., vol.1, p.415 - p.416

At a time when John Locke was unknown to the world, Shaftesbury detected the riches of his mind, and chose him for a friend and adviser in the work of legislation for Carolina. Locke was at this time in the midway of life, adorning the clearest understanding with gentleness, good humor, and ingenuousness. Of a sunny disposition, he could be choleric without malice, and gay without levity. He was a most dutiful son. In dialectics he was unparalleled, except by his patron. Esteeming the pursuit of truth as the first object of life, and its attainment as the criterion of dignity, he never sacrificed a conviction to an interest. The ill success of the democratic revolution of England had made him an enemy to popular innovations. He had seen the commons of England incapable of retaining the precious conquest they had made, and, being neither a theorist like Milton nor a tory like Tillotson, he cherished what, at that day, were called English principles, looking to the aristocracy as the surest adversaries of arbitrary power. Emphatically free from avarice, he could yet, as a political writer, deify liberty under the form of wealth; to him slavery seemed no unrighteous institution; and he defines "political power to be the right of making laws for regulating and preserving property." Having no kindling love for ideal excellence, he abhorred the designs and disbelieved the promises of democracy; he could sneer at the enthusiasm of Friends. Unlike Penn, he believed it possible to construct the future according to the forms of the past. No voice of God within his soul called him away from the usages of England; and, as he went forth to lay the foundations of civil government in the wilderness, he bowed his understanding to the persuasive influence of Shaftesbury. But the political institutions of the United States were not formed by giant minds, or "nobles after the flesh." American history knows but one avenue to success in American legislation—freedom from ancient prejudice. The truly great law-givers in our colonies first became as little children.

Bancroft, Hist. of the U.S., vol.1, p.416 - p.417

In framing constitutions for Carolina, Locke forgot that there can be no such thing as a creation of laws; for laws are but the arrangement of men in society, and good laws are but the arrangement of men in society in their just and natural relations. It is the prerogative of self-government that it adapts itself to every circumstance which can arise. Its institutions, if often defective, are always appropriate; for they are the exact representation of the condition of a people, and can be evil only because there are evils in society, exactly as a coat may suit an ill-shaped person. Habits of thought and action fix their stamp on the public code; the faith, the prejudices, the hopes of a people, may be read there; and, as knowledge advances, each erroneous judgment, each perverse enactment, yields to the embodied force of the common will. Success in legislating for Carolina could only have resulted from the counsels of the emigrants themselves.

Bancroft, Hist. of the U.S., vol.1, p.417

The constitutions for Carolina are the most signal attempt within the United States to connect political power with hereditary wealth. America was rich in every form of representative government; its political life was so varied that, in modern constitutions, hardly a method of constituting an upper or a popular house has thus far been suggested, of which the character and the operation had not already been tested in the experience of our fathers. In Carolina the disputes of a thousand years were crowded into a generation.

Bancroft, Hist. of the U.S., vol.1, p.417

Europe suffered from obsolete but not inoperative laws; no statute of Carolina was to bind beyond a century; Europe suffered from the multiplication of law-books and the perplexities of the law; in Carolina not a commentary might be written on the constitutions, the statutes, or the common law; Europe suffered from the furies of bigotry; Carolina promised toleration to "Jews, heathens, and other dissenters," to "men of any religion." In other respects, "the interests of the proprietors," the desire of "a government most agreeable to monarchy," and the dread of "a numerous democracy," are avowed as the motives for forming the fundamental constitutions of Carolina.

Bancroft, Hist. of the U.S., vol.1, p.417

The proprietaries, as sovereigns, were a close corporation of eight members; a number which was never to be diminished or increased. The dignity was hereditary; in default of heirs, the survivors elected a successor. The body was self-renewing and immortal.

Bancroft, Hist. of the U.S., vol.1, p.417 - p.418

For purposes of settlement, the almost boundless territory was to be divided into counties, each containing four hundred and eighty thousand acres. The creation of two orders of nobility—one landgrave or earl, and two caciques or barons for each county—preceded the distribution of lands into five equal parts, of which one remained the inalienable property of the proprietaries, and another formed the inalienable and indivisible estates of the nobility. The remaining three fifths were reserved for what was called the people; and might be held by lords of manors who were not hereditary legislators, but, like the nobility, might exercise judicial powers in their baronial courts. The number of the nobility might neither be increased nor diminished; election supplied the places left vacant for want of heirs; for, by an agrarian principle, estates and dignities were not allowed to accumulate.

Bancroft, Hist. of the U.S., vol.1, p.418

The instinct of aristocracy dreads the moral power of proprietary cultivators of the soil; their perpetual degradation was enacted. The leet-men, or tenants, holding ten acres of land at a fixed rent, were to be not only destitute of political franchises, but adscripts to the soil; "under the jurisdiction of their lord, without appeal;" and it was added, "all the children of leet-men shall be leet-men, and so to all generations."

Bancroft, Hist. of the U.S., vol.1, p.418

Grotius had defended slavery as a rightful condition; a few years later, William Penn owned African bondmen; Locke proposed, without compunction, that every freeman of Carolina should have absolute power and authority over his negro slaves.

Bancroft, Hist. of the U.S., vol.1, p.418

By the side of the seigniories, baronies, and manors, room was left for freeholders; but no elective franchise could be conferred on a freeholder of less than fifty acres, and no eligibility to the parliament on a freehold of less than five hundred.

Bancroft, Hist. of the U.S., vol.1, p.418

All executive power, and, in the last resort, all judiciary power, rested with the proprietaries themselves. The seven subordinate courts had each a proprietary for its chief; and, of the forty-two counsellors of whom they were composed, twenty-eight were appointed by the proprietaries of the nobility. The judiciary was placed beyond the reach of popular influence. To one aristocratic court was intrusted the superintendence of the press; and, as if not only men would submit their minds, but women their tastes, and children their pastimes, to a tribunal, another court had cognizance of "ceremonies and pedigrees, of fashions and sports." Of the fifty who composed the grand council of Carolina, fourteen only represented the commons, and of these the tenure of office was for life.

Bancroft, Hist. of the U.S., vol.1, p.418 - p.419

The constitutions recognised four estates—the proprietaries, the landgraves, the caciques, and the commons. In the parliament all the estates assembled in one chamber; the proprietaries appear by deputies; the commons elected four members for every three of the nobility; but large proprietors were alone eligible. An aristocratic majority might, therefore, always be relied upon; but, to prevent danger, three methods, reproduced in part in modern monarchical constitutions, were adopted: the proprietaries reserved to themselves a negative on all the proceedings of parliament; no measure could be initiated, except through the grand council; and, in case of constitutional objection to a law, either of the four estates might interpose a veto. Popular enfranchisement was made an impossibility. Executive, judicial, and legislative power was each beyond the control of the people.

Bancroft, Hist. of the U.S., vol.1, p.419

In trials by jury the majority decided—a rule dangerous to the oppressed; for, where moral courage is requisite for an acquittal, more than a small minority cannot always be expected. A clause, which declared it "a base and vile thing to plead for money or reward," could not but compel the less educated classes to establish between themselves and the nobility the relation of clients and patrons.

Bancroft, Hist. of the U.S., vol.1, p.419

Such were the constitutions devised for Carolina by Shaftesbury and Locke, by the statesman who was the type of the revolution of 1688, and the sage who was the antagonist of Leibnitz and William Penn. Several American writers have attempted to exonerate Locke from a share in the work which they condemn; but it harmonizes with the principles of his philosophy and with his theories on government. To his late old age he preserved the evidence of his legislative labors; and his admirers esteemed him the superior of the contemporary Quaker king, the rival of "the ancient philosophers " to whom the world had "erected statues."

Bancroft, Hist. of the U.S., vol.1, p.419 - p.420

The constitutions were signed on the twenty-first of July, 1669. In a second draft, against the wishes of Locke, a clause was interpolated, declaring that, while every religion should be tolerated, the church of England, as the only true and orthodox church, was to be the national religion of Carolina, and was alone to receive public maintenance by grants from the colonial parliament. This revised copy of "the model" was not signed till March, 1670. To a colony of which the majority were likely to be dissenters, the change was vital; it was scarcely noticed in England, where the model became the theme of extravagant applause. "It is without compare," wrote Blome, in 1672. "Empires," added an admirer of Shaftesbury, "will be ambitious of subjection to the noble government which deep wisdom has projected for Carolina;" and the proprietaries set their seals to "a sacred and unalterable" instrument, which they decreed should endure "for ever."

Bancroft, Hist. of the U.S., vol.1, p.420

As far as depended upon the proprietaries, the government was immediately organized with Monk, duke of Albemarle, as palatine. But was there place for a palatine and landgraves, for barons and lords of manors, for an admiralty court and a court of heraldry, among the scattered cabins between the Chowan and the ocean?

Bancroft, Hist. of the U.S., vol.1, p.420

Albemarle had, in 1665, been increased by fresh emigrants from New England, and, two years later, by a colony of shipbuilders from the Bermudas, who lived contentedly with Stevens as chief magistrate, under a very wise and simple form of government. A council of twelve—six named by the proprietaries, and six chosen by the assembly; an assembly composed of the governor, the council, and twelve delegates from the freeholders of the incipient settlements—formed a government which enjoyed popular confidence. No interference from abroad was anticipated; for freedom of religion and security against taxation except by the colonial legislature were conceded. The colonists were satisfied; the more so as, in 1665, their lands were confirmed to them on their own terms.

Bancroft, Hist. of the U.S., vol.1, p.420 - p.421

The authentic record of the legislative history of North Carolina begins with the autumn of 1669, when the representatives of Albemarle, ignorant of the scheme which Locke and Shaftesbury were maturing, gave a five years' security to the emigrant debtor against any cause of action arising out of the country; made marriage a civil contract, requiring only the consent of parties before a magistrate; exempted new settlers from taxation for a year; prohibited strangers from trading with the neighboring Indians, and granted land to every adventurer who joined the colony, but withholding a perfect title till after a residence of two years. The members of this early legislature probably received no compensation; to meet the expenses of the governor and council, a fee of thirty pounds of tobacco was exacted in every lawsuit. The laws were sufficient, were confirmed by the proprietaries, were reenacted in 1715, and were valid in North Carolina for more than half a century.

Bancroft, Hist. of the U.S., vol.1, p.421

Hardly had these laws been established when the new constitution was forwarded to Albemarle. Its promulgation did but favor anarchy by invalidating the existing system, which it could not replace. The proprietaries, contrary to stipulations with the colonists, superseded the existing government, and the colonists resolutely rejected the substitute.

Bancroft, Hist. of the U.S., vol.1, p.421

Far different was the welcome with which the inhabitants of North Carolina met the first messengers of religion. From the beginning of the settlement there seems not to have been a minister in the land; there was no public worship but such as burst from the heart when natural feeling took the form of words. But man is prone to religious impressions, and when William Edmundson in 1672 came to visit his Quaker brethren among the groves of Albemarle, "he met with a tender people," delivered his instructions as supported by the authority of self-evident truth, and added converts to the society of Friends. A quarterly meeting of discipline was established, and the society, of which opposition to spiritual authority is the badge, was the first to organize a religious community in Carolina.

Bancroft, Hist. of the U.S., vol.1, p.421 - p.422 - p.423

In the autumn of the same year, George Fox—the father of the sect, the upright man who could say of himself, "What I am in words, I am the same in life"—travelled across "the great bogs" of the Dismal Swamp, commonly "lying abroad a-nights in the woods by a fire," till at last he reached a house in Carolina, and obtained the luxury of a mat by the fireside. He was made welcome to the refuge of Quakers and fugitives from ecclesiastical oppression. The people "lived lonely in the woods," with no other guardian to their solitary houses than a watch-dog. There have been religious communities which, binding themselves by a vow to a life of study and reflection, have planted their monasteries in the recesses of the desert, where they might best lift up their hearts to contemplative enjoyments. Here were men from civilized life, scattered among the forests, hermits with wives and children, resting on the bosom of nature, in harmony with the wilderness of their gentle clime. With absolute freedom of conscience, reason and good-will to man were the simple rule of their conduct. Such was the people to whom George Fox "opened many things concerning the light and spirit of God that is in every one." He became the guest of the governor of the province, who, with his wife, "received him lovingly." The plantations of that day were upon the bay, and along the streams that flow into it; the rivers and the inlets were the highways of Carolina; the boat and the lighter birchen skiff the only equipage; every man knew how to handle the oar; and there was hardly a woman but could paddle a canoe. When Fox continued his journey, the governor, having been admonished to listen to the voice of truth in the oracles of nature, accompanied him to the water's edge, and, as the chief magistrate of North Carolina and the envoy of humanity travelled together on foot through the ancient woods, it might indeed have seemed, rather than in the companionship of Shaftesbury and Locke, that the days of the legislation of philosophy were revived. For in the character of his wisdom, in the method of its acquisition by deep feeling, reflection, and travel, and in its fruits, George Fox far more nearly resembled the ancient sages, the peers of Thales and Solon, whom common fame has immortalized. From the house of the governor, the traveller continued his journey to the residence of "Joseph Scot, one of the representatives of the country," where he had "a sound and precious meeting" with the people. His eloquence reached their hearts; for he did but assert the paramount value of the impulses and feelings which had guided them in the wilderness. He "had a sense of all conditions;" for, "how else could he have spoken to all conditions?" At another meeting, "the chief secretary of the province," who "had been formerly convinced," was present; and Fox became his guest, yet not without "much ado;" for, as the boat approached his plantation, it grounded in the shallow channel, and could not be brought to shore. But the wife of the secretary of state shot promptly to the traveller's relief in a canoe, and brought him to her hospitable home. As he turned again toward Virginia, he could say that he had found the people of North Carolina "generally tender and open;" and that he had made among them "a little entrance for truth."

Bancroft, Hist. of the U.S., vol.1, p.423

While it was uncertain what was the government of North Carolina, the country, in 1674, was left without a governor by the death of Stevens. The assembly, conforming to a prudent instruction of the proprietaries, elected a successor; and Cartwright, their speaker, acted for two years at the head of the administration. Persons into whose hands the proprietaries had committed the government interfered with violence and injustice to prevent the progress of discovery and colonization to the southward; and those who had planted on the south side of the Chowan and the Roanoke were commanded back, to their great prejudice and inconvenience. Moreover, fears prevailed that "Sir William Berkeley was become the sole proprietary" of that part of Carolina. Moved "by these apprehensions and the conjunction of the times," the North Carolinians themselves "ordered and settled the council and government," until an appeal could be taken to the proprietaries. To them, Thomas Miller carried letters from the self-constituted government of Albemarle; and Eastchurch, the new speaker of the assembly, followed as its agent to explain the public grievances. The proprietaries, after some of them had "discoursed with" Eastchurch and Miller, wrote to the assembly: "They have fully satisfied us that the fault was not in you, but in those persons into whose hands we committed the government." They gave their promise "not to part with the county of Albemarle to any person, but to maintain the province of Carolina entire as it was, that they might preserve the inhabitants in English rights and liberties." Instead of insisting on the introduction of the grand model, they restored the simple government which had existed in the beginning of the settlement.

Bancroft, Hist. of the U.S., vol.1, p.423 - p.424

For governor of Ablemarle, they selected Eastchurch himself, "because," they said, "he seems to us a very discreet and worthy man, and very much concerned for your prosperity and welfare, and, by the opportunity of his being here, is well instructed in our desires." For the grand council they named their own deputies, and invited the assembly to choose as many more. While they praised the good disposition of the North Carolinians to administer "fair justice among themselves," they added: "We utterly dislike trying or condemning any person, either in criminal or civil causes, without a jury; and evidence clandestinely taken can be of no validity otherwise than to cause the criminal person to be secured, where the crime is of a high nature." They desired to connect their own interests with those of the colony, and were willing to approve any measures that the assembly might propose for extending colonization on the Pamlico and the Neuse, and opening connection by land with plantations in South Carolina.

Bancroft, Hist. of the U.S., vol.1, p.424

They attempted to restrain the scattered manner of life of the colonists. "Without towns," they wrote, "you will not long continue civilized, or even be considerable or secure." Miller, who had been the bearer of their letters, was appointed secretary of the province; while the complaints which he had made were referred to the council and assembly in the place. Miller received from the crown a commission as collector of the customs.

Bancroft, Hist. of the U.S., vol.1, p.424

The new officers embarked for Carolina by way of the West Indies, where Eastchurch remained for a season; while Miller, in July, 1677, proceeded to the province to hold the triple office of president or governor, secretary, and collector.

Bancroft, Hist. of the U.S., vol.1, p.424

The government had for about a year been left in what royalists called "ill order and worse hands;" that is, it had been a government of the people themselves. The suppression of a fierce insurrection in Virginia had been followed by vindictive punishments; and "runaways, rogues, and rebels" that is to say, fugitives from arbitrary tribunals, non-conformists, and friends to liberty—"fled daily to Carolina, as their common subterfuge and lurking-place." Did letters from Virginia demand the surrender of leaders in the rebellion, Carolina refused to betray the fugitives.

Bancroft, Hist. of the U.S., vol.1, p.424 - p.425

The presence of such emigrants made oppression more difficult than ever; but here, as throughout the colonies, the navigation acts were the cause for greater restlessness and more permanent discontent. And never did national avarice exhibit itself more meanly than in the relations of English legislation to North Carolina. The district hardly contained four thousand inhabitants; a few fat cattle, a little maize, and eight hundred hogsheads of tobacco, formed all their exports; their humble commerce had attracted none but small craft from New England; and the mariners of Boston, guiding their vessels through the narrow entrances of the bay, brought to the doors of the planters the few foreign articles which the exchange of their produce could purchase. And yet this inconsiderable traffic, so little alluring, but so convenient to the colonists, was envied by the English merchant; the law of 1672 was to be enforced; the traders of Boston were to be crowded from the market by an unreasonable duty; and the planters to send their produce to England as they could.

Bancroft, Hist. of the U.S., vol.1, p.425

How unwelcome, then, must have been the presence of Miller, who levied the hateful tribute of a penny on every pound of tobacco exported to New England! It was attempted to foster a jealousy of the northern colonies. But never did one American colony repine at the prosperity of another. The traffic with Boston continued, though burdened with a tax which produced an annual revenue of twelve thousand dollars, an enormous burden for the petty commerce and the few inhabitants of that day.

Bancroft, Hist. of the U.S., vol.1, p.425 - p.426

The planters of Albemarle were tranquil when they were left to take care of themselves. Any government imposed from abroad was hard to be borne. The attempt at enforcing the navigation acts hastened an insurrection, which was fostered by the refugees from Virginia and the New England men. Excessive taxation, the change in the form of government with the "denial of a free election of an assembly," and the unwise interruption of the natural channels of commerce, were the threefold grievances of the colony. Its leader in the insurrection was John Culpepper, one of those "very ill men" who loved popular liberty, and whom the royalists of that day denounced as having merited "hanging, for endeavoring to set the poor people to plunder the rich." One of the counsellors joined in the rebellion; the rest, with Miller, were imprisoned; "that thereby the country may have a free parliament, and may send home their grievances." Having deposed and imprisoned the president and the deputies of the proprietaries, and set at naught the acts of parliament, the people recovered from anarchy, organized a government, and established courts of justice. Eastchurch arrived in Virginia; but his commission and authority were derided, and he himself was kept out by force of arms; while the insurgents, among whom was George Durant, the oldest landholder in Albemarle, having, in 1679, completed their institutions, sent Culpepper and another to England to negotiate a compromise.

Bancroft, Hist. of the U.S., vol.1, p.426

The late president and his fellow-sufferers, having escaped from confinement in Carolina, appeared in England with adverse complaints. To a struggle between the planters and the proprietaries, the English public would have been indifferent; but Miller, as the champion of the navigation acts, enlisted in his favor the jealous anger of the mercantile cities. Culpepper, just as he was embarking for America, was taken into custody, and his interference with the collecting of duties, which he was charged with embezzling and which there is no reason to believe he had applied to other than public purposes, stimulated a prosecution; while his opposition to the proprietaries was held to justify an indictment for an act of high treason, committed without the realm.

Bancroft, Hist. of the U.S., vol.1, p.426

A statute of Henry VIII was the authority for arraigning a colonist before an English jury, an act of tyranny against which Culpepper vainly protested, claiming "to be tried in Carolina, where the offence was committed." "Let no favor be shown him," said Lauderdale and the lords of the plantations. But, when in June, 1650, he was brought up for trial, Shaftesbury, who at that time was in the zenith of popularity, courted every form of popular influence, and penetrated the injustice of the accusation, appeared in his defence and procured his acquittal. The insurrection in Carolina was excused by the verdict of an English jury.

Bancroft, Hist. of the U.S., vol.1, p.426 - p.427

It was a natural expedient to send one of the proprietaries themselves to look after the interests of the company; and Seth Sothel, who had purchased the rights of Lord Clarendon, was selected for the purpose. But Sothel, on his voyage, was taken captive by the Algerines. In the temporary government of Carolina, I find the name of Robert Holden, Culpepper's associate and colleague, as receiver-general, while "the traitor, George Durant, "quietly discharged the duty of a judge. "Settle order amongst yourselves," wrote the proprietaries; and order had already been settled. Would the disciples of Fox subscribe to the authority of the proprietaries? "Yes," they replied, "with heart and hand, to the best of our capacities and understandings, so far as is consonant with God's glory and the advancement of his blessed truth;" and the restricted promise was accepted. In 1651, an act of amnesty, on easy conditions, was adopted.

Bancroft, Hist. of the U.S., vol.1, p.427

In 1653, Sothel, on reaching the colony, found tranquillity established. His arrival changed the scene.

Bancroft, Hist. of the U.S., vol.1, p.427

Sothel was of the same class of governors with Cranfield of New Hampshire. He had accepted the government in the hope of acquiring a fortune, and he cheated his associates, as well as plundered the colonists. To the latter he could not be acceptable, for it was his duty to establish the constitutions and enforce the navigation acts. To introduce the constitutions was impossible, unless he could transform a log cabin into a baronial castle, a negro slave into a herd of leet-men. And how could one man, without soldiers, and without a vessel of war, enforce the navigation acts? Sothel had no higher purpose than to grow rich by exacting illegal fees and engrossing traffic with the Indians. The people of North Carolina, already experienced in rebellion, having borne with him about five years, deposed him without bloodshed, and appealed once more to the proprietaries. It is proof that Sothel had committed no acts of wanton cruelty, that he preferred a request to submit his case to an assembly, fearing the colonists, whom he had pillaged, less than the associates whom he had betrayed. His request was granted; and the colony condemned him to a twelve months' exile and a perpetual incapacity for the government.

Bancroft, Hist. of the U.S., vol.1, p.427 - p.428

Here was a double grief to the proprietaries; the rapacity of Sothel was a breach of trust, the judgment of the assembly an ominous usurpation. The planters of North Carolina recovered tranquillity as soon as they escaped the misrule from abroad; and, sure of amnesty, esteemed themselves the happiest people on earth. They loved the clear air and bright skies of their "summer land." Careless of religious sects, or colleges, or lawyers, or absolute laws, they possessed liberty of conscience and personal independence, freedom of the forest and of the river. From almost every homestead they enjoyed a prospect of spacious rivers, of primeval forests. For them unnumbered swine fattened on the fruits of the forest; for them cattle multiplied on the pleasant meadows. What though Europe was rocked to its centre by commotions? What though England was changing its constitution? Should the planter of Albemarle trouble himself for Holland or France for James II or William of Orange? for a Whig party or a high church party? Almost all the American colonies were chiefly planted by those to whom the uniformities of European life were intolerable; North Carolina was planted by men to whom the restraints of other colonies were too severe. They dwelt in lonely granges; there was neither city nor township; there was hardly even a hamlet, or one house within sight of another; nor were there roads, except as the paths from house to house were distinguished by notches in the trees. But the settlers were gentle in their tempers, enemies to violence. Not all their successive revolutions had kindled in them vindictive passions; freedom was enjoyed without anxiety as without guarantees; and the spirit of humanity maintained its influence in the paradise of Quakers.

Chapter 8:

Settlements in South Carolina

Bancroft, Hist. of the U.S., vol.1, p.429

To promote access in planting South Carolina, the proprietaries tempted emigrants by the offer of land at an easy quit-rent, and one hundred and fifty acres were granted for every able man-servant. "In that they meant negroes as well as Christians." Of the original thirteen states, South Carolina alone was from its origin essentially a planting state with slave labor.

Bancroft, Hist. of the U.S., vol.1, p.429 - p.430

In January, 1670, more than a month before the revised model was signed, a considerable number of emigrants set sail for Carolina, which, both for climate and soil, was celebrated as "the beauty and envy of North America." They were conducted by Joseph West, as commercial agent for the proprietaries; and by William Sayle, who, having more than twenty years before made himself known as leader in an attempt to plant the isles of the gulf of Florida, was constituted a proprietary governor, with jurisdiction extending as far north as Cape Carteret, as far south as the Spaniards would tolerate. Having touched at Ireland and Barbados, the ships which bore the company entered the well-known waters where the fleet of Ribault had anchored, and examined the site where the Huguenots had engraved the lilies of France and erected the fortress of Carolina. After short delay, they sailed into Ashley river, and on "the first high land convenient for tillage and pasturing," the three ship-loads of emigrants, who as yet formed the whole people of South Carolina, began their town. Few as were the settlers, no immediate danger was apprehended from the natives; epidemic sickness and sanguinary wars had left the neighboring coasts almost a desert. Of this town, every log-house has vanished, and its site is absorbed in a plantation.

Bancroft, Hist. of the U.S., vol.1, p.430

The emigrants had hardly landed before they instituted a government on the basis of liberty. A copy of the original fundamental constitutions, which had no article establishing the church of England, had been furnished them, duly signed and sealed; but it was indeed impossible "to execute the grand model." A parliamentary convention was held; five members of the grand council were elected to act with five whom the proprietaries had appointed; the whole body possessed a veto on the executive, and, with the governor and twenty delegates, who were now elected by the people, constituted the legislature of the province. Representative government struck root from the beginning. John Locke, as well as Sir John Yeamans and James Carteret, was created a landgrave. In 1671, the revised copy of the model was sent over, with a set of rules and instructions, but were firmly resisted, and the commonwealth, from its organization, was distracted by a political feud between the proprietaries and the people; between the friends of the church, always a minority, and a union of all classes of dissenters.

Bancroft, Hist. of the U.S., vol.1, p.430

From Barbados arrived Sir John Yeamans, in 1671, with African slaves. In the same year there came from New York two ships with Dutch emigrants, who were followed by others of their countrymen from Holland.

Bancroft, Hist. of the U.S., vol.1, p.430

The planting of South Carolina did not encounter unusual hardships. Yet the red men, though few, were unfriendly; and it was with arms at hand that the emigrants gathered oysters, or swept the rivers, or toiled at building.

Bancroft, Hist. of the U.S., vol.1, p.430

The first site for a town had been chosen without regard to commerce. The point between the two rivers, to which, in honor of Shaftesbury, the names of Ashley and Cooper were given, soon attracted attention; in 1672, those who had purchased grants there, desirous of obtaining neighbors, willingly offered to surrender one half of their land as "commons of pasture;" and the town on the neck of land then called Oyster Point, in 1650, to become a village named from the reigning king, and, after more than a century, incorporated as the city of Charleston, began with the cabins of graziers.

Bancroft, Hist. of the U.S., vol.1, p.431

In April, 1672, all previous parliaments and parliamentary conventions were dissolved; the rapidly increasing colony demanded "a new parliament," and instituted a government for itself; it did not deem it possible to conform more closely to the constitutions.

Bancroft, Hist. of the U.S., vol.1, p.431

Labors of agriculture in the sultry clime were appalling to Englishmen. Neither did the culture of the cereal grasses at once promise success. It was observed that the climate of South Carolina is more congenial to the African "than that of the more northern colonies;" it became the great object of the emigrant "to buy negro slaves, without which," adds Wilson, "a planter can never do any great matter;" and the negro race was multiplied so rapidly by importations that, in a few years, we are told, the blacks in the low country were to the whites in the proportion of twenty-two to twelve—a proportion that had no parallel north of the West Indies.

Bancroft, Hist. of the U.S., vol.1, p.431

Imagination already regarded Carolina as the chosen spot for the culture of the olive; and, in the region where flowers bloom every month in the year, orange-trees were to supplant the cedar; mulberries to feed silk-worms; and choicest wines to be ripened. For this end, Charles II, with an almost solitary instance of munificence toward America, sent at his own expense to Carolina a few foreign Protestants, to domesticate the productions of the south of Europe.

Bancroft, Hist. of the U.S., vol.1, p.431

From England emigrations were considerable. Even Shaftesbury, when, in July, 1681, he was committed to the Tower, desired leave to withdraw to Carolina. The character of the proprietaries was a sufficient invitation to members of the church of England. The promise of equal immunities attracted many dissenters. A contemporary historian commemorates with singular praise the company from Somersetshire, who, in 1683, were conducted to Charleston by Joseph Blake, brother to the gallant admiral. Blake was already advanced in life; but impatient of present oppression, and fearing still greater evils from a popish successor, he devoted to the advancement of emigration all the fortune which he had inherited as the fruits of his brother's victories. A colony of Scotch-Irish of the same year received a hearty welcome.

Bancroft, Hist. of the U.S., vol.1, p.432

The tyranny of government in Scotland compelled its inhabitants to seek peace by abandoning their native country. In 1654, the Presbyterian, Lord Cardross, many of whose friends had suffered imprisonment, the rack, and even death, and who had been persecuted under Lauderdale, sailed for Carolina with ten families of outcasts. They planted themselves at Port Royal; the colony of Ashley river exercised over them a jurisdiction to which they reluctantly submitted; Cardross returned to Europe, where he rendered service in the approaching revolution; and, in 1656, the Spaniards, taking umbrage at a plantation established on ground which they claimed as a dependency of St. Augustine, invaded the frontier settlement, and laid it entirely waste. Of the unhappy emigrants, some found their way back to Scotland; some mingled with the earlier planters of Carolina.

Bancroft, Hist. of the U.S., vol.1, p.432

The most remarkable incident in the early history of South Carolina was the arrival of many Huguenots, who, in moral worth and intelligence, were of "the Best" of the French. Resolved to enforce religious uniformity in his dominions, Louis XIV attempted to dragoon the French Calvinists into returning to the Catholic church, by quartering soldiers in every Protestant family to torment them into apostasy. In 1655, the edict of Nantes, which had confirmed to Protestants in France an imperfect toleration, was revoked, and all public worship was forbidden them. Desiring not to drive away, but to convert his subjects, the king forbade emigration under penalty of the gallows; the hounds were let loose on game shut up in a close park. Every wise government was eager to offer a home to those who broke away and who brought with them the highest industrial skill of France. They introduced into the north of Germany manufactures before unknown. A suburb of London was filled with them. The prince of Orange gained regiments of soldiers. A colony of the refugees reached the Cape of Good Hope. In America they were welcome everywhere. The towns of Massachusetts contributed liberally to their support, and provided them with land. Others repaired to New York; but the climate of South Carolina attracted the exiles from Languedoc.

Bancroft, Hist. of the U.S., vol.1, p.433

"We quitted home by night, leaving the soldiers in their beds, and abandoning the house with its furniture," wrote Judith, the young wife of Pierre Manigault. "We contrived to hide ourselves for ten days at Romans, in Dauphiny, while a search was made for us; but our faithful hostess would not betray us." Nor could they escape except by a circuitous journey through Germany and Holland, and thence to England, in the depths of winter. "Having embarked at London, we were sadly off. The spotted fever appeared on board the vessel, and many died of the disease; among these, our aged mother. We touched at Bermuda, where the vessel was seized. Our money was all spent; with great difficulty we procured a passage in another vessel. After our arrival in Carolina we suffered every kind of evil. In eighteen months our eldest brother, unaccustomed to the hard labor which we were obliged to undergo, died of a fever. Since leaving France we had experienced every kind of affliction, disease, pestilence, famine, poverty, hard labor. I have been for six months without tasting bread, working the ground like a slave; and I have passed three or four years without having it when I wanted it. God has done great things for us, in enabling us to bear up under so many trials."

Bancroft, Hist. of the U.S., vol.1, p.433

Flying from a kingdom where the profession of their religion was a felony, where their estates were liable to be confiscated in favor of the apostate, where the preaching of their faith was a crime to be expiated on the wheel, where their children might be torn from them and transferred to the nearest Catholic relation, the fugitives from Languedoc, from Rochelle, and Saintange, and Bordeaux, from St. Quentin, Poictiers, and the beautiful valley of Tours, from St. Lo and Dieppe, men who had the virtues of the English Puritans without their bigotry, came to the land to which Shaftesbury had invited the believer of every creed. There they obtained an assignment of lands, and soon had tenements. On every Lord's day they might be seen gathering from their plantations upon the banks of the Cooper, the parents with their children whom no bigot could now wrest from them, making their way in skiffs to their church at the confluence of the rivers.

Bancroft, Hist. of the U.S., vol.1, p.433 - p.434

The country abounds in monuments of the French Protestants. When the struggle for independence arrived, the son of Judith Manigault intrusted the vast fortune he had acquired to the country that had adopted his mother. The hall of the town of Boston, famed as "the cradle of liberty;" the treaty that gave to the United States peace with independence, and the Mississippi for a boundary; the name of the oldest college of Main—bear witness to the public virtues of American descendants of the Huguenots.

Bancroft, Hist. of the U.S., vol.1, p.434

To the emigrants from France, South Carolina conceded the privileges of citizenship so soon as it could be done by the act of the Carolinians themselves.

Bancroft, Hist. of the U.S., vol.1, p.434

For the proprietary power was essentially weak. The company of courtiers, which became no more than a partnership of speculators in colonial lands, had not sufficient force to resist foreign violence or assert domestic authority. It could derive no strength but from the colonists or from the crown. But the colonists connected self-protection with the right of self-government; and the crown would not incur expense, except on a surrender of the jurisdiction. The proprietary government, having its organ in the council, could prolong its existence only by concessions, and was destined from its inherent weakness to be overthrown by the commons.

Bancroft, Hist. of the U.S., vol.1, p.434

In 1670, the proprietaries acquiesced in a government which had little reference to the constitutions. The first governor sunk under the climate and the hardships of founding a colony. His successor, Sir John Yeamans, was a sordid calculator, bent only on acquiring a fortune. He encouraged expense, and enriched himself, without gaining respect or hatred. "It must be a bad soil," said his weary employers, "that will not maintain industrious men, or we must be very silly that would maintain the idle." If they continued their outlays, it was to foster vineyards and olive-groves; they refused supplies of cattle, and desired returns in compensation for their expenditures.

Bancroft, Hist. of the U.S., vol.1, p.434

From 1674, the moderation and good sense of West preserved tranquillity for about nine years; but the lords, who had first purchased his services by the grant of all their merchandise and debts in Carolina, in the end dismissed him from office, on the charge that he favored the popular party.

Bancroft, Hist. of the U.S., vol.1, p.435

The continued struggle with the proprietaries hastened the emancipation of the people from their rule; but the praise of having never been in the wrong cannot be awarded to the colonists. The latter claimed the right of weakening the neighboring Indian tribes by a partisan warfare, and a sale of the captives into West Indian bondage; their antagonists demanded that the treaty of peace with the red men should be preserved. Again, the proprietaries offered some favorable modifications of the constitutions; the colonists respected the modifications no more than the original laws. A rapid change of governors augmented the confusion. There was no harmony of interests between the lords paramount and their tenants, or of authority between the executive and the popular assembly. As in other colonies south of the Potomac, colonial legislation did not favor the collection of debts that had been contracted elsewhere; the proprietaries demanded a rigid conformity to the cruel method of the English courts. It had been usual to hold the polls for elections at Charleston only; as population extended, the proprietaries ordered an apportionment of the representation; but Carolina would not allow districts to be carved out and representation to be apportioned from abroad; and the useful reformation could not be adopted till it was demanded and effected by the people themselves.

Bancroft, Hist. of the U.S., vol.1, p.435

England had always favored its merchants in the invasion of the Spanish commercial monopoly; had sometimes protected pirates, and Charles II had knighted a freebooter. In Carolina, especially after Port Royal had been laid waste by the Spaniards, there were not wanting those who regarded the buccaneers as their natural allies against a common enemy, and thus opened one more dispute with the proprietaries.

Bancroft, Hist. of the U.S., vol.1, p.435

When the commerce of South Carolina had so increased that a collector of plantation duties was appointed, a new struggle arose. The court of the proprietaries, careful not to offend the king, gave orders that the acts of navigation, although they were an infringement of the charter, should be enforced. The colonists, who had made themselves independent of the proprietaries in fact, esteemed themselves independent of parliament of right. Here, as everywhere, the acts were resisted as at war with natural equity.

Bancroft, Hist. of the U.S., vol.1, p.436

The pregnant cause of dissensions in Carolina could not be removed till the question of powers should be definitively settled. The proprietaries were willing to believe that the cause existed in the want of dignity and character in the governor. That affairs might be more firmly established, James Colleton, a brother of a proprietary, was appointed governor, with the rank of landgrave and an endowment of forty-eight thousand acres of land; but when, in 1686, he met the colonial parliament which had been elected before his arrival, a majority refused to acknowledge the binding force of the constitutions. By a violent act of power, Colleton, like Cromwell in a similar instance, excluded the refractory members from the parliament. These, in their turn, protested against any measures which might be adopted by the remaining minority.

Bancroft, Hist. of the U.S., vol.1, p.436

A new parliament, in 1687, was still more intractable; and the "standing laws" which they adopted were negatived by the court of the proprietaries. The strife between the parties extended to all their relations. When Colleton endeavored to collect quit-rents not only on cultivated fields, but on wild lands, the assembly, imprisoning the secretary of the province and seizing the records, defied the governor and his patrons.

Bancroft, Hist. of the U.S., vol.1, p.436

Colleton resolved on one last desperate effort, and, in 1689, pretending danger from Indians or Spaniards, called out the militia and declared martial law. The assembly had no doubt of its duty to protect the country against a military despotism. The English revolution of 1688 was therefore imitated on the banks of the Ashley and Cooper. In 1690, soon after William and Mary had been proclaimed, a meeting of the representatives of South Carolina disfranchised Colleton, and banished him from the province.

Chapter 9:

Maryland After the Restoration

Bancroft, Hist. of the U.S., vol.1, p.437

THE progress of Maryland under the proprietary government was tranquil and rapid. Its staple was tobacco. It was vainly attempted to create towns by statute; each plantation was a world within itself. Its laborers were in part white indented servants, whose term of service was limited by persevering legislation; in Part negro slaves, whose importation was favored both by English cupidity and by provincial statutes. The appointing power to nearly every office in the counties as well as in the province was not with the people, and the judiciary was beyond their control; the taxes imposed by the county officers were burdensome alike from their amount and the manner of their levy.

Bancroft, Hist. of the U.S., vol.1, p.437

At the restoration, the authority of Philip Calvert, the proprietary's deputy, was promptly and quietly recognised. Fendall, the former governor, who had obeyed the popular will as paramount to the authority of Baltimore, was convicted of treason. His punishment was mild; a wise clemency veiled the incipient strife between the people and their Sovereign under a general amnesty; but Maryland was not placed beyond the influence of the ideas which that age of revolution had set in motion.

Bancroft, Hist. of the U.S., vol.1, p.437 - p.438

The administration of Maryland was marked by conciliation and humanity. To foster industry, to promote union, to cherish religious peace—these were the honest purposes of Lord Baltimore during his long supremacy. The persecuted and the unhappy thronged to his domains. The white laborer rose rapidly to the condition of a free proprietor; the female emigrant was sure to improve her condition. From France came Huguenots; from Germany, from Holland, from Sweden, from Finland, it may be, though most rarely, from Piedmont, and even Bohemia, the children of misfortune sought protection under the tolerant sceptre of the Roman Catholic, and were made citizens with equal franchises. The people called Quakers met for religious worship publicly and without interruption; and with secret satisfaction George Fox relates that members of the legislature and the council, persons of quality, and justices of the peace, were present at a large and very heavenly meeting. Once the Indian "emperor," attended by his "kings," listened to his evening discourse. At a later day, the heir of the province came to an assembly of Quakers. But the refusal to perform military duty subjected them to fines and imprisonment; the refusal to take an oath sometimes involved a forfeiture of property; nor was it before 1688 that indulgence was fully conceded.

Bancroft, Hist. of the U.S., vol.1, p.438

In 1662, Charles, the eldest son of the proprietary, came to reside in his patrimony. He visited the banks of the Delaware, and struggled to extend the limits of his jurisdiction. A duty was levied on the tonnage of every vessel that arrived. The Indian nations were pacified, and their rights, subordination, and commerce defined. By acts of compromise between Lord Baltimore and the representatives of the people, his power to raise taxes was precisely limited, and the mode of paying quit-rents established on terms favorable to the colony; while, on the other hand, a custom of two shillings a hogshead was levied on all exported tobacco, of which a moiety was appropriated to the defence of the government; the residue became conditionally the revenue of the proprietary.

Bancroft, Hist. of the U.S., vol.1, p.438 - p.439

The declining life of Cecilius Lord Baltimore, the father of Maryland, the tolerant legislator, was blessed with prosperity. The colony which he had planted in youth crowned his old age with its gratitude. A firm supporter of prerogative, a friend to the Stuarts, a member of the Roman church, he established an incipient equality among sects. His benevolent designs were the fruit of his personal character, his proprietary interests, and the necessity of his position. He died, in November, 1675, after a supremacy of more than forty-three years.

Bancroft, Hist. of the U.S., vol.1, p.439

The death of Cecilius recalled to England the heir of the province, who had administered its government for fourteen years with a moderation which had been rewarded by the increasing prosperity of his dominions. Previous to his departure, the code of laws received a thorough revision; the memorable act of toleration was confirmed. Virginia had, in 1670, prohibited the importation of felons until the king or privy council should reverse the order. In Maryland, six years later, "the importation of convicted persons" was absolutely prohibited without regard to the will of the king or the English parliament, and, in 1692, the prohibition was renewed. The established revenues of the proprietary were continued.

Bancroft, Hist. of the U.S., vol.1, p.439

As Lord Baltimore sailed for England, the seeds of discontent were already germinating. The office of proprietary, a feudal principality with extensive manors in every county, was an anomaly; the doctrine of the paramount authority of an hereditary sovereign was at war with the spirit which emigration fostered, and the principles of civil equality naturally grew up in all the British settlements. An insurrection in Virginia found friends north of the Potomac, and the tendency toward more popular forms of administration could not be repressed. The assembly which was convened during the absence of the proprietary shared in this spirit; and the right of suffrage was established on a corresponding basis. On the return of the proprietary to the province, he annulled, by proclamation, the rule which changed the elective franchise, and, by an arbitrary ordinance, limited the right of suffrage to freemen possessing a freehold of fifty acres, or having a visible personal estate of forty pounds. No difference was made with respect to color. The restrictions, which for one hundred and twenty-one years successfully resisted the principle of universal suffrage among freemen of the Caucasian race, were introduced in the midst of civil commotion. Fendall, the old republican, was again planning schemes of insurrection, and even of independence; and it was said, "The maxims of the old Lord Baltimore will not do in the present age."

Bancroft, Hist. of the U.S., vol.1, p.439 - p.440

The insurrection was for the time repressed; but its symptoms were the more alarming from the religious fanaticism with which the principle of popular power was combined. The discontents were increased by hostility toward papists; and, as Protestantism became a political sect, the proprietary government was in the issue easily subverted; for it had rested mainly on a grateful deference.

Bancroft, Hist. of the U.S., vol.1, p.440

On the death of the first feudal sovereign of Maryland, the archbishop of Canterbury had been solicited to secure an establishment of the Anglican church, which clamored for favor in the province where it enjoyed equality. Misrepresentations were not spared. "Maryland," said a clergyman of the church, "is a pest-house of iniquity." The cure for all evil was to be "an established support of a Protestant ministry." The prelates demanded not freedom, but privilege; an establishment to be maintained at the common expense of the province. Inflexible in his regard for freedom of worship, Lord Baltimore resisted.

Bancroft, Hist. of the U.S., vol.1, p.440

The opposition to a feudal sovereign easily united with Protestant bigotry. When, in 1681, an insurrection was suppressed by methods of clemency and forbearance, the government was accused of partiality toward papists; and the English ministry issued an order that offices of government in Maryland should be intrusted exclusively to Protestants. Roman Catholics were disfranchised in the province which they had planted.

Bancroft, Hist. of the U.S., vol.1, p.440 - p.441

With the colonists Lord Baltimore was at issue for his hereditary authority; with the English church for his religious faith; the unhappy effects of the navigation acts on colonial industry involved him in opposition to the commercial policy of England. His rights of jurisdiction had been disregarded. The custom-house of Maryland had been placed under the superintendence of the governor of Virginia; the resistance of the officers of Lord Baltimore to the invasion of his rights had led to quarrels and bloodshed, and a controversy with Virginia. The accession of James II seemed an auspicious event for a Roman Catholic proprietary; but the first result from parliament was a new tax on the consumption of colonial produce in England; and the king, who meditated the subversion of British freedom, resolved with impartial injustice to reduce all the colonies to a direct dependence on the crown. The proprietary, hastening to England, vainly pleaded his irreproachable administration. His remonstrance was disregarded, his chartered rights despised; and a writ of quo warranto was ordered against his patent. But, before the legal forms could be complied with, the people of England had sat in judgment on their king.

Bancroft, Hist. of the U.S., vol.1, p.441

The revolution of 1655 brought no immediate benefit to Lord Baltimore. William Joseph, the president, to whom he had intrusted the administration, convened an assembly in November, 1688, and thus addressed them: "The power by which we are assembled here is undoubtedly derived from God to the king, and from the king to his excellency, the lord proprietary, and from his said lordship to us. The power, therefore, whereof I speak, being, as said, firstly, in God and from God; secondly, in the king and from the king; thirdly, in his lordship; fourthly, in us—the end and duty of and for which this assembly is now called and met is that from these four heads; to wit, from God, the king, our lord, and selves." Having thus established the divine right of the proprietary, he endeavored to confirm it by exacting a special oath of fidelity. The assembly resisted, and was prorogued. The laws threatened the severest punishment, even imprisonment, exile, and death itself on practices against the proprietary government; but the spirit of popular liberty, inflamed by Protestant bigotry, the clamor of a pretended Popish plot, and a delay in proclaiming the new Sovereigns, broke through all restraint; an organized insurrection was conducted by John Coode, a worthless man, of old an associate of Fendall; and, in August, 1659, "The Association in arms for the defence of the Protestant religion" usurped the government.

Chapter 10:

How the Stuarts Rewarded the Loyalty of Virginia

Bancroft, Hist. of the U.S., vol.1, p.442

FROM 1652 to 1660, "THE PEOPLE OF VIRGINIA" had governed themselves. In England, triennial parliaments had been established by law; the Virginians, imitating the "act of 1640 for preventing inconveniences happening by the long intermission of parliament," provided for a biennial election of their legislators. In its forms and in its legislation, Virginia was a representative democracy; it insisted on universality of suffrage; it would not tolerate "mercenary" ministers of the law; it left each parish to take care of itself; every officer was, directly or indirectly, chosen by the people.

Bancroft, Hist. of the U.S., vol.1, p.442 - p.443

This result grew naturally out of the character of the early settlers, who were, most of them, adventurers, bringing to the New World no wealth but enterprise, no privileges but those of Englishmen. A new and undefined increase of freedom was gained by the universal prevalence of the spirit of personal independence. An instinctive aversion to too much government was a trait of southern character, expressed in the solitary manner of settling the country, in the indisposition of the inhabitants to collect in towns, or to associate for the creation of organizations for local self-rule. As a consequence, there was little commercial industry or accumulation of commercial wealth. The exchanges were made almost entirely—and it continued so for more than a century—by factors of British merchants. The influence of wealth, under the form of stocks and dealings in money, was always inconsiderable, and men were so widely dispersed that far the smallest number were within easy reach of the direct influence of the established church or of civil authority. In Virginia, except in matters that related to foreign commerce, a man's own will went far toward being his law.

Bancroft, Hist. of the U.S., vol.1, p.443

Yet the seeds of privilege existed, and there was already a disposition to obtain for it the sanction of colonial legislation. Virginia was a continuation of English society. Its history is the development of the principle of English liberty under other conditions than in England. The first colonists were not fugitives from persecution; they came, rather, under the auspices of the nobility, the church, and the mercantile interests of England; they brought with them an attachment to monarchy, a reverence for the Anglican church, a love for England and English institutions. Their faith had never been shaken by the inroads of skepticism; no new ideas of natural rights had as yet inclined them to "faction." The Anglican church was, without repugnance, sanctioned as the religion of the State. The development of the plebeian sects, to which there was already a tendency, had not come, and unity of worship, with few exceptions, continued to the end of the century. The principle of the English law which granted real estate to the eldest born was respected, though the rule was modified in many counties by the custom of gavelkind. From the beginning, for every person, whom a planter should at his own charge transport into Virginia, he could claim fifty acres of land. Thus a body of large proprietors grew up from the infancy of the settlement.

Bancroft, Hist. of the U.S., vol.1, p.443

The power of the favored class was increased by the want of the means of popular education. The great mass of the rising generation could receive little literary culture; its higher degrees were confined to the few. Many of the royalists who came over after the death of Charles I brought the breeding of the English gentry of that day, and the direction of affairs fell into their hands. But others had reached the shores of Virginia as servants, doomed to a temporary bondage. Some of them, even, were convicts; but the charges of which they were convicted were chiefly political. The number transported to Virginia for crime was never considerable.

Bancroft, Hist. of the U.S., vol.1, p.443 - p.444

Servants were emancipated when the years of their indenture were ended, and the laws were designed to secure and to hasten their enfranchisement. In 1663, a few bond men, soldiers of Cromwell and probably Roundheads, impatient of servitude and excited by the nature of life in the wilderness, indulged once more in vague aspirations for a purer church and a happier condition; but their conspiracy did not extend beyond a scheme to anticipate the period of their freedom, and was easily suppressed. The facility of escape compelled humane treatment of white servants, who formed one fifth of the adult population.

Bancroft, Hist. of the U.S., vol.1, p.444

In 1671, the number of blacks in a population of forty thousand was estimated at two thousand not above two or three ships of negroes arrived in seven years. The statute of the previous year, which declares who are slaves, followed an idea long prevalent through Christendom: "All servants, not being Christians, imported into this country by shipping, shall be slaves." In 1652, it was added: "Conversion to the Christian faith doth not make free." The early Anglo-Saxon rule, interpreting every doubtful question in favor of liberty, declared the children of freemen to be free. Doubts arose if the offspring of an Englishman by a negro woman should be bond or free, and, by the law of 1662, the rule of the Roman law prevailed over the Anglo-Saxon. The offspring followed the condition of its mother. In 1664, Maryland, by "the major vote" of its lower house, decided that "the issue of such marriages should serve thirty years." The female slave was not subject to taxation; in 1665, the emancipated negress was "a tithable." "The death of a slave from extremity of correction was not accounted felony, since it cannot be presumed," such is the language of the statute of 1669, "that prepensed malice, which alone makes murther felony, should induce any man to destroy his own estate." Finally, in 1672, it was made lawful for "persons pursuing fugitive colored slaves to wound, or even to kill them." The master was absolute lord over the slave, and the slave's posterity were his bondmen. As property in Virginia consisted mainly of land and laborers, the increase of negro slaves was grateful to the large landed proprietors.

Bancroft, Hist. of the U.S., vol.1, p.444 - p.445

The aristocracy, which was thus confirmed in its influence by the extent of its domains, by its superior intelligence, and by the character of a large part of the laboring class, aspired to the government of the country; from among them the council was selected; many of them were returned as members of the legislature; and they held commissions in the militia. The absence of local municipal governments led to an anomalous extension of the power of the magistrates. The justices of the peace for each county fixed the amount of county taxes, assessed and collected them, and superintended their disbursement; so that military, judicial, legislative, and executive powers were in their hands.

Bancroft, Hist. of the U.S., vol.1, p.445

At the restoration, two elements were contending for the mastery in the political life of Virginia: on the one hand, there was in the Old Dominion a people; on the other, a forming aristocracy. The present decision of the contest would depend on the side to which the sovereign of the country would incline. During the few years of the interruption of monarchy in England, that sovereign had been the people of Virginia; and their legislation had begun to loosen the cords of religious bigotry, to confirm equality of franchises, to foster colonial industry by freedom of traffic with the world. The restoration of monarchy took from them the power which was not to be recovered for more than a century, and gave to the superior class an ally in the royal government and its officers.

Bancroft, Hist. of the U.S., vol.1, p.445 - p.446

The emigrant royalists had hitherto not acted as a political party. If one assembly had, what Massachusetts never did, submitted to Richard Cromwell; if another had elected Berkeley as governor, the power of the people still controlled legislative action. But, on the tidings of the restoration of Charles II, Virginia shared the joy of England. In the mother country, the spirit of popular liberty, contending with ancient institutions which it could not overthrow, had been productive of much calamity, and had overwhelmed the tenets of popular enfranchisement in disgust and abhorrence: in Virginia, where no such ancient abuses existed, the same spirit had been productive only of benefits. Yet to the colony England seemed a home; and loyalty to the king pervaded the plantations along the Chesapeake. With the people it was a generous enthusiasm; to many of the leading men it opened a career for ambition; and, with general consent, Sir William Berkeley, assuming such powers as his royal commission bestowed, issued writs for an assembly in the name of the king. The sovereignty over itself, which Virginia had exercised so well, was at an end.

Bancroft, Hist. of the U.S., vol.1, p.446

The assembly, chosen in 1661, was composed of large landholders and cavaliers, in whom attachment to colonial life had not mastered the force of English usages. Of the assembly of 1654, not more than two members were elected; of the assembly of March, 1660, of which an adjourned meeting was held in October, the last assembly elected during the interruption, only eight were re-elected to the first legislature of Charles II, and, of these eight, not more that five retained their places. New men came in, bringing with them new principles. The restoration was, for Virginia, a political revolution.

Bancroft, Hist. of the U.S., vol.1, p.446

The "first session" of the royalist assembly was held in March, 1661. One of its earliest acts disfranchised a magistrate "for factious and schismatical demeanors."

Bancroft, Hist. of the U.S., vol.1, p.446

The assembly, alarmed at the open violation of the natural and prescriptive "freedoms" of the colony by the navigation act, appointed Sir William Berkeley its agent, to present its grievances and procure their redress through the favor of its sovereign. The New England states, from the perpetual dread of royal interference, persevered in soliciting charters, till they were obtained; Virginia, unhappy in her confidence, lost irrevocably the opportunity of obtaining a liberal patent.

Bancroft, Hist. of the U.S., vol.1, p.446

The Ancient Dominion was equally unfortunate in the selection of its agent. Sir William Berkeley did not, even after years of experience, understand the act against which he was deputed to expostulate. We have seen that he had obtained for himself and partners a dismemberment of the territory of Virginia; for the colony he did not secure one franchise; the king employed its loyalty to its injury. At the hands of Charles II, the democratic colonies of Rhode Island and Connecticut received greater favor.

Bancroft, Hist. of the U.S., vol.1, p.446 - p.447

For more than a year the navigation act was virtually evaded; mariners of New England, lading their vessels with tobacco, did but touch at a New England harbor on the sound, and immediately sail for New Amsterdam. But this relief was partial and transient. The act of navigation could easily be executed in Virginia, because it had few ships of its own, and no foreign vessel dared to enter its ports. The unequal legislation pressed upon its interests with intense severity. The number of the purchasers of its tobacco was diminished; and the English factors, sure of their market, grew careless about the quality of their supplies. To the colonist as consumer, the price of foreign goods was enhanced; to the colonist as producer, the opportunity of a market was narrowed.

Bancroft, Hist. of the U.S., vol.1, p.447

Virginia long but vainly attempted to devise a remedy against the commercial oppression of England. It was the selfishness of the strong exercising tyranny over the weak; no remedy could be found so long as the state of dependence continued. The burden was the more intolerable, because it was established exclusively to favor the monopoly of the English merchant; and its avails were all abandoned to the officers to stimulate their vigilance.

Bancroft, Hist. of the U.S., vol.1, p.447

Thus, while the rising aristocracy of Virginia was seeking the aid of royal influence to confirm its supremacy, the policy of the English government oppressed colonial industry so severely as to unite the province in opposition. The party which joined with the king in its desire to gain a triumph over democratic influences was always on the point of reconciling itself with the people, and making a common cause against the tyranny of the metropolis.

Bancroft, Hist. of the U.S., vol.1, p.447 - p.448

At the restoration, the extreme royalist party acquired the ascendency; and the assembly effected a radical change in the features of the constitution. The committee which was appointed in 1662 to reduce the laws of Virginia to a code repealed the milder laws that she had adopted when she governed herself. The English Episcopal church became once more the religion of the state; and though there were not ministers in above a fifth part of the parishes, so that "it was scattered in the desolate places of the wilderness without comeliness," yet the laws demanded strict conformity, and required of every one to contribute to its support. For assessing parish taxes, twelve vestrymen were to be chosen in each parish, with power to fill all vacancies in their own body. The control in church affairs passed from the parish to a close corporation, which the parish could henceforward neither alter nor overrule. The whole liturgy was required to be thoroughly read; no non-conformist might teach, even in private, under pain of banishment; no reader might expound the catechism or the scriptures. The obsolete severity of the laws of Queen Elizabeth was revived against the Quakers; their absence from church was made punishable by a monthly fine of twenty pounds sterling. To meet in conventicles of their own was forbidden under further penalties. In April, 1662, they were arraigned before the court as recusants. "Tender consciences," said Owen, "must obey the law of God, however they suffer." "There is no toleration for wicked consciences," was the reply of the court. The reformation had diminished the power of the clergy by declaring marriage a civil contract, not a sacrament; Virginia suffered no marriage to be celebrated but according to the rubric in the Book of Common Prayer.

Bancroft, Hist. of the U.S., vol.1, p.448

Among the plebeian sects of Christianity, the single-minded simplicity with which the Baptists had, from their origin, asserted the enfranchisement of mind and the equal rights of the humblest classes of society, naturally won converts in America. In December, 1662, the legislature of Virginia, assembling soon after the return of Berkeley from a voyage that had been fruitless to the colony, declared to the world that there were scattered among the rude settlements of the Ancient Dominion "many schismatical persons, so averse to the established religion, and so filled with the new-fangled conceits of their own heretical inventions, as to refuse to have their children baptized;" and the novelty was punished by a heavy mulct. The freedom of the forests favored originality of thought; in spite of legislation, men listened to the voice within themselves as to the highest authority; and Quakers continued to multiply. In September, 1663, Virginia, as if resolved to hasten the colonization of North Carolina, sharpened her laws against all separatists, punished their meetings by heavy fines, and ordered the more affluent to pay the forfeitures of the poor. The colony that should have opened its doors wide to all the persecuted, punished the ship-master that received non-conformists as passengers, and threatened resident dissenters with banishment. John Porter, the burgess for Lower Norfolk, was expelled from the assembly, "because he was well affected to the Quakers."

Bancroft, Hist. of the U.S., vol.1, p.449

The legislature was equally friendly to the power of the crown. In every colony where Puritanism prevailed, there was a uniform disposition to refuse a fixed salary to the royal governor. Virginia, in 1658, when the chief magistrate was elected by its own citizens, had voted a fixed salary for that magistrate; but the measure, even then, was so little agreeable to the people that its next assembly repealed the law. In 1662, the royalist legislature, by a permanent imposition on all exported tobacco, established a perpetual revenue for the purpose of well paying the royal officers, who were thus made independent of colonial legislation. From that epoch, the country was governed according to royal instructions, which did indeed recognise the existence of colonial assemblies, but offered no guarantee for their continuance. The permanent salary of the governor of Virginia, increased by a special grant from the colonial legislature, exceeded the whole annual expenditure of Connecticut; but Berkeley was dissatisfied. A thousand pounds a year would not, he used to say, "maintain the port of his place; no government of ten years' standing but has thrice as much allowed him. But I am supported by my hopes that his gracious majesty will one day consider me."

Bancroft, Hist. of the U.S., vol.1, p.449

All branches of the judicial power were appointed, directly or indirectly, by the crown. In each county eight unpaid justices of the peace were commissioned by the governor during his pleasure. These justices held monthly courts in their respective counties. The governor himself and his executive council constituted the highest court, and had cognizance of all classes of causes. Was an appeal made to chancery, it was but for another hearing before the same men; and only a few years longer were appeals permitted from the governor and council to the assembly. The place of sheriff in each county was conferred in rotation on one of the justices for that county.

Bancroft, Hist. of the U.S., vol.1, p.449 - p.450

The county courts, thus independent of the people, possessed and exercised the arbitrary power of levying county taxes, which, in their amount, usually exceeded the public levy. This system proceeded so far that the commissioners of themselves levied taxes to meet their own expenses. In like manner, the self-perpetuating vestries made out their lists of tithables, and assessed taxes without regard to the consent of the parish. These private levies were unequal and oppressive; were seldom, it is said never, brought to audit, and were, in some cases at least, managed by men who combined to defraud the public.

Bancroft, Hist. of the U.S., vol.1, p.450

A series of innovations gradually effected the overthrow of the ancient system of representation. By the members of the first assembly, elected after the restoration for a period of two years only, the law, which limited the duration of their legislative Service, and secured the benefits of frequent elections and swift responsibility, was, in 1662, "utterly abrogated and repealed." The parliament of England, chosen on the restoration, was not dissolved for eighteen years; the legislature of Virginia showed its determination to retain power for an indefinite period. Meantime, "the people, at the usual places of election," could not elect burgesses, but only present their grievances to the adjourned assembly.

Bancroft, Hist. of the U.S., vol.1, p.450

The pay of the burgesses had been defrayed by their respective counties; and was thus controlled by their constituents. The self-continued legislature, in a law which fixed both the number and the charge of the burgesses, established the daily pay of its own members who had usurped an indefinite period of office, not less than that of its successors, at an amount of tobacco of the value of nine dollars in coin. The burden was intolerable in a new country, where at that time one dollar was equal at least to four in the present day. Discontent was increased by the exemption of councillors from the levies.

Bancroft, Hist. of the U.S., vol.1, p.450

The freedom of elections was further impaired by "frequent false returns" made by the sheriffs. Against these the people had no redress, for the sheriffs were responsible neither to them nor to officers of their appointment.

Bancroft, Hist. of the U.S., vol.1, p.450 - p.451

No direct taxes were levied in those days except on polls. Berkeley, in 1663, had urged "a levy upon lands, and not upon heads." If lands should be taxed, none but landholders should elect the legislature, answered the assembly; and added: "The other freemen, who are the more in number, may repine to be bound to those laws they have no representations to assent to the making of. And we are so well acquainted with the temper of the people that we have reason to believe they had rather pay their tax than lose that privilege."

Bancroft, Hist. of the U.S., vol.1, p.451

But the system of universal suffrage could not permanently find favor with a usurping assembly which labored to reproduce in the new world the inequalities of English legislation. It was discovered that "the usual way of chusing burgesses by the votes of all freemen" produced "tumults and disturbance," and would lead to the "choyce of persons not fitly qualified for so greate a trust." The restrictions adopted in England were cited as a fit precedent for English colonies; and, in 1670, it was enacted that "none but freeholders and housekeepers shall hereafter have a voice in the election of any burgesses." The majority of the people of Virginia were disfranchised by the act of self-constituted representatives.

Bancroft, Hist. of the U.S., vol.1, p.451

The unright holders of legislative power in the Old Dominion took care to do nothing for the culture of its people. "The almost general want of schools for their children was of most sad consideration, most of all bewailed of the parents there." "Every man," said Sir William Berkeley, in 1661, "instructs his children according to his ability;" a method which left the children of the ignorant to hopeless ignorance. "The ministers," continued Sir William, "should pray oftener and preach less. But, I thank God, there are no free schools nor printing; and I hope we shall not have, these hundred years; for learning has brought disobedience and heresy and sects into the world, and printing has divulged them, and libels against the best government. God keep us from both."

Bancroft, Hist. of the U.S., vol.1, p.451

An assembly by its own vote continuing for an indefinite period at the pleasure of the governor, and decreeing to its members extravagant and burdensome emoluments; a royal governor, whose salary was established by a permanent system of taxation; a constituency restricted and diminished; religious liberty taken away almost as soon as it had been won; arbitrary taxation, in the parishes by close vestries, in the counties by uncontrolled magistrates; a hostility to popular education and to the press—these were the changes which, in a period of ten years, had been wrought by a usurping government.

Bancroft, Hist. of the U.S., vol.1, p.451 - p.452

Meantime, the beauty and richness of the province were becoming better known. Toward the end of May, 1670, the governor of Virginia sent out an exploring party to discover the country beyond the mountains, which, it was believed, would open a way to the South sea. The Blue Ridge they found high and rocky, and thickly grown with wood. Early in June they were stopped by a river, which they guessed to be four hundred and fifty yards wide. It was very rapid and full of rocks, running, so far as they could see, due north between the hills, "with banks in most places," according to their computation, "one thousand yards high." Beyond the river they reported other hills, naked of wood, broken by white cliffs, which in the morning were covered with a thick fog. The report of the explorers did not destroy the confidence that those mountains contained silver or gold, nor that there were rivers "falling the other way into the ocean." In the autumn of the next year the exploration of the valley of Kanawha was continued.

Bancroft, Hist. of the U.S., vol.1, p.452 - p.453

The restoration of Charles II was to Virginia a political revolution, reversing, in the interests of monarchy, the principles of popular and religious liberty, and the course of humane legislation on which she had entered during the period of the republic. It seemed to have gained a title to the favor of the king, and yet they found themselves more shamelessly neglected than any one of the more stubborn and less loyal colonies. Their rights and their property were unscrupulously trifled away by the wantonly careless and disreputable exercise of the royal prerogative. In 1649, just after the execution of Charles I, during the despair of the royalists, a patent for the Northern Neck, that is, for the country between the Rappahannock and the Potomac, had been granted to a company of cavaliers as a refuge. About nine years after the restoration, this patent was surrendered, that a new one might be issued to Lord Culpepper, who had succeeded in acquiring the shares of all the associates. The grant was extremely oppressive, for it included plantations which had long been cultivated. But the prodigality of the king was not exhausted. To Lord Culpepper, one of the most cunning and most covetous men in England, at the time a member of the commission for trade and plantations, and to Henry, earl of Arlington, the best-bred person at the royal court, father-in-law to the king's son by Lady Castlemaine, ever in debt exceedingly, and passionately fond of things rich, polite, and princely, he gave, in 1673, "all the dominion of land and water called Virginia," for the term of thirty-one years.

Bancroft, Hist. of the U.S., vol.1, p.453

The usurping assembly, composed in a great part of opulent landholders, was roused by these thoughtless grants; and, in September, 1674, Francis Moryson, Thomas Ludwell, and Robert Smith, were appointed agents to sail for England, and enter on the difficult duty of recovering for the king the supremacy which he had so foolishly dallied away. "We are unwilling," said the assembly, "and conceive we ought not to submit to those to whom his majesty, upon misinformation, hath granted the dominion over us, who do most contentedly pay to his majesty more than we have ourselves for our labor. Whilst we labor for the advantage of the crown, and do wish we could be yet more advantageous to the king and nation, we humbly request not to be subjected to our fellow-subjects, but, for the future, to be secured from our fears of being enslaved." Berkeley's commission as governor had expired; the legislature, which had already voted him a special increase of salary, and which had continued itself in power by his connivance, solicited his appointment as governor for life.

Bancroft, Hist. of the U.S., vol.1, p.453

The envoys of Virginia were instructed to ask for the colony the immunities of a corporation which could resist further encroachments, and, according to the forms of English law, purchase of the grantees their rights to the country. The agents fulfilled their instructions, and asserted the natural liberties of the colonists.

Bancroft, Hist. of the U.S., vol.1, p.453 - p.454

We arrive at the moment when almost for the last time the old spirit of English liberty, such as had been cherished by Sir Edwin Sandys and Southampton and Ferrar, flashed up in the government of the Stuarts. Among the heads of the charter which the agents of Virginia were commanded by their instructions to entreat of the king, it was proposed "that there should be no tax or imposition laid on the people of Virginia but by their own consent, expressed by their representatives in assembly as formerly provided by many acts." "This," wrote Lord Coventry, or one who expressed his opinion, "this I judge absolutely necessary for their well-being, and what in effect Magna Charta gives; and besides, as they conceive, will secure them from being subject to a double jurisdiction, viz., the ]awes of all English parliament where they have noe representatives." The subject was referred by an order in council to Sir William Jones and Francis Winnington, the attorney and solicitor general; and, in their report of the twelfth of October, 1675, they adopted the clause in its fullest extent, with no restriction except the provision "that the concession bee noe bar to any imposition that may bee laid by acts of parliament here," that is, in England," on the commodities which come from that country." At Whitehall, on the nineteenth of November, this report was submitted to the king in council, who declared himself inclined to give his subjects in Virginia all due encouragement; and directed letters-patent to be prepared confirming all things in the report. The charter was prepared as decreed, and, on the nineteenth of April, 1676, it was ordered by the king in council "that the lord chancellor doe cause the said grant to pass under the great seale of England accordingly." In the progress of their suit, the agents of Virginia were thankful for the support of Coventry, whom they extolled as one of the worthiest of men. They owned the aid of Jones and Winnington; and they had the voices "of many great friends," won by a sense of humanity, or submitting to be bribed. But a stronger influence was secretly and permanently embodied in favor of a despotic administration of the colonies, with the consequent chances of great emoluments to courtiers. On the thirty-first of May, the king in council reversed his decree, and ordered that "the lord high chancellor of England doe forbeare putting the great seale to the patent concerning Virginia, notwithstanding the late order of the nineteenth April last past."

Bancroft, Hist. of the U.S., vol.1, p.454

The irrevocable decision against the grant of a charter was made before the news reached England of events which involved the Ancient Dominion in gloom.

Chapter 11:

The Great Rebellion in Virginia

Bancroft, Hist. of the U.S., vol.1, p.455 - p.456

AT the time when the envoys were appointed, Virginia was rocking with the griefs that grew out of its domestic oppressions. The rapid and effectual abridgment of its popular liberties, joined to the uncertain tenure of property that followed the announcement of the royal grants, would have roused any nation; how much more a people like the Virginians! The generation now in existence were chiefly the children of the soil, nurtured in the freedom of the wilderness. Of able-bodied freemen, the number was estimated at not far from eight thousand. No newspapers entered their houses; no printing-press furnished them a book. They had no recreations but such as nature provides in her wilds; no education but such as parents in the desert would give their offspring. The paths were bridleways rather than roads; and the highway surveyors aimed at nothing more than to keep them clear of logs and fallen trees. There was not an engineer in the country. I doubt if there existed what we should call a bridge in the whole dominion. Visits were made in boats or on horseback; and the Virginian, travelling with his pouch of tobacco for currency, swam the rivers, where there was neither ferry nor ford. Almost every planter was his own mechanic. The houses, for the most part of but one story, and made of wood, often of logs, the windows closed by shutters for want of glass, were sprinkled at great distances on both sides of the Chesapeake. There was hardly such a sight as a cluster of three dwellings. Jamestown was but a place of a state house, one church and eighteen houses, occupied by about a dozen families. Till very recently, the legislature had assembled in the hall of an ale-house. Virginia had neither towns nor lawyers. As to shipping, there were as yet no more than two vessels, and these not above twenty tons' burden. A few of the wealthier planters lived in braver state at their large plantations, surrounded by indented servants and slaves. The inventory of Sir William Berkeley gave him seventy horses, as well as large flocks of sheep. "Almost every man lived within sight of a lovely river." The parish embraced a tract which a day's journey could not cross, so that the people met together but once on the Lord's Day, and sometimes not at all; the church, rudely built in some central solitude, was seldom visited by the more remote families, and was liable to become inaccessible by broken limbs from forest trees, or the wanton growth of underwood and thickets.

Bancroft, Hist. of the U.S., vol.1, p.456

Here was a new form of human nature. A love of freedom inclining to anarchy pervaded the country; loyalty was a feebler passion than the love of liberty. Existence "without government" seemed to promise to "the general mass"—it is a genuine Virginia sentiment—"a greater degree of happiness" than the tyranny "of the European governments." Men feared oppression more than they feared disorder. In the Old World, the peasantry crowded together into compact villages; the yeomen of Virginia lived very widely asunder, rarely meeting in numbers except at the horse-race or the county court.

Bancroft, Hist. of the U.S., vol.1, p.456

It was among such a people, which had never been disciplined to resistance by the heresies of religious sects, which, till the restoration, had found the wilderness a safe protection against tyranny, and had enjoyed "a fifty years' experience of a government easy to the people," that the pressure of increasing grievances excited open discontent. Men gathered together in the forests to talk of their hardships. A collision between that part of the wealth of the country which misused the royal prerogative for their own selfish purposes and the great mass of the numbers and wealth of the country was at hand.

Bancroft, Hist. of the U.S., vol.1, p.456 - p.457

In 1674, on the first spontaneous movement, the men of wealth and established consideration kept aloof. It was easily suppressed by the calm advice "of some discreet persons," in whom the discontented had confidence. Yet it was not without effect; the county commissioners were ordered to levy no more taxes for their own emoluments. But, as the great abuses continued unreformed, the murmurs were not quieted. The common people were rendered desperate by taxes, which, being levied on polls, deprived labor of nearly all its earnings. To produce an insurrection, nothing was wanting but an excuse for appearing in arms.

Bancroft, Hist. of the U.S., vol.1, p.457

The causes which had driven the red men of New England to despair acted with equal force on the natives of Virginia. The Seneca tribe of the Five Nations had chased the Susquehannahs from their abode at the head of the Chesapeake to the vicinity of Piscataway on the Potomac; and Maryland had terminated a war with them and their confederates. In July, 1675, a party of them, crossing from the Maryland to the Virginia shore, pillaged a plantation whose owner they charged with having defrauded them in trade. They were pursued, overtaken, stripped of their spoils, and beaten or killed. To be revenged on the planter, Indian warriors killed two of his servants and his son. A party of thirty Virginians under Brent and Mason followed them across the river, and killed a chief and ten of his men, while the rest fled for their lives. The governor of Maryland complained to Sir William Berkeley of the violation of his jurisdiction. Meantime, the Indians, having obtained a wonderful skill in the use of firearms, built a fort within the border of Maryland, and grew bold and formidable. Virginia and Maryland volunteers joined together, and for seven weeks besieged the fort, losing many men. When five of the chiefs came out to treat for peace, they were kept prisoners, and at last put to death. The besieged made their escape by night with their wives and children and valuable goods, wounding and killing some of the English at their going off. They then spread themselves from the little falls of the Potomac to the falls of James river, carrying terror to every grange; murdering in blind fury, till their passions were glutted; killing at one time thirty-six persons; and then escaping to the woods.

Bancroft, Hist. of the U.S., vol.1, p.457 - p.458

When this intelligence was received, a competent force of horse and foot, under the command of Sir Henry Chicheley, was ordered to pursue the murderers, with full power to make peace or war. But no sooner were the men in readiness to march than Berkeley, who had a monopoly of the very lucrative Indian trade, suddenly recalled the commission, disbanded the men, and, referring the matter to the next assembly, left the frontier defenceless. As a consequence, the country was laid waste; one parish in Rappahannock county, which, on the twenty-fourth of January, 1676, consisted of seventy one plantations, was, within the next seventeen days, reduced to eleven. In the twelve months preceding March of that year, "three hundred Christian persons" of Virginia were murdered by the red men. The assembly, when it came together, did nothing to prevent these massacres but to order forts to be built on the heads of rivers and on the frontiers of the country. The measure was universally disliked, as one attended by great expense, and bringing no security; for, by help of the thick woods, swamps, and other covert, the Indians could pass any fort at their pleasure, and their murders, rapines, and outrages became the more barbarous, fierce, and frequent. Many remote plantations were deserted or destroyed. Death ranged the land under the hideous forms of savage cruelty.

Bancroft, Hist. of the U.S., vol.1, p.458

The people, who believed the system of forts to be "a juggle of the grandees to engross all the tobacco," the Virginia currency, "into their own hands," asked leave at their own charge to go out against the Indians under any commander whom the governor would appoint. Instead of granting their request, he forbade, by proclamation, under a heavy penalty, the like petitioning in the future, and even gave orders to the garrisons of the forts to undertake nothing against the enemy without first making a report to him and receiving his special orders. The refusal confirmed the jealousy that he was swayed by avarice, for, after prohibiting by proclamation all trade with the Indians, they complained that he privately gave commissions to his friends to truck with them; and that these persons furnished them with more powder and shot than were in the hands of the planters.

Bancroft, Hist. of the U.S., vol.1, p.458 - p.459

The governor received news that formidable bodies of red men were coming down the James river, and were already within about fifty miles of the plantations; yet, swayed by the interests of himself and colonial courtiers, he still refused to commission any one to resist them. The people of Charles City county, therefore, exercising the natural right of self-defence, with the silent assent of the magistrates, beat up for volunteers, who, as they assembled, wanted nothing but a leader. It happened that Nathaniel Bacon had arrived in that part of the world about fourteen months before. He was of an ancient family and an only son. Born during the contests between the parliament and Charles I, nursed amidst the struggles of the democratic revolution, he had studied in the inns of court, and had travelled widely on the continent of Europe. When about three-and-thirty years of age, he was seized with a desire to see the New World, and came over to Virginia with a large capital. His birth, his culture, and his fortune obtained for him, immediately on his arrival, a seat in the council; and this honor raised his consideration with the people. In person he was tall but slender, of a pensive cast of features, inclined to silence, discreet in speech, and not given to sudden replies; of a pleasing address and a commanding power of elocution. Discoursing with two Virginians on the sadness of the times, the danger from the Susquehannahs, by whom, among others, his overseer had been murdered on his plantation, near where the city of Richmond now towers above flood and vale, they persuaded him to go over and see the volunteers collected on the other side of the James river. As he came among them, of a sudden, without any previous knowledge on his part, they all with one voice shouted, "A Bacon! a Bacon!" and prevailed upon him to become their chief. His consent cheered and animated them, for they looked upon him as the great friend and preserver of the country. On his side, he set forth his purpose not only to destroy the common enemy, but to recover their liberties and to obtain the redress of unjust taxes and laws. The volunteers severally wrote their names in a round-robin, and took an oath to stick fast to one another and to him. The county of New Kent was ripe to take part with them.

Bancroft, Hist. of the U.S., vol.1, p.459 - p.460

Berkeley would grant no permission to them to rise and protect themselves. Then followed just indignation at misspent entreaties; and, as soon as Bacon had three hundred men in arms, he led them against the Indians. At the same time, his abilities gave the ascendency to the principles which he espoused.

Bancroft, Hist. of the U.S., vol.1, p.460

Moderation on the part of the government would have restored peace. Sober men in Virginia were of opinion that a few concessions—the secure possession of land, the liberties of free-born subjects of England, a diminution of the public expenses, a tax on real estate rather than on polls alone—would have quieted the colony. But hardly had Bacon begun his march, when Berkeley, yielding to the instigations of a very small number of a selfish faction, proclaimed him and his followers rebels, and levied troops to pursue them. As a consequence, a new insurrection compelled the governor to return to Jamestown. The lower counties had risen in arms, and demanded the "immediate dissolution" of the old assembly, to which they ascribed their griefs.

Bancroft, Hist. of the U.S., vol.1, p.460

With the mass of the people against him, the testy cavalier was constrained to yield. The self-continued assembly, which had become hateful by its long usurpation, the selfishness of its members, and its subversion of popular freedom, was dissolved; writs for a new election were issued; and Bacon, returning in triumph from his Indian warfare, was unanimously elected a burgess from Henrico county.

Bancroft, Hist. of the U.S., vol.1, p.460

In the choice of this assembly, which went by the name of Bacon, the late disfranchisement of freemen was little regarded. A majority of the members returned were "much infected" with the principles of Bacon; and their speaker, Thomas Godwin, was notoriously a friend to all "the rebellion and treason which distracted Virginia." In the midst of contradictory testimony on their character, the acts of the assembly in June must be taken as paramount authority on the purposes of "the Grand Rebellion in Virginia."

Bancroft, Hist. of the U.S., vol.1, p.460 - p.461

The late expenditures of public money had not been accounted for. High debates arose on the wrongs of the indigent, who were oppressed by taxes alike unequal and exorbitant. The monopoly of the Indian trade was suspended. A compromise with the insurgents was effected; on the one hand, Bacon acknowledged his error in acting with out a commission, and the assemblies of disaffected persons were censured as acts of mutiny and rebellion; on the other, he was restored to favor, readmitted into the council, and promised a commission as general, to the universal satisfaction of the people, who made the town ring with their joyous acclamations at the appointment of "the darling of their hopes" to be the defender of Virginia. The church aristocracy was broken up by limiting the term of office of the vestrymen to three years, and reviving the election of them by the freemen of each parish. The elective franchise was restored to the freemen whom the previous assembly had disfranchised; and, as "false returns of sheriffs had endangered the peace," the purity of elections was guarded by wholesome penalties. The arbitrary annual assessments, hitherto made by county magistrates, irresponsible to the people, were prohibited; the Virginians insisted on the exclusive right of taxing themselves, and made provision for the county levy by the vote of their own representatives. The fees of the governor, in cases of probate and administration, were curtailed; the unequal immunities of councillors were abrogated; the sale of wines and ardent spirits was absolutely prohibited; two of the magistrates, notorious for raising county taxes for their private gains, were disfranchised; and finally, that there might be no room for future reproach or discord, all past derelictions were covered by a general amnesty.

Bancroft, Hist. of the U.S., vol.1, p.461 - p.462

The measures of the assembly were not willingly conceded by Berkeley, who refused to sign the commission that had been promised. Fearing treachery, Bacon secretly withdrew, to recount his wrongs to the people; and in a few days he reappeared in the city at the head of nearly five hundred armed men, whom he paraded in front of the state house. The governor, rising from the chair of judicature, came down to him, and told him to his face, and before all his men, that he was a rebel and a traitor, and should have no commission; and, uncovering his naked bosom, required that some of the men might shoot him, before ever he would be drawn to sign or consent to a commission for such a rebel. "No," continued Berkeley, "let us first try and end the difference singly between ourselves," and offered to measure swords with him. To the challenge Bacon gave only this answer: "Sir, I came not nor intend to hurt a hair of your head, and, for your sword, your honor may please to put it up; it shall rust in the scabbard before ever I shall desire you to draw it. I come for a commission against the heathen, who daily inhumanly murder us, and spill our brethren's blood, and no care is taken to prevent it." When passion had subsided, Berkeley yielded. The commission was issued; the governor united with the burgesses and council in transmitting to England warm commendations of the zeal, loyalty, and patriotism of Bacon, and the ameliorating legislation of the assembly was ratified. That better legislation was completed, according to the new style of computation, on the fourth day of July, 1676, just one hundred years, to a day, before the congress of the United States, adopting the declaration framed by a statesman of Virginia, marked an era in the history of the race.

Bancroft, Hist. of the U.S., vol.1, p.462

A momentary joy pervaded the colony. Encouraged by the active energy of their general, men scoured the forests and the swamps, wherever an Indian ambush could lie concealed, though not without incurring the censure of failing to spare friendly tribes. But just as the army, which he had collected at the falls of James river, was preparing to march against the savages, the governor violated the amnesty. Repairing to Gloucester county, the most populous and most loyal in Virginia, he summoned a convention of its inhabitants. With great unanimity "the whole convention" disrelished his proposals, and saw in the object of his hatred the defender of their countrymen; but against the advice of the most loyal county in Virginia, and against his own unqualified pledges to the colonial assembly which he might have dissolved, the petulant governor once more declared Bacon and his men rebels and traitors, and endeavored to raise forces to go and surprise them.

Bancroft, Hist. of the U.S., vol.1, p.462 - p.463

The news was conveyed to the camp by Drummond, the former governor of North Carolina, and by Richard Lawrence, a pupil of Oxford, distinguished for learning and sobriety, a man of reflection and energy. "It vexes me to the heart," said Bacon, "that, while I am hunting the wolves and tigers that destroy our lambs, I should myself be pursued as a savage. Shall persons wholly devoted to their king and country—men hazarding their lives against the public enemy—deserve the appellation of rebels and traitors? The whole country is witness to our peaceable behavior. But those in authority, how have they obtained their estates? Have they not devoured the common treasury? What arts, what sciences, what schools of learning, have they promoted? I appeal to the king and parliament, where the cause of the people will be heard impartially."

Bancroft, Hist. of the U.S., vol.1, p.463

Bacon had already taken the oath of allegiance and supremacy, and his soldiers freely complied with his wish that they should do the like. He now caused the drums to beat and trumpets to sound for calling his men together. Appealing to their consciences as the best witnesses of their right intentions, he proposed to descend the river and demand why the governor and his few friends should betray the lives of the troops whom they themselves had levied to preserve them against the fury of the heathen. To this they all cried: "Amen. We are ready." So by this fatal recall, the troops, who were on the point of marching out against the Indians, turned their swords to their own defence. The great industry and endeavors of the governor to raise a force against Bacon were in vain. His interest proved so weak and his friends so few that he grew sick of the essay, and, "with very grief and sadness of spirit for so bad success, fainted away on horseback in" their presence. Bearing of Bacon's approach to Gloucester, he fled to Accomack.

Bancroft, Hist. of the U.S., vol.1, p.463 - p.464

The field being his own, Bacon led his men to Middle Plantation, now Williamsburg, "the very heart and center of the country," and there he established his quarters. The condition of himself and his followers was become critical. Drummond advised that Berkeley should be deposed, and Sir Henry Chicheley substituted as governor. The counsel was disliked. "Do not make so strange of it," said Drummond; "for I can show, from ancient records, that such things have been done in Virginia." Besides, the period of ten years, for which Berkeley was appointed, had already expired. After much discussion, it was agreed that the retreat of the governor should be taken for an abdication; and Bacon, who had been a member of the council, with four of his colleagues, sent forth a proclamation "inviting the gentlemen of Virginia to come in and consult with him for the present settlement of his majesty's distracted colony, to preserve its future peace, and to advance the effectual prosecuting of the Indian war."

Bancroft, Hist. of the U.S., vol.1, p.464

The discontent increased throughout the province, when, after a year's patience under accumulated oppressions, the envoys of the colonies, themselves by their heavy expenses a new burden, reported no hope of a charter or any remedy of their grievances from England. The call to Virginia was answered; none were willing to sit idle in the time of general calamity. Her most eminent men came together at Middle Plantation. Bacon excelled them all in argument; the public mind was swayed by his judgment, and an oath was taken by the whole convention to support him against the Indians, and, if possible, to prevent a civil war; should the governor persevere in his obstinate self-will, to protect him against every armed force; and even if troops should arrive from England, to resist them, till an appeal could reach the king in person. Copies of this oath were sent to the counties of Virginia; and by the magistrates, and others of the respective precincts, it was administered to the people, "none, or very few, refusing." The wives of Virginia statesmen shared the enthusiasm. "The child that is unborn," said Sarah Drummond, "a notorious and wicked rebel," "shall have cause to rejoice for the good that will come by the rising of the country." "Should we overcome the governor," said Ralph Weldinge, "we must expect a greater power from England, that would certainly be our ruin." Sarah Drummond remembered that England was divided into hostile factions for the Duke of York and the Duke of Monmouth. Taking from the ground a small stick, she broke it in twain, adding: "I fear the power of England no more than a broken straw." Relief from the hated navigation acts seemed certain. Now "we can build ships," it was urged, "and, like New England, trade to any part of the world."

Bancroft, Hist. of the U.S., vol.1, p.464 - p.465

Fortified by the unanimity of the gentlemen of Virginia assembled at Williamsburg, and of the people in their several counties, Bacon led his troops against the savages. Meantime, Sir William Berkeley collected in Accomack a crowd of base and cowardly followers, allured by the passion for plundering; promising freedom to the servants and slaves of the insurgents, if they would rally under his banner. The English vessels in the harbors joined his side. With a fleet of five ships and ten sloops, attended by a rabble of hirelings, the cavalier sailed for Jamestown, where he landed without opposition. Entering the town, he fell on his knees, returning thanks to God for his safe arrival; and again proclaimed Bacon and his party traitors and rebels.

Bancroft, Hist. of the U.S., vol.1, p.465

The cry resounded through the forests for "the countrymen" to come down. "Speed," it was said, "or we shall all be made slaves—man, woman, and child." "Your sword," said Drummond to Lawrence, "is your commission, and mine too; the sword must end it;" and both prepared for resistance.

Bancroft, Hist. of the U.S., vol.1, p.465

Having returned from a successful expedition and disbanded his troops, Bacon had retained but a small body of men when the tidings of the armed occupation of Jamestown surprised him in his retirement. His eloquence inspired his few followers with courage. "With marvellous celerity" they hastened toward their enemy. On the way they secured as hostages the wives of royalists who were with Berkeley. They soon appeared under arms before the town, sounded defiance, and, under the mild light of a September moon, threw up a rude intrenchment. Bacon, who valued his friends too much to risk the life of one of them without necessity, could with difficulty hold them back from storming the place.

Bancroft, Hist. of the U.S., vol.1, p.465

The followers of Berkeley were too wavering to succeed in a sally, and made excuses to desert. No considerable service was done, except by the seamen. What availed the passionate fury and desperate courage of a brave, irascible old man? Unable to hold his position, he retreated from the town by night.

Bancroft, Hist. of the U.S., vol.1, p.465 - p.466

On the morning after the retreat, Bacon entered the little capital of Virginia. There lay the ashes of Gosnold; there the gallant Smith had told the tale of his adventures; there Pocahontas had sported in the simplicity of innocence. For nearly seventy years it had been the abode of Anglo-Saxons. As it was well fortified, a council of war resolved to burn the only town in Virginia, that it might not afford shelter for an enemy. When the shades of night descended, and the records of the colony had been removed by Drummond to a place of safety, the village was set on fire. Two of the best houses belonged to Lawrence and Drummond; each of them, with his own hand, kindled the flames that were to lay his dwelling in ashes. The little church, the oldest in the dominion, the newly erected statehouse, were consumed. The ruins of the tower of the church, and memorials in the adjacent graveyard, still mark the peninsula of Jamestown.

Bancroft, Hist. of the U.S., vol.1, p.466

The burning of the town appears to have been unwarranted; it may have been the rash counsel of despair. It is chiefly this deed that suspends judgment on the character of the insurrection. Leaving the smoking ruins, Bacon hastened to meet the royalists from the Rappahannock. No engagement ensued; the troops in a body joined the patriot party; and Brent, their leader, was left at the mercy of the insurgents. Even the inhabitants of Gloucester gave pledges of adhesion. Nothing remained but to cross the bay, and revolutionize the eastern shore.

Bancroft, Hist. of the U.S., vol.1, p.466

During the siege of Jamestown, the insurgent army had been exposed to the dews and night air of the lowlands. Bacon suddenly sickened, struggled vainly with a most malignant disease, and on the first day of October died. Seldom has a political leader been more honored by his friends. "Who is there now," said they, "to plead our cause? His eloquence could animate the coldest hearts; his pen and sword alike compelled the admiration of his foes, and it was but their own guilt that styled him a criminal. His name must bleed for a season; but when time shall bring to Virginia truth crowned with freedom and safe against danger, posterity shall sound his praises."

Bancroft, Hist. of the U.S., vol.1, p.466

The death of Bacon left his party without a head. A series of petty insurrections followed; but in Robert Beverley the royalists found an agent superior to any of the remaining insurgents. The ships in the river, including one which had been recovered from the party of Bacon, were at his disposal, and a warfare in detail restored the supremacy of the governor.

Bancroft, Hist. of the U.S., vol.1, p.467

Thomas Hansford, a native Virginian, was the first partisan leader whom Beverley surprised. Young, gay, and gallant, impatient of restraint, keenly sensitive to honor, "a valiant stout man and a most resolved rebel," he disdained to shrink from the malice of destiny, and Berkeley condemned him to be hanged. Neither at his trial nor afterward did he show any diminution of fortitude. He demanded no favor, but that "he might be shot like a soldier, and not hanged like a dog." "You die," it was answered, "not as a soldier, but as a rebel." During the short respite after sentence, he reviewed his life, and expressed penitence for every sin. What was charged on him as rebellion, he denied to have been a sin. "Take notice," said he, as he came to the gibbet, "I die a loyal subject and a lover of my country." That country was Virginia.

Bancroft, Hist. of the U.S., vol.1, p.467

Having the advantage of naval superiority, a party of royalists entered York river, and surprised the troops that were led by Edmund Cheesman and Thomas Wilford. The latter, a younger son of a royalist knight, who had fallen in the wars for Charles I, a truly brave man, and now by his industry a successful emigrant, lost an eye in the skirmish. "Were I stark blind," said he, "the governor would afford me a guide to the gallows." When Cheesman was arraigned for trial, Berkeley demanded: "Why did you engage in Bacon's designs?" Before the prisoner could frame an answer, his young wife pleaded that he had acted under her influence, and falling on her knees said: "My provocations made my husband join in the cause for which Bacon contended; but for me, be had never done what he has done; let me bear the punishment; but let my husband be pardoned." She spoke truth; but the governor answered her only with insult.

Bancroft, Hist. of the U.S., vol.1, p.467 - p.468

Offended pride is merciless; it remembers a former affront as proof of weakness, and seeks to restore self-esteem by a flagrant exercise of recovered power. No sentiment of clemency was tolerated. From fear that a jury would bring in verdicts of aquittal, men were hurried to death from courtsmartial. "You are very welcome," exulted Berkeley, with a low bow, on meeting William Drummond, as his prisoner; "I am more glad to see you than any man in Virginia; you shall be hanged in half an hour." The patriot, on the twentieth of January, 1677, avowing the part he had acted, was condemned at one o'clock and hanged at four. His children and wife were driven from their home, to depend on the charity of the planters. When it was deemed safe to resort to the civil tribunal, the judges proceeded with the virulence of accusers. A panic paralyzed the juries. Of those put on trial, none escaped being convicted and sent to the gallows. In defiance of remonstrances, executions continued for ten days, till twenty-two had been hanged. Three others had died of cruelty in prison; three more had fled before trial; two had escaped after conviction. "The old fool," said the kindhearted Charles II, with truth, "has taken away more lives in that naked country than I for the murder of my father." And in a public proclamation he censured the conduct of Berkeley, as contrary to his commands and derogatory to his clemency. Nor is it certain when the carnage would have ended, had not the assembly in February voted an address, "that the governor would spill no more blood." "Had we let him alone, he would have hanged half the country," said the member from Northampton to his colleague from Stafford. Berkeley was as rapacious as cruel, amassing property by penalties and confiscations. The king promptly superseded him by a special commission to a lieutenant-governor; but he pleaded his higher authority as governor, and refused to give way. When the fair-minded royal commissioners of inquiry visited him, he sought out the hangman of the colony to drive them from his home to their boat in the river; so that they chose to go on foot to the landing-place. Most peremptory orders arrived for his removal. Guns were fired and bonfires kindled at his departure. Public opinion in England censured his conduct with equal severity; and the report of the commissioners in Virginia was fatal to his reputation. He died soon after he reached England.

Bancroft, Hist. of the U.S., vol.1, p.468 - p.469

The memory of those who have been wronged is always pursued by the ungenerous. England, ambitions of absolute colonial supremacy, could not render justice to the principles by which Bacon was swayed. No printing-press was allowed in Virginia. To speak ill of Berkeley or his friends was punished by whipping or a fine; to speak or write or publish anything, in favor of the rebels or the rebellion, was made a high misdemeanor; if thrice repeated, was evidence of treason. Every accurate account of the insurrection remained in manuscript till the present century.

Bancroft, Hist. of the U.S., vol.1, p.469

On this occasion English troops were first introduced into the English colonies in America. After three years, they were disbanded, and mingled with the people.

Bancroft, Hist. of the U.S., vol.1, p.469

The results of Bacon's rebellion were disastrous for Virginia. Her form of government was defined by royal instructions that had been addressed to Berkeley. Assemblies were required to be called but once in two years, and to sit but fourteen days, unless for special reasons. "You shall take care," said the king, "that the members of assembly be elected only by freeholders." In conformity with these instructions, all the acts of Bacon's assembly, except perhaps one which permitted the enslaving of Indians and which was confirmed and renewed, were absolutely repealed, and the former grievances immediately returned. The private levies, unequal and burdensome, were managed by men who combined to defraud; the public revenues were often misapplied; each church was again subjected to a self-perpetuating vestry. Taxes continued to be levied by the poll. The commissioners sent by the king to inquire into the condition of Virginia allowed every district to present its afflictions, but every measure of reform was made void, and every aristocratic feature that had been introduced into the constitution was perpetuated.

Bancroft, Hist. of the U.S., vol.1, p.469 - p.470

In August, 1677, about two years after Virginia had been granted to Arlington and Culpepper, the latter obtained an appointment as its governor for life, and was proclaimed soon after Berkeley's departure. The Ancient Dominion was changed into a proprietary government, and the administration surrendered, as it were, to one of the proprietaries, who at the same time was sole possessor of the neck between the Rappahannock and the Potomac. Culpepper was disposed to regard his office as a sinecure, but the king chid him for remaining in England; and, early in 1680, he made his appearance in has province. His place and his patents he valued only as property. Clothed by the royal clemency with power to bury past contests, he perverted the office of humanity into a means of enriching himself and increasing his authority. Yet Culpepper was not singular in his selfishness. As the British merchant claimed the monopoly of the commerce of the colonies, as the British manufacturer valued them only as a market for his goods, so British courtiers looked to patronage in America for profit to themselves, or provision for their dependents.

Bancroft, Hist. of the U.S., vol.1, p.470

Having, in May, taken the oath of office at Jamestown and organized a council of members friendly to prerogative, the wilful followers of Bacon were disfranchised. To an assembly convened in June, three acts, framed in England and confirmed in advance by the great seal, were proposed for acceptance. The first was of indemnity and oblivion—less clement than had been hoped, yet definitive, and therefore welcome. The second withdrew from the assembly the power of naturalization, and declared it a prerogative of the governor. And the third, still more grievous to colonial liberty, and so hateful to Virginians that it was carried only from hope of pardon for the rebellion, authorized a perpetual export duty of two shillings a hogshead on tobacco, and granted the proceeds to the king for the support of government. The royal revenue thus provided was ample and was perpetual.

Bancroft, Hist. of the U.S., vol.1, p.470

The salary of the governor of Virginia had been a thousand pounds: for Lord Culpepper it was doubled, because he was a peer. A further grant was made for house-rent. Perquisites of every kind were sought for and increased. Nay, the peer was not an honest man. He defrauded the soldiers of a part of their wages by an arbitrary change in the value of current coin. Having employed the summer profitably, in the month of August he sailed for England from Boston.

Bancroft, Hist. of the U.S., vol.1, p.470

The low price of tobacco left the planter without hope. With little regard to its own powers, it petitioned the king to prohibit by proclamation the planting of tobacco in the colonies for one year. The assembly had attempted by legislation to call towns into being and to cherish manufactures.

Bancroft, Hist. of the U.S., vol.1, p.470 - p.471

In 1682, Culpepper returned to reduce Virginia to quiet, and to promote his own interests as proprietor of the Northern Neck. A few victims on the gallows silenced discontent. The assembly was convened, and its little remaining control over the executive was wrested from it. The council was the general court; but, according to usage, appeals lay from it to the general assembly. The custom menaced Culpepper with defeat in his attempts to appropriate to himself the cultivated plantations of the Northern Neck. The artful magistrate, for a private and lucrative purpose, fomented a dispute between the council and the assembly. The burgesses, in their high court of appeal, claimed to sit alone, excluding the council from whose decision the appeal was made; and Culpepper, having referred the question to the king for decision, in the next year announced that no appeals whatever should be permitted to the assembly, nor any to the king in council under the value of one hundred pounds sterling. The holders of land who were debtors to Culpepper now lay at his mercy, and were compelled eventually to negotiate a compromise.

Bancroft, Hist. of the U.S., vol.1, p.471

Weary of the irksome residence in a province wasted by perverse legislation, Culpepper returned to England. His patent as governor for life was rendered void by a process of law, but only to recover a prerogative for the crown. The council of Virginia reported the griefs and restlessness of the country, and renewed the request that the grant to Culpepper and Arlington might be recalled. The exhaustion of the province rendered negotiation more easy; the design agreed well with the new colonial policy of Charles II. Arlington surrendered his rights to Culpepper; and in July, 1654, Virginia became again a royal province.

Bancroft, Hist. of the U.S., vol.1, p.471

Lord Howard of Effingham was Culpepper's successor. Like so many before and after him, he solicited office in America to get money, and resorted to the usual expedient of exorbitant fees. In England his avarice met with no severe reprobation.

Bancroft, Hist. of the U.S., vol.1, p.471 - p.472

The accession of James II, in 1685, made but few changes in the political condition of Virginia. The suppression of Monmouth's rebellion gave to it useful citizens. "Lord chief justice is making his campaign in the west:" so wrote the king, with his own hand, in allusion to Jeffries' circuit for punishing the insurgents; "he has condemned several hundreds, some of whom are already executed, more are to be, and the others sent to the plantations." The courtiers round James II clutched at the rich harvest which the rebellion promised. Jeffries heard of the scramble, and thus interposed: "I beseech your majesty that I may inform you that each prisoner will be worth ten pound, if not fifteen pound, apiece; and, sir, if your majesty orders these as you have already designed, persons that have not suffered in the service will run away with the booty." The convicts were in part persons of family and education, accustomed to elegance and ease. "Take all care," wrote the monarch, under the countersign of Sunderland, to the government in the colony, "take all care that they continue to serve for ten years at least, and that they be not permitted in any manner to redeem themselves, by money or otherwise, until that term be fully expired. Prepare a bill for the assembly of our colony, with such clauses as shall be requisite for this purpose." No Virginia legislature seconded such malice; and in December, 1689, the exiles were pardoned.

Bancroft, Hist. of the U.S., vol.1, p.472

On another occasion, Jeffries exerted an opposite influence. Kidnapping had become common in Bristol; and not felons only, but young persons and others, were hurried across the Atlantic and sold for money. At Bristol, the mayor and justices would intimidate small rogues and pilferers, who, under the terror of being hanged, prayed for transportation as the only avenue to safety, and were then divided among the members of the court. The trade was exceedingly profitable—far more so than the slave-trade—and had been conducted for years. By accident it came to the knowledge of Jeffries, who delighted in a fair opportunity to rant. Finding that the aldermen, justices, and the mayor himself were concerned in this sort of man-stealing, he turned to the mayor, who was sitting on the bench, bravely arrayed in scarlet and furs, gave him every ill name which scolding eloquence could devise, and made him go down to the criminal's post at the bar, to plead for himself as a common rogue would have done. The prosecutions depended till the revolution, which made an amnesty; and the judicial kidnappers, retaining their gains, suffered nothing beyond disgrace and terror.

Bancroft, Hist. of the U.S., vol.1, p.473

Virginia ceased for a season to be the favorite resort of voluntary emigrants. The presence of a frigate sharpened the zeal of the royal officers in enforcing the acts of navigation. A new tax in England on the consumption of tobacco was injurious to the producer. Culpepper and his council had arraigned a printer for publishing the laws, and ordered him to print nothing till the king's pleasure should be known; and Effingham received the instruction to allow no printing-press on any pretense whatever. The rule was continued under James II. The methods of despotism are monotonous.

Bancroft, Hist. of the U.S., vol.1, p.473

To perfect the system, Effingham established a chancery court, in which he himself was chancellor. The councillors might advise, but were without a vote. An arbitrary table of fees followed of course. This is the period when royal authority was at its height in Virginia. The executive, the council, the judges, the sheriffs, the county commissioners, and local magistrates, were all appointed directly or indirectly by the crown. Virginia had no town-meetings, no village democracies, no free municipal institutions. The custom of a colonial assembly remained, but it was chosen under a restricted franchise; its clerk was ordered to be appointed by the governor; and its power was impaired by the permanent grant of revenue which it could not recall. The indulgence of liberty of conscience and the enfranchisement of papists were suspected in King James as a device to restore dominion "to popery."

Bancroft, Hist. of the U.S., vol.1, p.473 - p.474

In 1685, the first assembly convened after the accession of James II questioned a part of his negative power. Former laws had been repealed; the king negatived the repeal, and revived the earlier law. The assembly obstinately refused to acknowledge this exercise of prerogative, and brought upon themselves a censure of their "unnecessary debates and contests touching the negative voice," "the disaffected and unquiet disposition of the members, and their irregular and tumultuous proceedings." In 1656, they were dissolved by royal proclamation. James Collins, in 1687, was imprisoned and loaded with irons for treasonable expressions. The servile council pledged to the king their lives and fortunes, but the feeling of personal independence, nourished by the manners of rural life, could never be repressed. In the assembly of April, 1688, the spirit of the burgesses was greater than ever, and an immediate dissolution of the body seemed to the council the only mode of counteracting their influence. But the governor, in a new country, without soldiers and without a citadel, was compelled to practice moderation. Tyranny was impossible; for it had no powerful instruments. When the prerogative was at its height, it was still too feeble to subdue the colony. Virginia was always "A LAND OF LIBERTY."

Bancroft, Hist. of the U.S., vol.1, p.474

Nor let the first tendencies to union pass unnoticed. In the bay of the Chesapeake, Smith had encountered warriors of the Five Nations; and others had fearlessly roamed to the shores of Massachusetts bay, and even invaded the soil of Maine. In 1667 the Mohawks committed ravages near Northampton, on Connecticut river; and the general court of Massachusetts addressed them a letter: "We never yet did any wrong to you, or any of yours," such was the language of the Puritan diplomatists, "neither will we take any from you, but will right our people according to justice." In 1677 Maryland invited Virginia to join with itself and with New York in a treaty of peace with the Seneca Indians, and in the month of August a conference was held with that tribe at Albany. In July, 1684, the governor of Virginia and of New York, and the agent of Massachusetts, met the sachems of the Five Nations at Albany, to strengthen and burnish the covenant-chain, and plant the tree of peace, of which the top should reach the sun, and the branches shelter the wide land. The treaty extended from the St. Croix to Albemarle. New York was the bond of New England and Virginia. The north and the south were united by the acquisition of NEW NETHERLAND.

Chapter 12:

New Netherland

Bancroft, Hist. of the U.S., vol.1, p.475

THE spirit of the age was present when the foundations of New York were laid. Every great European event affected the fortunes of America. Did a state prosper, it sought an increase of wealth by plantations in the west. Was a sect persecuted, it escaped to the New World. The Reformation, followed by collisions between English dissenters and the Anglican hierarchy, colonized New England; the Reformation, emancipating the Low Countries, led to settlements on the Hudson. The Netherlands divide with England the glory of having planted the first colonies in the United States; and they divide the glory of having set the example of public freedom. If England gave our fathers the idea of a popular representation, the United Provinces were their model of a federal union.

Bancroft, Hist. of the U.S., vol.1, p.475

At the discovery of America, the Netherlands possessed the municipal institutions of the Roman world and the feudal liberties of the middle ages. The landed aristocracy, the hierarchy, and the municipalities exercised political franchises. The municipal officers, in part appointed by the sovereign, in part perpetuating themselves, had common interests with the industrious citizens, from whom they were selected; and the nobles, cherishing the feudal right of resisting arbitrary taxation, joined the citizens in defending national liberty against encroachments.

Bancroft, Hist. of the U.S., vol.1, p.475 - p.476

The urgencies of war, the Reformation, perhaps also the arrogance of power, often tempted Charles V to violate the constitutions of the Netherlands. Philip II, on his accession in 1559, formed the purpose of subverting them, and found coadjutors in the prelates. By increasing the number of bishops, who, in right of their office, had a voice in the states, he, in 1559, destroyed the balance of the constitution.

Bancroft, Hist. of the U.S., vol.1, p.476

Thus the power of the sovereign sought to crush inherited privileges. Patriotism and hope animated the provinces; despotism and bigotry were on the side of Philip.

Bancroft, Hist. of the U.S., vol.1, p.476

The contest in the Low Countries was one of the most memorable in the history of the human race. All classes were roused to opposition. The nobles framed a solemn petition; the common people broke in pieces the images that filled the churches. Despotism then seized possession of the courts, and invested a commission with absolute power over life and property; to overawe the burghers, the citadels were filled with mercenary soldiers; to strike terror into the nobility, Egmont and Horn were executed. Men fled; but whither? The village, the city, the court, the camp, were held by the tyrant; the fugitive had no asylum but the ocean.

Bancroft, Hist. of the U.S., vol.1, p.476

The establishment of subservient courts was followed by arbitrary taxation. But feudal liberty forbade taxation except by consent; and the levying of the tenth penny excited more commotion than the tribunal of blood. Merchant and landholder, citizen and peasant, Catholic and Protestant, were ripe for insurrection; and even with foreign troops Alba vainly attempted to enforce taxation without representation. Just then, on the first of April, 1572, a party of the fugitive "beggars" succeeded in gaining the harbor of Briel, the key of the North Provinces; and, in July of the same year, the states of Holland, creating the Prince of Orange their stadholder, prepared to levy money and troops. In 1575 Zealand joined with Holland in demanding for freedom some better safeguard than the word of Philip II, and in November of the following year nearly all the provinces united to drive foreign troops from their soil. "The spirit that animates them," said Sidney to Queen Elizabeth, "is the spirit of God, and is invincible."

Bancroft, Hist. of the U.S., vol.1, p.476 - p.477

The particular union of five northern provinces at Utrecht, in January, 1579, perfected the insurrection by forming the basis of a sovereignty; and, when their ablest chiefs were put under the ban, and a price offered for the assassination of the Prince of Orange, the deputies in the assembly at the Hague, on the twenty-sixth of July, 1581, making few changes in their ancient laws, declared their independence by abjuring their king. "The prince," said they, in their manifesto, "is made for the subjects, without whom there would be no prince; and if, instead of protecting them, he seeks to take from them their old freedom and use them as slaves, he must be holden not a prince, but a tyrant, and may justly be deposed by the authority of the state." A rude structure of a commonwealth was the unpremeditated result of the revolution.

Bancroft, Hist. of the U.S., vol.1, p.477

The republic of the United Netherlands was by its origin and its nature commercial. The device on an early Dutch coin was a ship laboring on the billows without oar or sails. The rendezvous of its martyrs had been the sea; the muster of its patriot emigrants had been on shipboard; and they had hunted their enemy, as the whale-ships pursue their game, in every corner of the ocean. The two leading members of the confederacy, from their situation, could seek subsistence only on the water. Holland is but a peninsula, intersected by navigable rivers; protruding itself into the sea; crowded with a dense population on a soil saved from the deep by embankments, and kept dry only with pumps driven by windmills. Its houses were rather in the water than on land.

Bancroft, Hist. of the U.S., vol.1, p.477 - p.478

And Zealand is composed of islands. Its inhabitants were nearly all fishermen; its villages were as nests of sea-fowl. In both provinces every house was by nature a nursery of sailors; the sport of children was among the breakers; their boyish pastimes in boats; and, if their first excursions were but voyages to some neighboring port, they soon braved the dangers of every sea. The states advanced to sudden opulence; before the insurrection, they could with difficulty keep their embankments in repair; and now they were able to support large fleets and armies. Their commerce gathered into their harbors the fruits of the wide world. Producing almost no grain of any kind, Holland had the best-supplied granary of Europe; without fields of flax, it swarmed with weavers of linen; destitute of flocks, it became the centre of all woollen manufactures; and provinces which had not a forest built more ships than all Europe besides. They connected hemispheres. Their enterprising mariners displayed the flag of the republic from Southern Africa to the arctic circle. The ships of the Dutch, said Raleigh, outnumber those of England and ten other kingdoms. To the Italian cardinal the number seemed infinite. Amsterdam was the seat of the commerce of Europe. The sea not only bathed its walls, but flowed through its streets; and its merchantmen lay so crowded together that the beholder from the ramparts could not look through the thick forests of masts and yards. War for liberty became unexpectedly a well-spring of opulence; Holland plundered the commerce of Spain by its maritime force, and supplanted its rivals in the gainful traffic with the Indies. Lisbon and Antwerp were despoiled; Amsterdam, the depot of the merchandise of Europe and of the east, was become beyond dispute the first commercial city of the world; the Tyre of modern times; the Venice of the north; the queen of all the seas.

Bancroft, Hist. of the U.S., vol.1, p.478

In 1581, the year after Portugal had been forcibly annexed to Spain and the Portuguese settlements in Asia were become for a season Spanish provinces, the epoch of the independence of the Netherlands, Thomas Buts, an Englishman who had five times crossed the Atlantic, offered to the states to conduct four ship-of-war to America. The adventure was declined by the government; but no obstacles were offered to private enterprise. Ten years afterward, William Usselinx, Who had lived some years in Castile, Portugal, and the Azores, proposed a West India company; but the dangers of the undertaking were still too appalling.

Bancroft, Hist. of the U.S., vol.1, p.478

In 1594 the port of Lisbon was closed by the king of Spain against the Low Countries. Their carrying trade in Indian goods was lost, unless their ships could penetrate to the seas of Asia. A company of merchants, believing that the coast of Siberia fell away to the southeast, hoped to shorten the voyage at least eight thousand miles by using a northeastern route. A double expedition was sent forth on discovery; two fly-boats vainly tried to pass through the Straits of Veigatz, while, in a large ship, William Barentsen, whom Grotius honored as the peer of Columbus, coasted Nova Zembla to the seventy-seventh degree, without finding a passage.

Bancroft, Hist. of the U.S., vol.1, p.479

Netherlanders in the service of Portugal had visited India, Malacca, China, and even Japan. Of these, Cornelius Houtman, in April, 1595, sailed for India by way of the Cape of Good Hope, and before his return circumnavigated Java. In the same year, Jacob van Heemskerk, the great mariner and naval hero, aided by Barentsen, renewed the search on the northeast, but attempted in vain to pass to the south of Nova Zembla. The republic, disheartened by the repeated failure, refused to fit out another expedition; but the city of Amsterdam, in 1596, dispatched two ships under Heemskerk and Barentsen to look for the open sea, which, it had been said, was to be found to the north of all known land. Braver men never battled with arctic dangers; they discovered the jagged cliffs of Spitzbergen, and came within ten degrees of the pole. Then Barentsen sought to go around Nova Zembla, and, when his ship was hopelessly enveloped by ice, had the courage to encamp his crew on the desolate northern shore of the island, and cheer them during a winter rendered horrible by famine, cold, and the fierce attacks of huge white bears, whom hunger had maddened. When spring came, the gallant company, traversing more than sixteen hundred miles in two open boats, were tossed for three months by storms and among icebergs, before they could reach the shelter of the White sea. Barentsen sunk under his trials, but was engaged in poring over a sea-chart as he died. The expeditions of the Dutch were without a parallel for daring.

Bancroft, Hist. of the U.S., vol.1, p.479

It was not till 1597 that voyages were undertaken from Holland to America. In that year, Bikker of Amsterdam and Leyen of Enkhuisen each formed a company to traffic with the West Indies. The commerce was continued with success; but Asia had greater attractions. In 1598 two-and-twenty ships sailed from Dutch harbors for the Indian seas, in part by the Cape of Good Hope, in part through the Straits of Magellan. When, in 1600, after years of discussion, a plan for a West India company was reduced to writing, and communicated to the states-general, it was not adopted, though its principle was approved.

Bancroft, Hist. of the U.S., vol.1, p.479 - p.480

But the zeal of merchants and of statesmen was concentred on the east, where jealousy of the Portuguese inclined the native princes and peoples to welcome the Dutch as allies and protectors. In March, 1602, by the prevailing influence of Olden Barneveldt, the advocate of Holland, the Dutch East India company was chartered, with the exclusive right to commerce beyond the Cape of Good Hope on the one side, and beyond the Straits of Magellan on the other. The states, unwilling to involve themselves in the chances of war, granted all powers requisite for conquests, colonization, and government. In the age of feudalism, privileged bodies formed the balance of the commercial and manufacturing interests against the aristocracy of the sword, and suited the genius of the republic. The Dutch East India company is the first in the series of great European trading corporations, and became the model for those of France and England.

Bancroft, Hist. of the U.S., vol.1, p.480 - p.481

As years rolled away, the progress of English commerce in the west awakened the attention of the Netherlands. England and Holland had been allies in the contest against Spain; had both spread their sails on the Indian seas; had both become competitors for possessions in America. In the same year in which Smith embarked for Virginia, vast designs were ripening among the Dutch; and Grotius, himself of the commission to which they were referred, acquaints us with the opinions of his countrymen. The United Provinces, it was said, abounded in mariners and in unemployed capital: not the plunder of Spanish commerce, not India itself, America alone, so rich in herbs of healing virtues, in forests, and in precious ores, could exhaust their enterprise. Their merchants had perused every work on the western world, had gleaned intelligence from the narratives of sailors; and now they planned a privileged company, which should count the states-general among its stockholders, and possess exclusively the liberty of approaching America from Newfoundland to the Straits of Magellan, and Africa from the tropics to the Cape of Good Hope. The Spaniards are feeblest, it was confidently urged, where they are believed to be strongest; there would be no war but on the water, the home of the Batavians. It would, moreover, be glorious to bear Christianity to the heathen, and rescue them from their oppressors. Principalities might easily be won from the Spaniards, whose scattered citadels protected but a narrow zone.

Bancroft, Hist. of the U.S., vol.1, p.481

To the eagerness of enterprise, it was replied that war had its uncertain events, the sea its treacheries; the Spaniards would learn naval warfare by exercise; and the little fleets of the provinces could hardly blockade an ocean or battle for a continent; the costs of defence would exceed the public resources; home would be lost in the search for a foreign world, of which the air breathed pestilence, the natives were cannibals, the unoccupied regions were hopelessly wild. The party that desired peace with Spain, and counted Grotius and Olden Barneveldt among its leaders, for a long time succeeded in defeating every effort at Batavian settlements in the west.

Bancroft, Hist. of the U.S., vol.1, p.481

While the negotiations with Spain postponed the formation of a West India company, the Dutch found their way to the United States through another channel.

Bancroft, Hist. of the U.S., vol.1, p.481

In 1607 a company of London merchants, excited by the immense profits of voyages to the east, contributed the means for a new attempt to discover the near passage to Asia; and HENRY HUDSON, an Englishman by birth, was the chosen leader of the expedition. With his only son for his companion, he coasted the shores of Greenland, and hesitated whether to attempt the circumnavigation of that country or the passage across the north. He came nearer the pole than any earlier navigator; but, after he had renewed the discovery of Spitzbergen, vast masses of ice compelled his return.

Bancroft, Hist. of the U.S., vol.1, p.481

The next year beheld Hudson once more on a voyage, to ascertain if the seas which divide Spitzbergen from Nova Zembla open a path to China.

Bancroft, Hist. of the U.S., vol.1, p.481 - p.482

The failure of two expeditions daunted Hudson's employers; they could not daunt the great navigator. The discovery of the passage was the desire of his life; and, repairing to Holland, he offered his services to the Dutch East India company. The Zealanders, disheartened by former ill-success, made objections; but they were overruled by the directors for Amsterdam; and on the fourth day of April, 1609, five days before the truce with Spain, the Half Moon, a yacht of about eighty tons' burden, commanded by Hudson and manned by a mixed crew of Netherlanders and Englishmen, his son being of the number, set sail for China by way of the northeast. On the fifth day of May he had attained the height of the north cape of Norway; but fogs and fields of ice near Nova Zembla closed against him the straits of Veigatz. Remembering the late accounts from Virginia, Hudson, with prompt decision, turned to the West, to look for some opening north of the Chesapeake. On the thirtieth of May he took in water at the Faroe Isles, and in June was on the track of Frobisher. Early in July, with foremast carried away and canvas rent in a gale, he found himself among fishermen from France on the banks of Newfoundland. On the eighteenth he entered a very good harbor on the coast of Maine, mended his sails, and refitted his ship with a foremast from the woods. On the fourth of August, a boat was sent on shore at the headland which Gosnold seven years before had called Cape Cod, and which was now named New Holland; and on the eighteenth the Half Moon rode at sea off the Chesapeake bay, which was known to be the entrance to the river of King James in Virginia. Here Hudson changed his course. On the twenty-eighth he entered the great bay, now known as Delaware, and gave one day to its rivers, its currents and soundings, and the aspect of the country. Then, sailing to the north along the low sandy coast that appeared like broken islands in the surf, on the second of September he was attracted by the "pleasant sight of the high hills" of Navesink. On the following day, as he approached the "bold" land, three separate rivers seemed to be in sight. He stood toward the northernmost, which was probably Rockaway Inlet; but, finding only ten feet of water on its bar, he cast about to the southward, and almost at the time when Champlain was invading New York from the north, he sounded his way to an anchorage within Sandy Hook.

Bancroft, Hist. of the U.S., vol.1, p.482 - p.483

On the fourth, the ship went further up the Horse Shoe to a very good harbor near the New Jersey shore; and that same day the people of the country came on board to traffic for knives and beads. On the fifth, a landing was made from the Half Moon. When Hudson stepped on shore, the natives stood round and sang in their fashion. Men, women, and children were feather-mantled, or clad in loose furs. Their food was Indian corn, which, when roasted, was pronounced to be excellent. They always carried with them maize and tobacco. Some had pipes of red copper, with earthen bowls, and wore copper ornaments round their necks. Their boats were made each of a single hollowed tree. Their weapons were bows and arrows, pointed with sharp stones. They slept abroad on mats of bulrushes or on the leaves of trees. They were friendly, but thievish, and crafty in carrying away what they fancied. The woods, it was specially noticed, abounded in "goodly oakes," and the new comers never ceased to admire the great girth of the trees.

Bancroft, Hist. of the U.S., vol.1, p.483

On the sixth, John Colman and four others, in a boat, sounded the Narrows, and passed through Kill van Kull to Newark bay. The air was very sweet, and the land as pleasant with grass and flowers and trees as they had ever seen; but, on the return, the boat was attacked by two canoes, and Colman killed by an arrow.

Bancroft, Hist. of the U.S., vol.1, p.483

On Wednesday, the ninth, Hudson moved cautiously from the lower bay into the Narrows; and on the eleventh, by aid of a very light wind, he went into the great river of the north, and rode all night in a harbor, which was safe against every wind.

Bancroft, Hist. of the U.S., vol.1, p.483

On the morning of the twelfth, the natives, in eight-and-twenty canoes, crowded about him, bringing beans and very good oysters. The day was fair and warm, though the light wind was from the north; and as Hudson, under the brightest autumnal sun, gazed around, having left behind him the Narrows opening to the ocean, before him the noble stream flowing from above Weehawken with a broad, deep channel between forest-crowned palisades and the gently swelling banks of Manhattan, he made a record that "it was as fair a land as can be trodden by the foot of man." That night he anchored just above Manhattanville. The flood-tide of the next morning and of evening brought him near Yonkers. On the fourteenth, a strong south-east wind wafted him rapidly into the Highlands.

Bancroft, Hist. of the U.S., vol.1, p.483 - p.484

At daybreak, on the fifteenth, mists hung over the landscape; but, as they rose, the sun revealed the neighborhood of West Point. With a south wind the Half Moon soon emerged from the mountains that rise near the water's edge; sweeping upward, it passed the elbow at Hyde Park, and at night anchored a little below Red Hook, within the shadow of the majestic Catskill range, which it was noticed stands at a distance from the river.

Bancroft, Hist. of the U.S., vol.1, p.484

Trafficking with the natives, who were "very loving," taking in fresh water, grounding at low tide on a shoal, the Netherlanders, on the evening of the seventeenth, reached no higher than the latitude of about forty-two degrees eighteen minutes, just above the present city of Hudson. The next day Hudson went on shore in one of the boats of the natives with an aged chief of a small tribe of the River Indians. He was taken to a house well constructed of oak bark, circular in shape, and arched in the roof, the granary of the beans and maize of the last year's harvest; while outside enough of them lay drying to load three ships. Two mats were spread out as seats for the strangers; food was immediately served in neat red wooden bowls; men, who were sent at once with bows and arrows for game, soon returned with pigeons; a fat dog was killed; and haste made to prepare a feast. When Hudson refused to wait, they supposed him to be afraid of their weapons; and, taking arrows, they broke them in pieces and threw them into the fire. The country was pleasant and fruitful, bearing wild grapes. "Of all lands on which I ever set my foot," says Hudson, "this is the best for tillage." The River Indians, for more than a century, preserved the memory of his visit.

Bancroft, Hist. of the U.S., vol.1, p.484

The Half Moon, on the nineteenth, drew near the landing of Kinderhook, where the Indians brought on board skins of beaver and otter. Hudson ventured no higher with the yacht; an exploring boat ascended a little above Albany to where the river was but seven feet deep, and the soundings grew uncertain.

Bancroft, Hist. of the U.S., vol.1, p.484 - p.485

So, on the twenty-third, Hudson turned his prow toward Holland, leaving the friendly tribes persuaded that the Dutch would revisit them the next year. As he went down the river, imagination peopled the region with towns. A party which, somewhere in Ulster county, went to walk on the west bank, found an excellent soil, with large trees of oak and walnut and chestnut. The land near Newburg seemed a very pleasant site for a city. On the first of October Hudson passed below the mountains. On the fourth, not without more than one conflict with the savages, he sailed out of "the great mouth of THE GREAT RIVER" which bears his name; and, about the season of the return of John Smith from Virginia to England, he steered for Europe, leaving to its solitude the beautiful land which he admired beyond any country in the world.

Bancroft, Hist. of the U.S., vol.1, p.485

Sombre forests shed a melancholy grandeur over the useless magnificence of nature, and hid in their deep shades the rich soil which no sun had ever warmed. No axe had levelled the giant progeny of the crowded groves, in which the fantastic forms of limbs, withered or riven by lightning, contrasted strangely with the verdure of a younger growth of branches. The wanton grape-vine, fastening its leafy coils to the top of the tallest forest tree, swung with every breeze, like the loosened shrouds of a ship. Trees might everywhere be seen breaking from their root in the marshy soil, and threatening to fall with the first rude gust; while the ground was strown with the ruins of former woods, over which a profusion of wild flowers wasted their freshness in mockery of the gloom. Reptiles sported in the stagnant pool, or crawled unharmed over piles of mouldering logs. The spotted deer crouched among the thickets; and there were none but wild animals to crop the uncut herbage of the prairies. Silence reigned, broken by the flight of land-birds or the flapping of water-fowl, and rendered more dismal by the howl of beasts of prey. The streams, not yet limited to a channel, spread over sand-bars, tufted with copses of willow, or flowed through wastes of reeds; or slowly but surely undermined the groups of sycamores that grew by their side. The smaller brooks spread out into sedgy swamps, that were overhung by clouds of mosquitoes; masses of decaying vegetation fed the exhalations with the seeds of pestilence, and made the balmy air of the summer's evening as deadly as it seemed grateful.

Bancroft, Hist. of the U.S., vol.1, p.485 - p.486

And man, the occupant of the soil, untamed as the savage scene, was in harmony with the rude nature by which he was surrounded; a vagrant over the continent, in constant warfare with his fellow man; the bark of the birch his canoe; strings of shells his ornaments, his record, and his coin; the roots of uncultivated plants among his resources for food; his knowledge in architecture surpassed both in strength and durability by the skill of the beaver; bended saplings the beams of his house; the branches and rind of trees its roof; drifts of leaves his couch; mats of bulrushes his protection against the Winter's cold; his religion the adoration of nature; his morals the promptings of undisciplined instinct; disputing with the wolves and bears the lordship of the soil, and dividing with the squirrel the wild fruits with which the universal woodlands abounded.

Bancroft, Hist. of the U.S., vol.1, p.486

The history of a country is modified by its climate, and, in many of its features, determined by its geographical situation. The region which Hudson had discovered possesses near the sea an unrivalled harbor; a river that admits the tide far into the interior; on the north, a chain of great lakes which have their springs in the heart of the continent; within its own limits the sources of rivers that flow to the gulfs of Mexico and St. Lawrence, and to the bays of Chesapeake and Delaware. Of all this, long before Europeans anchored off Sandy Hook, the warriors of the Five Nations availed themselves in their excursions to Quebec, to the Ohio, or the Susquehanna. With just sufficient difficulties to irritate, and not enough to dishearten, New York united richest lands with the highest adaptation to foreign and domestic commerce.

Bancroft, Hist. of the U.S., vol.1, p.486 - p.487

How changed is the scene from the wilds on which Hudson gazed! The earth glows with the colors of civilization; the meadows are enamelled with choicest grasses; woodlands and cultivated fields are harmoniously blended; the birds of spring find their delight in orchards and trim gardens, variegated with selected plants from every temperate zone; while the brilliant flowers of the tropics bloom from the windows of the greenhouse, or mock at winter in the saloon. The yeoman, living like a good neighbor near the fields he cultivates, glories in the fruitfulness of the valleys, and counts with honest exultation the flocks and herds that browse in safety on the hills. The thorn has given way to the rosebush; the cultivated vine clambers over rocks where the brood of serpents used to nestle; while industry smiles at the changes she has wrought, and inhales the bland air which now has health on its wings.

Bancroft, Hist. of the U.S., vol.1, p.487

And man is still in harmony with nature, which he has subdued, developed, and adorned. For him the rivers that flow to remotest climes mingle their waters; for him the lakes gain new outlets to the ocean; for him the arch spans the flood, and science spreads iron pathways to the recent wilderness; for him the hills yield up the shining marble and the enduring granite; for him immense rafts bring down the forests of the interior; for him the marts of the city gather the produce of all climes, and libraries collect the works of every language and age. The passions of society are chastened into purity; manners are made benevolent by refinement; and the virtue of the country is the guardian of its peace. Science investigates the powers of every plant and mineral, to find medicines for disease; schools of surgery rival the establishments of the Old World; the genius of letters begins to unfold its powers in the warm sunshine of public favor. An active daily press, vigilant from party interests, free even to dissoluteness, watches the progress of society, and communicates every fact that can interest humanity; and commerce pushes its wharfs into the sea, blocks up the wide rivers with its fleets, and sends its ships, the pride of naval architecture, to every zone.

Bancroft, Hist. of the U.S., vol.1, p.487

A happy return voyage brought the Half Moon into Dartmouth on the seventh of November. There the vessel was arbitrarily delayed, and the services of its commander and English seamen were claimed by their liege. Hudson could only forward to his employers an account of his discoveries; he never again saw Holland or the land which he eulogized.

Bancroft, Hist. of the U.S., vol.1, p.487 - p.488

The Dutch East India company refused to search further for the north-western passage; but English merchants, renewing courage, formed a company, and Hudson, in The Discovery, engaged again in his great pursuit. He had already explored the north-east and the north, and the region between the Chesapeake and Maine. There was no room for hope but to the north of Newfoundland. Proceeding by way of Iceland, where "the famous Hecla" was casting out fire, passing Greenland and Frobisher's Straits, he sailed on the second of August, 1610, into the straits which bear his name. As he came out from the passage upon the wide gulf, he believed that he beheld "a sea to the westward," so that the short way to the Pacific was found. How great was his disappointment, when he found himself embayed in a labyrinth without end. Still confident of ultimate success, the determined mariner resolved on wintering in the bay, that he might perfect his discovery in the spring. His crew murmured at the sufferings of a winter for which no preparation had been made. At length the late and anxiously expected spring burst forth; but it opened in vain for Hudson. Provisions were exhausted; he divided the last bread among his men, and prepared for them a bill of return; and "he wept as he gave it them." Believing himself almost on the point of succeeding, where Spaniards and English, and Danes and Dutch, had failed, he left his anchoring-place to steer for Europe. For two days the ship was encompassed by fields of ice, and the discontent of the crew broke forth into mutiny. Hudson was seized, and, with his only son and seven others, four of whom were sick, was thrown into the shallop. Seeing his commander thus exposed, Philip Staffe, the carpenter, demanded and gained leave to share his fate; and just as the ship made its way out of the ice, on a midsummer day, in a latitude where the sun, at that season, hardly goes down, and evening twilight mingles with the dawn, the shallop was cut loose. What became of Hudson? Did he die miserably of hunger and cold? Did he reach land to perish from the fury of the natives? Was he crushed between ribs of ice The returning ship encountered storms, by which he was probably overwhelmed. The gloomy waste of waters which bears his name is his tomb and his monument.

Bancroft, Hist. of the U.S., vol.1, p.488 - p.489

The Half Moon, having been detained for many months in Dartmouth, by the jealousy of the English, did not reach Amsterdam till the middle of July, 1610, too late, perhaps, in the season for the immediate equipment of a new voyage. At least no definite trace of a voyage to Manhattan in that year has been discovered. Besides, to avoid a competition with England, the Dutch ambassador at London, that same year, proposed a joint colonization of Virginia, as well as a partnership in the East India trade; but the offer was put aside from fear of the superior "art and industry of the Dutch."

Bancroft, Hist. of the U.S., vol.1, p.489

In 1613, or in one of the two previous years, the experienced Hendrik Christiaensen, of Cleve, "and the worthy Adriaen Block, chartered a ship with the skipper Ryser," and made a voyage into the waters of New York, bringing back rich furs, and two sons of native sachems.

Bancroft, Hist. of the U.S., vol.1, p.489

The states general, on the twenty-seventh of March, 1614, ordained that private adventurers might enjoy an exclusive privilege for four successive voyages to any passage, haven, or country they should thereafter find. With such encouragement, a company of merchants, in the same year, sent five small vessels, of which the Fortune, of Amsterdam, had Christiaensen for its commander; the Tiger, of the same port, Adriaen Block; the Fortune, of Hoorn, Cornelis Jacobsen May, to extend the discoveries of Hudson, as well as to trade with the natives.

Bancroft, Hist. of the U.S., vol.1, p.489 - p.490

The Tiger was accidentally burnt near the island of Manhattan; but Adriaen Block, building a yacht of sixteen tons' burden, which he named the Unrest, plied forth to explore the vicinity. First of European navigators, he steered through Hellgate, passed the archipelago near Norwalk, and discovered the river of Red Hills, which we know as the Housatonic. From the bay of New Haven he turned to the east, and ascended the beautiful river which he called the Freshwater, but which, to this hour, keeps its Indian name of Connecticut. Near the site of Wethersfield he came upon one Indian tribe; just above Hartford, upon another; and he heard tales of the Horicans, who dwelt in the west, and moved over lakes in bark canoes. The Pequods he found on the banks of their river. At Montauk Point, then occupied by a savage nation, he reached the ocean, proving the land east of the sound to be an island. After discovering the island which bears his name, and exploring both channels of that which owes to him the name of Roode Eiland, now Rhode Island, the mariner from Holland imposed the names of places in his native land on groups in the Atlantic, which, years before, Gosnold and other English navigators had visited. The Unrest sailed beyond Cape Cod; and, while John Smith was making maps of the bays and coasts of Maine and Massachusetts, Adriaen Block traced the shore as far, at least, as Nahant. Then leaving the American-built yacht at Cape Cod, to be used by Cornelis Hendricksen in the fur trade, Block sailed in Christiaensen's ship for Holland.

Bancroft, Hist. of the U.S., vol.1, p.490

The states general, in an assembly where Olden Barneveldt was present, readily granted to the united company of merchants interested in these discoveries a three years' monopoly of trade with the territory between Virginia and New France, from forty to forty-five degrees of latitude. Their charter, given on the eleventh of October, 1614, names the extensive region NEW NETHERLAND. Its northern part John Smith had that same year called NEW ENGLAND.

Bancroft, Hist. of the U.S., vol.1, p.490

To prosecute their commerce with the natives, Christiaensen built for the company, on Castle island, south of the present city of Albany, a truck-house and military post. The building was thirty-six feet by twenty-six, the stockade fifty-eight feet square, the moat eighteen feet wide. The garrison was composed of ten or twelve men. The fort, which may have been begun in 1614, which was certainly finished in 1615, was called Nassau; the river for a time was known as the Maurice. With the Five Nations a friendship grew up, which was soon ratified according to the usages of the Iroquois, and during the power of the Dutch was never broken. Such is the beginning of Albany: it was the outpost of the Netherland fur trade.

Bancroft, Hist. of the U.S., vol.1, p.490 - p.491

The United Provinces, now recognised even by Spain as free countries, provinces, and states, set no bounds to their enterprise. The world seemed not too large for their commerce under the genial influence of liberty, achieved after a struggle longer and more desperate than that of Greece with Persia. This is the golden age of their trade with Japan, and the epoch of their alliance with the emperor of Ceylon. In 1611, their ships once again braved the frosts of the arctic circle in search of a new way to China; and it was a Dutch discoverer, Schouten, from Hoorn, who, in 1616, left the name of his own beloved sea-port on the southernmost point of South America. In the same year a report was made of further explorations in North America. Three Netherlanders—who went up the Mohawk valley, struck a branch of the Delaware, and made their way to Indians near the site of Philadelphia—were found by Cornelis Hendricksen, as he came in the Unrest to explore the bay and rivers of Delaware. On his return to Holland, in 1616, the merchants by whom he had been employed claimed the discovery of the country between thirty-eight and forty degrees. He described the inhabitants as trading in sables, furs, and other skins; the land as a vast forest, abounding in bucks and does, in turkeys and partridges; the climate temperate, like that of Holland; the trees mantled by the vine. But the states general refused to grant a monopoly of trade.

Bancroft, Hist. of the U.S., vol.1, p.491 - p.492

On the first day of January, 1618, the exclusive privilege conceded to the company of merchants for New Netherland expired; but voyages continued to be made by their agents as well as by rival enterprise. The fort near Albany having been destroyed by a flood, a new post was taken on Norman's Kill. But the strife of political parties still retarded the establishment of permanent settlements. By the constitution of the Low Countries, the municipal officers, who were named by the stadholder or were self-renewed on the principle of close corporations, appointed delegates to the provincial states; and these, again, a representative to the states general. The states, the true personation of a fixed commercial aristocracy, resisted popular innovations; and the same instinct which led the Romans to elevate Julius Caesar, the commons of England to sustain Henry VII, the Danes to confer hereditary power on the descendants of Frederick III, the French to substitute absolute for feudal monarchy, induced the people of Holland to favor the stadholder. The antagonism extended to domestic politics, theology, and international intercourse. The friends of the stadholder asserted sovereignty for the states general, while the party of Olden Barneveldt and Grotius, with greater reason in point of historic facts, claimed sovereignty exclusively for the provincial assemblies. Prince Maurice, who desired to renew the war with Spain, favored colonization in America; the party of Barneveld, fearing the increase of executive power, opposed it from fear of new collisions. The Orthodox, who satisfied the natural passion for equality by denying personal merit, and ascribing every virtue and capacity to the benevolence of God, leaned to the crowd; while the Arminians, nourishing pride by asserting power and merit in man, commended their creed to the upholders of numerous local sovereignties. Thus the Calvinists, popular enthusiasm, and the stadholder, were arrayed against the provincial states and municipalities. The colonization of New York by the Dutch depended on the struggle, and the issue was not long doubtful. The excesses of political ambition, disguised under the forms of religious controversy, led to violent counsels. In August, 1618, Olden Barneveldt and Grotius were taken into custody.

Bancroft, Hist. of the U.S., vol.1, p.492

In November, 1618, a few weeks after the first acts of violence, the states general gave a limited incorporation to a company of merchants; yet the conditions of the charter were not inviting, and no organization took place. In May of the following year, Grotius, the first political writer of his age, was condemned to imprisonment for life, and, by the default of the stadholder, Olden Barneveldt, at the age of threescore years and twelve, the venerable founder of the republic, was conducted to the scaffold.

Bancroft, Hist. of the U.S., vol.1, p.492

These events hastened the colonization of New Netherland, where as yet no Europeans had repaired except commercial agents and their subordinates. In 1620, merchants of Holland, who had thus far had a trade only in Hudson river, wished to plant there a new commonwealth, lest the king of Great Britain should first people its banks with the English nation. To this end it was proposed to send over John Robinson, with four hundred families of his persuasion; but the pilgrims had not lost their love for the land of their nativity, and the states were unwilling to guarantee them protection. A voyage from Virginia, to vindicate the trade in the Hudson for England, proved a total loss. The settlement on that river grew directly out of the great continental struggles of Protestantism.

Bancroft, Hist. of the U.S., vol.1, p.492 - p.493

The thirty years' war of religion in Germany had begun; the twelve years' truce between the Netherlands and the Spanish king had nearly expired; Austria hoped to crush the Reformation in the empire, and Spain to recover dominion over its ancient provinces. The states general, whose existence was menaced by a combination of hostile powers, were summoned to display unparalleled energy in their foreign relations; and on the third of June, 1621, the Dutch West India company, which became the sovereign of the central portion of the United States, was incorporated for twenty-four years, with a pledge of a renewal of its charter. It was invested, on the part of the Netherlands, with the exclusive privilege to traffic and plant colonies on the coast of Africa from the Tropic of Cancer to the Cape of Good Hope; on the coast of America, from the straits of Magellan to the remotest north. Subscription to its joint stock was open to every nation; the states general made it a gift of half a million of guilders, and were stockholders to the amount of another half million. The franchises of the company were immense, that it might lay its own plans, provide for its own defence, and in all things take care of itself. The states general, in case of war, were to be known only as its allies and patrons. While it was expected to render efficient aid in the impending war with Spain, its permanent objects were the peopling of fruitful unsettled countries and the increase of trade. It might acquire provinces, but only at its own risk; and it was endowed with absolute power over its possessions, subject to the approval of the states general. The company was divided into five branches or chambers, of which that in Amsterdam represented four ninths of the whole. The government was intrusted to a board of nineteen, of whom eighteen represented the five branches, and one was named by the states.

Bancroft, Hist. of the U.S., vol.1, p.493

A nation of merchants gave away the leave to appropriate continents; and the corporate company, invested with a boundless liberty of choice, culled the rich territories of Guinea, Brazil, and New Netherland.

Chapter 13:

New Netherland and New Sweden

Bancroft, Hist. of the U.S., vol.1, p.494

COLONIZATION on the Hudson and the Delaware was neither the motive nor the main object of the establishment of the Dutch West India company; the territory was not described either in the charter or at that time in any public act of the states general, which neither made a formal specific grant nor offered to guarantee the possession of a single foot of land. Before the chamber of Amsterdam, under the authority of the company, assumed the care of New Netherland, while the trade was still prosecuted by private enterprise, the English privy council listened to the complaint of Arundel, Gorges, Argall, and Mason of the Plymouth company against "the Dutch intruders;" and by the king's direction, in February, 1622, Sir Dudley Carleton, then British ambassador at the Hague, claiming the country as a part of New England, required the states general to stay the prosecution of their plantation. This remonstrance received no explicit answer; while Carleton reported of the Dutch that all their trade there was in ships of sixty or eighty tons at the most, to fetch furs, nor could he learn that they had either planted or designed to plant a colony. The English, at that time disheartened by the sufferings and losses encountered in Virginia, were not disposed to incur the unprofitable expense of a new settlement; and the Dutch ships, which went over in 1622, found none to dispute the possession of the country.

Bancroft, Hist. of the U.S., vol.1, p.494 - p.495

The organization of the West India company, in 1623, was the epoch of its zealous efforts at colonization. In the spring of that year, the New Netherland, a ship of two hundred and sixty tons' burden, carried out thirty families. They were chiefly Walloons, Protestant fugitives from Belgian provinces. April was gone before the vessel reached Manhattan. A party under the command of Cornelis Jacobsen May, who has left his name on the southern county and cape of New Jersey, ascended the river Delaware, then known as the South river of the Dutch, and on Timber creek, a stream that enters the Delaware a few miles below Camden, built Fort Nassau. At the same time Adriaen Joris, on the site of Albany, threw up and completed the fort named Orange. Eighteen families were settled round the fort in huts of bark, and were protected by covenants of friendship with the various tribes of Indians.

Bancroft, Hist. of the U.S., vol.1, p.495

The next year, 1624, may be taken as the era of a continuous civil government, with Cornelis Jacobsen May as the first director. It had power to punish, but not with death; judgments for capital crimes were to be referred to Amsterdam. The ship that took over emigrants returned laden with furs, and the Dutch in the New World were reported to be bravely prosperous.

Bancroft, Hist. of the U.S., vol.1, p.495

In 1625, May was succeeded by William Verhulst. The colony was gladdened by the arrival of two large ships freighted with cattle and horses, as well as swine and sheep. At Fort Orange a child of Netherland parentage was born. In that year, Frederick Henry, the new stadholder, was able to quell the passions of religious sects, and unite all parties in a common love of country. Danger from England was diminished; for Charles I, soon after his accession, entered into a most intimate alliance with the Dutch. Just then Jean de Laet, a member of the chamber of Amsterdam, in an elaborate work on the West Indies, opportunely drew the attention of his countrymen to their rising colony, and published Hudson's glowing description of the land.

Bancroft, Hist. of the U.S., vol.1, p.495 - p.496

Under such auspices, Peter Minuit, a German of Wesel, in January, 1626, sailed for New Netherland as its director-general. He arrived there on the fourth of May. Hitherto the Dutch had no title to ownership of the land; Minuit purchased the island of Manhattan from its native proprietors. The price paid was sixty guilders, about twenty-four dollars, for more than twenty thousand acres. The southern point was selected for "a battery," and lines were drawn for a fort, which took the name of New Amsterdam. The town had already thirty houses, and the emigrants' wives had borne them children. In the want of a regular minister, two "consolers of the sick" read to the people on Sundays "texts out of the scriptures, together with the creeds."

Bancroft, Hist. of the U.S., vol.1, p.496

No danger appeared in the distance except from the pretensions of England. The government of Manhattan sought an interchange of "friendly kindness and neighborhood" with the nearest English at New Plymouth; and by a public letter, in March, 1627, it claimed mutual "good-will and service," pleading "the nearness of their native countries, the friendship of their forefathers, and the new covenant between the states general and England against the Spaniards." Bradford, in reply, gladly accepted the "testimony of love." "Our children after us," he added, "shall never forget the good and courteous entreaty which we found in your country, and shall desire your prosperity forever." His benediction was sincere; though he called to mind that the English patent for New England extended to forty degrees, within which, therefore, the Dutch had no right "to plant or trade;" and he especially begged them not to send their yachts into the Narragansett.

Bancroft, Hist. of the U.S., vol.1, p.496

"Our authority to trade and plant we derive from the states of Holland, and will defend it," rejoined Minuit. But, in October of the same year, he sent De Rasieres, who stood next him in rank, on a conciliatory embassy to New Plymouth. The envoy proceeded in state with soldiers and musicians. At Scusset, on Cape Cod bay, he was met by a boat from the Old Colony, and "was honorably attended with the noise of trumpets." He succeeded in concerting a mutual trade; but Bradford still warned the authorities of New Amsterdam to "clear their title" to their lands without delay. The advice seemed like a wish to hunt the Dutch out of their infant colony, and led the board of nineteen to ask of the states general forty soldiers for its defence.

Bancroft, Hist. of the U.S., vol.1, p.496 - p.497

Such were the rude beginnings of New Netherland. The women and children of the colony were concentred on Manhattan, which, in 1628, counted a population of two hundred and seventy souls, including Dutch, Walloons, and slaves from Angola. Jonas Michaelius, a clergyman, arriving in April of that year, "established a church," which chose Minuit one of its two elders, and at the first administration of the Lord's Supper counted fifty communicants. This was the age of hunters and Indian traders; of traffic in the skins of otters and beavers; when the native tribes were employed in the pursuit of game as far as the St. Lawrence, and the skiffs of the Dutch, in quest of furs, penetrated every bay and inlet, from Narragansett to the Delaware. It was the day of straw roofs and wooden chimneys and windmills. There had been no extraordinary charge; there was no multitude of people; but labor was well directed and profitable; and the settlement promised fairly both to the state and to the undertakers. The experiment in feudal institutions followed.

Bancroft, Hist. of the U.S., vol.1, p.497

Reprisals on Spanish commerce were the alluring pursuit of the West India company. On a single occasion, in 1628, the captures secured by its privateers were almost eightyfold more valuable than all the exports from their colony for the four preceding years. While the company of merchant warriors, conducting their maritime enterprises like princes, were making prizes of the rich fleets of Portugal and Spain, and, by their victories, pouring the wealth of America into their treasury, the states general interposed to subject the government of foreign conquests to a council of nine; and, in 1629, the board of nineteen adopted a charter of privileges for patroons who desired to found colonies in New Netherland.

Bancroft, Hist. of the U.S., vol.1, p.497 - p.498

These colonies were to resemble the lordships in the Netherlands. Every one who would emigrate on his own account was promised as much land as he could cultivate; but husbandmen were not expected to emigrate without aid. The liberties of Holland were the fruit of municipalities; the country people were subordinate to their landlord, against whose oppression the town was their refuge. The boors enjoyed as yet no political franchises, and had not had the experience required for planting states on a principle of equality. To the enterprise of proprietaries New Netherland was to owe its tenants. He that within four years would plant a colony of fifty souls became lord of the manor, or patroon, possessing in absolute property the lands he might colonize. Those lands might extend sixteen miles in length; or, if they lay upon both sides of a river, eight miles on each bank, stretching indefinitely far into the interior; yet it was stipulated that the soil must be purchased of the Indians. Were cities to grow up, the institution of their government would rest with the patroon, who was to exercise judicial power, yet subject to appeals. The schoolmaster and the minister were praised as desirable; but there was no provision for their maintenance. The colonists were forbidden to manufacture any woollen or linen or cotton fabrics; not a web might be woven, not a shuttle thrown, on penalty of exile. To impair the monopoly of the Dutch weavers was punishable as perjury. The company, moreover, pledged itself to furnish the manors with negroes; yet not, it was warily provided, unless the traffic should prove lucrative. The isle of Manhattan, as the chosen seat of commerce, was reserved to the company.

Bancroft, Hist. of the U.S., vol.1, p.498 - p.499

This charter of liberties was fatal to the interests of the corporation; its directors and agents immediately appropriated to themselves the most valuable portions of its territory. In June, 1629, three years, therefore, before the concession of the charter for Maryland, Samuel Godyn and Samuel Blommaert, both directors of the Amsterdam chamber, bargained with the natives for the soil from Cape Henlopen to the mouth of Delaware river; in July, 1630, this purchase of an estate, more than thirty miles long, was ratified at Fort Amsterdam by Minuit and his council. It is the oldest deed for land in Delaware, and comprises the water-line of the two southern counties of that state. Still larger domains were in the same year appropriated by the agents of another director of the Amsterdam chamber, Kiliaen van Rensselaer, to whom successive purchases from Mohawk and Mohican chiefs gave titles to land north and south of Fort Orange. His deeds were promptly confirmed; so that his possessions, including a later supplementary acquisition, extended above and below Fort Orange, for twenty-four miles on each side of the river, and forty-eight miles into the interior. In the same year he sent out emigrants to the colony of Rensselaerwyck. In July, 1630, Michael Pauw, another director, bought Staten Island; in the following November be became the patroon of Hoboken and what is now Jersey City; and he named his "colonie" on the mainland Pavonia.

Bancroft, Hist. of the U.S., vol.1, p.499

The company had designed by its charter of liberties to favor the peopling of the province, and yet to retain its trade; under pretence of advancing agriculture, individuals had acquired a title to all the important points where the natives resorted for traffic. As a necessary consequence, the feudal possessors were often in collision with the central government, while, to the humble emigrant, the monopoly of commerce was aggravated by the monopoly of land.

Bancroft, Hist. of the U.S., vol.1, p.499

A company was soon formed to colonize the tract acquired by Godyn and Blommaert. The first settlement in Delaware, older than any in Pennsylvania, was undertaken by a company, of which Godyn, Van Rensselaer, Blommaert, the historian De Laet, and a new partner, David Pietersen de Vries, were members. By joint enterprise, in December, 1630, a ship of eighteen guns, commanded by Pieter Heyes, and laden with emigrants, store of seeds, cattle, and agricultural implements, embarked from the Texel, partly to cover the southern shore of Delaware bay with fields of wheat and tobacco, and partly for a whale fishery on the coast. A yacht which went in company was taken by a Dunkirk privateer; early in the spring of 1631 the larger vessel reached its destination, and just within Cape Henlopen, on Lewes creek, planted a colony of more than thirty souls. The superintendence of the settlement was intrusted to Gillis Hosset. A little fort was built and well beset with palisades; the arms of Holland were affixed to a pillar; the country received the name of Swaanendael; the water that of Godyn's bay. The voyage of Heyes was the cradling of a state. That Delaware exists as a separate commonwealth is due to this colony. According to English rule, occupancy was necessary to complete a title to the wilderness; and the Dutch now occupied Delaware.

Bancroft, Hist. of the U.S., vol.1, p.499

On the fifth of May, Heyes and Hosset, in behalf of Godyn and Blommaert, made a further purchase from Indian chiefs of the opposite coast of Cape May, for twelve miles on the bay, on the sea, and in the interior; and, in June, this sale of a tract, twelve miles square, was formally attested at Manhattan.

Bancroft, Hist. of the U.S., vol.1, p.500

Animated by the courage of Godyn, the patroons of Swaanendael fitted out a second expedition, under the command of De Vries. But, before he set sail, news was received of the destruction of the fort, and the murder of its people. Hosset, the commandant, had caused the death of an Indian chief; and the revenge of the savages was not appeased till not one of the emigrants remained alive. De Vries, on his arrival, found only the ruins of the house and its palisades, half consumed by fire, and here and there the bones of the colonists.

Bancroft, Hist. of the U.S., vol.1, p.500 - p.501

Before the Dutch could recover the soil of Delaware from the natives, the patent granted to Baltimore gave them an English competitor. Distracted by anarchy, the administration of New Netherland could not withstand encroachments. The too powerful patroons disputed the fur trade with the agents of the West India company. In 1632, to still the quarrels, the discontented Minuit was displaced; but the inherent evils in the system were not lessened by appointing as his successor the selfish and incompetent Wouter van Twiller. The English government claimed that New Netherland was planted only on sufferance. The ship in which Minuit embarked for Holland entered Plymouth in a stress of weather, and was detained for a time on the allegation that it had traded without license in a part of the king's dominions. Van Twiller, who arrived at Manhattan in April, 1633, was defied by an English ship, which sailed up the river before his eyes. The rush of Puritan emigrants to New England had quickened the movements of the Dutch on the Connecticut, which they undoubtedly were the first to discover and to occupy. On the eighth of January, 1633, the soil round Hartford was purchased of the natives, and a fort was erected on land within the present limits of that city, some months before the pilgrims of Plymouth colony raised their block-house at Windsor, and more than two years before the people of Hooker and Haynes, in 1635, began the commonwealth of Connecticut. Like the banks of the Hudson, the country had been first explored, and even occupied, by the Dutch; but should a log-hut and a few straggling soldiers seal a territory against other emigrants? The English planters were on a soil of which the English monarch had made a grant; they were there with their wives and children. It were a sin, said they, to leave so fertile a land unimproved. Their religious enthusiasm, zeal for popular liberty, and numbers, did not leave the issue uncertain. Altercations continued for years. The Dutch fort remained in the hands of the Dutch West India company till it was surrounded by English towns. At last, the English in Connecticut grew so numerous as not only to overwhelm its garrison, but, under a grant from Lord Stirling, to plant a part of Long Island. In 1640, the second year of the government of William Kieft, the arms of the Dutch on the east end of that island were thrown down in derision, and a fool's head set in their place.

Bancroft, Hist. of the U.S., vol.1, p.501 - p.502

While the New England men were thus encroaching on the Dutch on the east, a new competitor for possessions in America appeared in Delaware bay. Gustavus Adolphus, the greatest benefactor of mankind in the line of Swedish kings, had discerned the advantages which might be expected from colonies and widely extended commerce. In 1624, the royal zeal was encouraged by William Usselinx, a Netherlander, who for many years had given thought to the subject. At his instance, in June, 1626, a commercial company, with exclusive privileges to traffic beyond the straits of Gibraltar and with the right of planting colonies, was sanctioned by the king, and, on the first of May, 1627, incorporated by the states of Sweden. The stock was open to all Europe for subscription; the king himself pledged four hundred thousand dollars of the royal treasure on equal risks; the chief place of business was established at Gottenburg; a branch was promised to any city which would embark three hundred thousand dollars in the undertaking. The government of the future colonies was reserved to a royal council; for "politics," says the charter, "lie beyond the profession of merchants." Men of every rank were solicited to engage in the enterprise; it was resolved to invite "colonists from all the nations of Europe." Other nations employed slaves in their colonies; and "slaves," said they, "cost a great deal, labor with reluctance, and soon perish from hard usage; the Swedish nation is laborious and intelligent, and surely we shall gain more by a free people with wives and children." To the Scandinavian imagination, hope painted the New World as a paradise; the proposed colony as a benefit to the persecuted, a security "to the honor of the wives and daughters" of those whom wars and bigotry had made fugitives; a blessing to the "common man;" to the "whole Protestant world." It may prove the advantage, said Gustavus in 1629, of "all oppressed Christendom."

Bancroft, Hist. of the U.S., vol.1, p.502

But the reviving influence of the pope menaced Protestant Christendom with ruin. The insurrection against intellectual servitude, of which the Reformation was the great expression, appeared in danger of being suppressed, when, in May, 1630, Gustavus Adolphus resolved to invade Germany and vindicate the rights of conscience with his sword. The cherished purpose of colonization yielded for the moment, and the funds of the company were arbitrarily applied as resources in the war. It was a war of revolution; a struggle to secure German liberty by establishing religious equality; and the great events on which the destinies of Germany were suspended did but enlarge the design of Gustavus in America. At Nuremberg, on the sixteenth of October, 1632, only a few days before the battle of Lutzen, where humanity won one of its most glorious victories and lost one of its ablest defenders, the enterprise, which still appeared to him as "the jewel of his kingdom," was recommended to the people of Germany.

Bancroft, Hist. of the U.S., vol.1, p.502

In confirming the invitation to Germany, Oxenstiern, in April, 1633, declared himself to be but the executor of the wish of Gustavus. The same wise statesman, one of the great men of all time, the serene chancellor, who, in the busiest scenes, never took a care with him to his couch, renewed the patent of the company in June of that year, and in December, 1634, extended its benefits to Germany. The charter was soon confirmed by the deputies of the four upper circles at Frankfort. "The consequences" of this design, said Oxenstiern, "will be favorable to all Christendom, to Europe, to the whole world." And were they not so? The first permanent colonization of the banks of the Delaware is due to Oxenstiern.

Bancroft, Hist. of the U.S., vol.1, p.502 - p.503

Yet more than four years passed away before the design was carried into effect. We have seen Minuit, the early governor of New Netherland, forfeit his place amid the strifes of faction. He now offered the benefit of his experience to the Swedes, and, leaving Sweden, probably near the close of the year 1637, he sailed for the bay of Delaware. Two vessels, the Key of Calmar and the Griffin, formed his whole fleet; the Swedish government supplied the emigrants with a religious teacher, with provisions, and merchandise for traffic with the natives. Early in the year 1635, the little company of Swedes and Finns arrived in the Delaware bay; the lands from the southern cape, which the emigrants from hyperborean regions named Paradise Point, to the falls in the river at Trenton, were purchased of the natives; and, near the mouth of Christiana creek, within the limits of the present state of Delaware, Christiana fort, so called from the child who was then queen of Sweden, was erected.

Bancroft, Hist. of the U.S., vol.1, p.503

The records at Albany still preserve the paper in which Kieft, then director-general of New Netherland, claimed for the Dutch the country on the Delaware: their possession had long been guarded by forts, and had been sealed by the blood of their countrymen. But at that time the fame of Swedish arms protected the Swedish flag in the New World; and, while Banner and Torstenson were humbling Austria and Denmark, the Dutch did not proceed beyond a protest.

Bancroft, Hist. of the U.S., vol.1, p.503

Meantime, tidings of the loveliness of the country had been borne to Scandinavia, and the peasantry of Sweden and of Finland longed to exchange their farms in Europe for homes on the Delaware. At the last considerable expedition, there were more than a hundred families eager to embark for the land of promise, and unable to obtain a passage in the crowded vessels. The plantations of the Swedes were gradually extended, and, when the Dutch renewed their fort at Nassau, Printz, the then Swedish governor, in 1643, established his residence on the island of Tinicum, a few miles below Philadelphia. A fort, constructed of hemlock logs, defended the island, and houses began to cluster in its neighborhood. Pennsylvania, like Delaware, traces its lineage to the Swedes, who had planted a suburb of Philadelphia before William Penn became its proprietary. New Sweden grew up on the bay and the river Delaware.

Bancroft, Hist. of the U.S., vol.1, p.503 - p.504

While the limits of New Netherland were narrowed by competitors on the east and on the south, and Long Island was soon to be claimed by the agent of Lord Stirling, the colony was almost annihilated by the neighboring Algonkin tribes. Angry and even bloody quarrels had arisen between dishonest traders and savages maddened by intoxication. In 1640, the blameless settlement on Staten Island had, in consequence, been ruined by the undiscriminating vengeance of the tribes of New Jersey. An Indian boy who had been present when, years before, his uncle had been robbed and murdered, had vowed revenge, and, in 1641, when grown to man's estate, remembered and executed the vow of his childhood. A roving but fruitless expedition into the country south of the Hudson was the consequence. The Raritans were outlawed, and a bounty of ten fathoms of wampum was offered for every member of the tribe. The approach of danger brought with it the necessity of consulting the people, and the commons elected a body of twelve to assist the governor. De Vries, the head of the committee, urged the advantage of friendship with the natives. But the son of a chief, stung by the conviction of having been defrauded and robbed, aimed an unerring arrow at the first Hollander exposed to his fury. In 1642, a deputation of the river chieftains hastened to express their sorrow, and deplore the never-ending alternations of bloodshed. The murderer they could not deliver up; but, after the custom of the Saxons in the days of Alfred, of the Irish under Elizabeth, in exact correspondence with the usages of earliest Greece, they offered to purchase security for the murderer by a fine for blood. Two hundred fathom of the best wampum might console the grief of the widow. "You yourselves," they added, "are the cause of this evil; you ought not craze the young Indians with brandy. Your own people, when drunk, fight with knives and do foolish things; you cannot prevent mischief till you cease to sell strong drink to the Indian."

Bancroft, Hist. of the U.S., vol.1, p.504 - p.505

Kieft was inexorable, and demanded the murderer. In February, 1643, a small party of Mohawks from the vicinage of Fort Orange, armed with muskets, descended from their fastnesses, and claimed the natives round Manhattan as tributaries. At the approach of the formidable warriors of a braver Huron race, the more numerous but cowering Algonkins crowded together in despair, begging assistance of the Dutch. Kieft, though warned that the ruin would light upon the Dutch themselves, seized the moment for an exterminating massacre. In the stillness of a dark winter's night, the soldiers at the fort, joined by freebooters from Dutch privateers, and led by a guide who knew every by-path and nook where the savages nestled, crossed the Hudson, for the purpose of destruction. The unsuspecting tribes could offer little resistance. Nearly a hundred perished in the carnage, which daybreak did not end.

Bancroft, Hist. of the U.S., vol.1, p.505

Proud of his deed of treachery, Kieft greeted the returning troops with exultation. But his joy was short. No sooner was it known that the midnight attack had been made not by the Mohawks, but by the Dutch, than every Algonkin tribe round Manhattan took up arms with savage frenzy. From the shores of New Jersey to the borders of Connecticut not a bowery was safe. It was on this occasion that Anne Hutchinson perished with her family. "Mine eyes," says a witness, "saw the flames at their towns, and the frights and hurries of men, women, and children." The director was compelled to desire peace.

Bancroft, Hist. of the U.S., vol.1, p.505 - p.506

On the fifth of March, 1643, a convention of sixteen sachems assembled in the woods of Rockaway; and at daybreak De Vries and another, the two envoys from Manhattan, were conducted to the centre of the little senate. Their best orator addressed them, holding in one hand a bundle of small sticks. "When you first arrived on our shores you were destitute of food; we gave you our beans and our corn; we fed you with oysters and fish; and now, for our recompense, you murder our people." Such were his opening words. Having put down one little stick, he proceeded: "The traders whom your first ships left on our shore, to traffic till their return, were cherished by us as the apple of our eye: we gave them our daughters for their wives; among those whom you have murdered were children of your own blood." He laid down another stick; and many more remained in his hand, each a memento of an unsatisfied wrong. "I know all," said De Vries, interrupting him, and inviting the chiefs to repair to the fort. The speaking ceased; the chieftains gave costly presents to each of the whites: and then the party went by water to New Amsterdam. There peace was made; but the presents of Kieft were those of a niggard, and left in the Indians rankling memories. A month later, a similar covenant was made with the tribes on the river. But the young warriors among the red men were not pacified; one had lost a father or a mother; a second owed revenge for the death of a friend. "The presents we have received," said an older chief, "bear no proportion to our loss; the price of blood has not been paid;" and war was renewed.

Bancroft, Hist. of the U.S., vol.1, p.506

The commander of the Dutch troops was John Underhill, a fugitive from New England, a veteran in Indian warfare, and one of the bravest men of his day. For licentiousness, he, in 1640, had been compelled, at Boston, in a great assembly, on lecture-day, during the session of the general court, dressed in the habit of a penitent, to stand upon a platform, and with sighs and tears and brokenness of heart and the aspect of sorrow, to beseech the compassion of the congregation. In the following year he removed to New Netherland, and now, with an army of one hundred and twenty men, became the protector of the Dutch settlements. After two years' war the Dutch were weary of danger; the Indians tired of being hunted like beasts. The Mohawks claimed a sovereignty over the Algonkins; their ambassador appeared at Manhattan to negotiate a peace; and, on the thirtieth of August, 1645, in front of Fort Amsterdam, according to Indian usage, under the open sky, in the presence of the sun and of the ocean, the sachems of New Jersey, of the River Indians, of the Mohicans, and of Long Island, acknowledging the chiefs of the Five Nations as witnesses and arbitrators, and having around them the director and council of New Netherland, with the commonalty of the Dutch, set their marks to a solemn treaty of peace. The joy of the colony broke forth into a general thanksgiving; but infamy attached to the name of Kieft, the author of the carnage; the emigrants desired to reject him as their governor; the West India company disclaimed his barbarous policy.

Bancroft, Hist. of the U.S., vol.1, p.506 - p.507

A better day dawned on New Netherland when the brave and honest Stuyvesant, recently the vice-director of Curacao, wounded in the West Indies, in the attack on St. Martin, a soldier of experience, a scholar of some learning, was promoted for his services, and, in May, 1647, entered on the government of the province. The superseded governor embarked for Europe; but the large and richly laden ship in which he sailed was dashed in pieces on the coast of Wales, and the man of blood was buried beneath the waves.

Bancroft, Hist. of the U.S., vol.1, p.507

The interests of New Netherland required free trade; at first, the department of Amsterdam, which had alone borne the expense of the colony, would tolerate no interlopers. But the monopoly could not be enforced; and, in 1645, export duties were substituted. Manhattan began to prosper, when its merchants obtained freedom to follow the impulses of their own enterprise. The glorious destiny of the city was anticipated. "When your commerce becomes established, and your ships ride on every part of the ocean, throngs that look toward you with eager eyes will be allured to embark for your island:" this prophecy was, just before the end of 1652, addressed by the merchants of Amsterdam to the merchants of Manhattan. The island of New York was then chiefly divided among farmers; the large forests which covered the park and the adjacent region long remained a common pasture, where, for yet a quarter of a century, tanners could obtain bark, and boys chestnuts; and the soil was so little valued that Stuyvesant thought it no wrong to his employers to purchase of them at a small price an extensive bowery just beyond the coppices, among which browsed the goats and kine from the village.

Bancroft, Hist. of the U.S., vol.1, p.507 - p.508

A desire grew up for municipal liberties. The company which effected the early settlements of New Netherland introduced the self-perpetuating councils of the Netherlands. The emigrants were scattered on boweries or plantations: and, seeing the evils of living widely apart, they were advised, in 1643 and 1646, by the Dutch authorities, to gather into "villages, towns, and hamlets, as the English were in the habit of doing." In 1649, when the province was "in a very poor and most low condition," the commonalty of New Netherland, in a petition addressed to the "states general," prayed for a suitable municipal government. They referred to the case of New England, saying "neither patroons, lords, nor princes are known there—only the people. Each town, no matter how small, hath its own court and jurisdiction, also a voice in the capitol, and elects its own officers." But the prayer was unheeded.

Bancroft, Hist. of the U.S., vol.1, p.508

With its feeble population New Netherland could not protect its eastern boundary. Stuyvesant was instructed to preserve the House of Good Hope at Hartford; but, while he was claiming the country from Cape Cod to Cape Henlopen, there was danger that the New England men would stretch their settlements to the North river, intercept the navigation from Fort Orange, and monopolize the fur trade. The commercial corporation would not risk a war; the expense would impair its dividends. "War," they declared, "cannot in any event be for our advantage; the New England people are too powerful for us." No issue was left but by negotiation; Stuyvesant himself, in September, 1650, repaired as ambassador to Hartford; and was glad to conclude a provisional treaty, which allowed New Netherland to extend on Long Island as far as Oyster bay, on the main to the neighborhood of Greenwich. This intercolonial treaty was acceptable to the West India company, but was never ratified in England; its conditional approbation by the states general is the only state paper in which the Dutch government recognised the boundaries of the province on the Hudson. The West India company could never obtain a national guarantee of their possessions.

Bancroft, Hist. of the U.S., vol.1, p.508

The war between the rival republics in Europe, from 1651 to 1654, did not extend to America; in England, Roger Williams delayed an armament against New Netherland. In 1652, in New England, the Narragansetts repelled an offer of alliance with the Dutch. The peace of 1654 brought but partial security. In that year the salt springs of Syracuse were discovered by the Jesuits, and in the two next the place was occupied by the French.

Bancroft, Hist. of the U.S., vol.1, p.508 - p.509

The provisionary compact left Connecticut in possession of a moiety of Long Island; the whole had often, but ineffectually, been claimed by Lord Stirling. Near the southern frontier of New Belgium, on Delaware bay, the favor of Strafford had, in June, 1634, obtained for Sir Edward Ployden a patent for New Albion. The county never existed, except on parchment. The lord palatine attempted a settlement; but, for want of a pilot, he entered the Chesapeake; and his people were absorbed in the happy province of Virginia.

Bancroft, Hist. of the U.S., vol.1, p.509 - p.510

The Swedes and Dutch were left to contend for the Delaware. In the vicinity of the river the Swedish company was more powerful than its rival; but the province of New Netherland was tenfold more populous than New Sweden. From motives of commercial security, the Dutch, in 1651, built Fort Casimir, on the site of Newcastle, within five miles of Christiana, near the mouth of the Brandywine. In 1654, aided by stratagem and superiority in numbers, Rysingh, the Swedish governor, overpowered the garrison. The aggression was fatal to the only colony which Sweden had planted. That kingdom was exhausted by a long succession of wars; the statesmen and soldiers whom Gustavus had educated had passed from the public service; Oxenstiern, after adorning retirement by the pursuits of philosophy, was no more; a youthful queen, eager for literary distinction and without capacity for government, had impaired the strength of the kingdom by nursing contending factions and then capriciously abdicating the throne. The Dutch company repeatedly commanded Stuyvesant to "revenge their wrong, to drive the Swedes from the river, or compel their submission;" and, in September, 1655, after they had maintained their separate existence for a little more than seventeen years, the Dutch governor, collecting a force of more than six hundred men, sailed into the Delaware. One fort after another surrendered; to Rysingh honorable terms were conceded; the colonists were promised the quiet possession of their estates; and the jurisdiction of the Dutch was established. Such was the end of New Sweden, the colony that connects our country with Gustavus Adolphus and the nations that dwell on the gulf of Bothnia. The descendants of the colonists, in the course of generations, widely scattered and blended with emigrants of other lineage, constituted, perhaps, more than one part in two hundred of the population of our country in the early part of the nineteenth century. At the surrender, they did not much exceed seven hundred souls. As Protestants, they shared the religious impulse of the age. They reverenced the bonds of family and the purity of morals; their children, under every disadvantage of want of teachers and of Swedish books, were well instructed. With the natives they preserved peace. The love for their mother country, and an abiding sentiment of loyalty toward its sovereign, continued to distinguish them; at Stockholm, they remained for a century the objects of a disinterested and generous regard; in the New World, a part of their descendants still preserve their altar and their dwellings round the graves of their fathers.

Bancroft, Hist. of the U.S., vol.1, p.510

The West India company desiring an ally on its southern frontier, the city of Amsterdam became, by purchase, in 1656, the proprietary of Delaware, from the Brandywine to Bombay Hook; and afterward, under cessions from the natives, extended its jurisdiction to Cape Henlopen. But the noble and right honorable lords, the burgomasters of Amsterdam, instituted a paralyzing commercial monopoly, and required of the colonists absolute obedience. Emigrants, almost as they landed, and even soldiers of the garrison, fled from the dominion of a city to the liberties of Maryland and Virginia. The attempt to elope was punishable by death, yet scarce thirty families remained. In 1663, the West India company ceded to Amsterdam all that remained of its claims on Delaware river.

Bancroft, Hist. of the U.S., vol.1, p.510 - p.511

In September, 1655, during the attack of Stuyvesant on New Sweden, the Algonkins near Manhattan, in sixty-four canoes, appeared before New Amsterdam, and ravaged the adjacent country. His return restored confidence; the captives were ransomed; industry repaired its losses; New Netherland consoled the Dutch for the loss of Brazil. They were proud of its extent, from New England to Maryland, from the sea to the great river of Canada, and the north-western wilderness. They sounded the channel of the Delaware, which was no longer shared with the Swedes; they counted with delight its many runs of water on which the beavers built their villages; and great travellers, as they ascended the deep stream, declared it one of the noblest rivers in the world, with banks more inviting than the lands on the Amazon.

Bancroft, Hist. of the U.S., vol.1, p.511

Manhattan was already the chosen abode of merchants; and the policy of the government invited them by its goodwill. If Stuyvesant sometimes displayed the rash despotism of a soldier, he was sure to be reproved by his employers. Did he change the rate of duties arbitrarily, the directors, sensitive to commercial honor, charged him "to keep every contract inviolate." Did he tamper with the currency by raising the normal value of foreign coin, the measure was rebuked as dishonest. Did he attempt to fix the price of labor by arbitrary rules, this also was condemned as unwise and impracticable. Did he interfere with the merchants by inspecting their accounts, the deed was censured as without precedent "in Christendom;" and he was ordered to "treat the merchants with kindness, lest they return, and the country be depopulated." Did his zeal for Calvinism lead him to persecute Lutherans, he was chid for his bigotry. Did he, from hatred of "the abominable sect of Quakers," imprison and afterward exile the blameless Bowne, "let every peaceful citizen," wrote the directors, "enjoy freedom of conscience; this maxim has made our city the asylum for fugitives from every land; tread in its steps, and you shall be blessed."

Chapter 14:

New Netherland, New Jersey, and New York

Bancroft, Hist. of the U.S., vol.1, p.512

PRIVATE worship was, therefore, allowed to every religion. The Jews found a home, liberty, and a burial-place on the island of Manhattan. The coiners from Low Countries were themselves of the most various lineage; for Holland had long been the gathering-place of the persecuted and the wronged of many nations. New York was always a city of the world. Its settlers were relics of the first-fruits of the Reformation, chosen chiefly from the Belgic provinces and England, from France, Germany, and Switzerland. A few of them were the offspring of those early inquirers who listened to Huss in the heart of Bohemia. The hurricane of persecution, which was to have swept Protestantism from the earth, did not spare the descendants of the medieval Puritans who escaped from bloody conflicts in the south of France to Piedmont and the Italian Alps. The city of Amsterdam, in 1656, offered the fugitive Waldenses a free passage to America, and New Netherland welcomed those who came. When the Protestant churches in Rochelle were razed, their members were gladly received; and French Protestants so abounded that public documents were sometimes issued in French as well as in Dutch and English.

Bancroft, Hist. of the U.S., vol.1, p.512 - p.513

In Holland "population was known to be the bulwark of every state;" the government of New Netherland asked for "farmers and laborers, foreigners and exiles, men inured to toil and penury." A free passage was offered to mechanics, and troops of orphans were sent over. From the colony a trade in lumber grew up. The whale was pursued off the coast; the vine, the mulberry, planted; flocks of sheep as well as cattle were multiplied; and tile, long imported from Holland, was manufactured near Fort Orange. "This happily situated province," said its inhabitants, "may become the granary of our fatherland; should our Netherlands be wasted by grievous wars, it will offer our countrymen a safe retreat; by God's blessing, we shall in a few years become a mighty people."

Bancroft, Hist. of the U.S., vol.1, p.513

The African had his portion on the Hudson. The West India company, which sometimes transported captive red men to the West Indies, having large establishments on the coast of Guinea, in 1626 introduced negroes into Manhattan, and continued the trade in them. The city of Amsterdam owned shares in a slave-ship. That New York was not a slave state like Carolina is due to climate, and not to the superior humanity of its founders. Stuyvesant was instructed to use every exertion to promote the sale of negroes. They were imported sometimes by way of the West Indies, often directly from Guinea, and were sold at public auction to the highest bidder. The average price was less than one hundred and forty dollars. The enfranchised negro might become a freeholder.

Bancroft, Hist. of the U.S., vol.1, p.513

The large emigrations from Connecticut engrafted on New Netherland the Puritan idea of popular freedom. There were so many English at Manhattan as to require an English secretary, preachers who could speak in English as well as in Dutch, and a publication of civil ordinances in English. New England men planted on Long Island towns and New England liberties in a congregational way, with the consent and under the jurisdiction of the Dutch.

Bancroft, Hist. of the U.S., vol.1, p.513 - p.514

In the fatherland, the power of the people was unknown; in New Netherland, the necessities of the colony had given it a twilight existence; and, in 1642, twelve, then perhaps eight delegates from the Dutch towns, had mitigated the arbitrary authority of Kieft. There was no distinct concession of legislative power to the people; but, without a teacher, they became convinced of the right of resistance. The brewers refused to pay an arbitrary excise: "Were we to yield," said they, in 1644, "we should offend the eight men, and the whole commonalty." The commander of Rensselaer Stein, in 1644, raised a battery, that "the canker of freemen" might not enter the manor; but the patrons joined the free boors in resisting arbitrary taxation. As a compromise, in 1647, it was proposed that, from a double nomination by the villages, the governor should appoint tribunes, to act as magistrates in trivial cases, and, as agents for the towns, to give their opinion whenever they should be consulted. Town-meetings were prohibited.

Bancroft, Hist. of the U.S., vol.1, p.514

Discontents increased. Van der Donck and others were charged with leaving nothing untried to abjure what they called the galling yoke of an arbitrary government. In 1650, a commission repaired to Holland for redress; as freeholders, they claimed the liberties essential to the prosperity of agriculture; as merchants, they protested against the intolerable burden of the customs; and, when redress was refused, tyranny was followed by its usual consequence, clandestine associations against oppression. The excess of complaint obtained for New Amsterdam, in 1652, a court of justice like that of the metropolis; but the municipal liberties included no political franchise; the sheriff was appointed by the governor; the two burgomasters and five schepens made a double nomination of their own successors, from which "the valiant director himself elected the board." The city had privileges, not the citizens. The province gained only the municipal liberties, on which rested the commercial aristocracy of Holland. Citizenship was a commercial privilege, and not a political enfranchisement.

Bancroft, Hist. of the U.S., vol.1, p.514

The persevering restlessness of the people led to a general assembly of two deputies from each village in New Netherland; an assembly which Stuyvesant was unwilling to sanction, and could not prevent. As in Massachusetts, this first convention, of December, 1653, sprung from the will of the people; and it claimed the right of deliberating on the civil condition of the country.

Bancroft, Hist. of the U.S., vol.1, p.514 - p.515

"The states general of the United Provinces," such was the remonstrance and petition, drafted by George Baxter, and unanimously adopted by the convention, "are our liege lords; we submit to the laws of the United Provinces; and our rights and privileges ought to be in harmony with those of the fatherland, for we are a member of the state, and not a subjugated people. We, who have come together from various parts of the world and are a blended community of various lineage; we, who have at our own expense exchanged our native lands for the protection of the United Provinces; we, who have transformed the wilderness into fruitful farms—demand that no new laws shall be enacted but with consent of the people, that none shall be appointed to office but with the approbation of the people, that obscure and obsolete laws shall never be revived."

Bancroft, Hist. of the U.S., vol.1, p.515

Stuyvesant answered: "Will you set your names to the visionary notions of an Englishman? Is there no one of the Netherlands' nation able to draft your petition? And your prayer is so extravagant, you might as well claim to send delegates to the assembly of their high mightinesses themselves.

Bancroft, Hist. of the U.S., vol.1, p.515

1. "Laws will be made by the director and council. Evil manners produce good laws for their restraint; and therefore the laws of New Netherland are good.

Bancroft, Hist. of the U.S., vol.1, p.515

2. "Shall the people elect their own officers? If this rule become our cynosure, and the election of magistrates be left to the rabble, every man will vote for one of his own stamp. The thief will vote for a thief; the smuggler for a smuggler; and fraud and vice will become privileged.

Bancroft, Hist. of the U.S., vol.1, p.515

3. "The old laws remain in force; directors will never make themselves responsible to subjects."

Bancroft, Hist. of the U.S., vol.1, p.515

The delegates, in their rejoinder, appealed to their inalienable rights. "We do but design the general good of the country and the maintenance of freedom; nature permits all men to constitute society, and assemble for the protection of liberty and property." At this, Stuyvesant dissolved the assembly, commanding its members to separate on pain of arbitrary punishment. "We derive our authority from God and the West India company, not from the pleasure of a few ignorant subjects;" was his farewell message to them.

Bancroft, Hist. of the U.S., vol.1, p.515 - p.516

The West India company declared this resistance to arbitrary taxation to be "contrary to the maxims of every enlightened government." "We approve the taxes you propose"—thus they wrote to Stuyvesant; "have no regard to the consent of the people;" "let them indulge no longer the visionary dream that taxes can be imposed only with their consent." But the people continued to indulge the dream; taxes could not be collected; and the colonists listened with complacency to the hope of obtaining English liberties by submitting to English jurisdiction.

Bancroft, Hist. of the U.S., vol.1, p.516

Cromwell had planned the conquest of New Netherland; in the days of his son the design was revived; on the restoration of Charles II, the influences which framed the new navigation act would not endure a foreign jurisdiction at the mouth of the Hudson river.

Bancroft, Hist. of the U.S., vol.1, p.516

In the negotiations of 1659 with the agent of Lord Baltimore, the envoy of New Netherland had firmly maintained the right of the Dutch to the southern bank of the Delaware, pleading purchase and colonization before the Maryland patent had been granted. The facts were conceded; but, in the pride of strength, it was answered that the same plea had not availed Clayborne, and should not avail the Dutch. On the restoration, Lord Baltimore renewed his claims to the country from Newcastle to Cape Henlopen by his agents in Amsterdam and in America, and they were presented to the states general of the United Provinces. The board of nineteen of the West India company resolved "to defend its possessions, even to the spilling of blood." Beekman, the Dutch lieutenant-governor on the Delaware, was faithful to his trust; the jurisdiction of his country was maintained. When young Baltimore, with his train, appeared at the mouth of the Brandywine, he was honored as a guest; but the pretensions of his father were triumphantly resisted. The Dutch and Swedes and Finns kept the country safely for William Penn.

Bancroft, Hist. of the U.S., vol.1, p.516 - p.517

The people of Connecticut not only increased their pretensions on Long Island, but, regardless of the provisionary treaty, claimed West Chester, and were steadily advancing toward the Hudson. To stay these encroachments, Stuyvesant, in 1663, repaired to Boston, and laid his complaints before the convention of the united colonies. His voyage was a confession of weakness; Massachusetts maintained a neutrality, and Connecticut demanded delay. An embassy to Hartford renewed the language of remonstrance with no better success. Did the Dutch assert their original grant from the states general, it was interpreted as conveying no more than a commercial privilege. Did they plead discovery, purchase from the natives, and long possession, it was replied that Connecticut, by its charter, extended to the Pacific. "Where, then," demanded the Dutch negotiators, "where is New Netherland?" And the agents of Connecticut, with provoking indifference, replied: "We do not know."

Bancroft, Hist. of the U.S., vol.1, p.517

These unavailing discussions were conducted during the horrors of a half-year's war with the savages round Esopus. In June, the rising village on the banks of that stream was laid waste, many of its inhabitants murdered or made captive, and it was only on the approach of winter that an armistice restored tranquillity. "The Dutch," said the faithful warriors of the Five Nations, "are our brethren. With them we keep but one council fire; we are united by a covenant chain." Beyond these, they had no friends.

Bancroft, Hist. of the U.S., vol.1, p.517

The province had no popular freedom, and therefore had no public spirit. In New England there were no poor; in New Netherland the poor were so numerous it was difficult to provide for their relief. The one easily supported schools everywhere, and Latin schools in the larger villages; in the other, a Latin school lingered with difficulty through two years, and was discontinued. In the one, the people, in the hour of danger, defended themselves; in the other, the burden of protection was thrown upon the company, which claimed to be the absolute sovereign.

Bancroft, Hist. of the U.S., vol.1, p.517 - p.518

In November, 1663, the necessities of the times wrung from Stuyvesant the concession of an assembly; the delegates of the villages made their appeal to the states general and to the West India company for defence. But the states general had, as it were, invited aggression by abstaining from every public act which should pledge their honor to the defence of the province; and the West India company would not risk its funds. A more full diet was held in April, 1664. Rumors of an intended invasion from England had reached the colony and the popular representatives, having remonstrated against the want of all means of security, and foreseeing the necessity of submitting to the English, demanded plainly of Stuyvesant: "If you cannot shield us, to whom shall we turn?" The governor, faithful to his trust, proposed, but in vain, the enlistment "of every third man, as had more than once been done in the fatherland." The established government could not but fall into contempt. In vain was the libeller of the magistrates fastened to a stake, with a bridle in his mouth. Stuyvesant confessed his fears to his employers: "To ask aid of the English villages would be inviting the Trojan horse within our walls;" "the company is cursed and scolded; the inhabitants declare that the Dutch have never had a right to the country." Half Long Island had revolted; the settlements on the Esopus wavered; the Connecticut men had purchased of the Indians all the seaboard as far as the North river. Yet no cause for war on the United Provinces by England existed except English envy of their commerce.

Bancroft, Hist. of the U.S., vol.1, p.518

In confidence of peace, the countrymen of Grotius were planning liberal councils; at home, they designed concessions to free trade; in the Mediterranean, to suppress the piracies of the Barbary states. At that time the English were engaging in an expedition against the Dutch possessions on the coast of Guinea; and the king, with equal indifference to the chartered rights of Connecticut and the claims of the Netherlands, "by the most despotic instrument recorded in the colonial archives of England," on the twelfth of March, 1664, granted to the duke of York not only the country from the Kennebec to the St. Croix, but the territory from the Connecticut river to the shores of the Delaware. Under the conduct of Richard Nicolls, groom of the bed-chamber to the duke of York, the English squadron, which carried the commissioners for New England to Boston, having demanded recruits in Massachusetts, and received on board the governor of Connecticut, on the twenty-eighth of August, 1664, cast anchor in Gravesend bay. Soldiers from New England pitched their camp near Breukelen ferry.

Bancroft, Hist. of the U.S., vol.1, p.518 - p.519

In New Amsterdam, Stuyvesant, faithful to his employers, struggled to maintain their interests; the municipality, conscious that the town was at the mercy of the English fleet, desired to avoid bloodshed by a surrender. A joint committee from the governor and the city having demanded of Nicolls the cause of his presence, he replied by requiring of Stuyvesant the immediate acknowledgment of English sovereignty, with the condition of security to the inhabitants in life, liberty, and property. At the same time, Winthrop, of Connecticut, whose love of peace and candid affection for the Dutch nation had been acknowledged by the West India company, advised his personal friends to offer no resistance. "The surrender," Stuyvesant nobly answered, "would be reproved in the fatherland." The burgomasters, unable to obtain a copy of the letter from Nicolls, summoned not a town-meeting—that had been inconsistent with the manners of the Dutch—but the principal inhabitants to the public hall, where it was resolved that the community ought to know all that related to its welfare. On a more urgent demand for the letter from the English commander, Stuyvesant angrily tore it in pieces; and the burgomasters, instead of resisting the invasion, spent their time in framing a protest against the governor. On the third of September, a new deputation repaired to the fleet; but Nicolls declined discussion. "When may we visit you again?" asked the commissioners. "On Thursday," replied Nicolls; "for to-morrow I will speak with you at Manhattan." "Friends," it was smoothly answered, "are very welcome there." "Raise the white flag of peace," said the English commander, "for I shall come with ships-of-war and soldiers." The commissioners returned to advocate the capitulation, which was quietly effected in the following days. The aristocratic liberties of Holland yielded to the hope of popular liberties like those of New England.

Bancroft, Hist. of the U.S., vol.1, p.519

The articles of surrender, framed under the auspices of the municipal authority by the mediation of the younger Winthrop and Pynchon, accepted by the magistrates and other inhabitants assembled in the town-hall, and not ratified by Stuyvesant till the eighth of September, after the surrender had virtually been made, promised security to the customs, the religion, the municipal institutions, the possessions of the Dutch. The enforcement of the navigation act was delayed for six months. During that period direct intercourse with Holland remained free. The towns were to choose their own magistrates, and Manhattan, now first known as New York, to elect its deputies, with free voices in all public affairs.

Bancroft, Hist. of the U.S., vol.1, p.520

In a few days Fort Orange, then named Albany, from the Scottish title of the duke of York, quietly surrendered; and the league with the Five Nations was renewed. Early in October the Dutch and Swedes on the Delaware capitulated; and, for the first time, the Atlantic coast of the old thirteen states was in possession of England. Our country obtained geographical unity.

Bancroft, Hist. of the U.S., vol.1, p.520

On the twenty-third and twenty-fourth of the previous June the duke of York had assigned to Lord Berkeley and Sir George Carteret, both proprietaries of Carolina, the land between the Hudson and the Delaware. The dismemberment of New Netherland ensued on its surrender. In honor of Carteret, the severed territory, with nearly the same bounds as at present, except on the north, received the name of New Jersey. If to fix boundaries and grant the soil could constitute a state, the duke of York gave political existence to a commonwealth; its character was moulded by New England Puritans, English Quakers, and dissenters from Scotland.

Bancroft, Hist. of the U.S., vol.1, p.520

In February, 1665, the royalists, who were become lords of the soil, sought to foster their province by most liberal concessions. Security of persons and property under laws to be made by an assembly composed of the governor and council, and at least an equal number of representatives of the people; freedom from taxation except by the colonial assembly; a combined opposition of the people and the proprietaries to any arbitrary impositions from England; freedom of judgment, conscience, and worship to every peaceful citizen—these were the allurements to New Jersey. To the proprietaries were reserved a veto on provincial enactments, the appointment of judicial officers, and the executive authority. Lands were promised at a moderate quit-rent, not to be collected till 1670. The duke of York, now president of the African company, was the patron of the slave-trade; the proprietaries offered a bounty of seventy-five acres for the importation of each able emigrant, and, as in Carolina, the concession was interpreted to include the negro slave. That the tenure of estates might rest on equity, the Indian title to lands was in all cases to be quieted.

Bancroft, Hist. of the U.S., vol.1, p.520 - p.521

The portion of New Netherland which thus gained popular freedom was at that time almost a wilderness. The first occupation of Fort Nassau in Gloucester, and the grants to Godyn and Blommaert, above Cape May, had been of so little avail that, in 1634, not a single white man dwelt within the bay of the Delaware. The pioneers of Sir Edmund Ployden and the restless emigrants from New Haven had each been unsuccessful. Here and there, in the counties of Gloucester and Burlington, a Swedish farmer may have preserved his dwelling on the Jersey side of the river; and, before 1664, perhaps three Dutch families were established about Burlington; but as yet West New Jersey had not a hamlet. In East Jersey, of which the hills and the soil had been trodden by the mariners of Hudson, a trading station seems, in 1618, to have been occupied at Bergen. In December, 1651, Augustine Herman purchased, but hardly took possession of, the land that stretched from Newark bay to the west of Elizabethtown; while, in January, 1658, other purchasers obtained the large grant called Bergen, where the early station became a permanent settlement. Before the end of 1664, a few families of Quakers appear to have found a refuge south of Raritan bay.

Bancroft, Hist. of the U.S., vol.1, p.521 - p.522

More than a year earlier, New England Puritans, sojourners on Long Island, solicited of the Dutch, and, as the records prove, obtained leave to establish on the banks of the Raritan and the Minisink their cherished institutions, and even their criminal jurisprudence. Soon after the surrender, a similar petition was, in 1664, renewed to the representative of the duke of York; and, as the parties, heedless of the former grant to Herman, succeeded in obtaining from the Indians a deed of an extensive territory on Newark bay, Nicolls, ignorant as yet of the transfer of New Jersey and having already granted land on Hackensack neck, encouraged emigration by ratifying the sale. The tract afterward became known as "the Elizabethtown purchase," and led to abundant litigation. In April, 1665, a further patent was issued, under the same authority, to William Goulding and others, for the region extending from Sandy Hook to the mouth of the Raritan. For a few months East New Jersey bore the name of Albania. Nicolls could boast that "on the new purchases from the Indians three towns were beginning;" and, under grants from the Dutch and from the governor of New York, the coast from the old settlement of Bergen to Sandy Hook, along Newark bay, at Middletown, at Shrewsbury, was enlivened by humble plantations, that were soon to constitute a semicircle of villages.

Bancroft, Hist. of the U.S., vol.1, p.522

In August, 1665, Philip Carteret appeared among the tenants of the scattered cabins, and was quietly received as the governor appointed for the colony by its proprietaries. In vain did Nicolls protest against the division of his province, and struggle to secure for his patron the territory which had been released in ignorance. The incipient people had no motive to second his complaints. A cluster of four houses, which, in honor of the kind-hearted Lady Carteret, was called Elizabethtown, rose into dignity as the capital of the province.

Bancroft, Hist. of the U.S., vol.1, p.522

To New England, messengers were despatched to publish the tidings that Puritan liberties were warranted a shelter on the Raritan. Immediately, in 1666, an association of church members from the New Haven colony sailed into the Passaic, and, at the request of the governor, holding a council with the Hackensack tribe, themselves extinguished the Indian title to Newark. "With one heart, they resolved to carry on their spiritual and town affairs according to godly government;" to be ruled under their old laws by officers chosen from among themselves; and when, in May, 1668, a colonial legislative assembly was for the first time convened at Elizabethtown, the influence of Puritans transferred the chief features of the New England codes to the statute-book of New Jersey.

Bancroft, Hist. of the U.S., vol.1, p.522 - p.523

The land was accessible and productive; the temperate climate delighted by its salubrity; there was little danger from the neighboring Indians, whose strength had been broken by long hostilities with the Dutch; the Five Nations guarded the approaches from the interior; and the vicinity of older settlements saved the emigrants from the distresses of a first adventure in the wilderness. Everything was of good augury, till, in 1870, the quit-rents of a halfpenny an acre were seriously spoken of. But, on the subject of real estate in the New World, the Puritans differed from the lawyers widely, asserting that the heathen, as lineal descendants of Noah, had a rightful claim to their lands. The Indian deeds, executed partly with the approbation of Nicolls, partly with the consent of Carteret himself, were therefore pleaded as superior to proprietary grants; the payment of quit-rents was refused; disputes were followed by confusion; and, in May, 1672, the disaffected colonists, obeying the impulse of independence, sent deputies to a constituent assembly at Elizabethtown. By that body Philip Carteret was displaced, and his office transferred to the young and frivolous James Carteret, a natural son of Sir George. The proprietary officers could make no resistance. William Pardon, who withheld the records, found safety only in flight. Following the advice of the council, after appointing John Berry as his deputy, Philip Carteret repaired to England, in search of new authority, while the colonists remained in the undisturbed possession of their farms.

Bancroft, Hist. of the U.S., vol.1, p.523

The liberties of New Jersey did not extend beyond the Delaware; the settlements in New Netherland, on the opposite bank, consisting chiefly of groups of Dutch round Lewistown and Newcastle, and Swedes and Finns at Christiana Creek, at Chester, and near what is now Philadelphia, were retained as a dependency of New York. The claim of Lord Baltimore was denied with pertinacity. In 1672, the people of Maryland, desiring to stretch the boundary of their province to the bay, invaded Lewistown with an armed force. The country was immediately reclaimed, as belonging by conquest to the duke of York; and it still escaped the imminent peril of being absorbed in Maryland.

Bancroft, Hist. of the U.S., vol.1, p.523 - p.524

In respect to civil privileges, Delaware shared the fortunes of New York; and for that province the establishment of English jurisdiction was not followed by the hoped for concessions. Connecticut, in 1664, surrendering all claims to Long Island, obtained a favorable boundary on the main. The city of New York was incorporated, with a mayor who was to be named by the governor; the municipal liberties of Albany were not impaired; but the province had no political franchises, and therefore no political unity. In the governor and his subservient council were vested the executive and the highest judicial powers; with the court of assizes, composed of justices of his own appointment, holding office at his will, he exercised supreme legislative power, promulgated a code of laws, and modified or repealed them at pleasure. No popular representation, no true English liberty, was sanctioned. Once, indeed, in March, 1665, a convention was held at Hempstead, chiefly for the purpose of settling the respective limits of the towns on Long Island. The rate for public charges was there perhaps agreed upon; and the deputies were induced to sign an extravagantly loyal address to the duke of York. But they were scorned by their constituents for their inconsiderate servility; and the governor, who never again allowed an assembly, was "reproached and vilified" for his arbitrary conduct. The Dutch patents for land were held to require renewal, and Nicolls gathered a harvest of fees from exacting new title-deeds.

Bancroft, Hist. of the U.S., vol.1, p.524

Under Lord Lovelace, who, in May, 1667, succeeded him, the same system was more fully developed. In 1669, even the Swedes and Finns, the most patient of all emigrants, were roused to resistance. "The method for keeping the people in order is severity, and laying such taxes as may give them liberty for no thought but how to discharge them:" such was the remedy proposed in the instructions from Lovelace to his southern subordinate, and carried into effect by an arbitrary tariff.

Bancroft, Hist. of the U.S., vol.1, p.524 - p.525

In New York, where the established powers of the towns favored the demand for freedom, eight villages, in October of 1669, united in remonstrating against the arbitrary government; they demanded the promised legislation by annual assemblies. But absolute government was the settled policy of the royal proprietary; and taxation for purposes of defence, by the decree of the governor, was the next experiment. In 1670, the towns of Southold, Southampton, and Easthampton, expressed themselves willing to contribute, if they might enjoy the privileges of the New England colonies. The people of Huntington refused altogether; for, said they, "we are deprived of the liberties of Englishmen." The people of Jamaica declared the decree of the governor a disfranchisement, contrary to the laws of the English nation. Flushing and Hempstead were equally resolute. The votes of the several towns were presented to the governor and council; they were censured as "scandalous, illegal, and seditious, alienating the peaceable from their duty and obedience," and, according to the established precedents of tyranny, were ordered to be publicly burnt before the town-house of New York.

Bancroft, Hist. of the U.S., vol.1, p.525

It was easy to burn the votes which the yeomanry of Long Island had passed in their town-meetings. But, meantime, the forts were not put in order; the government of the duke of York was hated; and when, in the next war between England and the Netherlands, a small Dutch squadron, commanded by the gallant Evertsen, of Zealand, in July, 1673, approached Manhattan, the city surrendered within four hours; the people of New Jersey made no resistance; and the counties on the Delaware, recovering greater privileges than they had enjoyed, cheerfully followed the example. The Mohawk chiefs congratulated their brethren on the recovery of their colony. "We have always," said they, "been as one flesh. If the French come down from Canada, we will join with the Dutch nation, and live and die with them;" and the words of love were confirmed by a belt of wampum. New York was once more a province of the Netherlands.

Bancroft, Hist. of the U.S., vol.1, p.525 - p.526 - p.527

The nation of merchants and manufacturers had just achieved its independence of Spain and given to the Protestant world the leading example of a federal republic, when its mariners took possession of the Hudson. The country was now reconquered, at a time when the provinces, single-handed, were again struggling for existence against yet more powerful antagonists. France, supported by the bishops of Munster and Cologne, had succeeded in involving England in a conspiracy for the political destruction of England's commercial rival. Charles II had begun hostilities as a pirate; and Louis XIV did not disguise the purpose of conquest. In 1673, with armies amounting to two hundred thousand men, to which the Netherlands could oppose only twenty thousand, the French monarch invaded the republic; and, within a month, it was exposed to the same desperate dangers which had been encountered a century before; while the English fleet, hovering off the coast, endeavored to land English troops in the heart of the wealthiest of the provinces. The annals of the human race record but few instances where moral power has so successfully defied every disparity of force, and repelled desperate odds by invincible heroism. At sea, where greatly superior numbers were on the side of the allied fleets of France and England, the untiring courage of the Dutch would not consent to be defeated. On land, the dikes were broken up; the country drowned; the son of Grotius, suppressing anger at the ignominious proposals of the French, protracted negotiations till the rising waters could form a wide and impassable moat round the cities. At Groningen the whole population, without regard to sex, children even, labored on the fortifications; and fear was not permitted even to a woman. Arlington, one of the joint proprietaries of Virginia, advised William of Orange to seek advancement by yielding to England. "My country," replied the young man, "trusts in me; I will not sacrifice it to my interests, but, if need be, die with it in the last ditch." The landing of British, troops in Holland could be prevented only by three naval engagements. De Ruyter and the younger Tromp had been bitter enemies; the latter had been disgraced on the accusation of the former; political animosities had increased the feud. At the battle of Soulsbay, in June, 1673, where the Dutch with fifty-two ships of the line engaged an enemy with eighty, De Ruyter was successful in his first manoeuvres, while the extraordinary ardor of Tromp plunged headlong into dangers which he could not overcome; the frank and true-hearted De Ruyter checked himself in the career of victory, and turned to the relief of his rival. "Oh, there comes grandfather to the rescue," shouted Tromp, in an ecstasy; "I never will desert him so long as I breathe." The issue of the day was uncertain. In the second battle, the advantage was with the Dutch. About three weeks after the conquest of New Netherland, the last and most terrible conflict took place near the Helder. The enthusiasm of the Dutch mariners dared almost infinite deeds of valor; as the noise of the artillery boomed along the low coast of Holland, the churches on the shore were thronged with suppliants, begging victory for the right cause and their country. The contest raged, and was exhausted, and was again renewed with unexampled fury. But victory was with De Ruyter and the younger Tromp. The British fleet retreated, and was pursued; the coasts of Holland were protected.

Bancroft, Hist. of the U.S., vol.1, p.527

For more than a century no other naval combat was fought between Netherlands and England. The English parliament, condemning the war, refused supplies; Prussia and Austria were alarmed; Spain openly threatened; and Charles II, in 1674, consented to treaties. All conquests were to be restored; and Holland, which had been the first to claim the enfranchisement of the oceans, against its present interests established by compact the rights of neutral flags. In a work dedicated to all the princes and nations of Christendom, and addressed to the common intelligence of the civilized world, the admirable Grotius, contending that right and wrong are not the evanescent expressions of fluctuating opinions, but are endowed with an immortality of their own, had established the freedom of the seas on the imperishable foundation of public justice. Ideas once generated live forever. With the recognition of maritime liberty, Holland disappears from our history; when, after the lapse of more than a century, this principle comes into jeopardy, Holland, the mother of four of our states, will rise up as our ally, bequeathing to the new federal republic the defence of commercial freedom which she had vindicated against Spain, and for which we shall see her prosperity fall a victim to England.

Bancroft, Hist. of the U.S., vol.1, p.527

At the final transfer of New Netherland to England, on the last day of October, 1674, after a military occupation of fifteen months by the Dutch, the brother of Charles II resumed the possession of New York, and Carteret appeared once more as proprietary of the eastern moiety of New Jersey; but the banks of the Delaware were reserved for men who had learned the right principle of public law from the uneducated son of a poor Leicestershire weaver.

Chapter 15:

The People Called Quakers in the United States

Bancroft, Hist. of the U.S., vol.1, p.528

THE nobler instincts of humanity are the same in every age and in every breast. The exalted hopes that have dignified former generations of men will be renewed as long as the race shall survive. A spiritual unity binds together the members of the human family; and every heart contains an incorruptible seed, capable of springing up and producing all that man can know of God and duty and the soul. An inward voice, uncreated by schools, independent of refinement, opens to the unlettered hind, not less than to the polished scholar, a sure pathway to immortal truth.

Bancroft, Hist. of the U.S., vol.1, p.528

This is the faith of the people called QUAKERS. A moral principle is tested by the attempt to reduce it to practice.

Bancroft, Hist. of the U.S., vol.1, p.528

The history of European civilization is the history of the gradual enfranchisement of classes of society. In every European code, the ages of feudal influence, of mercantile ambition, of the enfranchisement of the country people, appear distinctly in succession.

Bancroft, Hist. of the U.S., vol.1, p.528

In the fourteenth century, the peasantry of England, conducted by tilers and carters and ploughmen, demanded of a youthful king deliverance from the bondage and burdens of feudal Oppression; in the fifteenth, the last traces of villeinage were wiped away; in the sixteenth, the noblest ideas of human destiny, awakening in the common mind, became the central points round which plebeian sects were gathered; in the seventeenth, the men that turned the battle on Marston Moor were mechanics and yeomen and the sons of yeomen, fighting, as they believed, for their own cause.

Bancroft, Hist. of the U.S., vol.1, p.528 - p.529

Political liberties had been followed by the emancipation of knowledge. The merchants always tolerated or favored the pursuits of science; Galileo would have been safe at Venice, and honored at Amsterdam or London. The method of free inquiry, applied to chemistry, had invented gunpowder, and changed the manners of the feudal aristocracy; applied to geography, had discovered a hemisphere, and, circumnavigating the globe, made the theatre of commerce wide as the world; applied to the mechanical process of multiplying books, had, in Protestant countries, brought the New Testament, in the vulgar tongue, within the reach of every class; applied to the rights of persons and property, had, for the English, built up a system of common law and given securities to liberty.

Bancroft, Hist. of the U.S., vol.1, p.529

On the continent of Europe, Descartes had already applied the method of observation and free inquiry to the study of morals and the mind; in England, Bacon hardly proceeded beyond the bounds of natural philosophy. Freedom, as applied to morals, was cherished in England among the people, and therefore had its development in religion. At the Reformation, the inferior clergy, rising against Rome and against domestic tyranny, had a common faith and common political cause with the people. A body of the yeomanry, becoming Independents, planted Plymouth colony. A part of the gentry espoused Calvinism, and fled to Massachusetts. The popular movement of intellectual liberty was measured by advances toward the liberty of preaching and the liberty of conscience.

Bancroft, Hist. of the U.S., vol.1, p.529

The moment was arrived for the plebeian mind to escape from hereditary prejudices; when the inquisitiveness of Bacon, the enthusiasm of Wycliffe, and the politics of Wat Tyler, were to gain the highest unity in a sect; when a popular, and, therefore, in that age, a religious party, building upon a divine principle, should demand freedom of thought, purity of morals, and universal enfranchisement.

Bancroft, Hist. of the U.S., vol.1, p.529

The sect had its birth in a period when in England reform was invading the church, subverting the throne, and repealing the privileges of feudalism; when Presbyterians were quarrelling with Anabaptists and Independents, and all the three with the Roman Catholics and the English church.

Bancroft, Hist. of the U.S., vol.1, p.530

The sect could arise only among the common people, who had everything to gain by its success, and the least to hazard by its failure. The privileged classes had no motive to develop a principle before which their privileges would crumble. "Poor mechanics," said William Penn, "are wont to be God's great ambassadors to mankind." "He hath raised up a few despicable and illiterate men," wrote the accomplished Barclay, "to dispense the more full glad tidings reserved for our age." It was the comfort of the Quakers that they received the truth from a simple sort of people, unmixed with the learning of schools; and, almost for the first time in the history of the world, a plebeian sect proceeded to that complete enfranchisement of mind which Socrates had explained to the young men of Athens.

Bancroft, Hist. of the U.S., vol.1, p.530

The simplicity of truth was restored by humble instruments, and its first messenger was of low degree. George Fox, the son of "righteous Christopher," a Leicestershire weaver, by his mother descended from the stock of the martyrs, distinguished even in boyhood by frank inflexibility and deep religious feeling, became in early life an apprentice to a Nottingham shoemaker who was a landholder, and, like David, and Tamerlane, and Sixtus V, was set by his employer to watch sheep. The occupation was grateful to him for its freedom, innocency, and solitude; and the years of earliest youth passed away in prayer and reading the Bible, frequent fasts, and the reveries of contemplative devotion. His boyish spirit yearned after excellence; and he was haunted by a vague desire of an unknown, illimitable good. In 1644, the most stormy period of the English democratic revolution, just as the Independents were beginning to make head successfully against the Presbyterians, when the impending ruin of royalty and the hierarchy made republicanism the doctrine of a party, and inspiration the faith of fanatics, Fox, as he revolved the question of human destiny, was agitated even to despair. The melancholy to which youth inclines heightened his anguish; abandoning his flocks and his shoemaker's bench, he nourished his inexplicable grief by retired meditations, and, often walking solitary in the chase, sought for a vision of God.

Bancroft, Hist. of the U.S., vol.1, p.531

He questioned his life; but his blameless life offered nothing for remorse. He went to many "priests" for comfort, but found no comfort from them. His wretchedness urged him to visit London; and there the religious feuds convinced him that the great professors were dark. He returned to the country, where some advised him to marry, others to join Cromwell's army; but his restless spirit drove him into the fields, where he walked many nights long by himself, in misery too great to be declared. Yet at times a ray of heavenly joy beamed upon his soul.

Bancroft, Hist. of the U.S., vol.1, p.531

He had been bred in the church of England. One day, in 1646, the thought arose in his mind that a man might be bred at Oxford or Cambridge, and yet be unable to explain the great problem of existence. Again he reflected that God lives not in temples of brick and stone, but in the hearts of the living; and from the parish priest and the parish church he turned to the dissenters. But among them he found the most experienced unable to reach his condition.

Bancroft, Hist. of the U.S., vol.1, p.531

Neither could the pursuit of wealth detain his mind from its struggle for fixed truth. His desires were those which wealth could not satisfy. A king's diet, palace, and attendance, had been to him as nothing. Rejecting "the changeable ways of religious" sects, the "brittle notions" and airy theories of philosophy, he longed for "unchangeable truth," a firm foundation of morals in the soul. His inquiring mind was gently led along to principles of boundless and eternal love, till light dawned within him; and, though the world was rocked by tempests of opinion, his secret and as yet unconscious belief was stayed by the anchor of hope.

Bancroft, Hist. of the U.S., vol.1, p.531 - p.532

George Fox had already risen above the prejudices of sects. The greatest danger remained. Liberty may be pushed to lawlessness, and freedom is the fork in the road where the by-way leads to infidelity. One morning, in 1648, as Fox sat silently by the fire, a cloud came over him; a baser instinct seemed to say: "All things come by nature;" and the elements and the stars oppressed his imagination with a vision of pantheism. But, as he continued musing, a true voice arose within him, and said: "There is a living God." At once his soul enjoyed the sweetness of repose; and he came up in spirit from the agony of doubt into the presence of truth. He thirsted for a reform in every branch of learning. The physician should quit the strife of words, and solve the appearances of nature by an intimate study of the higher laws of being. The priests, rejecting authority and giving up the trade in knowledge, should seek oracles of truth in the purity of conscience. The lawyers, abandoning their chicanery, should tell their clients plainly that he who wrongs his neighbor does a wrong to himself. The heavenly minded man was become a divine and a naturalist, and all of God Almighty's making.

Bancroft, Hist. of the U.S., vol.1, p.532

In this way did George Fox arrive at the conclusion that not the universities, not the Roman see, not the English church, not dissenters, not the whole outward world, can lead to a fixed rule of morality. The law in the heart must be received without prejudice, cherished without mixture, and obeyed without fear.

Bancroft, Hist. of the U.S., vol.1, p.532 - p.533

Confident that his name was written in the Lamb's book of life, he was borne, by an irrepressible impulse, to go forth into the briery and brambly world, and publish the glorious principles which had rescued him from despair and infidelity, and given him a clear perception of the immutable distinctions between right and wrong. At the very crisis when the house of commons was abolishing monarchy and the peerage, about two years and a half from the day when Cromwell went on his knees to kiss the hand of the young boy who was duke of York, the Lord, who sent George Fox into the world, forbade him to put off his hat to any, high or low; and he was required to thee and thou all men and women, without any respect to rich or poor, to great or small. The sound of the church bell in Nottingham, the home of his boyhood, offended his heart; like Milton and Roger Williams, his soul abhorred the hireling ministry of diviners for money; and, on the morning of a first-day, he was moved to go to the great steeple-house and cry against the idol. "When I came there," says Fox, "the people looked like fallow ground, and the priest, like a great lump of earth, stood in the pulpit above. He took for his text these words of Peter: 'We have also a more sure word of prophecy;' and told the people this was the scriptures. Now, the Lord's power was so mighty upon me, and so strong in me, that I could not hold; but was made to cry out: 'Oh, no! it is not the scriptures, it is the Spirit.'"

Bancroft, Hist. of the U.S., vol.1, p.533 - p.534

The principle contained a moral revolution. If it flattered self-love and fed enthusiasm, it established absolute freedom of mind, trod every idolatry under foot, and entered the strongest protest against the forms of a hierarchy. It was the principle for which Socrates died and Plato suffered; and, now that Fox went forth to proclaim it among the people, he was everywhere resisted with angry vehemence, and priests and professors, magistrates and people, swelled like the raging waves of the sea. At the Lancaster sessions, forty priests appeared against him at once. To the ambitious Presbyterians, it seemed as if hell were broke loose; and Fox, imprisoned and threatened with the gallows, still rebuked their bitterness as "exceeding rude and devilish," resisting and overcoming pride with unbending stubbornness. Possessed of great ideas which he could not trace to their origin, a mystery to himself, he believed himself the ward of Providence, and his doctrine the spontaneous expression of irresistible, intuitive truth. Nothing could daunt his enthusiasm. Cast into jail among felons, he claimed of the public tribunals a release only to continue his exertions; and, as he rode about the country, the seed of God sparkled about him like innumerable sparks of fire. If cruelly beaten, or set in the stocks, or ridiculed as mad, he none the less proclaimed the oracles of the voice within him, and rapidly gained adherents among the country people. Driven from the church, he spoke in the open air; forced from the humble ale-house, he slept without fear under a haystack, or watched among the furze. Crowds gathered, like flocks of pigeons, to hear him. His frame in prayer is described as the most awful, living, and reverent ever felt or seen; and his vigorous understanding, disciplined by clear convictions to natural dialectics, made him powerful in the public discussions to which be defied the world. A true witness, writing from knowledge and not report, declares that, by night and by day, by sea and by land, in every emergency he was always in his place, and always a match for every service and occasion. By degrees "the hypocrites" feared to dispute with him; and the priests trembled and "scud" as he drew near; "so that it was a dreadful thing to them, when it was told them: 'The man in leathern breeches is come.'"

Bancroft, Hist. of the U.S., vol.1, p.534

The converts to his doctrine were chiefly among the yeomanry; and Quakers were compared to the butterflies that live in fells. It is the boast of Barclay that the simplicity of truth was restored by weak instruments, and Penn exults that the message came without suspicion of human wisdom. The strong perception of speculative truth imparted to illiterate mechanics energy and unity of mind and character; with unconscious sagacity they spontaneously developed the system of moral truth, which, as they believed, exists as an incorruptible seed in every soul.

Bancroft, Hist. of the U.S., vol.1, p.534

Every human being was embraced within the sphere of their benevolence. George Fox did not fail, by letter, to catechise Innocent XI. Ploughmen and milkmaids, becoming itinerant preachers, sounded the alarm to the consciences of Puritans and Cavaliers, of the Pope and the Grand Turk, of the negro and the savage. The plans of the Quakers designed no less than the establishment of a universal religion; their apostles made their way to Rome and Jerusalem, to New England and Egypt; and some were even moved to go toward China and Japan, and in search of the unknown realms of Prester John.

Bancroft, Hist. of the U.S., vol.1, p.534

The rise of the people called Quakers marks the moment when intellectual freedom was claimed unconditionally by the people as an inalienable birthright. To the masses in that age all reflection on politics and morals presented itself under a theological form. The Quaker doctrine is philosophy, summoned from the cloister, the college, and the saloon, and planted among the most despised of the people.

Bancroft, Hist. of the U.S., vol.1, p.534 - p.535

As poetry is older than critics, so philosophy is older than metaphysicians. The mysterious question of the purpose of our being is always before us and within us; and the child, as it begins to prattle, makes inquiries which learning cannot solve. The method of the solution adopted by the Quakers was the natural consequence of their origin. The mind of George Fox had the highest systematic sagacity; and his doctrine developed and rendered illustrious by Barclay and Penn, was distinguished by its simplicity and unity. The Quaker has but one word, THE INNER LIGHT, the voice of God in the soul. That light is a reality, and therefore in its freedom the highest revelation of truth; it is kindred with the Spirit of God, and therefore in its purity should be listened to as the guide to virtue; it shines in every man's breast, and therefore joins the whole human race in the unity of equal rights. Intellectual freedom, the supremacy of mind, universal enfranchisement—these three points include the whole of Quakerism, as far as it belongs to civil history.

Bancroft, Hist. of the U.S., vol.1, p.535

Quakerism rests on the reality of the Inner Light. The revelation of truth is immediate. It springs neither from tradition nor from the senses, but from the mind. No man comes to the knowledge of God but by the Spirit. "Each person," says Penn, "knows God from an infallible demonstration in himself, and not on the slender grounds of men's lo here interpretations, or lo there." "The instinct of a Deity is so natural to man that he can no more be without it, and be, than he can be without the most essential part of himself." As the eye opens, light enters; and the mind, as it looks in upon itself, receives moral truth by intuition. Others have sought wisdom by consulting the outward world, and, confounding consciousness with reflection, have trusted solely to the senses for the materials of thought; the Quaker, placing no dependence on the world of senses, calls the soul home from its wanderings through the mazes of tradition and the wonders of the bible universe, bidding the vagrant sit down by its own fires to read the divine inscription on the heart. "Some seek truth in books, some in learned men, but what they seek for is in themselves." "Man is an epitome of the world, and, to be learned in it, we have only to read ourselves well." Tradition cannot enjoin a ceremony, still less establish a doctrine; historical faith is as the old heavens that are to be wrapped up like a scroll.

Bancroft, Hist. of the U.S., vol.1, p.535 - p.536

The constant standard of truth and goodness, says William Penn, is God in the conscience; and to restrain liberty of conscience is therefore an invasion of the divine prerogative. It robs man of the use of the instinct of a Deity, and prevents the progress of society; or rather, as the beneficent course of Providence cannot be checked, it is in men of the present generation but knotting a whip-cord to lash their own posterity.

Bancroft, Hist. of the U.S., vol.1, p.536

But the Quaker asked for conscience more than security against penal legislation. He denied the value of all learning, except that which the mind appropriates by its own intelligence. The lessons of tradition were no better than the prating of a parrot, and letter learning may be hurtful as well as helpful. When the mind is not free, the devil can accompany the zealot to his prayers and the doctor to his study. The soul is a living fountain of immortal truth; but a college is in itself no better than a cistern, in which water may stagnate. The pedant may plume himself in the belief that erudition is wisdom; but the waters of life well up from the soul in spontaneous freedom; and the unlearned artisan need not fear to rebuke the proudest rabbis of the university.

Bancroft, Hist. of the U.S., vol.1, p.536

The Quaker equally claimed the emancipation of conscience from the terrors of superstition. He did not waken devotion by appeals to fear. He could not grow pale from dread of apparitions, or, like Grotius, establish his faith by the testimony of ghosts; and, in an age when the English courts punished witchcraft with death, he rejected the delusion as having no warrant in the free experience of the soul. To him no spirit was created evil; the world began with innocency; and, as God blessed the works of his hands, their natures and harmony magnified their Creator. God made no devil; for all that he made was good.

Bancroft, Hist. of the U.S., vol.1, p.536 - p.537

The Quaker was warned against the delusions of self-love. His enemies sneered at his idol as a delirious will-o'-the-wisp, that claimed a heavenly descent for the offspring of earthly passions; but Fox and Barclay and Penn as earnestly denounced "the idolatry which hugs its own conceptions," mistaking the whimseys of a feverish brain for the calm revelations of truth. "How shall I know," asks Penn, "that a man does not obtrude his own sense upon us as the infallible Spirit?" And he answers, "By the same Spirit." The Spirit witnesseth to our spirit. The Quaker repudiates the errors which the bigotry of sects, or the zeal of selfishness, or the delusion of the senses, has engrafted upon the unchanging principles of morals; and accepting intelligence wherever it emerges from the collision of parties and the strife in the world of opinions, he gathers together the universal truths which of necessity constitute the common creed of mankind. Quakerism "is a most rational system." Judgment is to be made not from the rash and partial mind, but from the eternal light that never errs. The divine revelation is universal, and compels assent. The jarring reasonings of individuals have filled the world with controversies and debates; the one true light pleads its excellency in every breast. Neither may the divine revelation be confounded with individual conscience; for the conscience of the individual follows judgment, and may be warped by self-love and debauched by lust. The Turk has no remorse for sensual indulgence, because he has defiled his judgment with a false opinion. The papist, if he eat flesh in Lent, is reproved by the inward monitor; for that monitor is blinded by a false belief. The true light is therefore not the reason of the individual, nor the conscience of the individual; it is the light of universal reason; the voice of universal conscience, "manifesting its own verity, in that it is confirmed and established by the experience of all men." "It constrains even its adversaries to plead for it." "It never contradicts sound reason," and is the noblest and most certain rule; for "the divine revelation is so evident and clear of itself, that by its own evidence and clearness it irresistibly forces the well-disposed understanding to assent."

Bancroft, Hist. of the U.S., vol.1, p.537

The Bible was the religion of Protestants; had the Quaker a better guide? The Quaker believes that the Spirit is the guide which leads into all truth; and reads the scriptures with delight, but not with idolatry. It is his own soul which bears the valid witness that they are true. The letter is not the Spirit; the Bible is not religion, but a record of religion. "The scriptures"—such are Barclay's words—"are a declaration of the fountain, and not the fountain itself."

Bancroft, Hist. of the U.S., vol.1, p.537 - p.538

Far from rejecting Christianity, the Quaker insisted that he alone held it in its primitive simplicity. The skeptic forever vibrated between opinions; the Quaker was fixed even to dogmatism. The scoffer pushed freedom to indifference; the Quaker circumscribed freedom by obedience to truth. George Fox and Voltaire both protested against priestcraft; Voltaire in behalf of the senses, Fox in behalf of the soul. To the Quakers, Christianity is freedom. And they loved to remember that the patriarchs were graziers, that the prophets were mechanics and shepherds, that John Baptist, the greatest of envoys, was clad in a rough garment of camel's hair. To them there was joy in the thought that the brightest image of divinity on earth had been born in a manger, had been reared under the roof of a carpenter, had been content for himself and his guests with no greater luxury than barley loaves and fishes, and that the messengers of his choice had been rustics like themselves. Nor were they embarrassed by knotty points of theology. Was the Trinity defended or denied by minute criticism on various readings, they avoided the use of the word: but the idea of God with us, the union of Deity with humanity, was to the Quaker the most sublime symbol of man's enfranchisement.

Bancroft, Hist. of the U.S., vol.1, p.538 - p.539

As a consequence of this faith, every avenue to truth was to be kept open. "Christ came not to extinguish, but to improve the heathen knowledge." "The difference between the philosophers of Greece and the Christian Quaker is rather in manifestation than in nature." He cries "Stand" to every thought that knocks for entrance, but welcomes it as a friend if it gives the watchword. Happy in the wonderful bond which admitted him to a communion with all the sons of light, of every nation and age, he rejected with scorn the school of Epicurus; he had no sympathy with the follies of the skeptics; and esteemed even the mind of Aristotle too much bent upon the outward world. But Aristotle himself, in so far as he grounds philosophy on virtue and self-denial, and all contemplative sages, orators and philosophers, statesmen and divines, were gathered as a cloud of witnesses to the same unchanging truth. "The Inner Light," said Penn, "is the domestic God of Pythagoras." The voice in the breast of George Fox, as he kept sheep on the hills of Nottingham, is the spirit which had been the good genius of Socrates. Above all, the Christian Quaker delighted in "the divinely contemplative Plato," the "famous doctor of gentile theology," and recognised the identity of the Inner Light with the divine principle of Plotinus. Quakerism is as old as humanity.

Bancroft, Hist. of the U.S., vol.1, p.539

The Inner Light is to the Quaker not only the revelation of truth, but the guide of life and the oracle of duty. The doctrine of disinterested virtue—the doctrine for which Guyon was persecuted and Fenelon disgraced, the doctrine which tyrants condemn as rebellion, and priests as heresy—was cherished by the Quaker as the foundation of morality. Self-denial he enforced with ascetic severity, yet never with ascetic superstition. He might array himself fantastically to express a truth by an apparent symbol, but he never wore sackcloth as an anchorite. "Thoughts of death and hell to keep out sin were to him no better than fig-leaves." He would obey the imperative dictate of truth even though the fires of hell were quenched. Virtue is happiness; heaven is with her always.

Bancroft, Hist. of the U.S., vol.1, p.539

The Quakers knew no superstitions vows of celibacy; they favored no nunneries, monasteries, "or religious bedlams;" but they demanded purity of life as essential to the welfare of society, and founded the institution of marriage on permanent affection, not on transient passion. Their matches, they were wont to say, are registered in heaven. Has a recent school of philosophy discovered in wars and pestilence, in vices and poverty, salutary checks on population? The Quaker, confident of the supremacy of mind, feared no evil, though plagues and war should cease, and vice and poverty be banished by intelligent culture. Despotism favors the liberty of the senses; and popular freedom rests on sanctity of morals. To the Quaker, licentiousness is the greatest bane of good order and good government.

Bancroft, Hist. of the U.S., vol.1, p.539 - p.540

The Quaker revered principles, not men; truth, not power; and therefore could not become the tool of ambition. "They are a people," said Cromwell, "whom I cannot win with gifts, honors, offices, or places." Still less was the Quaker a slave to avarice. To him the love of money for money's sake was the basest of passions, and the rage of indefinite accumulation was "oppression to the poor, compelling those who have little to drudge like slaves." "That the sweat and tedious labor of the husbandmen, early and late, cold and hot, wet and dry, should be converted into the pleasure, ease, and pastime of a small number of men, that the cart, the plough, the thresh, should be in inordinate severity laid upon nineteen parts of the land to feed the appetites of the twentieth, is far from the appointment of the great governor of the world." It is best the people be neither rich nor poor; for riches bring luxury, and luxury tyranny.

Bancroft, Hist. of the U.S., vol.1, p.540

The system aimed at a reformation of society, but only by means addressed to conscience. It demanded that children should be brought up, not in the pride of caste, still less by methods of violence. Life should never be taken for an offence against property, nor the person imprisoned for debt. And the same train of reasoning led to a protest against war. The Quaker, for himself, renounced the use of the sword; but, aware that the vices of society might entail danger on a nation not imbued with his principles, he did not absolutely deny to others the right of defence, while he hoped from the progress of civilization a universal and enduring peace.

Bancroft, Hist. of the U.S., vol.1, p.540

The Quaker regarded "the substance of things," and broke up ceremonies as the nests of superstition. Every Protestant refuses the rosary and the censer; the Quaker rejects common prayer, and his adoration of God is the free language of his soul. He remembers the sufferings of divine philanthropy, but uses neither wafer nor cup. He trains up his children to fear God, but never sprinkles them with baptismal water. He ceases from labor on the first day of the week, for the ease of creation, and not from reverence for a holy day. The Quaker is a pilgrim on earth, and life is the ship that bears him to the haven; he mourns in his mind for the departure of friends by respecting their advice, taking care of their children, and loving those that they loved; and this seems better than outward emblems of sorrowing. His words are always freighted with innocence and truth; God, the searcher of hearts, is the witness to his sincerity; but kissing a book or lifting a hand is a vanity, and the sense of duty cannot be increased by an imprecation.

Bancroft, Hist. of the U.S., vol.1, p.540 - p.541

The Quaker distrusts the fine arts, they are so easily perverted to the purposes of superstition and the delight of the senses; yet, when they are allied with virtue, and express the nobler sentiments, they are very sweet and refreshing. The comedy where, of old, Aristophanes excited the Athenians to hate Socrates, and where the profligate gallants of the court of Charles II assembled to hear the drollery of Nell Gwyn heap ridicule on the Quakers, was condemned. But innocent diversions, the delights of rural life, the pursuits of science, the study of history, would not interfere with aspirations after God. For apparel, the Quaker dresses soberly, according to his condition and education; far from prescribing an unchanging fashion, he holds it "no vanity to use what the country naturally produces," but he reproves that extravagance which "all sober men of all sorts readily grant to be evil."

Bancroft, Hist. of the U.S., vol.1, p.541

Like vanities of dress, the artifices of rhetoric were despised. Truth, it was said, is beautiful enough in plain clothes; and Penn, who was able to write exceedingly well, often forgot that style is the gossamer on which the seeds of truth float through the world.

Bancroft, Hist. of the U.S., vol.1, p.541

The Quakers employ for the propagation of truth no weapons but those of mind. They distributed tracts; but they would not sustain their doctrine by a hireling ministry, saying: "A man thou hast corrupted to thy interests will never be faithful to them;" and an established church seemed "a cage for unclean birds." When a great high-priest, who was a doctor, had finished preaching from the words, "Ho every one that thirsteth, come buy without money," George Fox "was moved of the Lord to say to him, 'Come down, thou deceiver! Dost thou bid people come to the waters of life freely, and yet thou takest three hundred pounds a year of them?' The Spirit is a free teacher." The Quaker never would pay tithes.

Bancroft, Hist. of the U.S., vol.1, p.541

To persecute, he esteemed a confession of a bad cause; for the design that is of God has confidence in itself, and knows that any other will vanish. "Your cruelties are a confirmation that truth is not on your side," was the remonstrance of a woman of Aberdeen to the magistrates who had imprisoned her husband.

Bancroft, Hist. of the U.S., vol.1, p.541 - p.542

In like manner, the Quaker never employed force to effect a social revolution or reform, but, refusing obedience to wrong, deprived tyranny of its instruments. The Quaker's loyalty, said the earl of Arrol at Aberdeen, is a qualified loyalty; it smells of rebellion: to which Alexander Skein, brother to a subsequent governor of West New Jersey, calmly answered: "I understand not loyalty that is not qualified with the fear of God rather than of man." The Quaker bore witness against blind obedience not less than against will worship. He never consented to the slightest compromise of the right of free discussion. Wherever there was evil and oppression, he claimed the right to be present with a remonstrance. He delivered his opinions freely before Cromwell and Charles II, in face of the gallows in New England, in the streets of London, before the English commons. This was his method of resistance. Algernon Sidney, like Brutus, would have plunged a dagger into the breast of a tyrant; the Quaker labored incessantly to advance reform by enlightening the public conscience. Any other method of revolution he believed an impossibility. Government—such was his belief—will always be as the people are; and a people imbued with the love of liberty create the irresistible necessity of a free government. He sought no revolution but that which followed as the consequence of the public intelligence. Such revolutions were inevitable. "Though men consider it not, the Lord rules and overrules in the kingdoms of men." Any other revolution would be transient. The Quakers submitted to the restoration of Charles II as the best arrangement for the crisis, confident that time and truth would lead to a happier issue. "The best frame, in ill hands, can do nothing that is great and good. Governments, like clocks, go from the motion imparted to them; they depend on men rather than men on government. Let men be good, the government cannot be bad; if it be ill, they will cure it." Even with absolute power, an Antonine or an Alfred could not make bricks without straw, nor the sword do more than substitute one tyranny for another.

Bancroft, Hist. of the U.S., vol.1, p.542 - p.543

No Quaker book has a trace of skepticism on man's capacity for progress. For him the moral power of ideas is constantly effecting improvement in society. By an honest profession of truth, the humblest person, if single-minded and firm, "can shake all the country for ten miles round." The Inner Light is an invincible power. It is a power which never changes; such was the message of Fox to the pope, the kings, and nobles of all sorts; it fathoms the world, and throws down that which is contrary to it. It quenches fire; it daunts wild beasts; it turns aside the edge of the sword; it outfaces instruments of cruelty; it converts executioners. It was remembered with exultation that the enfranchisements of Christianity were the result of faith, and not of the sword; and that truth in its simplicity, radiating from the foot of the cross, has filled a world of sensualists with astonishment, overthrown their altars, discredited their oracles, infused itself into the soul of the multitude, invaded the court, risen superior to armies, and led magistrates and priests, statesmen and generals, in its train, as the trophies of its strength exerted in freedom.

Bancroft, Hist. of the U.S., vol.1, p.543

Thus the Quaker was cheered by a firm belief in the progress of society. Even Aristotle, so many centuries ago, recognised the upward tendency in human affairs; a Jewish contemporary of Barclay made note of the tendency toward popular power; George Fox perceived that the Lord's hand was against kings; and one day, on the hills of Yorkshire, he had a vision that he was but beginning the glorious work of God in the earth; that his followers would in time become as numerous as motes in the sunbeams; and that the party of humanity would gather the whole human race in one sheepfold. Neither art, wisdom, nor violence, said Barclay, conscious of the vitality of truth, shall quench the little spark that hath appeared. The atheist—such was the common opinion of the Quakers—the atheist alone denies progress, and says in his heart: All things continue as they were in the beginning.

Bancroft, Hist. of the U.S., vol.1, p.543

If from the rules of private morality we turn to political institutions, here also the principle of the Quaker is the Inner Light. He acquiesces in any established government which shall build its laws upon the declarations of "universal reason." But government is a part of his religion; and the religion that declares "every man enlightened by the divine light" establishes government on universal and equal enfranchisement.

Bancroft, Hist. of the U.S., vol.1, p.544

"Not one of mankind," says Penn, "is exempted from this illumination." "God discovers himself to every man." He is in every breast, in the ignorant drudge as well as in Locke or Leibnitz. Every moral truth exists in every man's and woman's heart as an incorruptible seed; the ground may be barren, but the seed is certainly there. Every man is a little sovereign to himself. Freedom is as old as reason itself, which is given to all, constant and eternal, the same to all nations. The Quaker is no materialist; truth and conscience are not one thing at Rome, and another at Athens; they cannot be abrogated by senate or people. Freedom and the right of property were in the world before Protestantism; they came not with Luther; they do not vanish with Calvin; they are the common privilege of mankind.

Bancroft, Hist. of the U.S., vol.1, p.544

The Bible enfranchises those only to whom it is carried; Christianity, those only to whom it is made known; the creed of a sect, those only within its narrow pale. The Quaker, resting his system on the Inner Light, redeems the race. Of those who believe in the necessity of faith in an outward religion, some have cherished the mild superstition that, in the hour of dissolution, an angel is sent from heaven "to manifest the doctrine of Christ's passion;" the Quaker believes that the heavenly messenger is always present in the breast of every man, ready to counsel the willing listener.

Bancroft, Hist. of the U.S., vol.1, p.544

Man is equal to his fellow-man. No class can, "by long apprenticeship" or a prelate's breath, by wearing black or shaving the crown, obtain a monopoly of moral truth. There is no distinction of clergy and laity.

Bancroft, Hist. of the U.S., vol.1, p.544

The Inner Light sheds its blessings on the whole human race; it knows no distinction of sex. It redeems woman by the dignity of her moral nature, and claims for her the equal culture and free exercise of her endowments. As the human race ascends the steep acclivity of improvement, the Quaker cherishes woman as the equal companion of the journey.

Bancroft, Hist. of the U.S., vol.1, p.544 - p.545

Nor does he know an abiding distinction of king and subject. The universality of the Inner Light "brings crowns to the dust, and lays them low and level with the earth." "The Lord will be king; there will be no crowns but to such as obey his will." With God a thousand years are indeed as one day; yet judgment on tyrants will come at last, and may come ere long.

Bancroft, Hist. of the U.S., vol.1, p.545

Every man has God in the conscience; therefore the Quaker knows no distinction of castes. He bows to God, and not to his fellow-servant. "All men are alike by creation," says Barclay; and it is slavish fear which reverences others as gods. "I am a man," says every Quaker, and refuses homage. The most favored of his race, even though endowed with the gifts and glories of an angel, he would regard but as his fellow-servant and his brother. The feudal nobility still nourished its pride. "Nothing," says Penn, "nothing of man's folly has less show of reason to palliate it." "What a pother has this noble blood made in the world!" "But men of blood have no marks of honor stampt upon them by nature." The Quaker scorned to take off his hat to any of them; he held himself the peer of the proudest peer in Christendom. With the eastern despotism of Diocletian, Europe had learned the hyperboles of eastern adulation; but "My Lord Peter and My Lord Paul are not to be found in the Bible; My Lord Solon or Lord Scipio is not to be read in Greek or Latin stories." And the Quaker returned to the simplicity of Gracchus and Demosthenes, though "Thee and Thou proved a sore cut to proud flesh." This was not done for want of courtesy, which "no religion destroys;" but he knew that the hat was the symbol of enfranchisement, worn before the king by the peers of the realm, in token of equality; and the symbol, as adopted by the Quaker, was a constant proclamation that all men are equal.

Bancroft, Hist. of the U.S., vol.1, p.545 - p.546

Thus the doctrine of George Fox was not only a plebeian form of philosophy, but the prophecy of political changes. The spirit that made to him the revelation was the invisible spirit of the age, rendered wise by tradition, and excited to insurrection by the enthusiasm of liberty and religion. Everywhere in Europe, therefore, the Quakers were exposed to persecution. Their seriousness was called melancholy fanaticism their boldness, self-will; their frugality, covetousness; their freedom, infidelity; their conscience, rebellion. In England, the general laws against dissent, the statute against the papist, and special statutes against themselves, put them at the mercy of every malignant informer. They were hated by the church and the Presbyterians, by the peers and the king. The codes of that day describe them as "an abominable sect;" "their principles as inconsistent with any kind of government." During the Long Parliament, in the time of the protectorate, at the restoration, in England, in New England, in the Dutch colony of New Netherland, everywhere, and for wearisome years, they were exposed to perpetual dangers and griefs; they were whipped, crowded into jails among felons, kept in dungeons foul and gloomy beyond imagination, fined, exiled, sold into colonial bondage. They bore the brunt of the persecution of the dissenters. Imprisoned in winter without fire, they perished from frost. Some were victims to the barbarous cruelty of the jailer. Twice George Fox narrowly escaped death. The despised people braved every danger to continue their assemblies. Hauled out by violence, they returned. When their meeting-houses were torn down, they gathered openly on the ruins. They could not be dissolved by armed men; and when their opposers took shovels to throw rubbish on them, they stood close together, "willing to have been buried alive, witnessing for the Lord." They were exceeding great sufferers for their profession, and in some cases treated worse than the worst of the race. They were as poor sheep appointed to the slaughter, and as a people killed all day long.

Bancroft, Hist. of the U.S., vol.1, p.546 - p.547

Is it strange that they looked beyond the Atlantic for a refuge? When New Netherland was recovered from the United Provinces, Berkeley and Carteret entered again into possession of their portion of it. For Berkeley, already a very old man, the visions of colonial fortune had not been realized; there was nothing before him but contests for quit-rents with settlers resolved on governing themselves; and in March, 1674, a few months after the return of George Fox from his pilgrimage to all our colonies from Carolina to Rhode Island, the haughty peer, for a thousand pounds, sold the half of New Jersey to Quakers, to John Fenwick in trust for Edward Byllinge and his assigns. A dispute between Byllinge and Fenwick was allayed by the benevolent decision of William Penn; and, in 1675, Fenwick, with a large company and several families, set sail in the Griffith for the asylum of Friends. Ascending the Delaware, he landed on a pleasant, fertile spot; and, as the outward world easily takes the hues of men's minds, he called the place Salem, for it seemed the dwellingplace of peace.

Bancroft, Hist. of the U.S., vol.1, p.547

Byllinge was embarrassed in his fortunes; Gawen Laurie, William Penn, and Nicholas Lucas became his assigns as trustees for his creditors, and shares in the undivided moiety of New Jeresy were offered for sale. As an affair of property, it was like land companies of to-day, except that in those days speculators bought acres by the hundred thousand. But the Quakers desired a territory where they could institute a government; and Carteret, in August, 1676, readily agreed to a division, for they left him the best of the bargain.

Bancroft, Hist. of the U.S., vol.1, p.547 - p.548

And, now that the men who had gone about to turn the world upside down were possessed of a province, what system of politics would they adopt? The light that lighteth every man shone brightly in the pilgrims of Plymouth, in the Calvinists with Hooker and Haynes, and in the freemen of Virginia when the transient abolition of monarchy compelled even royalists to look from the throne to a surer guide in the heart; the Quakers, following the same exalted instincts, could but renew the fundamental legislation of the men of the Mayflower, of Hartford, and of the Old Dominion. "The CONCESSIONS are such as Friends approve of;" this is the message of the Quaker proprietaries in England to the few who had emigrated: "We lay a foundation for after ages to understand their liberty as Christians and as men, that they may not be brought into bondage but by their own consent; for we put THE POWER IN THE PEOPLE." And on the third day of March, 1677, the fundamental laws of West New Jersey were perfected and published. They are written with almost as much method as our present constitutions, and recognise the principle of democratic equality as unconditionally and universally as the Quaker society itself. No man, nor number of men, hath power over conscience. No person shall at any time, in any ways, or on any pretence, be called in question, or in the least punished or hurt for opinion in religion. The general assembly shall be chosen, not by the confused way of cries and voices, but by the balloting-box. Every man is capable to choose or be chosen. The electors shall give their respective deputies instructions at large, which these, in their turn, by indentures under hand and seal, shall bind themselves to obey. The disobedient deputy may be questioned before the assembly by any one of his electors. Each member is to be allowed one shilling a day, to be paid by his immediate constituents, "that he may be known as the servant of the people." The executive power rested with ten commissioners, to be appointed by the assembly; justices and constables were chosen directly by the people; the judges, appointed by the general assembly, retained office but two years at the most, and sat in the courts but as assistants to the jury. In the twelve men, and in them only, judgment resides; in them and in the general assembly rests discretion as to punishments. "All and every person in the province shall, by the help of the Lord and these fundamentals, be free from oppression and slavery." No man can be imprisoned for debt. Courts were to be managed without the necessity of an attorney or counsellor. The native was protected against encroachments; the helpless orphan educated by the state.

Bancroft, Hist. of the U.S., vol.1, p.548 - p.549

Immediately the English Quakers, with the good wishes of Charles II, flocked to West New Jersey; and commissioners, possessing a temporary authority, were sent to administer affairs till a popular government could be instituted. When the vessel, freighted with the men of peace, arrived in America, Andros, the governor of New York, claimed jurisdiction over their territory. The claim, which, on the feudal system, was perhaps a just one, was compromised as a present question, and referred for decision to England. Meantime lands were purchased of the Indians; the planters numbered nearly four hundred souls; and, already at Burlington, under a tent covered with sail-cloth, the Quakers began to hold religious meetings. The Indian kings, in 1678, gathered in council under the shades of the Burlington forests, and declared their joy at the prospect of permanent peace. "You are our brothers," said the sachems, "and we will live like brothers with you. We will have a broad path for you and us to walk in. If an Englishman falls asleep in this path, the Indian shall pass him by, and say, He is an Englishman; he is asleep; let him alone. The path shall be plain; there shall not be in it a stump to hurt the feet."

Bancroft, Hist. of the U.S., vol.1, p.549

Everything augured success to the colony, but that, at Newcastle, the agent of the duke of York, who still possessed Delaware, exacted customs of the ships ascending to New Jersey. It may have been honestly believed that his jurisdiction included the whole river; when urgent remonstrances were made, the duke referred the question to a disinterested commission, before which the Quakers reasoned thus:

Bancroft, Hist. of the U.S., vol.1, p.549

"An express grant of the powers of government induced us to buy the moiety of New Jersey. If we could not assure people of an easy, free, and safe government, liberty of conscience, and an inviolable possession of their civil rights and freedoms, a mere wilderness would be no encouragement. It were madness to leave a free country to plant a wilderness, and give another person an absolute title to tax us at will.

Bancroft, Hist. of the U.S., vol.1, p.549

"The customs imposed by the government of New York are not a burden only, but a wrong. By what right are we thus used? The king of England cannot take his subjects' goods without their consent. This is a home-born right, declared to be law by divers statutes.

Bancroft, Hist. of the U.S., vol.1, p.549

"To give up the right of making laws is to change the government and resign ourselves to the will of another. The land belongs to the natives; of the duke we buy nothing but the right of an undisturbed colonizing, with the expectation of sonic increase of the freedoms enjoyed in our native country. We have not lost English liberty by leaving England.

Bancroft, Hist. of the U.S., vol.1, p.549

"The tax is a surprise on the planter; it is paying for the same thing twice over. Custom, levied upon planting, is unprecedented. Besides, there is no end of this power. By this precedent, we are assessed without law, and excluded from our English right of common assent to taxes. We can call nothing our own, but are tenants at will, not for the soil only, but for our personal estates. Such conduct has destroyed government, but never raised one to true greatness.

Bancroft, Hist. of the U.S., vol.1, p.549 - p.550

"Lastly, to exact such unterminated tax from English planters, and to continue it after so many repeated complaints, will be the greatest evidence of a design to introduce, if the crown should ever devolve upon the duke, an unlimited government in England."

Bancroft, Hist. of the U.S., vol.1, p.550

This argument of the Quakers was triumphant. Sir William Jones decided that, as the grant from the duke of York had reserved no profit or jurisdiction, the tax was illegal. The duke of York promptly acquiesced in the decision, and in a new indenture of August, 1680, relinquished every claim to the territory and the government.

Bancroft, Hist. of the U.S., vol.1, p.550 - p.551

After such trials, vicissitudes, and success, the light of peace dawned upon West New Jersey; and, in November, 1681, Jennings, acting as governor for the proprietaries, convened the first legislative assembly of the representatives of men who said thee and thou to all the world, and wore their hats in the presence of beggar or king. Their first measures established their rights by an act of fundamental legislation, and, in the spirit of "the concessions," they framed their government on the basis of humanity. Neither faith, nor wealth, nor race was respected. They met in the wilderness as men, and founded society on equal rights. What shall we relate of a community thus organized? That they multiplied, and were happy? that they levied for the expenses of their commonwealth two hundred pounds, to be paid in corn, or skins, or money that they voted the governor a salary of twenty pounds? that they prohibited the sale of ardent spirits to the Indians? that they forbade imprisonment for debt? The formation of this little government of a few hundred souls, that soon increased to thousands, is one of the most beautiful incidents in the history of the age. West New Jersey would have been a fit home for Fenelon. The people rejoiced under the reign of God, confident that he would beautify the meek with salvation. A loving correspondence began with Friends in England, and from the fathers of the sect frequent messages were received. "Friends that are gone to make plantations in America, keep the plantations in your hearts, that your own vines and lilies be not hurt. You that are governors and judges, you should be eyes to the blind, feet to the lame, and fathers to the poor; that you may gain the blessing of those who are ready to perish, and cause the widow's heart to sing for gladness. If you rejoice because your hand hath gotten much; if you say to fine gold, Thou art my confidence—you will have denied the God that is above. The Lord is ruler among nations; he will crown his people with dominion."

Bancroft, Hist. of the U.S., vol.1, p.551

In the midst of this innocent tranquillity, Byllinge, the original grantee of Berkeley, claimed as proprietary the right of nominating the deputy governor. The usurpation was resisted. Byllinge grew importunate; and the Quakers, setting a new precedent, amended their constitutions according to the prescribed method, and then elected a governor. This method of reform was the advice of WILLIAM PENN.

Bancroft, Hist. of the U.S., vol.1, p.551

For in the mean time William Penn had become deeply interested in the progress of civilization on the Delaware. In company with eleven others, he had purchased East New Jersey of the heirs of Carteret. But of the eastern moiety of New Jersey, peopled chiefly by Puritans, the history is intimately connected with that of New York. The line that divides East and West New Jersey is the line where the influence of the humane society of Friends is merged in that of Puritanism.

Chapter 16:

Pennsylvania

Bancroft, Hist. of the U.S., vol.1, p.552

IT was for the grant of a territory on the opposite bank of the Delaware that William Penn, in June, 1650, became a suitor. His father, distinguished in English history by the conquest of Jamaica, and by his conduct, discretion, and courage, in the signal battle against the Dutch in 1665, had bequeathed to him a claim on the government for sixteen thousand pounds. To Charles II, always embarrassed for money, the grant of a province was the easiest mode of cancelling the debt. Penn had friends in North, Halifax, and Sunderland; and a pledge given to his father on his death-bed obtained for him the favor of the duke of York. With such support, he triumphed over "great opposition," and obtained a charter for the territory, which received from Charles II the name of Pennsylvania, and was to include three degrees of latitude by five degrees of longitude west from the Delaware. The duke of York desired to retain the three lower counties—that is, the state of Delaware—as an appendage to New York; Pennsylvania was, therefore, in that direction, limited by a circle drawn at twelve miles' distance from Newcastle, northward and westward, to the beginning of the fortieth degree of latitude. This impossible boundary received the assent of the agents of the duke of York and Lord Baltimore.

Bancroft, Hist. of the U.S., vol.1, p.552 - p.553

The charter, as originally drawn up by William Penn himself, conceded powers of government analogous to those of the charter for Maryland. That nothing might be at variance with English law, it was revised by the attorney-general, and amended by Lord North, who inserted clauses to guard the sovereignty of the king and the commercial supremacy of parliament. The acts of the future colonial legislature were to be submitted to the king and council, who might annul then, if contrary to English law. The right to levy customs was expressly reserved to parliament. The bishop of London, quite unnecessarily, required security for the English church. The people were to be safe against taxation, except by the provincial assembly or the English parliament. In other respects, the usual franchises of a feudal proprietary were conceded.

Bancroft, Hist. of the U.S., vol.1, p.553

At length, writes William Penn, on the fifth of March, 1681," after many waitings, watchings, solicitings, and disputes in council, my country was confirmed to me under the great seal of England. God will bless and make it the seed of a nation. I shall have a tender care of the government, that it be well laid at first."

Bancroft, Hist. of the U.S., vol.1, p.553

Pennsylvania included the principal settlements of the Swedes; and lands which had been granted to Dutch and English by the Dutch West India company and by the duke of York. The royal proclamation of the second of April announced to the inhabitants of the province that William Penn, their absolute proprietary, was invested with all powers and pre-eminences necessary for the government. The proprietary issued a proclamation in the following words:

Bancroft, Hist. of the U.S., vol.1, p.553 - p.554

"MY FRIEND: I wish you all happiness here and hereafter. These are to lett you know, that it hath pleased God in his Providence to cast you within my Lott and Care. It is a business, that though I never undertook before, yet God has given me an understanding of my duty and an honest minde to doe it uprightly. I hope you will not be troubled at your chainge and the king's choice; for you are now fixt, at the mercy of no Governour that comes to make his fortune great. You shall be governed by laws of your own makeing, and live a free, and if you will, a sober and industreous People. I shall not usurp the right of any, or oppress his person. God has furnisht me with a better resolution, and has given me his grace to keep it. In short, whatever sober and free men can reasonably desire for the security and improvement of their own happiness, I shall heartily comply with. I beseech God to direct you in the way of righteousness, and therein prosper you and your children after you. I am your true Friend,

Bancroft, Hist. of the U.S., vol.1, p.554

"WM. PENN.

"LONDON, 8th of the month called April, 1651."

Bancroft, Hist. of the U.S., vol.1, p.554

Such were the pledges of the Quaker sovereign on assuming the government; during his long reign, these pledges were faithfully redeemed. He never refused the free men of Pennsylvania a reasonable desire.

Bancroft, Hist. of the U.S., vol.1, p.554

With this letter to the inhabitants, William Markham sailed in May as agent of the proprietary. He was to govern in harmony with law, and the people were requested to continue the established system of revenue till Penn himself could reach America. In July, the conditions for the sale of lands were reciprocally ratified by Penn and a company of adventurers. The enterprise of planting a province would have been vast for a man of large fortune; Penn's estate had yielded, when unencumbered, a revenue of fifteen hundred pounds; but, in his zeal to rescue his suffering brethren from persecution, he had, by heavy expenses in courts of law and at court, impaired his resources. In August, a company of traders offered six thousand pounds and an annual revenue for a monopoly of the Indian traffic between the Delaware and the Susquehannah. To a father of a family, in straitened circumstances, the temptation was great; but Penn was bound by his religion to equal laws. "I will not abuse the love of God"—such was his decision—"nor act unworthy of his Providence, by defiling what came to me clean. No; let the Lord guide me by his wisdom to honor his name and serve his truth and people, that an example and a standard may be set up to the nations;" and he adds to a Friend: "There may be room there, though not here, for the Holy Experiment."

Bancroft, Hist. of the U.S., vol.1, p.554 - p.555

With a company of emigrants, full instructions were forwarded, in September, respecting lands and planting a city. Penn disliked the crowded towns of the Old World; he desired the city might be so planted with gardens round each house as to form "a greene country town." In October, he addressed a letter to the natives of the American forest, declaring himself and them responsible to one and the same God, having the same law written in their hearts, and alike bound to love and help and do good to one another.

Bancroft, Hist. of the U.S., vol.1, p.555

Meantime, the mind of Penn was deeply agitated by thoughts on the government which he should establish. To him government was a part of religion itself, an emanation of divine power, capable of kindness, goodness, and charity; having an opportunity of benevolent care for men of the highest attainments, even more than the office of correcting evil-doers; and, without imposing one uniform model on all the world, without denying that time, place, and emergencies may bring with them a necessity or an excuse for monarchical or even aristocratical institutions, he believed "any government to be free to the people where the laws rule, and the people are a party to the laws." Penn was superior to avarice, and he had risen above ambition; but he loved to do good; and could passionate philanthropy resign absolute power apparently so favorable to the exercise of vast benevolence? "I purpose"—such was the prompt decision which he announced in May, 1682—"for the matters of liberty I purpose that which is extraordinary—to leave myself and successors no power of doeing mischief; that the will of one man may not hinder the good of a whole country." "It is the great end of government to support power in reverence with the people, and to secure the people from the abuse of power; for liberty without obedience is confusion, and obedience without liberty is slavery." Taking counsel, therefore, from all sides, he published a frame of government, not as a conceded constitution, but as a system to be referred to the freemen in Pennsylvania.

Bancroft, Hist. of the U.S., vol.1, p.555

In the same month a free society of traders was organized. "It is a very unusual society"—such was their advertisement—"for it is an absolute free one, and in a free country; every one may be concerned that will, and yet have the same liberty of private traffique, as though there were no society at all."

Bancroft, Hist. of the U.S., vol.1, p.555 - p.556

To perfect his territory, Penn desired the bay, the river, and the shore of the Delaware to the ocean. The territories or three lower counties, now forming the state of Delaware, were in possession of the duke of York, and from the conquest of New Netherland had been esteemed an appendage to his province. His claim, arising from conquest and possession, had the informal assent of the king and the privy council, and had extended even to the upper Swedish settlements. It was not difficult to obtain from the duke a release of his claim on Pennsylvania; and, after much negotiation, in August, the lower province was granted by two deeds of feoffment. From the forty-third degree of latitude to the Atlantic, the western and southern banks of Delaware river and bay were under the dominion of William Penn.

Bancroft, Hist. of the U.S., vol.1, p.556

Every arrangement for a voyage to his province being finished, in a beautiful letter he took leave of his family. His wife, who was the love of his youth, he reminded of his impoverishment in consequence of his public spirit, and wrote: "Live low and sparingly till my debts be paid." Yet for his children he adds: "Let their learning be liberal; spare no cost, for by such parsimony all is lost that is saved." "Let my children be husbandmen and housewives." Friends in England gave their farewell at parting with "the innocence and tenderness of the child that has no guile."

Bancroft, Hist. of the U.S., vol.1, p.556

After a long passage, rendered gloomy by frequent death among the passengers, many of whom had in England been his immediate neighbors, on the twenty-seventh day of October, 1652, William Penn landed at Newcastle.

Bancroft, Hist. of the U.S., vol.1, p.556 - p.557

The son and grandson of naval officers, his thoughts had from boyhood been directed to the ocean; the conquest of Jamaica by his father early familiarized his imagination with the New World, and in the university of Oxford, at the age of seventeen, he indulged in visions, of which America was the scene. Bred in the school of Independency, he had, while hardly twelve years old, learned to listen to the voice of God in his soul; and at Oxford, where his studies included the writings of the Greek philosophers, especially of Plato, the words of a Quaker preacher so touched his heart that, in 1661, he was fined and afterward expelled for non-conformity. His father, bent on subduing his enthusiasm, beat him and turned him into the streets, to choose between poverty with a pure conscience, or fortune with obedience. But how could the hot anger of a petulant sailor continue against his oldest son? It was in the days of Descartes that, to complete his education, William Penn received a father's permission to visit the continent.

Bancroft, Hist. of the U.S., vol.1, p.557

From the excitements and the instruction of travel the young exile turned aside to the college at Saumur, where, under the guidance of the gifted and benevolent Amyrault, his mind was trained in the severities of Calvinism, as tempered by the spirit of universal love.

Bancroft, Hist. of the U.S., vol.1, p.557

In 1664, Penn was just crossing the Alps into Piedmont when the appointment of his father to the command of a British squadron in the naval war with Holland compelled his return to the care of the estates of the family. In London the travelled student of Lincoln's Inn, while diligent in gaining a knowledge of English law, was yet esteemed a most modish fine gentleman.

Bancroft, Hist. of the U.S., vol.1, p.557

Having thus strengthened his understanding by the learning of Oxford, the religion and philosophy of the French Huguenots and France, and the study of the laws of England; being of engaging manners, and so skilled in the use of the sword that he easily disarmed an antagonist; of great natural vivacity and gay good humor—the career of wealth and preferment was open before him through the influence of his father and the ready favor of his sovereign. But his mind was already imbued with "a deep sense of the vanity of the world, and the irreligiousness of its religions."

Bancroft, Hist. of the U.S., vol.1, p.557

In 1666, on a journey in Ireland, William Penn heard his old friend Thomas Loe speak of the faith that overcomes the world; the undying fires of enthusiasm at once blazed up within him, and he renounced every hope for the path of integrity. It is a path into which, says Penn, "God, in his everlasting kindness, guided my feet in the flower of my youth, when about two-and-twenty years of age." And in the autumn of that year he was in jail for the crime of listening to the voice of conscience. "Religion," such was his remonstrance to the viceroy of Ireland, "is my crime and my innocence; it makes me a prisoner to malice, but my own freeman."

Bancroft, Hist. of the U.S., vol.1, p.557 - p.558

After his enlargement, returning to England, he encountered bitter mockings and scornings, the invectives of the priests, the strangeness of all his old companions; it was noised about in the fashionable world, as an excellent jest, that "William Penn was a Quaker again, or some very melancholy thing;" and, in 1667, his father, in anger, turned him penniless out of doors.

Bancroft, Hist. of the U.S., vol.1, p.558

The outcast, saved from extreme indigence by a mother's fondness, became an author, and, in 1665, announced to princes, priests, and people, that he was one of the despised, afflicted, and forsaken Quakers. Repairing to court with his hat on, he sought to engage the duke of Buckingham in favor of liberty of conscience, claimed from those in authority better things for dissenters than stocks and whips and dungeons and banishments, and was urging the cause of freedom with importunity, when he himself, in the heyday of early life, was consigned to a long and close imprisonment in the Tower. His offence was heresy: the bishop of London menaced him with imprisonment for life unless he would recant. "My prison shall be my grave," answered Penn. The kind-hearted Charles II sent the humane and candid Stillingfleet to calm the enthusiast. "The Tower," such was Penn's message to the king, "is to me the worst argument in the world." In vain did Stillingfleet urge the motive of royal favor and preferment. The inflexible young man demanded freedom of Arlington, "as the natural privilege of an Englishman;" club-law, he argued with the minister, may make hypocrites; it never can make converts. Conscience needs no mark of public allowance. It is not like a bale of goods that is to be forfeited unless it has the stamp of the custom-house. After losing his freedom for about nine months, his constancy commanded the respect and recovered the favor of his father, and his prison-door was opened by the intercession of his father's friend, the duke of York.

Bancroft, Hist. of the U.S., vol.1, p.558 - p.559

The Quakers, exposed to judicial tyranny, sought a barrier against their oppressors by narrowing the application of the common law, and restricting the right of judgment to the jury. Scarcely had Penn been at liberty a year, when, after the intense intolerance of "the conventicle act," he was arraigned, in 1670, for having spoken at a Quaker meeting. "Not all the powers on earth shall divert us from meeting to adore our God who made us," said Penn as he asked on what law the indictment was founded. "On the common law," answered the recorder. "Where is that law?" demanded Penn. "The law which is not in being, far from being common, is no law at all." Amid angry exclamations and menaces he proceeded to plead earnestly for the fundamental laws of England, and, as he was hurried out of court, still reminded the jury that "they were his judges." Dissatisfied with the first verdict returned, the recorder heaped upon the jury every opprobrious epithet. "We will have a verdict, by the help of God, or you shall starve for it." "You are Englishmen," said Penn, who had been again brought to the bar; "mind your privilege, give not away your right." "It never will be well with us," said the recorder, "till something like the Spanish inquisition be in England." At last the jury, who had received no refreshments for two days and two nights, on the third day gave their verdict: "Not guilty." The recorder fined them forty marks apiece for their independence, and, amercing Penn for contempt of court, sent him back to prison. The trial was an era in judicial history. The fines were soon afterward discharged by his father, who was now approaching his end. "Son William," said the dying admiral, "if you and your friends keep to your plain way of preaching and living, you will make an end of the priests."

Bancroft, Hist. of the U.S., vol.1, p.559 - p.560

Inheriting an easy fortune, he continued to defend from the press the principles of intellectual liberty and moral equality; he remonstrated in unmeasured terms against the bigotry and intolerance, "the hellish darkness and debauchery," of the university of Oxford; he exposed the errors of the Roman Catholic church, and in the same breath pleaded for a toleration of their worship; and, never fearing openly to address a Quaker meeting, he was soon on the road to Newgate, to suffer for his honesty by a six months' imprisonment. "You are an ingenious gentleman," said the magistrate at the trial; "you have a plentiful estate; why should you render yourself unhappy by associating with such a simple people?" "I prefer," said Penn, "the honestly simple to the ingeniously wicked." The magistrate rejoined by charging Penn with previous immoralities. The young man, with passionate vehemence, vindicated the spotlessness of his life. "I speak this," he adds, "to God's glory, who has ever preserved me from the power of these pollutions, and who, from a child, begot a hatred in me toward them. Thy words shall be thy burden; I trample thy slander under my feet."

Bancroft, Hist. of the U.S., vol.1, p.560

From Newgate, Penn addressed parliament and the nation in a noble plea for liberty of conscience—a liberty which he defended from experience, from religion, and from reason.

Bancroft, Hist. of the U.S., vol.1, p.560

On his release from imprisonment, a calmer season of seven years followed. Penn travelled in Holland and Germany; then returning to England, he married a woman of extraordinary beauty and sweetness of temper, whose noble spirit "chose him before many suitors," and honored him with "a deep and upright love." As persecution in England was suspended, he enjoyed for two years the delights of rural life and the animating pursuit of letters, till the imprisonment of George Fox, on his return from America, demanded intercession. Then it was that, in considering England's present interest, he refused to rest his appeal on the sentiment of mercy, and merited the highest honors of a statesman by unfolding the rights of conscience in their connection with the peace and happiness of the state.

Bancroft, Hist. of the U.S., vol.1, p.560

The summer and autumn after the first considerable Quaker emigration, Barclay and Penn went to and fro in Germany, from the Weser to the Mayne, the Rhine, and the Neckar, distributing tracts, discoursing with men of every sect and every rank, rebuking every attempt to inthrall the mind, and sending reproofs to kings and magistrates, to the princes and lawyers of all Christendom. He explained "the universal principle " in the court of the princess palatine, and to the few Quaker converts among the peasantry of Kirchheim. This visit of Penn gave new life to the colonial plans of Oxenstiern, and inflamed the desire of the peasantry and the middle class of Germany to remove to America.

Bancroft, Hist. of the U.S., vol.1, p.560

On his return to England he appeared before a committee of the house of commons to plead for universal liberty of conscience.

Bancroft, Hist. of the U.S., vol.1, p.560 - p.561

Defeated in his hopes from parliament by its dissolution, Penn took an active part in the elections of 1679. And, as Algernon Sidney now "embarked with those that did seek love, and choose the best things," William Penn engaged in the contest for his election, and greatly assisted in obtaining for him a majority which was defeated only by a false return.

Bancroft, Hist. of the U.S., vol.1, p.561 - p.562 - p.563

Despairing of relief in Europe, Penn bent his energies to the establishment of a free government in the New World. And now, in October, 1682, being in the meridian of life, but a year older than was Locke when, twelve years before, he had assisted in framing a constitution for Carolina, the Quaker legislator was come to the New World to lay the foundations of states. Locke, like William Penn, was tolerant; both loved freedom; both cherished truth in sincerity. But Locke kindled the torch of liberty at the fires of tradition; Penn, at the living light in the soul. Locke sought truth through the senses and the outward world; Penn looked inward to the divine revelations in every mind. Locke compared the soul to a sheet of white paper, just as Hobbes had compared it to a slate, on which time and chance may scrawl their experience; to Penn, the soul was an organ which of itself instinctively breathes divine harmonies. To Locke, "conscience is nothing else than our own opinion of our own actions;" to Penn, it is the image of God, and his oracle in the soul. Locke, who was never a father, esteemed "the duty of parents to preserve their children not to be understood without reward and punishment;" Penn loved his children, with not a thought for the consequences. Locke, who was never married, declares marriage an affair of the senses; Penn reverenced woman as the object of fervent, inward affection, made not for lust, but for love. In studying the understanding, Locke begins with the sources of knowledge; Penn, with an inventory of our intellectual treasures. Locke deduces government from Noah and Adam, rests it upon contract, and announces its end to be the security of property; Penn, far from going back to Adam, or even to Noah, declares that "there must be a people before a government," and, deducing the right to institute government from man's moral nature, seeks its fundamental rules in the immutable dictates "of universal reason," its end in freedom and happiness. The system of Locke lends itself to contending factions of the most opposite interests and purposes; the doctrine of Fox and Penn, being but the common creed of humanity, forbids division and insures the highest moral unity. To Locke, happiness is pleasure; things are good and evil only in reference to pleasure and pain; and to "inquire after the highest good is as absurd as to dispute whether the best relish be in apples, plums, or nuts;" Penn esteemed happiness to lie in the subjection of the baser instincts to the instinct of Deity in the breast, good and evil to be eternally and always as unlike as truth and falsehood, and the inquiry after the highest good to involve the purpose of existence. Locke says plainly that, but for rewards and punishments beyond the grave, "it is certainly right to eat and drink, and enjoy what we delight in;" Penn, like Plato and Fenelon, maintained the doctrine so terrible to despots that God is to be loved for his own sake, and virtue to be practiced for its intrinsic loveliness. Locke derives the idea of infinity from the senses, describes it as purely negative, and attributes it to nothing but space, duration, and number; Penn derived the idea from the soul, and ascribed it to truth and virtue and God. Locke declares immortality a matter with which reason has nothing to do, and that revealed truth must be sustained by outward signs and visible acts of power; Penn saw truth by its own light, and summoned the soul to bear witness to its own glory. Locke believed "not so many men in wrong opinions as is commonly supposed, because the greatest part have no opinions at all, and do not know what they contend for;" Penn likewise vindicated the many, but it was because truth is the common inheritance of the race. Locke, in his love of tolerance, inveighed against the methods of persecution as "popish practices;" Penn censured no sect, but condemned bigotry of all sorts as inhuman. Locke, as an American law-giver, dreaded a too numerous democracy, and reserved all power to wealth and feudal proprietaries; Penn believed that God is in every conscience, his light in every soul; and therefore he built—such are his own words—"a free colony for all mankind." This is the praise of William Penn, that, in an age which had seen a popular revolution shipwreck popular liberty among selfish factions, which had seen Hugh Peter and Henry Vane perish by the hangman's cord and the axe; in an age when Sidney nourished the pride of patriotism rather than the sentiment of philanthropy, when Russell stood for the liberties of his order and not for new enfranchisements, when Harrington and Shaftesbury and Locke thought government should rest on property—he did not despair of humanity, and, though all history and experience denied the sovereignty of the people, dared to cherish the noble idea of man's capacity for self-government and right to it. Conscious that there was no room for its exercise in England, the pure enthusiast, like Calvin and Descartes a voluntary exile, was come to the banks of the Delaware to institute "THE HOLY EXPERIMENT."

Bancroft, Hist. of the U.S., vol.1, p.563

The news spread rapidly that the Quaker king was at Newcastle; and, on the twenty-eighth of October, the day after his landing, in presence of a crowd of Swedes and Dutch and English, who had gathered round the court-house, his deeds of feoffment were produced; the duke of York's agent surrendered the territory by the delivery of earth and water, and Penn, invested with supreme and undefined power in Delaware, addressed the assembled multitude on government, recommended sobriety and peace, and pledged himself to grant liberty of conscience and civil freedom.

Bancroft, Hist. of the U.S., vol.1, p.563

On the same day Penn ascended the Delaware to Chester, where he was hospitably received by the emigrants who had preceded him from the north of England; the village of herdsmen and farmers, with their plain manners and tranquil passions, seemed a harbinger of a golden age.

Bancroft, Hist. of the U.S., vol.1, p.563

From Chester, tradition describes the journey of Penn to have been continued with a few friends in an open boat, in the earliest days of November, to the bank on which the city of Philadelphia was soon to rise.

Bancroft, Hist. of the U.S., vol.1, p.563 - p.564

For the inauguration of the government, a general convention had been permitted by Penn: the people preferred to appear by their representatives; and in three days the work of preparatory legislation at Chester was finished. The charter from the king did not include the lands which form the state of Delaware; these were then enfranchised by the joint act of the inhabitants and the proprietary, and united with Pennsylvania on the basis of equal rights. The freedom of all being thus confirmed, the Inward Voice, which was the celestial visitant of the Quakers, dictated a code. God was declared the only Lord of conscience; the first day of the week was reserved as a day of rest, for the ease of the creation. Equality was introduced into families by abrogating the privileges of primogeniture. The word, the contract, or the testimony of a man, required no confirmation by oath. The spirit of speculation was checked by a system of strict accountability, applied to factors and agents. Every resident who paid scot and lot to the governor possessed the right of suffrage; and, without regard to sect, every Christian was eligible to office. No tax or custom could be levied but by law. The pleasures of the senses, masks, revels, and stage-plays, not less than bull-baits and cock-fights, were prohibited. Murder was the only crime punishable by death. Marriage was esteemed a civil contract; adultery, a felony. The false accuser was liable to double damages. Every prison for convicts was made a workhouse. There were neither poor rates nor tithes. The Swedes and Finns and Dutch were invested with the liberties of Englishmen. Well might Lawrence Cook exclaim in their behalf: "It is the best day we have ever seen. The work of legislation being finished, the proprietary urged upon the house his religious counsel, and the assembly was adjourned.

Bancroft, Hist. of the U.S., vol.1, p.564 - p.565

The government having been organized, William Penn, in December, accompanied by members of his council, hastened to West river, to interchange courtesies with Lord Baltimore, and fix the limits of their respective provinces. The adjustment was difficult. Lord Baltimore claimed by his charter the whole country as far as the fortieth degree. Penn replied, just as the Dutch and the agents of the duke of York had always urged, that the charter for Maryland included only lands that were still unoccupied; that the banks of the Delaware had been purchased, appropriated, and colonized, before that charter was written. For more than fifty years the country had been in the hands of the Dutch and their successors; and, during that period, the claim of Lord Baltimore had always been resisted. The answer of Penn was true, and conformed to English law as applied to the colonies. In 1623, the Dutch had built Fort Nassau, in New Jersey; and the soil of Delaware was purchased by Godyn, and colonized by De Vries, before the promise of King Charles to Sir George Calvert. But what line should be esteemed the limit of New Netherland? This remained a subject for compromise. A discussion of three days led to no result: tired of useless debates, Penn crossed the Chesapeake to visit Friends at Choptank, and, returning to his own province, prepared to renew negotiation or to submit to arbitration in England.

Bancroft, Hist. of the U.S., vol.1, p.565

In the first weeks of 1653, William Penn, having purchased of the Swedes the neck of land between the Schuylkill and Delaware, marked out for a town by the convenience of the rivers, the firmness of the land, the pure springs and salubrious air, "in a situation," such are his own words, "not surpassed by one among all the many places" he had seen in the world, he laid out Philadelphia, the city of refuge, the mansion of freedom. "Here," said his Quaker brethren, "we may worship God according to the dictates of the Divine Principle, free from the mouldy errors of tradition; here we may thrive, in peace and retirement, in the lap of unadulterated nature; here we may improve an innocent course of life on a virgin Elysian shore." But vast as were the hopes of the humble Friends, who now marked the boundaries of streets on the chestnut- or ash- and walnut-trees of the original forest, they were surpassed by the reality. Pennsylvania bound the northern and the southern colonies in bonds stronger than paper chains; Philadelphia is the birthplace of American independence and the pledge of union.

Bancroft, Hist. of the U.S., vol.1, p.565 - p.566

In March, the infant city was the scene of legislation. From each of the six counties into which Penn's dominions were divided, nine representatives, Swedes, Dutch, and English, were elected for the purpose of establishing a charter of liberties. They desired it might be the acknowledged growth of the New World, and bear date in Philadelphia. "To the people of this place," said Penn, "I am not like a selfish man; through my travail and pains the province came; it is now in Friends' hands. Our faith is for one another, that God will be our counsellor forever." And, when the general assembly came together, he referred to the frame of government proposed in England, saying: "You may amend, alter, or add; I am ready to settle such foundations as may be for your happiness."

Bancroft, Hist. of the U.S., vol.1, p.566 - p.567

The constitution which was established created a legislative council and a more numerous assembly; the former to be elected for three years, one third being renewed annually; the assembly to be annually chosen. Rotation in office was enjoined. The theory of the constitution gave to the governor and council the initiation of all laws; these were to be promulgated to the people; and the office of the assembly was designed to be no more than to report the decision of the people in their primary meetings. Thus no law could be enacted but with the direct assent of the whole community. Such was the system of the charter of liberties. But it received modifications from the legislature by which it was established. The assembly set the precedent of engaging in debate, and of proposing subjects for bills by way of conference with the governor and council. In return, by unanimous vote, a negative voice was allowed the governor on all the doings of the council, and such a power was virtually a right to negative any law. It would have been more simple to have left the assembly full power to originate bills, and to the governor an unconditional negative. This was virtually the method established in 1653; it was distinctly recognised in the fundamental law in 1696. The charter from Charles II held the proprietary responsible for colonial legislation; and no act of provincial legislation could be perfected till it had passed the great seal of the province. That a negative voice was thus reserved to William Penn was, I believe, the opinion of the colonists of that day; such was certainly the intention of the royal charter. In other respects the frame of government gave all power to the people; the judges were to be nominated by the provincial council, and, in case of good behavior, could not be removed by the proprietary during the term for which they were commissioned. But for the hereditary office of proprietary, Pennsylvania would have been a representative democracy. In Maryland the council was named by Lord Baltimore; in Pennsylvania by the people. In Maryland the power of appointing magistrates, and all, even the subordinate executive officers, rested solely with the proprietary; in Pennsylvania, William Penn could not appoint a justice or a constable; every executive officer, except the highest, was elected by the people or their representatives; and the governor could perform no public act but with the consent of the council. Lord Baltimore had a revenue derived from the export of tobacco, the staple of Maryland, and his colony was burdened with taxes; a similar revenue was offered to William Penn and declined.

Bancroft, Hist. of the U.S., vol.1, p.567

In the name of all the freemen of the province, the charter was received by the assembly with gratitude, as one "of more than expected liberty." I desired," says Penn, "to show men as free and as happy as they can be." In old age his language was still: "If, in the relation between us, the people want of me anything that would make them happier, I shall readily grant it."

Bancroft, Hist. of the U.S., vol.1, p.567 - p.568

The first purchase of land from the Indians for the proprietary was made by Markham, in July, 1652. In May, 1653, Penn "was in treaty for land with the kings of the natives," who took much time to form a resolution. On the twenty-third of June, he met them in council, and received the deed. Two days later in June, and on the fourteenth of July, a further purchase was completed. After this, "great promises passed between him and the Indians of kindness and good neighborhood, and that the Indians and English must live in love as long as the sun should give light." This being done, another chieftain spoke to the Indians in the name of all the several chiefs, first to explain what was done, and then to charge them to love the Christians, and particularly to live in peace with Penn and the people under his government. At every sentence of this last speech the whole company shouted and said Amen, in their way, and a firm and advantageous correspondence with them was settled. "They are a careless, merry people," writes Penn, "yet in affairs of property strict in their dealings. In council, they are deliberate, in speech short, grave, and eloquent." "I have never seen in Europe anything more wise, cautious, and dexterous. It is admirable to me as it may look incredible on the other side of the water." And again he says: "They have tied themselves by an obligation under their hands that if any of them break our laws they shall submit to be punished by them." The white and the red men "agreed that in all differences between them, twelve men, six of each side, shall end the matter."

Bancroft, Hist. of the U.S., vol.1, p.568

Penn often met the Indians, visiting them in their cabins, and sharing their banquet of hominy. The tawny skin did not exclude the instinct of a Deity. "The poor savage people believed in God and the soul without the aid of metaphysics."

Bancroft, Hist. of the U.S., vol.1, p.568

The rulers and the natives kept faith with one another. "To the poor dark souls around about us," said the Quakers, "we teach their rights as men."

Bancroft, Hist. of the U.S., vol.1, p.568

When Peter, the great Russian reformer, attended in England a meeting of Quakers, the semi-barbarous philanthropist could not but exclaim: "How happy must be a community instituted on their principles!" "Beautiful!" said Frederic of Prussia when, a hundred years later, he read the account of the government of Pennsylvania; "it is perfect, if it can endure." To the charter which Locke invented for Carolina, the proprietaries voted an immutable immortality; and it never gained more than a short, partial existence: to the people of his province Penn left it free to subvert or alter the frame of government; and its essential principles continue to this day without change.

Bancroft, Hist. of the U.S., vol.1, p.568

It remained to dislodge superstition from its hiding-places in the imagination of the Scandinavian emigrants. A turbulent Swedish woman was brought to trial, in 1654, as a witch. Penn presided, and the Quakers on the jury outnumbered the Swedes. The grounds of the accusation were canvassed, the witnesses calmly examined, and the jury, having listened to the charge from the governor, returned this verdict: "The prisoner is guilty of the common fame of being a witch, but not guilty as she stands indicted." The friends of the liberated prisoner gave bonds that she should keep the peace; and from Penn's domain witchcraft disappeared.

Bancroft, Hist. of the U.S., vol.1, p.568 - p.569

Meantime, the news spread abroad that William Penn, the Quaker, had opened "an asylum to the good and the oppressed of every nation;" and humanity went through Europe, gathering the children of misfortune. From England and Wales, from Scotland and Ireland, and the Low Countries, emigrants crowded to the land of promise. On the banks of the Rhine new companies were formed under better auspices than those of the Swedes; and, from the highlands above Worms, the humble people renounced their German homes for his protection. There had been nothing in the history of the human race like the confidence which his simple virtues and institutions inspired. In August, 1683," Philadelphia consisted of three or four little cottages;" the conies were yet undisturbed in their hereditary burrows; the deer fearlessly bounded past blazed trees, that foreboded streets; the stranger who wandered from the river bank was lost in the forest; and, two years afterward, the place contained about six hundred houses, and the school-master and the printing press had begun their work. "I must, without vanity, say," such was his honest self-gratulation in 1684," I have led the greatest colony into America that ever any man did upon a private credit, and the most prosperous beginnings that ever were in it are to be found among us."

Bancroft, Hist. of the U.S., vol.1, p.569 - p.570

The government had been organized, peace with the natives confirmed, the fundamental law established, the courts of justice instituted. The province already contained eight thousand souls. Intrusting the great seal to his friend Lloyd, and the executive power to a committee of the council, Penn, in August, 1684, sailed for England, leaving to his people a farewell, unclouded by apprehension. "My love and my life are to you and with you, and no water can quench it, nor distance bring it to an end. I have been with you, cared over you, and served you with unfeigned love; and you are beloved of me and dear to me beyond utterance. I bless you in the name and power of the Lord, and may God bless you with his righteousness, peace, and plenty, all the land over." "You are come to a quiet land, and liberty and authority are in your hands. Rule for him under whom the princes of this world will one day esteem it their honor to govern in their places." "And thou, Philadelphia, the virgin settlement of this province, my soul prays to God for thee, that thou mayest stand in the day of trial, and that thy children may be blessed." "Dear friends, my love salutes you all." And, after he reached England, he assured eager inquirers that "things went on sweetly with Friends in Pennsylvania; that they increased finely in outward things and in wisdom."

Bancroft, Hist. of the U.S., vol.1, p.570

The question respecting the boundaries between the domains of Lord Baltimore and of William Penn was promptly resumed before the committee of trade and plantations; and, after many hearings, in October, 1655, it was decided that the tract of Delaware did not constitute a part of Maryland. The boundaries of Delaware were ultimately established by a compromise.

Bancroft, Hist. of the U.S., vol.1, p.570

This decision formed the basis of a settlement between the respective heirs of the two proprietaries in 1732. Three years afterward, the subject became a question in chancery; in 1750, the present boundaries were decreed by Lord Hardwicke; ten years later, they were, by agreement, more accurately defined; and, in 1761, commissioners began to designate the limit of Maryland on the side of Pennsylvania and Delaware. In 1763, Charles Mason and Jeremiah Dixon, two mathematicians and surveyors, were engaged to mark the lines. In 1764, they entered upon their task, with good instruments and a corps of axemen; by the middle of June, 1765, they had traced the parallel of latitude to the Susquehannah; a year later, they climbed the Little Alleghany; in 1767, they carried forward their work, under an escort from the Six Nations, to an Indian war-path, two hundred and forty-four miles from the Delaware river. Others continued Mason and Dixon's line to the bound of Pennsylvania on the south-west.

Bancroft, Hist. of the U.S., vol.1, p.570 - p.571

But the care of colonial property did not absorb the enthusiasm of Penn; now that his father's friend had succeeded to the throne, he employed his fortune, his influence, and his fame to secure that "IMPARTIAL" liberty of conscience which, for nearly twenty years, he had advocated before the magistrates of Ireland, and English juries, in the Tower, in Newgate, before the commons of England, in public discussions with Baxter and the Presbyterians, before Quaker meetings, at Chester and Philadelphia, and through the press to the world. It was his old post, the office to which he was faithful from youth to age. Fifteen thousand families had been ruined for dissent since the restoration; five thousand persons had died victims to imprisonment. The monarch was persuaded to exercise his prerogative of mercy; and, in 1686, at Penn's intercession, not less than twelve hundred Friends were liberated from the horrible dungeons and prisons where many of them had languished hopelessly for years. For Locke, then a voluntary exile, he obtained a promise of immunity, which the blameless philosopher, in the just pride of innocence, refused. Claiming for the executive of the country the prerogative of employing every person, "according to his ability, and not according to his opinion," he labored to effect a repeal by parliament of every disfranchisement for opinion. Ever ready to deepen the vestiges of British freedom, and vindicate the right of "the free Saxon people to be governed by laws of which they themselves were the makers," his soul was bent on effecting this end by means of parliament during the reign of James II, well knowing that the prince of Orange was pledged to a less liberal policy. The political tracts of "the arch Quaker" in behalf of liberty of conscience connect the immutable principles of human nature and human rights with the character and origin of English freedom, and exhaust the question as a subject for English legislation. No man in England was more opposed to Roman Catholic dominion; but he desired, in the controversy with the Roman church, nothing but equality; and, in the true spirit of liberty, he sought to infuse his principles into the public mind, that so they might find their place in the statute-book through the convictions of his countrymen. William Penn was involved in the obloquy which followed the Stuarts; but the candor of his character triumphs over detraction; his fame has its ineffaceable record in the history of the world.

Bancroft, Hist. of the U.S., vol.1, p.571 - p.572

Meanwhile, the Quaker legislators in the woods of Pennsylvania were serving their novitiate in popular legislation. To complain, to impeach, to institute committees of inquiry, to send for persons and papers, to quarrel with the executive—all was attempted, and all without permanent harm. The assembly, in 1685 and 1686, originated bills without scruple; they attempted a new organization of the judiciary; they alarmed the merchants by their lenity toward debtors; they would vote no taxes; they claimed the right of inspecting the records, and displacing the officers of the courts. Jealousy of a feudal chief was displayed. The maker of the first Pennsylvania almanac was censured for publishing Penn as a lord; they expelled a member who reminded them that they were contravening the provisions of their charter. The executive power was imperfectly administered, for the council was too numerous a body for its regular exercise. In 1657, a commission of five was substituted; and finally, when it was resolved to appoint a deputy governor, the choice of the proprietary was not wisely made. In legislation, justice and wisdom were left to struggle with folly and passion; but, in the universal prosperity, discontent could find no resting-place.

Bancroft, Hist. of the U.S., vol.1, p.572

Peace was uninterrupted. Once, indeed, it was rumored that on the Brandywine five hundred Indians were assembled to concert a massacre. Immediately Caleb Pusey, with five Friends, hastened unarmed to the scene of anticipated danger. The sachem repelled the report with indignation; and the griefs of the tribe were canvassed and assuaged. "The great God, who made all mankind, extends his love to Indians and English. The rain and the dews fall alike on the ground of both; the sun shines on us equally; and we ought to love one another." Such was the diplomacy of the Quaker envoy. The king of the Delawares answered: "What you say is true. Go home, and harvest the corn God has given you. We intend you no harm."

Bancroft, Hist. of the U.S., vol.1, p.572 - p.573

The white man agreed with the red man to love one another. William Penn employed blacks without scruple. The free society of traders, which he chartered and encouraged, in its first public agreement relating to negroes, did but substitute, after fourteen years' service, the severe condition of adscripts to the soil for that of slaves. At a later day he endeavored to secure to the African mental and moral culture, the rights and happiness of domestic life. His efforts were not successful. In his last will he directed his own slaves to be emancipated: but his direction was not regarded by the heir. On the subject of negro slavery, the German mind was least inthralled by prejudice, because Germany had never yet participated in the slave-trade. The Swedish and German colony of Gustavus Adolphus had avowed the design to permit only free labor. The general meeting of the Quakers for a season forebore a positive judgment; but already, in 1688," the poor hearts " from Kirchheim, "the little handful" of German Friends from the highlands above the Rhine, came to the resolution that it was not lawful for Christians to buy or to keep negro slaves.

Bancroft, Hist. of the U.S., vol.1, p.573

This decision of the German emigrants on negro slavery was taken during the lifetime of George Fox, who recognised no distinction of race. "Let your light shine among the Indians, the blacks, and the whites," was his message to Quakers on the Delaware. A few weeks before his death, he exhorted Friends in America to be the light of the world, the salt to preserve earth from corruption. Covetousness, he adds, is idolatry; and he bids them beware of that "idol for which so many lose morality and humanity." In 1691, on his deathbed, nearly his last words were: "Mind poor Friends in America." His works praise him. Neither time nor place can dissolve fellowship with his spirit. To his name William Penn left this short epitaph: "Many sons have done virtuously in this day; but, dear GEORGE, thou excellest them all."

Bancroft, Hist. of the U.S., vol.1, p.573

An opposite system was developed in the dominions of the duke of York.

Chapter 17:

James II Consolidates the Northern Colonies

Bancroft, Hist. of the U.S., vol.1, p.574

THE country which, in June, 1674, after the reconquest of New Netherland, was again conveyed to the duke of York, extended from the Kennebec to the St. Croix, and from the Connecticut river to Maryland. We have now to trace an attempt to consolidate the whole coast north of the Delaware.

Bancroft, Hist. of the U.S., vol.1, p.574

The charter from the king sanctioned whatever ordinances the duke of York or his assigns might establish; and in regard to justice, revenue, and legislation, Edmund Andros, the governor, was responsible only to his employer. He was instructed to display all the humanity and gentleness that could consist with arbitrary power; and, avoiding wilful cruelty, to use punishments as an instrument of terror. On the last day of October, he received the surrender of New Netherland from the representatives of the Dutch, and renewed the absolute authority of the proprietary. The inhabitants of the eastern part of Long Island resolved, in town-meetings, to adhere to Connecticut. The charter of that government did not countenance their decision; and, unwilling to be declared rebels, they submitted to New York.

Bancroft, Hist. of the U.S., vol.1, p.574 - p.575

In July, 1675, Andros, with armed sloops, proceeded to Connecticut to vindicate his jurisdiction as far as the river. On the first alarm, William Leet, the aged deputy governor, one of the original seven pillars of the church of Guilford, educated in England as a lawyer, a rigid republican, hospitable even to regicides, convened the assembly. A proclamation was unanimously voted, and forwarded by express to Bull, the captain of the company on whose firmness the independence of the little colony rested. It arrived just as Andros, hoisting the king's flag, demanded the surrender of Saybrook fort. Immediately the English colors were raised within the fortress. Despairing of victory, Andros attempted persuasion. Having been allowed to land with his personal retinue, he assumed authority, and, in the king's name, ordered the duke's patent, with his own commission, to be read. In the king's name he was commanded to desist; and Andros was overawed by the fishermen and yeomen who formed the colonial troops. Their proclamation he spoke of as a slander, and an ill requital for his intended kindness. The Saybrook militia, escorting him to his boat, saw him sail for Long Island; and Connecticut, resenting the aggression, made a declaration of its wrongs, sealed it with its seal, and transmitted it to the neighboring plantations.

Bancroft, Hist. of the U.S., vol.1, p.575

In New York itself Andros was hardly more welcome than at Saybrook; for the obedient servant of the duke of York discouraged every mention of assemblies, and levied customs without the consent of the people. But, since the Puritans of Long Island claimed a representative government as an inalienable English birthright, and the whole population opposed the ruling system as a tyranny, the governor, in 1676, advised his master to concede legislative franchises.

Bancroft, Hist. of the U.S., vol.1, p.575 - p.576

The dull James II, then duke of York, of a fair complexion and an athletic frame, was patient in details, yet singularly blind to universal principles, plodding with sluggish diligence, but unable to conform conduct to a general rule. Within narrow limits he reasoned correctly; but his vision did not extend far. Without sympathy for the people, he had no discernment of character, and was the easy victim of duplicity and intrigue. His loyalty was but devotion to the prerogative which he hoped to inherit. Brave in the face of expected dangers, an unforeseen emergency found him pusillanimously helpless. He kept his word sacredly, unless it involved complicated relations, which he could scarcely comprehend. As to religion, a service of forms alone suited his narrow understanding; to attend mass, to build chapels, to risk the kingdom for a rosary—all this was within his grasp. Freedom of conscience was, in that age, an idea yet standing on the threshold of the world, waiting to be ushered in; and none but exalted minds—Roger Williams and Penn, Vane, Fox, and Bunyan—went forth to welcome it; no glimpse of it reached James, whose selfish policy, unable to gain immediate dominion for his persecuted priests and his confessor, begged at least for toleration. Debauching a woman on promise of marriage, he next allowed her to be traduced, and then married her; he was conscientious, but his moral sense was as slow as his understanding. He was not bloodthirsty; but to a narrow mind fear seems the most powerful instrument of government, and he propped his throne on the block and the gallows. A libertine without love, a devotee without spirituality, an advocate of toleration without a sense of the natural right to freedom of conscience, he floated between the sensuality of indulgence and the sensuality of superstition, hazarding heaven for an ugly mistress, and, to the great delight of abbots and nuns, winning it back again by pricking his flesh with sharp points of iron, and eating no meat on Saturdays. Of the two brothers, the duke of Buckingham said well, that Charles would not and James could not see. On the first of January, 1677, James put his whole character into his reply to Andros, which was as follows:

Bancroft, Hist. of the U.S., vol.1, p.576

"I cannot but suspect assemblies would be of dangerous consequence, nothing being more known than the aptness of such bodies to assume to themselves many privileges, which prove destructive to, or very often disturb, the peace of government, when they are allowed. Neither do I see any use for them. Things that need redress may be sure of finding it at the quarter sessions, or by the legal and ordinary ways, or, lastly, by appeals to myself. However, I shall be ready to consider of any proposal you shall send."

Bancroft, Hist. of the U.S., vol.1, p.576 - p.577

In November, some months after the province of Sagadahock—that is, Maine east of the Kennebec—had been protected by a fort and a considerable garrison, Andros hastened to England; but he could not give eyes to the duke; and, on his return to New York, in 1675, he was ordered to continue the duties which, at the surrender, had been established for three years. In 1679, the revenue was a little increased; but the taxes were hardly three per cent on imports, and really insufficient to meet the expenses of the colony; and an attempt to thwart the discipline of the Dutch Reformed church by the prerogative had been abandoned. As in the days of Lovelace, the province was "a terrestrial Canaan. The inhabitants were blessed in their basket and their store. They were free from pride; and a wagon gave as good content as in Europe a coach, their home-made cloth as the finest lawns. The doors of the low-roofed houses, which luxury never entered, stood wide open to charity and to the stranger." The island of New York may, in 1678, have contained not far from three thousand inhabitants; in the whole colony there could not have been far from twenty thousand. Ministers were scarce but welcome, and religions many; the poor were relieved, and beggars unknown. A thousand pounds seemed opulence; the possessor of half that sum was rich. The exports were land productions—wheat, lumber, tobacco—and peltry from the Indians. In the community, composed essentially of freeholders, great equality of condition prevailed; there were but "few merchants," "few servants, and very few slaves." Prompted by an exalted instinct, the people, in a popular convention, demanded power to govern themselves; and when, in 1651, the two Platts, Titus, Wood, and Wicks, of Huntington, arbitrarily summoned to New York, were still more arbitrarily thrown into prison, the purpose of the yeomanry remained unshaken.

Bancroft, Hist. of the U.S., vol.1, p.577

The government of New York was quietly maintained over the settlements south and west of the Delaware, till they were granted to Penn; over the Jerseys Andros claimed a paramount authority. We have seen the Quakers refer the contest for decision to an English commission.

Bancroft, Hist. of the U.S., vol.1, p.577 - p.578

In East New Jersey, Philip Carteret, as the deputy of Sir George, had, in 1675, resumed the government, and, gaining popularity by postponing the payment of quit-rents, confirmed liberty of conscience with representative government. A direct trade with England, unencumbered by customs, was encouraged. The commerce of New York was endangered by the competition; and, disregarding a second patent from the duke of York, Andros, in 1678, claimed that the ships of New Jersey should pay tribute at Manhattan. After long altercations and the arrest of Carteret, terminated only by the honest verdict of a New York jury, Andros, in 1650, again entered New Jersey, to intimidate its assembly by the royal patent to the duke. New Jersey could not, as in the happier Connecticut, plead an earlier grant from the king. "We are the representatives of the freeholders of this province:" such was the answer of the assembly; "his majesty's patent, though under the great seal, we dare not grant to be our rule or joint safety; for the great charter of England, alias Magna Charter, is the only rule, privilege, and joint safety of every free-born Englishman."

Bancroft, Hist. of the U.S., vol.1, p.578 - p.579

The trustees of Sir George Carteret, tired of the burden of colonial property, exposed their province to sale; and, in 1652, the unappropriated domain, with jurisdiction over the five thousand already planted on the soil, was purchased by an association of twelve Quakers, under the auspices of William Penn. A brief account of the province was immediately published; and settlers were allured by a eulogy on its healthful climate and safe harbors, its fisheries and abundant game, its forests and fertile soil, and the large liberties established for the encouragement of adventurers. In November, possession was taken by Thomas Rudyard, as temporary deputy governor; the happy country was already tenanted by "a sober, professing people." Meantime, the twelve proprietors selected each a partner; and, in March, 1653, to the twenty-four, among whom was the timorous, cruel, iniquitous Perth, afterward chancellor of Scotland, and the amiable, learned, and ingenious Barclay who became nominally the governor of the territory, a new and last patent of East New Jersey was granted by the duke of York. From Scotland the largest emigration was expected; and, in 1655, just before embarking for America with his own family and about two hundred passengers, George Scot, of Pitlochie, addressed to his countrymen an argument in favor of removing to a country where there was room for a man to flourish without wronging his neighbor. "It is judged the interest of the government"—thus he wrote, apparently with the sanction of men in power—"to suppress Presbyterian principles altogether; the whole force of the law of this kingdom is levelled at the effectual bearing them down. The rigorous putting these laws in execution hath in a great part ruined many of those who, notwithstanding thereof, find themselves in conscience obliged to retain these principles. A retreat where, by law, a toleration is allowed, doth at present offer itself in America, and is nowhere else to be found in his majesty's dominions."

Bancroft, Hist. of the U.S., vol.1, p.579

This is the era at which East New Jersey, till now chiefly colonized from New England, became the asylum of Scottish Presbyterians. Who has not heard of the ruthless crimes by which the Stuarts attempted to supplant the church of Scotland, and extirpate the faith of a whole people? To whom has the tale not been told of the defeat of Graham of Claverhouse on London Hill, and the subsequent rout of the insurgent fanatics at Bothwell Bridge? Of the Cameronians, hunted like beasts of prey, and exasperated by sufferings and despair? refusing, in face of the gallows, to say, "God save the king;" and charged even by their wives to die for the good old cause of the covenant? "I am but twenty," said an innocent girl at her execution, in 1680; "and they can accuse me of nothing but my judgment." The boot and the thumbikins could not extort confessions. The condemnation of Argyle displayed, in 1681, the prime nobility as "the vilest of mankind;" and wide-spread cruelty exhausted itself in devising punishments. In 1683, just after the grant of East New Jersey, a proclamation, unparalleled since the days when Alva drove the Netherlands into independence, proscribed all who had ever communed with rebels, and put twenty thousand lives at the mercy of informers. "It were better," said Lauderdale, "the country bore windle straws and sand larks than boor rebels to the king." After the insurrection of Monmouth, in 1654, the sanguinary excesses of despotic revenge were revived, gibbets erected in villages to intimidate the people, and soldiers intrusted with the execution of the laws. Scarce a Presbyterian family in Scotland but was involved in proscriptions or penalties; the jails overflowed, and their tenants were sold as slaves to the plantations.

Bancroft, Hist. of the U.S., vol.1, p.579 - p.580

Maddened by the succession of military murders; driven from their homes to caves, from caves to morasses and mountains; bringing death to the inmates of a house that should shelter them, death to the benefactor that should throw them food, death to the friend that listened to their complaint, death to the wife or the father that still dared to solace a husband or a son; ferreted out by spies; hunted with packs of dogs—the fanatics turned upon their pursuers, and threatened to retaliate on the men who should continue to imbrue their hands in blood. The council retorted by ordering a massacre. He that would not take the oath should be executed, though unarmed; and the recusants were shot on the roads, or as they labored in the fields, or as they stood in prayer. To fly was a confession of guilt; to excite suspicion was sentence of death; to own the covenant was treason. The houses of the victims were set on fire, their families shipped for the colonies. "It never will be well with Scotland till the country south of the Forth is reduced to a hunting-field." The remark is ascribed to James. "I doubt not, sir, but to be able to propose a way how to gratifie all such as your majestie shall be pleased to thinke deserving of it, without touching your exchequer," wrote Jeffries to James II, just as he had passed sentence of transportation on hundreds of Monmouth's English followers. James II sent the hint to the north, and in Scotland the business was equally well understood. The indemnity proclaimed in 1655, on the accession of James II, was an act of delusive clemency. Every day wretched fugitives were tried by a jury of soldiers, and executed in clusters on the highways; women, fastened to stakes beneath the sea-mark, were drowned by the rising tide; the dungeons were crowded with men perishing for want of water and air. Of the shoals transported to America, women were often burnt in the cheek, men marked by lopping off their ears.

Bancroft, Hist. of the U.S., vol.1, p.580 - p.581

From 1652 to 1657, Scottish Presbyterians of virtue, education, and courage, blending a love of popular liberty with religious enthusiasm, hurried to East New Jersey in such numbers as to give to the rising commonwealth a character which a century and a half did not efface. In 1656, after the judicial murder of the duke of Argyle, his brother, Lord Neill Campbell, who had purchased the proprietary right of Sir George Mackenzie, and in the previous year had sent over a large number of settlers, came himself to act for a few months as chief magistrate. When Campbell withdrew, the executive power, weakened by transfers, was intrusted by him to Andrew Hamilton. The territory, easy of access, flanked on the west by outposts of Quakers, was the abode of peace and abundance, of deep religious faith and honest industry. Peaches and vines flourished on the river sides, the woods were crimsoned with strawberries, and "brave oysters" abounded along the shore. Brooks and rivulets, with "curious clear water," were as frequent as in the dear native Scotland; the houses of the towns, unlike the pent villages of the Old World, were scattered upon the several lots and farms; the highways were so broad that flocks of sheep could nibble by the roadside; horses multiplied in the woods. In a few years, a law of the commonwealth, giving force to the common principle of the New England and the Scottish Calvinists, established a system of free schools. It was "a gallant, plentiful" country, where the humblest laborer might soon turn farmer for himself. In all its borders, said Gawen Laurie, the faithful Quaker merchant, who had been Rudyard's successor, "there is not a poor body, or one that wants."

Bancroft, Hist. of the U.S., vol.1, p.581

The mixed character of New Jersey springs from the different sources of its people. Puritans, Covenanters, and Quakers met on her soil; and their faith, institutions, and preferences, having life in the common mind, survive the Stuarts.

Bancroft, Hist. of the U.S., vol.1, p.581

Everything breathed hope, but for the arbitrary cupidity of James II, and the navigation acts. Dyer, the collector, eager to levy a tax on the commerce of the colony, complained of their infringement; in April, 1686, a writ of quo warranto against the proprietaries menaced New Jersey with being made "more dependent." It was of no avail to appeal to the justice of Ring James, who revered the prerogative with idolatry; and, in 1655, to stay the process for forfeiture, the proprietaries, stipulating only for their right of property in the soil, surrendered their claim to the jurisdiction. The province was annexed to New York.

Bancroft, Hist. of the U.S., vol.1, p.581 - p.582 - p.583

In New York, the attempt to levy customs without a colonial assembly had been defeated, in March, 1652, by the grand jury, and trade became free just as Andros was returning to England. All parties joined in entreating for the people a share in legislation. The duke of York temporized. The provincial revenue had expired; the ablest lawyers in England questioned his right to renew it; the province opposed its collection with a spirit that required compliance, and in January, 1653, the newly appointed governor, Thomas Dongan, nephew of Tyrconnell, a Roman Catholic, was instructed to call a general assembly of all the freeholders by the persons whom they should choose to represent them. Accordingly, on the seventeenth of the following October, about seventy years after Manhattan was first occupied, about thirty years after the demand of the popular convention by the Dutch, the people of New York met in assembly, and by their first act claimed the rights of Englishmen. "Supreme legislative power," such was their further declaration, "shall for ever be and reside in the governor, council, and people, met in general assembly. Every freeholder and freeman shall vote for representation without restraint. No freeman shall suffer but by judgment of his peers; and all trials shall be by a jury of twelve men. No tax shall be assessed, on any pretence whatever, but by the consent of the assembly. No seaman or soldier shall be quartered on the inhabitants against their will. No martial law shall exist. No person, professing faith in God by Jesus Christ, shall at any time be any ways disquieted or questioned for any difference of opinion." So New York, by its self-enacted "charter of franchises and privileges," took its place by the side of Virginia and Massachusetts, surpassing them both in religious toleration. The proprietary accepted the revenue granted by the legislature for a limited period, permitted another session to be held, and promised to make no alterations in the form or manner of the bill containing the franchises and privileges of the colony, except for its advantage; but in 1655, in less than a month after he had ascended the throne, James II prepared to overturn the institutions which, as duke of York, he had conceded. A direct tax was decreed by an ordinance; the titles to real estate were questioned, that larger fees and quit-rents might be extorted; and of the farmers of Easthampton who protested against the tyranny, six were arraigned before the council.

Bancroft, Hist. of the U.S., vol.1, p.583

The governor of New York had been instructed to preserve friendly relations with, the French; but Dongan refused to neglect the Five Nations, and sought to divert their commerce to the New York traders by a reciprocal amnesty of past injuries.

Bancroft, Hist. of the U.S., vol.1, p.583

The Oneida, Onondaga, and Cayuga warriors had left bloody traces of their inroads along the Susquehanna and near the highlands of Virginia. The impending struggle with New France quickened their desire to renew peace with the English; and in July, 1684, the deputies from the Mohawks and the three offending tribes, soon joined by the Senecas, met the governors of New York and Virginia at Albany.

Bancroft, Hist. of the U.S., vol.1, p.583

After listening to the complaints and pacific proposals of Lord Howard of Effingham, Cadianne, the Mohawk orator, on the fourteenth rebuked the Oneidas, Onondagas, and Cayugas for their want of faith, and expressed gladness that the past was to be buried in the pit. "The covenant," he said, "must be preserved; the fire of love of Virginia and Maryland, and of the Five Nations, burns in this place; this house of peace must be kept clean. We plant a tree whose top shall touch the sun, whose branches shall be seen afar. We will shelter ourselves under it, and live in unmolested peace."

Bancroft, Hist. of the U.S., vol.1, p.583

At the conclusion of the treaty, each of the three nations of wrong-doers gave a hatchet to be buried. "We bury none for ourselves," said the Mohawks, "for we have never broken the ancient chain." The axes were buried, and the offending tribes in noisy rapture chanted the song of peace.

Bancroft, Hist. of the U.S., vol.1, p.583

"Brother Corlaer," said a chief for the Onondagas and Cayugas, in August, "your sachem is a great sachem, and we are a small people." "When the English came first to Manhattan, to Virginia, and to Maryland, they were a small people, and we were great. Because we found you a good people, we treated you kindly, and gave you land. Now, therefore, that you are great and we small, we hope you will protect us from the French. They are angry with us because we carry beaver to our brethren."

Bancroft, Hist. of the U.S., vol.1, p.583 - p.584

The envoys of the Senecas, on the fifth, told their delight that the tomahawk was buried, and all evil put away from the hearts of the English. The sachems returned to nail the arms of the duke of York over their castles, a protection, as they thought, against the French, an acknowledgment, as the English assumed, of British sovereignty.

Bancroft, Hist. of the U.S., vol.1, p.584

Among the chiefs, especially among the Onondagas, there were those who were jealous of English supremacy, and desired to secure their own independence by balancing the French against the English. The French, they said, they had for ten years called their father as they had called the English their brother; "but," said an Onondaga chief, "it is because we have willed it so. Neither the one nor the other is our master; we are free; we are brethren; we must take care of ourselves." Yet the English claimed the domain of the Iroquois south of the lakes as subject to England, and set no bounds to their traffic with the red men. In the summer of 1656 a party of their traders penetrated even to Michilimackinac. The limits between the English and French never were settled, but at that time the Five Nations of themselves were a sufficient bulwark against encroachments from Canada.

Bancroft, Hist. of the U.S., vol.1, p.584

The alarm of Massachusetts at the loss of its charter, in 1655, had been increased by the report that Kirke, afterward infamous for military massacres in the west of England, was destined for its governor. It was a relief to find that Joseph Dudley, a degenerate son of the colony, was intrusted for a season with the highest powers of magistracy over the country from Narragansett to Nova Scotia. The general court, in session at his arrival, and unprepared for open resistance, dissolved their assembly, and returned in sadness to their homes. The charter government was publicly displaced by the arbitrary commission, popular representation abolished, and the press subjected to the censorship of Randolph.

Bancroft, Hist. of the U.S., vol.1, p.584 - p.585

On the twentieth of December, 1656, Sir Edmund-Andros, glittering in scarlet and lace, landed at Boston, as governor of all New England. He was authorized to remove and appoint members of his council, and, with their consent, to make laws, lay taxes, and control the militia of the country. He was instructed to tolerate no printing-press, to encourage Episcopacy, and to sustain authority by force. From New York came West as secretary. In the council there were four sub-servient members, of whom but one was a New England man. The other members formed a fruitless but united opposition. "His excellency," said Randolph, "has to do with a perverse people."

Bancroft, Hist. of the U.S., vol.1, p.585

Personal liberty and the customs of the country were disregarded. None might leave the colony without a special permit. Probate fees were increased almost twentyfold. "West," says Randolph—for dishonest men betray one another—"extorts what fees he pleases, to the great oppression of the people, and renders the present government grievous." To the scrupulous Puritans, the idolatrous custom of laying the hand on the Bible, in taking an oath, operated as a widely disfranchising test.

Bancroft, Hist. of the U.S., vol.1, p.585

The Episcopal service had never yet been performed within Massachusetts bay except by the chaplain of the hated commission of 1665. Its day of liberty was come. Andros demanded one of the meeting-houses for the church. The wrongs of a century crowded on the memories of the Puritans, as they answered: "We cannot with a good conscience consent." Goodman Needham declared he would not ring the bell; but at the appointed hour the bell rung; and the love of liberty did not expire, even though, in a Boston meetinghouse, the Common Prayer was read in a surplice. By and by the people were desired to contribute toward erecting a church. "The bishops," answered Sewall, "would have thought strange to have been asked to contribute toward setting up New England churches."

Bancroft, Hist. of the U.S., vol.1, p.585 - p.586

At the instance and with the special concurrence of James II, a tax of a penny in the pound and a poll-tax of twenty pence, with a subsequent increase of duties, were laid by Andros and his council. The towns generally refused payment. Wilbore, of Taunton, was imprisoned for writing a protest. To the people of Ipswich, then the second town in the colony, in town-meeting, John Wise, the minister who used to assert, "Democracy is Christ's government in church and state," advised resistance. "We have," said he, "a good God and a good king; we shall do well to stand to our privileges." "You have no privilege," answered one of the council, after the arraignment of Wise and the selectmen; "you have no privilege left you but not to be sold as slaves." "Do you believe," demanded Andros, "Joe and Tom may tell the king what money he may have?" The writ of habeas corpus was withheld. The prisoners pleaded Magna Charta. "Do not think," replied one of the judges, "the laws of England follow you to the ends of the earth." And in his charge to the packed jury Dudley spoke plainly: "Worthy gentlemen, we expect a good verdict from you." The verdict followed; and after imprisonment came heavy fines and partial disfranchisements.

Bancroft, Hist. of the U.S., vol.1, p.586

Oppression threatened the country with ruin; and the oppressors, quoting an opinion current among the mercantile monopolists of England, answered without disguise: "It is not for his majesty's interest you should thrive."

Bancroft, Hist. of the U.S., vol.1, p.586

The taxes, in amount not grievous, were for public purposes. But the lean wolves of tyranny were themselves hungry for spoils. It was the intention of King James that "their several properties, according to their ancient records," should be granted them; the fee for the grants was the excuse for extortion. "All the inhabitants," wrote Randolph, "must take new grants of their lands, which will bring in vast profits." Indeed, there was not money enough in the country to have paid the exorbitant fees which were demanded.

Bancroft, Hist. of the U.S., vol.1, p.586 - p.587

The colonists pleaded their charter; but grants under the charter were declared void by its forfeiture. Lynde, of Charlestown, produced an Indian deed. It was pronounced "worth no more than the scratch of a bear's paw." Lands were held not by a feudal tenure, but under grants from the general court to towns, and from towns to individuals. The town of Lynn produced its records; they were slighted "as not worth a rush." Others pleaded possession and use of the land. "You take possession," it was answered, "for the king." "The men of Massachusetts did much quote Lord Coke;" but, defeated in argument by Andros, who was a good lawyer, John Higginson, minister of Salem, went back from the common law of England to the book of Genesis, and, recalling that God gave the earth to the sons of Adam to be subdued and replenished, declared that the people of New England held their lands "by the grand charter from God." At this, Andros, incensed, bade him approve himself "a subject or a rebel." The lands reserved for the poor, generally all common lands, were appropriated by favorites; writs of intrusion were multiplied; and fees, amounting, in some cases, to one fourth the value of an estate, were exacted for granting a patent to its owner. A selected jury offered no relief. "Our condition," said Danforth, "is little inferior to absolute slavery;" and the people of Lynn afterward gave thanks to God for their escape from the worst of bondage. "The governor invaded liberty and property after such a manner," said the temperate Increase Mather, "as no man could say anything was his own."

Bancroft, Hist. of the U.S., vol.1, p.587

By the additional powers and instructions of June, 1686, Andros was authorized to demand the Rhode Island charter, and to receive that of Connecticut, if tendered to him. Against the charter of Rhode Island a writ of quo warranto had been issued. The judgment against Massachusetts left no hope of protection from courts submissive to the royal will; and the towns resolved not "to stand suit," but to appeal to the conscience of the king for the "privileges and liberties granted by Charles II, of blessed memory." Soon after the arrival of Andros he had demanded the surrender of the charter. Walter Clarke, the governor, insisted on waiting for "a fitter season." Repairing to Rhode Island, Andros, in January, 1687, dissolved its government and broke its seal; five of its citizens were appointed members of his council, and a commission, irresponsible to the people, was substituted for the suspended system of freedom. That these magistrates levied moderate taxes, payable in wool or other produce, is evident from the records. It was pretended that the people of Rhode Island were satisfied, and did not so much as petition for their charter again.

Bancroft, Hist. of the U.S., vol.1, p.587 - p.588

In the autumn of the same year Andros, attended by some of his council and by an armed guard, set forth to assume the government of Connecticut. Dongan had in vain solicited the people of Connecticut to submit to his jurisdiction; but least of all were they willing to hazard the continuance of liberty on the decision of the dependent English courts. On the third writ of quo warranto, the colony, in a petition to the king, asserted its chartered rights, yet desired, in any event, rather to share the fortunes of Massachusetts than to be annexed to New York. Andros found the assembly in session, and, on the thirty-first of October, demanded the surrender of its charter. The brave governor Treat pleaded earnestly for the cherished patent, which had been purchased by sacrifices and martyrdoms, and was endeared by halcyon days. The shades of evening descended during the prolonged discussion; an anxious crowd had gathered to witness the debate. Tradition loves to relate that the charter lay on the table; that of a sudden the lights were extinguished, and, when they were rekindled, the charter had disappeared. It is certain that "in this very troublesome season, when the constitution of Connecticut was struck at, Captain Joseph Wadsworth, of Hartford, rendered fruitful and good service in securing the duplicate charter of the colony, and safely keeping and preserving the same" for nearly eight-and-twenty years. Meantime, Andros assumed the government, selected councillors, and, demanding the records of Connecticut, to the annals of its freedom set the word FINIS. One of his few laws prohibited town-meetings except for the election of officers. The colonists submitted; yet their consciences were afterward "troubled at their hasty surrender."

Bancroft, Hist. of the U.S., vol.1, p.588

While Connecticut lost its liberties, the eastern frontier was depopulated. An expedition, in 1655, against the French establishments, which have left a name to Castine, roused the passions of the neighboring Indians; and Andros made a vain pursuit of a retreating enemy, who had for their allies the forests and the inclement winter.

Bancroft, Hist. of the U.S., vol.1, p.588 - p.589

In July, 1655, the seaboard from Maryland to the St. Croix was united in one dominion, with Boston for its capital, and was abandoned to Andros, as governor-general, to Randolph, as secretary, with their needy associates. But the impoverished country disappointed their avarice. The eastern part of Maine had been pillaged by agents, who, as Randolph himself wrote, had been "as arbitrary as the Grand Turk;" and in New York there was "little good to be done," for its people "had been squeezed dry by Dongan." But, on the arrival of the new commission, Andros hastened to the south to assume the government of New York and New Jersey.

Bancroft, Hist. of the U.S., vol.1, p.589

In Massachusetts "the wicked walked on every side, and the vilest men were exalted." The men in power as agents of James II established an arbitrary government; as men in office, they coveted large emoluments.

Bancroft, Hist. of the U.S., vol.1, p.589

The schools of learning, formerly so well taken care of, were allowed to go to decay. The religious institutions were impaired by abolishing the methods of their support. "It is pleasant," said the foreign agents of tyranny, "to behold poor coblers and pitiful mechanics, who have neither home nor land, strutting and making noe mean figure at their elections, and some of the richest merchants and wealthiest of the people stand by as insignificant cyphers;" and therefore a town-meeting was allowed only for the choice of town officers. The vote by ballot was rejected. To a committee from Lynn, Andros said plainly: "There is no such thing as a town in the whole country." To assemble in town-meeting for deliberation was an act of sedition or a riot.

Bancroft, Hist. of the U.S., vol.1, p.589

The spirit which led forth the colonies of New England kept their liberties alive; in the general gloom, the ministers preached sedition and planned resistance. They put by the annual thanksgiving; and at private fasts besought the Lord to repent himself for his servants, whose power was gone. Moody was confident that God would yet "be exalted among the heathen."

Bancroft, Hist. of the U.S., vol.1, p.589

On the Lord's Day, which was to have been the day of thanksgiving for the queen's pregnancy, the church was much grieved at the weakness of Allen, who, from the improved Bay Psalm Book, gave out words of sympathy with the joy of the king. But Willard, while before prayer he read, among many other notices, the occasion of the governor's gratitude, and, after Puritan usage, interceded largely for the king, "otherwise altered not his course one jot," and, as the crisis drew near, goaded the people with the text: "Ye have not yet resisted unto blood, warring against sin."

Chapter 18:

The Revolution of 1688

Bancroft, Hist. of the U.S., vol.1, p.590

DESPERATE measures were postponed, that one of the ministers might make an appeal to the king; and Increase Mather, escaping the vigilance of Randolph, embarked on the mission for redress. But relief came from a revolution of which the influence pervaded the world.

Bancroft, Hist. of the U.S., vol.1, p.590

On the restoration of Charles II, the Puritan or republican element lost all hope of dominion in England; and its history from 1660 to 1688 is but the history of the struggle for a compromise between the republic and absolute monarchy. The contest was continued, yet within limits so narrow as never to endanger the existence, or even question the right, of monarchy itself. The people had attempted a democratic revolution, and had failed; they awaited the movements of the aristocracy.

Bancroft, Hist. of the U.S., vol.1, p.590 - p.591

The ministry of Clarendon in 1660, the first after the restoration, acknowledged the indefeasible sovereignty of the king, and sought in the prelates and nobility natural allies for the royal prerogative. Not destitute of honest nationality, nor wholly regardless of English liberties, it renewed intolerance in religion; and, while it respected a balance of powers, claimed the preponderance in the state for the monarch. Twenty years of indulgence had rendered suppression of dissent more than ever impossible; but, as no general election for parliament was held, a change of ministry could be effected only by a faction within the palace. The royal council sustained Clarendon; the rakes about court, railing at his moroseness, echoed the popular clamor against him. His overthrow, after seven years' service, "was certainly designed in Lady Castlemaine's chamber;" and, as the fallen minister retired at noonday the audience of dismission, she "blessed herself at the old man's going away."

Bancroft, Hist. of the U.S., vol.1, p.591

England had demanded a liberal ministry; it obtained a dissolute one: it had demanded a ministry not enslaved to prelacy; 1668 to 1671 it obtained one careless of everything but Buckingham, the noble buffoon at its head, ridiculed bishops as well as sermons; and when the Quakers went to him with their hats on, to discourse on the equal rights of every conscience, he told them that he was at heart in favor of their principle. English honor and English finances were wrecked; but the progress of the nation toward internal freedom was no longer opposed with steadfast consistency; and England was better satisfied than it had been with Clarendon.

Bancroft, Hist. of the U.S., vol.1, p.591 - p.592

As the tendency of public affairs became apparent, a new division necessarily followed: the king, from 1671 to 1673, was surrounded by men who still desired to uphold the prerogative; while Shaftesbury, "unwilling to hurt the king, yet desiring to keep him tame in a cage;" averse to the bishops, because the bishops would place prerogative above liberty; averse to democracy, because democracy would substitute equality for privilege—in organizing a party, afterward known as the whig party, suited himself to the spirit of the times. It was an age of progress toward liberty of conscience; Shaftesbury favored toleration: the vast increase of commercial activity claimed for the moneyed interest an influence in the government; Shaftesbury lent a willing ear to the merchants; but he did not so much divide dominion with the merchants and the Presbyterians as offer them the patronage of his order in return for their support; having for his main object to keep "the bucket" of the aristocracy from sinking. The declaration of indulgence in 1672, an act of high prerogative, yet directed against the friends of prerogative, was his measure. Immediately freedom of conscience awakened in English industry unparalleled energies; and Shaftesbury, the skeptic chancellor, was eulogized as the saviour of religion. Had the king been firm, the measure would probably have succeeded. He wavered, for he distrusted the dissenters; the Presbyterians wavered, for how could they be satisfied with relief dependent on the royal pleasure? The seal of the declaration was broken in the king's presence; and Shaftesbury, turning upon his fickle sovereign, courted a popular party by a test act against papists, and by a bill in parliament for the ease of Protestant dissenters.

Bancroft, Hist. of the U.S., vol.1, p.592

Under the lord treasurer, Danby, the old cavaliers recovered power from 1673 to 1679. It was the day for statues to Charles I and new cathedrals. To win strength for his party, Danby was willing to aid in crushing popery, and promoting belief in a popish plot. But Shaftesbury was already sure of the merchants and dissenters, and exclaimed: "Let the treasurer cry as loud as he pleases; I will cry a note louder, and soon take his place at the head of the plot;" and, indifferent to perjuries and judicial murders, he succeeded. In the house of commons Danby preferred a perpetual parliament to the hazard of a new election, and, by pensions and rewards, purchased a majority. But knavery has a wisdom of its own; the profligate members had a fixed maxim, never to grant him so much at once that they should cease to be needed; and, discovering his intrigues for drawing a permanent revenue from France, in January, 1679, they impeached him. To save the minister, this longest of English parliaments was dissolved.

Bancroft, Hist. of the U.S., vol.1, p.592 - p.593

When, after nineteen years, the people of England were once more allowed to elect representatives, Shaftesbury, whom, for his restlessness and his diminutive stature, the king called Little Sincerity, was enabled by the great majority against the court to force himself upon the reluctant monarch as lord president of the council. The event, which took place on the twenty-first of April, is an era in English history; Shaftesbury was the first British statesman to attain the guidance of a ministry through parliament by means of an organized party against the wishes of the king. A bill for the exclusion of the duke of York from the succession was introduced into the house of commons as a measure of the ministry; and the young men cried up every measure against the duke; "like so many young spaniels, that run and bark at every lark that springs." "The axe," wrote Charles, "is laid to the root; and monarchy must go down too, or bow exceeding low before the almighty power of parliament;" and just after Shaftesbury, who, as chancellor, had opened the prison-doors of Bunyan, now, as president of the council, had carried the habeas corpus act, he was dismissed, and the commons were prorogued and dissolved. From May, 1679, the councils of the Stuarts inclined to absolutism.

Bancroft, Hist. of the U.S., vol.1, p.593

Immediately a plan of universal agitation was begun to rouse the spirit of the nation. Under the influence of Shaftesbury, on Queen Elizabeth's night, the fifth of October, 1679, a vast procession, bearing devices and wax figures representing nuns and monks, bishops in copes and mitres, and bishops in lawn, cardinals in red caps, and, last of all, the pope of Rome, side by side in a litter with the devil, moved through the streets of London, under the glare of thousands of flambeaux, and in the presence of two hundred thousand spectators; the disobedient Monmouth was welcomed with bonfires and peals of bells; a panic was created, as if every Protestant freeman were to be massacred; the kingdom was divided into districts among committees to procure petitions for a parliament, one of which had twenty thousand signatures and measured three hundred feet; and at last the most cherished Anglo-Saxon institution was made to do service, when, in June, 1650, Shaftesbury, proceeding to Westminster, represented to the grand jury the mighty dangers from popery, indicted the duke of York as a recusant, and reported the duchess of Portsmouth, the king's new mistress, as "a common neusance." The agitation was successful; in these two successive parliaments of 1680 and 1681, in each of which men who were at heart dissenters had the majority, the bill for excluding the duke of York was passed by triumphant votes in the house of commons, and defeated only by the lords and the king.

Bancroft, Hist. of the U.S., vol.1, p.593 - p.594

The public mind, firm, even to superstition, in its respect for hereditary succession, was not ripe for the measure of exclusion. After less than a week's session, Charles II dissolved the last parliament of his reign. His friends declared him to have no other purpose than to resist the arbitrary sway of "a republican prelacy," and the installation of the multitude in the chair of infallibility; the ferocious intolerance which had sustained the popish plot lost its credit; and at the moment men dreaded anarchy and civil war more than they feared the royal prerogative.

Bancroft, Hist. of the U.S., vol.1, p.594

The king had already exercised the power of restricting the liberty of the press; through judges, who held places at his pleasure, he was supreme in the courts; omitting to convoke parliament, he made himself irresponsible to the people; pursuing a judicial warfare against city charters and the monopolies of boroughs, he reformed many real abuses, but at the same time subjected corporations to his influence; controlling the appointment of sheriffs, he controlled the nomination of juries; and thus, in the last three or four years of the reign of King Charles II, the government of England was administered as an absolute monarchy. An "association" against the duke of York could not succeed among a calculating aristocracy, as the Scottish covenant had done among a faithful people; and, on its disclosure and defeat, the self-exile of Shaftesbury excited no plebeian regret. No deep popular indignation attended Russell to the scaffold; and, on the seventh of December, 1683, the day on which Algernon Sidney, the purest martyr to aristocratic liberty, laid his head on the block, the university of Oxford decreed absolute obedience to be the character of the church of England, while parts of the writings of Knox, Milton, and Baxter were pronounced "false, seditious, and impious, heretical and blasphemous, infamous to the Christian religion, and destructive of all government," and were therefore ordered to be burnt.

Bancroft, Hist. of the U.S., vol.1, p.594 - p.595

Liberty, which at the restoration insane loyalty repressed in the public thought and purpose, glided between rakes and the king's mistress into the royal councils. Driven from the palace, it appealed to parliament and the people, and won power through the frenzied antipathy to Roman Catholics. Dismissed from parliament by its dissolution, from the people by the ebb of excitement, it concealed itself in an aristocratic association and a secret aristocratic council. Chased from its hiding-place by disclosures and executions, and having no hope from parliament, people, the press, the courts of justice, or the king, it left the soil of England, and fled for refuge to the prince of Orange.

Bancroft, Hist. of the U.S., vol.1, p.595

On the death of Charles II, in 1685, his brother ascended the throne without opposition, continued taxes by his prerogative, easily suppressed the insurrection of Monmouth, and under the new system of charters convened a parliament so subservient that it bowed its back to royal chastisement. The "Presbyterian rascals," the troublesome Calvinists, who, from the days of Edward VI, had kept English liberty alive, were consigned to the courts of law. "Richard," said Jeffries to Baxter, "Richard, thou art an old knave; thou hast written books enough to load a cart, every one as full of sedition as an egg is full of meat. I know thou hast a mighty party, and a great many of the brotherhood are waiting in corners to see what will become of their mighty Don; but, by the grace of Almighty God, I'll crush you all;" and the docile jury found "the main incendiary" guilty of sedition. Faction had ebbed; "rogues" had grown out of fashion; there was nothing left for them but to "thrive in the plantations." The royalist Dryden wrote:

Bancroft, Hist. of the U.S., vol.1, p.595

The land with saints is so run o'er,

And every age produces such a store,

That now there's need of two New Englands more.

Bancroft, Hist. of the U.S., vol.1, p.595 - p.596

To understand fully the revolution which followed, it must be borne in mind that the great mass of dissenters were struggling for liberty; but, checked by the memory of the disastrous issue of the previous revolution, they ranged themselves, with deliberate moderation, under the more liberal party of the aristocracy. Of Cromwell's army, the officers had been, "for the most part, the meanest sort of men, even brewers, cobblers, and other mechanics;" recruits for the camp of William of Orange were led by bishops and the high nobility. There was a vast popular movement, but it was subordinate; the proclamation of the prince took notice of the people only as "followers" of the gentry. Yet the revolution of 1688 is due to the dissenters quite as much as to the whig aristocracy; to Baxter hardly less than to Shaftesbury. It is the consummation of the collision which, in the days of Henry VIII and Edward, began between the churchmen and the Puritans, between those who invoked religion on the side of passive obedience, and those who held resistance to tyranny a Christian duty. If the whig aristocracy looked to the stadholder of aristocratic Holland as the protector of their liberties, Baxter and the Presbyterians saw in William the Calvinist their tolerant avenger.

Bancroft, Hist. of the U.S., vol.1, p.596

Of the two great aristocratic parties of England, both respected the established British constitution. But the tory defended his privileges against the encroachments of advancing civilization, and asserted the indefeasible rights of the bishops, of the aristocracy, and of the king, against dissenters, republicans, and whigs.

Bancroft, Hist. of the U.S., vol.1, p.596

The whigs were bent on the preservation of their privileges against the encroachments of the monarch. In an age that demanded liberty, they gathered up every liberty, feudal or popular, known to English law, and sanctioned by the fictitious compact of prescription. In a period of progress in the enfranchisement of classes, they extended political influence to the merchants and bankers; in an age of religious sects, they embraced the more moderate and liberal of the church of England, and those of the dissenters whose dissent was the least glaring; in an age of speculative inquiry, they favored freedom of the press. How vast was the party is evident, since it cherished among its numbers men so opposite as Shaftesbury and Sidney, as Locke and Baxter.

Bancroft, Hist. of the U.S., vol.1, p.596 - p.597

These two parties embraced almost all the wealth and learning of England. But there was a third party of those who were pledged to "seek and love and chuse the best things." They insisted that all penal statutes and tests should be abolished; that, for all classes of non-conformists, whether Roman Catholics or dissenters, for the plebeian sects, "the less noble and more clownish sort of people," "the unclean kind," room should equally be made in the English ark; that the church of England, satisfied with its estates, should give up jails, whips, halters, and gibbets, and cease to plough the deep furrows of persecution; that the concession of equal freedom would give strength to the state, security to the prince, content to the multitude, wealth to the country, and would fit England for its office of asserting European liberty against the ambition of France; that reason, natural right, and public interest demanded a glorious magna charta for intellectual freedom, even though the grant should be followed by "a dissolution of the great corporation of conscience." These were the views which were advocated by William Penn against what he calls "the prejudices of his times;" and which overwhelmed his name with obloquy as a friend to tyranny and a Jesuit priest in disguise.

Bancroft, Hist. of the U.S., vol.1, p.597

But the easy issue of the contest grew out of a division in the monarchical party itself. James II could not comprehend the value of freedom or the obligation of law. The writ of habeas corpus he esteemed inconsistent with monarchy, and "a great misfortune to the people." A standing army, and the terrors of corrupt tribunals, were his dependence; he delighted in military parades; swayed by his confessor, he dispensed with the laws, multiplied Catholic chapels, rejoiced in the revocation of the edict of Nantes, and sought to intrust civil and military power to Roman Catholics.

Bancroft, Hist. of the U.S., vol.1, p.597

The bishops had unanimously voted against his exclusion; and, as the badge of the church of England was obedience, he for a season courted the alliance of "the fairest of the spotted kind." To win her favor for Roman Catholics, he was willing to persecute Protestant dissenters. This is the period of the influence of Rochester.

Bancroft, Hist. of the U.S., vol.1, p.597 - p.598

The church of England refused the alliance. The king, from 1657, would put no confidence in any zealous Protestant; he applauded the bigotry of Louis XIV, from whom he solicited money. "I hope," said he, "the king of France will aid me, and that we together shall do great things for religion;" and the established church became the object of his implacable hatred. "Her day of grace was past." The royal favor was withheld, that she might silently waste and dissolve like snows in spring. To diminish her numbers, and apparently from no other motive, he granted—what Sunderland might have done from indifference, and Penn from love of justice—equal franchises to every sect; to the powerful Calvinist and to the "puny" Quaker, to Anabaptists and Independents, and "all the wild increase" which unsatisfied inquiry could generate. The declaration of indulgence was esteemed a death-blow to the church, and a forerunner of the reconciliation of England to Rome. The franchises of Oxford were invaded, that Catholics might share in its endowments; the bishops were imprisoned, because they would not publish in their churches the declaration, of which the purpose was their overthrow; and, that the system of tyranny might be perpetuated, heaven, as the monarch believed, blessed his pious pilgrimage to St. Winifred's well by the pregnancy of his wife and the birth of a son. The party of prerogative was trampled under foot; and, in their despair, they looked abroad for the liberty which they themselves had assisted to exile. The obedient church of England set the example of rebellion. Thus are the divine counsels perfected. "What think you now of predestination?" demanded William, as he landed in England. Tories took the lead in inviting the prince of Orange to save the English church; the whigs joined to rescue the privileges of the nobility; the Presbyterians rushed eagerly into the only safe avenue to toleration; the people quietly acquiesced. On the fifth of November, 1655, William of Orange landed in England. King James was left alone in his palace. His terrified priests escaped to the continent; Sunderland was always false; his confidential friends betrayed him; his daughter Anne, pleading conscience, proved herself one of his worst enemies. "God help me," exclaimed the disconsolate father, bursting into tears, "my very children have forsaken me;" and his grief was increased by losing a piece of the true wood of the cross, that had belonged to Edward the Confessor. Paralyzed by the imbecility of doubt, and destitute of counsellors, he fled beyond the sea. Aided by falsehoods, the prince of Orange, without striking a blow, ascended the throne of his father-in-law; and Mary, by whose letters James was lulled into security, came over to occupy the throne, the palace, and the bed of her father, and sequester the inheritance of her brother.

Bancroft, Hist. of the U.S., vol.1, p.598

The great news of the invasion of England and the declaration of the prince of Orange reached Boston on the fourth day of April, 1659. The messenger was immediately imprisoned, but his message could not be suppressed; and "the preachers had already matured the evil design" of a revolution.

Bancroft, Hist. of the U.S., vol.1, p.599

"There is a general buzzing among the people, great with expectation of their old charter or they know not what:" such was the ominous message of Andros to Brockholst, with orders that the soldiers should be ready for action.

Bancroft, Hist. of the U.S., vol.1, p.599

About nine o'clock of the morning of the eighteenth, just as George, the commander of the Rose frigate, stepped on shore, Green and the Boston ship-carpenters gathered about him and made him a prisoner. The town took the alarm. The royalist sheriff endeavored to quiet the multitude; and they arrested him. They next hastened to the major of the regiment, and demanded colors and drums. He resisted; they threatened. The crowd increased; companies form under Nelson, Foster, Waterhouse, their old officers; and already at ten they seized Bullivant, Foxcroft, and Ravenscraft. Boys ran along the streets with clubs; the drums beat; the governor, with his creatures, meeting opposition in council, withdrew to the fort to desire a conference with the ministers and two or three more. The conference was declined. All the companies soon rallied at the town-house. Just then, the last governor of the colony, in office when the charter was abrogated; Simon Bradstreet, glorious with the dignity of fourscore years and seven, one of the early emigrants, a magistrate in 1630, whose experience connected the oldest generation with the new, drew near the town-house, and was received by a great shout from the freemen. The old magistrates were reinstated, as a council of safety; the town rose in arc "with the most unanimous resolution that ever inspired a people;" and a declaration read from the balcony defended the insurrection as a duty to God and the country. "We commit our enterprise," it was added, "to Him who hears the cry of the oppressed, and advise all our neighbors, for whom we have thus ventured ourselves, to joyn with us in prayers and all just actions for the defence of the land."

Bancroft, Hist. of the U.S., vol.1, p.599 - p.600

On Charlestown side a thousand soldiers crowded together, and there would have been more of them if needed. The governor, vainly attempting to escape to the frigate, was, with his creatures, compelled to seek protection by submission; through the streets where he had first displayed his scarlet coat and arbitrary commission, he and his fellows were marched to the town-house, and thence to prison.

Bancroft, Hist. of the U.S., vol.1, p.600

On the next day the country people came swarming across the Charlestown and Chelsea ferries, headed by Shepherd, a school-master of Lynn. All the cry was against Andros and Randolph. The castle was taken; the frigate was mastered; the fortifications were occupied.

Bancroft, Hist. of the U.S., vol.1, p.600

How should a new government be instituted? Town-meetings, before news had arrived of the proclamation of William and Mary, were held throughout the colony. Of fifty-four towns, forty certainly, probably more, voted to reassume the old charter. Representatives were chosen, and, on the twenty-second of May, Massachusetts once more assembled in general court.

Bancroft, Hist. of the U.S., vol.1, p.600

Already, on the twenty-second of April, Nathaniel Clark, the agent of Andros at Plymouth, was in jail; Hinckley resumed the government, and the children of the pilgrims renewed the constitution which had been unanimously signed in the Mayflower.

Bancroft, Hist. of the U.S., vol.1, p.600 - p.601

The royalists had pretended that "the Quaker grandees" of Rhode Island had imbibed nothing of Quakerism but its indifference to forms, and did not even desire a restoration of the charter. On May-day, their usual election day, the inhabitants and freemen poured into Newport; and the "democracie" published to the world their gratitude "to the good providence of God, which had wonderfully supported their predecessors and themselves through more than ordinary difficulties and hardships." "We take it to be our duty," thus they continue, "to lay hold of our former gracious privileges, in our charter contained." And, by a unanimous vote, the officers, whom Andros had displaced, were confirmed. But Walter Clarke wavered. For nine months there was no acknowledged chief magistrate. The assembly, accepting Clarke's disclaimer, elected Almy. Again excuse was made. All eyes turned to one of the old Antinomian exiles, the more than octogenarian, Henry Bull; and, in February, 1690, the fearless Quaker, true to the light within, employed the last glimmerings of life to restore the democratic charter of Rhode Island. Once more its free government is organized: its seal is renewed; the symbol, an anchor; the motto, HOPE.

Bancroft, Hist. of the U.S., vol.1, p.601

From Massachusetts "the amazing news did soon fly like lightning;" and the people of Connecticut spurned the government which Andros had appointed, and which they had always feared it was a sin to obey. The charter was resumed; an assembly was convened; and, in spite of the FINIS of Andros, on the ninth of May, 1659, new chapters were begun in the records of freedom. Suffolk county, on Long Island, rejoined Connecticut.

Bancroft, Hist. of the U.S., vol.1, p.601

New York shared the impulse, but with less unanimity. "The Dutch plot" was matured by Jacob Leisler, a native of the republic of Frankfort-on-the-Main, a man of energy, but ill-educated, and by his son-in-law Milborne. Led by them, the common people among the Dutch, with less support from the English population, insisted on proclaiming the stadholder of the united provinces king of England.

Bancroft, Hist. of the U.S., vol.1, p.601

In New Jersey there was no insurrection. The inhabitants were unwilling to invoke the interference of the proprietaries. There is no reason to doubt that, in the several towns, officers were chosen, as before, by the inhabitants themselves, to regulate all local affairs, while the provincial government, as established by James II, fell with Andros. The Mohawks, kindling at the prospect of an ally, chanted their loudest war-song, and prepared to descend on Montreal.

Bancroft, Hist. of the U.S., vol.1, p.601

This New England revolution, beginning at Boston, extended to the Chesapeake and to the wilderness, and "made a great noise in the world." Its object was Protestant liberty; William and Mary, the Protestant sovereigns, were proclaimed with rejoicings such as America had never before known in its intercourse with England.

Bancroft, Hist. of the U.S., vol.1, p.601

Could it be that America was deceived in her confidence; that she had but substituted the absolute sovereignty of parliament, which to her would prove the double despotism of a commercial as well as a landed aristocracy, for the rule of the Stuarts? Boston was the centre of the revolution which now spread to the Chesapeake; in less than a century it will begin a revolution for humanity, and rouse a spirit of power to emancipate the world.

Chapter 19:

The Result Thus Far

Bancroft, Hist. of the U.S., vol.1, p.602

THUS have we traced, almost exclusively from contemporary documents and records, the colonization of the twelve oldest states of our union. At the period of the great European revolution of 1658 they contained not very many beyond two hundred thousand inhabitants, of whom Massachusetts, with Plymouth and Maine, may have had forty-four thousand; New Hampshire, and Rhode Island with Providence, each six thousand; Connecticut, from seventeen to twenty thousand; that is, all New England, seventy-five thousand souls; New York, not less than twenty thousand; New Jersey, half as many; Pennsylvania and Delaware, perhaps twelve thousand; Maryland, twenty-five thousand; Virginia, fifty thousand, or more; and the two Carolinas, which then included the soil of Georgia, probably not less than eight thousand souls.

Bancroft, Hist. of the U.S., vol.1, p.602

The emigration of the fathers of these twelve commonwealths, with the planting of the principles on which they rested, though, like the introduction of Christianity into Rome, but little regarded by contemporary writers, was the most momentous event of the seventeenth century. The elements of our country, such as she exists to-day, were already there.

Bancroft, Hist. of the U.S., vol.1, p.602 - p.603

Of the institutions of the Old World, monarchy had no motive to emigrate, and was present only by its shadow; in the proprietary governments, by the shadow of a shadow. The feudal aristocracy had accomplished its mission in Europe; it could not gain new life among the equal conditions of the wilderness; in at least four of the twelve colonies it did not originally exist at all, and in the rest had scarcely a monument except in the forms of holding property. Priestcraft did not emigrate; to the forests of America religion came as a companion; the American mind never bowed to an idolatry of forms; and there was not a prelate in the English part of the continent. The municipal corporations of the European commercial world, the close intrenchments of burghers against the landed aristocracy, could not be transferred to our shores, where no baronial castles demanded the concerted opposition of guilds. Nothing came from Europe but a free people. The people, separating itself from all other elements of previous civilization; the people, self-confiding and industrious the people, wise by all traditions that favored its culture and happiness—alone broke away from European influence, and in the New World laid the foundations of our republic. Like Moses, as they said of themselves, they had escaped from Egyptian bondage to the wilderness, that God might there give them the pattern of the tabernacle. Like the favored evangelist, the exiles, in their western Patmos, listened to the angel that dictated the new gospel of freedom. Overwhelmed in Europe, popular liberty, like the fabled fountain of the sacred Arethusa, gushed forth profusely in remoter fields.

Bancroft, Hist. of the U.S., vol.1, p.603 - p.604

Of the nations of the European world, the chief emigration was from that Germanic race most famed for the love of personal independence. The immense majority of American families were not of "the high folk of Normandie," but were of "the low men," who were Saxons. This is true of New England; it is true of the south. The Virginians were Anglo-Saxons in the woods again, with the inherited culture and intelligence of the seventeenth century. "The major part of the house of burgesses now consisted of Virginians that never saw a town." The Anglo-Saxon mind, in its serenest nationality, neither distorted by fanaticism, nor subdued by superstition, nor wounded by persecution, nor excited by new ideas, but fondly cherishing the active instinct for personal freedom, secure possession, and legislative power, such as belonged to it before the reformation, and existed independent of the reformation, had made its dwelling-place in the empire of Powhatan. With consistent firmness of character, the Virginians welcomed representative assemblies; displaced an unpopular governor; at the overthrow of monarchy, established the freest government; rebelled against the politics of the Stuarts; and, uneasy at the royalist principles which prevailed in its forming aristocracy, soon manifested the tendency of the age at the polls.

Bancroft, Hist. of the U.S., vol.1, p.604

The colonists, including their philosophy in their religion, as the people up to that time had always done, were neither skeptics nor sensualists, but Christians. The school that bows to the senses as the sole interpreter of truth had little share in colonizing our America. The colonists from Maine to Carolina, the adventurous companions of Smith, the proscribed Puritans that freighted the fleet of Winthrop, the Quaker outlaws that fled from jails with a Newgate prisoner as their sovereign—all had faith in God and in the soul. The system which had been revealed in Judea—the system which combines and perfects the symbolic wisdom of the Orient and the reflective genius of Greece—the system, conforming to reason, yet kindling enthusiasm; always hastening reform, yet always conservative; proclaiming absolute equality among men, yet not suddenly abolishing the unequal institutions of society; guaranteeing absolute freedom, yet invoking the inexorable restrictions of duty; in the highest degree theoretical, and yet in the highest degree practical; awakening the inner man to a consciousness of his destiny, and yet adapted with exact harmony to the outward world; at once divine and humane—this system was professed in every part of our widely extended country, and cradled our freedom.

Bancroft, Hist. of the U.S., vol.1, p.604

Our fathers were not only Christians; they were, even in Maryland by a vast majority, elsewhere almost unanimously, Protestants. Now the Protestant reformation, considered in its largest influence on politics, was the awakening of the common people to freedom of mind.

Bancroft, Hist. of the U.S., vol.1, p.604 - p.605

During the decline of the Roman empire, the oppressed invoked the power of Christianity to resist the supremacy of brute force; and the merciful priest assumed the office of protector. The tribunes of Rome, appointed by the people, had been declared inviolable by the popular vote; the new tribunes of humanity, deriving their office from religion, and ordained by religion to a still more venerable sanctity, defended the poor man's house against lust by the sacrament of marriage; restrained arbitrary passion by a menace of the misery due to sin unrepented of and unatoned; and taught respect for the race by sprinkling every new-born child with the water of life, confirming every youth, bearing the oil of consolation to every death-bed, and sharing freely with every human being the consecrated emblem of God present with man.

Bancroft, Hist. of the U.S., vol.1, p.605

But from protectors priests grew to be usurpers. Expressing all moral truth by the mysteries of symbols, and reserving to themselves the administration of seven sacraments, they claimed a monopoly of thought and exercised an absolute spiritual dominion. Human bondage was strongly riveted; for they had fastened it on the affections, the understanding, and the reason. Ordaining their own successors, they ruled human destiny at birth, on entering active life, at marriage, when frailty breathed its confession, when faith aspired to communion with God, and at death.

Bancroft, Hist. of the U.S., vol.1, p.605

The fortunes of the human race are embarked in a lifeboat and cannot be wrecked. Mind refuses to rest; and active freedom is a necessary condition of intelligent existence. The instinctive love of truth could warm even the scholastic theologian; but the light which it kindled for him was oppressed by verbal erudition, and its flickering beams, scarce lighting the cell of the solitary, could not fill the colonnade of the cloister, far less reach the busy world.

Bancroft, Hist. of the U.S., vol.1, p.605

Sensualism also was free to mock superstition. Scoffing infidelity put on the cardinal's hat, and made even the Vatican ring with ribaldry. But the indifference of dissoluteness has no creative power; it does but substitute the despotism of the senses for a spiritual despotism; it never brought enfranchisements to the multitude.

Bancroft, Hist. of the U.S., vol.1, p.605

The feudal aristocracy resisted spiritual authority by the sword; but it was only to claim greater license for their own violence. Temporal sovereigns, jealous of a power which threatened to depose the unjust prince, were ready to set prelacy against prelacy, the national church against the Catholic church; but it was only to assert the absolute liberty of despotism.

Bancroft, Hist. of the U.S., vol.1, p.606

By slow degrees, the students of the humanities, as they were called, polished scholars, learned lessons of freedom from Grecian and Roman example; but they hid their patriotism in a dead language, and forfeited the claim to higher influence and enduring fame by suppressing truth, and yielding independence to the interests of priests and princes.

Bancroft, Hist. of the U.S., vol.1, p.606

Human enfranchisement could not advance securely but through the people; for whom philosophy was included in religion, and religion veiled in symbols. There had ever been within the Catholic church men who preferred truth to forms, justice to despotic force. "Dominion," said Wycliffe, "belongs to grace," meaning, as I believe, that the feudal government, which rested on the sword, should yield to a government resting on moral principles. And he knew the right method to hasten the coming revolution. "Truth," he asserted with wisest benevolence, "truth shines more brightly the more widely it is diffused;" and, catching the plebeian language that lived on the lips of the multitude, he gave England the Bible in the vulgar tongue. A timely death could alone place him beyond persecution; his bones were disinterred and burnt, and his ashes thrown on the waters of the Avon. But his fame brightens as time advances; when America traces the lineage of her intellectual freedom, she acknowledges the benefactions of Wycliffe.

Bancroft, Hist. of the U.S., vol.1, p.606

In the next century, a kindred spirit emerged in Bohemia, and tyranny, quickened by the nearer approach of danger, summoned John Huss to its tribunal, set on his head a huge paper mitre begrimed with hobgoblins, permitted the bishops to strip him and curse him, and consigned one of the gentlest and purest of our race to the flames. "Holy simplicity!" exclaimed he, as a peasant piled fagots on the fire; still preserving faith in humanity, though its noblest instincts could be so perverted; and, perceiving the only mode through which reform could prevail, he gave as a last counsel to his multitude of followers: "Put not your trust in princes." Of the descendants of his Bohemian disciples, a few certainly came to us by way of Holland; his example was for all.

Bancroft, Hist. of the U.S., vol.1, p.606 - p.607

Years are as days in the providence of God and in the progress of the race. After long waiting, an Augustine monk at Wittenberg, who loathed the lewd corruptions of the Roman court and the deceptions of a coarse superstition, brooded in his cell over the sins of his age and the method of rescuing conscience from the dominion of forms, till he discovered a cure for these vices in the simple idea of justification by faith alone. With this principle, easily intelligible to the universal mind, and spreading, like an epidemic, widely and rapidly—a principle strong enough to dislodge every superstition, to overturn every tyranny, to enfranchise, convert, and save the world—he broke the wand of papal supremacy, scattered the lazars of the monasteries, and drove the penance of fasts and the terrors of purgatory, masses for the dead and indulgences for the living, into the paradise of fools. That his principle contained a democratic revolution Luther saw clearly; he acknowledged that "the rulers and the lawyers needed a reformer;" but he "could not hope that they would soon get a wise one," and in a stormy age, leaving to futurity its office, accepted shelter from feudal sovereigns. "It is a heathenish doctrine," such was his compromise with princes, "that a wicked ruler may be deposed." "Do not pipe to the populace, for it anyhow delights in running mad." "God lets rogues rule for the people's sin." "A crazy populace is a desperate, cursed thing; a tyrant is the right clog to tie on that dog's neck." And yet, adds Luther, "I have no word of comfort for the usurers and scoundrels among the aristocracy, whose vices make the common people esteem the whole aristocracy to be out and out worthless." And he praised the printing-press as the noblest gift of human genius. He forbade priests and bishops to make laws how men shall believe; for, said he, "man's authority stretches neither to heaven nor to the soul." Nor did he leave Truth to droop in a cloister or wither in a palace, but carried her forth in her freedom to the multitude; and, when tyrants ordered the German peasantry to deliver up their Saxon New Testament, "No," cried Luther, "not a single leaf." He pointed out the path in which civilization should travel, though he could not go on to the end of the journey.

Bancroft, Hist. of the U.S., vol.1, p.607 - p.608

In pursuing the history of our country, we shall hereafter meet in the Lutheran kingdom of Prussia, of which the dynasty had become Calvinistic, at one time an ally, at another a neutral friend. The direct influence of Lutheranism on America was inconsiderable. New Sweden alone had the faith and the politics of the German reformer.

Bancroft, Hist. of the U.S., vol.1, p.608

As the New World sheltered neither bishops nor princes, in respect to political opinion, the Anglican church in Virginia was but an enfranchisement from popery, favoring humanity and freedom. The inhabitants of Virginia were conformists after the pattern of Sandys and of Southampton rather than of Whitgift and Laud. Of themselves they asked no questions about the surplice, and never wore the badge of nonresisting obedience.

Bancroft, Hist. of the U.S., vol.1, p.608

The meaner and more ignoble the party, the more general and comprehensive are its principles; for none but principles of universal freedom can reach the meanest condition. The serf defends the widest philanthropy; for that alone can break his bondage. The plebeian sect of Anabaptists, "the scum of the reformation," with greater consistency than Luther, applied the doctrine of the reformation to the social relations of life, and threatened an end to kingcraft, spiritual dominion, tithes, and vassalage. The party was trodden under foot, with foul reproaches and most arrogant scorn; and its history is written in the blood of myriads of the German peasantry; but its principles, safe in their immortality, escaped with Roger Williams to Providence; and his colony is the witness that, naturally, the paths of the Baptists were paths of freedom, pleasantness, and peace.

Bancroft, Hist. of the U.S., vol.1, p.608

Luther finished his mission in the heart of Germany under the safeguard of princes. In Geneva, a republic on the confines of France, Italy, and Germany, Calvin, the great refugee from France, appealing to the people for support, carried forward and organized the reform.

Bancroft, Hist. of the U.S., vol.1, p.608 - p.609

The political character of Calvinism, which, with one consent and with instinctive judgment, the monarchs of that day, except that of Prussia, feared as republicanism, and which Charles II declared a religion unfit for a gentleman, is expressed in a single word—predestination. Did a proud aristocracy trace its lineage through generations of a high-born ancestry, the republican reformer, with a loftier pride, invaded the invisible world, and from the book of life brought down the record of the noblest rank, decreed from all eternity by the King of kings. His converts defied the opposing world as a world of reprobates, whom God had despised and rejected. To them the senses were a totally depraved foundation, on which neither truth nor goodness could rest. They went forth in confidence that men who were kindling with the same exalted instincts would listen to their voice, and be effectually "called into the brunt of the battle" by their side. And, standing serenely amid the crumbling fabrics of centuries of superstitions, they had faith in one another; and the martyrdoms of Cambray, the fires of Smithfield, the surrender of benefices by two thousand non-conforming Presbyterians, attest their perseverance.

Bancroft, Hist. of the U.S., vol.1, p.609

Such was the system which, for a century and a half, assumed the guardianship of liberty for the English world. "A wicked tyrant is better than a wicked war," said Luther, preaching non-resistance; and Cranmer echoed back: "God's people are called to render obedience to governors, although they be wicked or wrong-doers, and in no case to resist." English Calvinism reserved the right of resisting tyranny. To advance intellectual freedom, Calvinism denied, absolutely denied, the sacrament of ordination, thus breaking up the great monopoly of priestcraft, and knowing no master, mediator, or teacher but the eternal reason. "Kindle the fire before my face," said Jerome, meekly, as he resigned himself to his fate; to quench the fires of persecution forever, Calvinism resisted with fire and blood, and, shouldering the musket, proved, as a foot-soldier, that, on the field of battle, the invention of gunpowder had levelled the plebeian and the knight. To restrain absolute monarchy in France, in Scotland, in England, it allied itself with the party of the past, the decaying feudal aristocracy, which it was sure to outlive; for protection against feudal aristocracy, it infused itself into the mercantile class and the inferior gentry; to secure a life in the public mind, in Geneva, in Scotland, wherever it gained dominion, it invoked intelligence for the people, and in every parish planted the common school.

Bancroft, Hist. of the U.S., vol.1, p.609 - p.610

In an age of commerce, to stamp its influence on the New World, it went on board the fleet of Winthrop, and was wafted to the bay of Massachusetts. Is it denied that events follow principles, that mind rules the world? The institutions of Massachusetts were the exact counterpart of its religious system. Calvinism claimed heaven for the elect; Massachusetts gave franchises to the members of the visible church, and inexorably disfranchised churchmen, royalists, and all world's people. Calvinism overthrew priestcraft; in Massachusetts, none but the magistrate could marry; the brethren could ordain. Calvinism saw in goodness infinite joy, in evil infinite woe, and, recognising no other abiding distinctions, opposed secretly but surely hereditary monarchy, aristocracy, and bondage; Massachusetts owned no king but the king of heaven, no aristocracy but of the redeemed, no bondage but the hopeless, infinite, and eternal bondage of sin. Calvinism invoked intelligence against satan, the great enemy of the human race; and the farmers and seamen of Massachusetts nourished its college with gifts of corn and strings of wampum, and wherever there were families, built the free school. Calvinism, in its zeal against Rome, reverenced the bible even to idolatry; and, in Massachusetts, the songs of Deborah and David were sung without change; hostile Algonkins, like the Canaanites, were exterminated or enslaved; and wretched innocents were hanged, because it was written, "The witch shall die."

Bancroft, Hist. of the U.S., vol.1, p.610 - p.611

"Do not stand still with Luther and Calvin," said Robinson, the father of the pilgrims, confident in human advancement. From Luther to Calvin there was progress; from Geneva to New England there was more. Calvinism, as a political power, in an age when politics were controlled by religious sects; Calvinism, such as it existed, in opposition to prelacy and feudalism, could not continue in a world where there was no prelacy to combat, no aristocracy to overthrow. It therefore received developments which were imprinted on institutions. It migrated to the Connecticut; and there, forgetting its foes, it put off its armor of religious pride. "You go to receive your reward," was said to Hooker on his deathbed. "I go to receive mercy," was his reply. For predestination Connecticut substituted benevolence. It hanged no Quakers, it mutilated no heretics. Its early legislation is the breath of reason and charity; and Jonathan Edwards did but sum up the political history of his native commonwealth for a century, when, anticipating, and in his consistency excelling, Godwin and Bentham, he gave Calvinism its political euthanasia, by declaring virtue to consist in universal love.

Bancroft, Hist. of the U.S., vol.1, p.611

In Boston, with Henry Vane and Anne Hutchinson, "Calvinism ran to seed and the seed was "incorruptible." Election implies faith, and faith freedom. Claiming the spirit of God as the companion of man, the Antinomians asserted absolute freedom of mind. For predestination they substituted consciousness. "If the ordinances be all taken away, Christ cannot be;" the forms of truth may perish; truth itself is immortal. "God will be ordinances to us." The exiled doctrine, which established conscience as the highest court of appeal, fled to the island gift of Miantonomoh; and the records of Rhode Island are the commentary on the true import of the creed.

Bancroft, Hist. of the U.S., vol.1, p.611

Faith in predestination alone divided the Antinomians from the Quakers. Both reverenced and obeyed the voice of conscience in its freedom. The near resemblance was perceived so soon as the fame of George Fox reached America; and the principal followers of Anne Hutchinson, Coddington, Mary Dyar, Henry Bull, and a majority of the people, avowed themselves to be Quakers.

Bancroft, Hist. of the U.S., vol.1, p.611

The principle of freedom of mind, first asserted for the common people, under a religious form, by Wycliffe, had been pursued by a series of plebeian societies, till it at last reached a perfect development, coinciding with the highest attainment of European philosophy.

Bancroft, Hist. of the U.S., vol.1, p.611 - p.612

By giving a welcome to every sect, America was safe against narrow bigotry. At the same time, the moral duty of the forming nation was not impaired. Of the various parties into which the reformation divided the people, each, from the proudest to the humblest, rallied round a truth. But, as truth never contradicts itself, the collision of sects could but eliminate error; and the American mind, in the largest sense eclectic, struggled for universality, while it asserted freedom. How had the world been governed by despotism and bigotry; by superstition and the sword; by the ambition of conquest and the pride of privilege! And now the happy age gave birth to a people which was to own no authority as the highest but the free conviction of the public mind.

Bancroft, Hist. of the U.S., vol.1, p.612

Thus had Europe given to America her sons and her culture. She was the mother of our men, and of the ideas which guided them to greatness. The relations of our country to humanity were already wider. The three races—the Caucasian, the Ethiopian, and the American—were in presence of one another on our soil. Would the red man disappear entirely from the forests, which for thousands of years had sheltered him safely? Would the black man, in the end, be benefited by the crimes of mercantile avarice? At the close of the middle age, the Caucasian race was in nearly exclusive possession of the elements of civilization, while the Ethiopian remained in insulated barbarism. No commerce connected it with Europe; no intercourse existed by travel, by letters, or by war; it was too feeble to attempt an invasion of a Christian prince or an Arab dynasty. The slave-trade united the races by an indissoluble bond; the first ship that brought Africans to America was a sure pledge that, in due time, ships from the New World would carry the equal blessings of Christianity to the burning plains of Nigritia, that descendants of Africans would aspire to the benefits of European civilization.

Bancroft, Hist. of the U.S., vol.1, p.612 - p.613

That America should benefit the African was always the excuse for the slave-trade. Would America benefit Europe? The probable influence of the New World on the Old became a prize question at Paris; but not one of the writers divined the true answer. They looked for it in commerce, in mines, in natural productions; and they should have looked for revolutions, as a consequence of moral power. The Greek colonists planted free and prosperous cities; and, in a following century, each metropolis, envying the happiness of its daughters, imitated its institutions, and rejected kings. Rome, a nation of soldiers, planted colonies by the sword, and retributive justice merged its liberties in absolute despotism. The American colonists founded their institutions on popular freedom, and "set an example to the nations." Already the plebeian outcasts, the Anglo-Saxon emigrants, were the hope of the world. We are like the Parthians, said Norton in Boston; our arrows wound the more for our flight. "Jotham upon Mount Gerizim is bold to utter his apologue."

Bancroft, Hist. of the U.S., vol.1, p.613

We have written the origin of our country; we are now to pursue the history of its wardship. The relations of the rising colonies, the representatives of democratic freedom, are chiefly with France and England; with the monarchy of France, which was the representative of absolute despotism, having subjected the three estates of the realm, the clergy by a treaty with the pope, feudalism by standing armies, the communal institutions by executive patronage and a vigorous police; with the parliament of England, which was the representative of aristocratic liberties, and had ratified royalty, primogeniture, corporate charters, the peerage, tithes, prelates, prescriptive franchises, and every established immunity and privilege. The three nations and the three systems were, by the revolution of 1688, brought into direct contrast with one another. At the same time, the English world was lifted out of theological forms, and entered upon the career of commerce, which had been prepared by the navigation acts and by the mutual treaties for colonial monopoly with France and Spain. The period through which we have passed shows why we are a free people; the coming period will show why we are a united people. We shall have no tales to relate of more adventure than in the early period of Virginia, none of more sublimity than of the pilgrims at Plymouth. But we are about to enter on a wider theatre; and, as we trace the progress of commercial ambition through events which shook the globe from the wilds beyond the Alleghanies to the ancient abodes of civilization in Hindostan, ye shall still see that the selfishness of evil defeats itself, and God rules in the affairs of men

History of the United States

Volume 2, 1688-1763

HISTORY OF

THE UNITED STATES OF AMERICA

AS COLONIES

IN THREE PARTS

Part 3: Colonization of the West and of Georgia, 1685-1748

PART III

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Colonization of the West and of Georgia

From 1685 to 1748

Chapter 1:

The Southern States After the Revolution

Bancroft, Hist. of the U.S., vol.2, p.3

THE Stuarts passed from the throne of England. Distinguished by a blind resistance to popular opinion, they were no less distinguished by misfortunes. During their separate sovereignty over Scotland, but three of the race escaped a violent death. The first of them who aspired to the crown of Great Britain was by the order of an English queen sent to death on the scaffold; her grandson was beheaded in the name of the English people. The next in the line, long a needy exile, is remembered chiefly for his vices; and James II was reduced from royalty to beggary by his own children. Yet America acquired its British colonies during their rule, and towns, rivers, headlands, and even commonwealths bear their names. James I promoted the settlement of Virginia; a timely neglect fostered New England; the favoritism of Charles I opened the way for religions liberty in Maryland; Rhode Island long cherished the charter which it won from Charles II; James II favored the grants which gave liberties to Pennsylvania and to Delaware; the crimes of the dynasty drove to our country men of learning, virtue, and fortitude. "The wisdom of God," as John Knox had predicted, "compelled the very malice of Satan, and such as were drowned in sin, to serve to his glory and the profit of his elect."

Bancroft, Hist. of the U.S., vol.2, p.3 - p.4

Four hundred and seventy-four years after the barons at Runnymede extorted Magna Charta from their legitimate king, the aristocratic revolution of 1688 established for England and its dominions the sovereignty of parliament and the supremacy of law; the security of property and existing franchises; but without impairing the privileges of the nobility. The character of the new monarch of Great Britain could mould its policy, but not its constitution. In political sagacity, in force of will, far superior to the English statesmen who environed him; more tolerant than his ministers or his parliaments, the childless man never won the love of England. In his person thin and feeble, with eyes of a hectic lustre, of a temperament inclining to the melancholic, in conduct cautious, self-relying, fixed in his judgments of men, he relied for success on his own inflexibility and the ripeness of his designs. Too wise to be cajoled, too firm to be complaisant, no address could sway his resolve, nor did filial respect restrain his ambition. His exterior was chilling; in conversation he was abrupt, speaking little and slowly, and with repulsive dryness; yet he took delight in horses and the chase; and in the day of battle the highest energy animated his frame. For England, for the English people, for English liberties, he had no affection, indifferently employing the whigs who took pride in the revolution, and the tories who had opposed his elevation and yet were the fittest instruments "to carry the prerogative high." One great purpose governed his life—the safety of his native country. The encroachments of Louis XIV., which, in 1672, had made him a revolutionary stadholder, in 1688 transformed the impassive champion of Dutch independence into the leader of the English revolution and the defender of the liberties of Europe.

Bancroft, Hist. of the U.S., vol.2, p.4

The English statesmen who settled the principles of the revolution took experience for their guide. Somers, the acknowledged leader of the whig party, labored to make an inventory of the privileges and liberties of Englishmen and embody them in an act of parliament. Freedom sought its title-deeds in customs, in records, charters, and prescription. The bill of rights was designed to be an authentic recapitulation of well-established national possessions.

Bancroft, Hist. of the U.S., vol.2, p.4 - p.5

The statute-book of the kingdom knew no other rule than the unity of the church. It was the policy of Bacon almost as much as of Whitgift. A revolution made on the principle of asserting established rights and liberties knew not how to set about reforms. For Scotland the claim of right could, on historical grounds, recognise the abolition of Episcopacy. In England, it was taken for granted that the Anglican church must subsist as the national church. In the convention which changed the dynasty, there was no party strong enough to carry through a vital change. The king wished concessions, but his parliaments would not support him. No statesman of that day proposed to go back to the second service-book of Edward VI., or to repeal the law of Charles II., which for the first time required Episcopal ordination before presentation to a benefice. In the convocation of the clergy the Puritans were not represented, for the unrepealed law of Charles II. had driven them out of the church. Nothing was therefore done beyond the toleration act of the convention parliament. The old laws insisting on conformity were left in force against Catholics; Protestants were exempted from penalties for worshipping in what the statute called conventicles, provided their preachers would subscribe the doctrinal articles of the church of England. But even this narrow liberty was yielded only at the price of civil disfranchisement. The ministry, the privy council, both houses of parliament, the bench, all great employments, even places in corporations, were shut against the non-conformists, to whom the English constitution owed its salvation.

Bancroft, Hist. of the U.S., vol.2, p.5

In Ireland, persecution was double-edged; there was not even a toleration act, though two thirds of the inhabitants were Catholics, and of the Protestants one half were non-conformists. In the next reign, the Anglicans gained fresh powers of harassing those who had carried out most thoroughly the principles of the reformation. To an act of terrible severity against the Catholics, provisions were attached that "if, on the death of a Protestant land-owner, the Protestant next of kin, to whom the estate would lapse, happened to be a Presbyterian, he was to be passed over in favor of a more remote member of the establishment. The English test act was introduced in a parenthesis. The Presbyterians, the Independents, the Huguenot refugees, the Quakers, were disqualified for office in the army, the militia, the civil service, the commission of the peace, and municipal corporations."

Bancroft, Hist. of the U.S., vol.2, p.5 - p.6

But the English revolution at least accepted the right to resist tyranny, even by dethroning a dynasty. The commons of England, by a vast majority, declared the executive power to be a conditional trust; and the hereditary assembly of patricians, struggling in vain for the acknowledgment of a right of succession inherent in birth, after earnest debates, accepted the theory of an original contract between king and people. The election of William III. to be king for life was a triumph of the perseverance of the more popular party in the commons over the inherited prejudices of the aristocracy. In this lies the democratic tendency that won to the revolution the scattered remnant of "the good old" republicans; this appropriated to the whigs the glory of the change, in which they took pride, and of which the tories regretted the necessity. This commended the epoch to the friends of freedom throughout the world.

Bancroft, Hist. of the U.S., vol.2, p.6

By resolving that James II. had abdicated, the representatives of the English people assumed to sit in judgment on its kings. By declaring the throne vacant, they interrupted the dynastic claim to the succession. By disfranchising a king for professing the Roman faith, they introduced into the original contract new conditions. By electing a king, they made themselves the fountain of sovereignty. By settling only the civil list for his life, they kept him in dependence for all other supplies, and these were granted annually by specific appropriations. The power to dispense from the obligation of a law was abrogated or denied. The judiciary was rendered independent of the crown; so that charters became safe against executive interference, and state trials ceased to be collisions between blood-thirsty hatred and despair. For England, parliament was absolute.

Bancroft, Hist. of the U.S., vol.2, p.6

The progress of civilization had gradually elevated the commercial classes, and given importance to towns. Among those engaged in commerce, in which the ancient patricians had no share, the spirit of liberty was quickened by the cupidity which sought new benefits for trade through political influence. The day for shouting liberty and equality had not come; the cry was "Liberty and Property." Wealth became a power in the state; and when, at elections, the country people were first invited to seek other representatives than landholders, the merchant, or a candidate in his interest, taught the electors their first lessons in independence.

Bancroft, Hist. of the U.S., vol.2, p.7

Moreover, as the expense of wars soon exceeded the revenue of England, the government prepared to avail itself of the largest credit. The price of such aid was political influence. That the government should protect commerce and domestic manufactures, that the classes benefited by this policy should sustain the government, was the reciprocal relation on which rested the fate of parties in England. The accumulations and floating credits of commerce soon grew powerful enough to compete with the ownership of land. The imposing spectacle of the introduction of the citizens and of commerce as the arbiter of alliances, the umpire of factions, the judge of war and peace, roused the attention of speculative men; so that, in a few years, Bolingbroke, speaking for the landed aristocracy, described his opponents as the party of the banks, the commercial corporations, and, "in general, the moneyed interest;" and Addison, espousing the cause of the burghers, declared nothing to be more reasonable than that "those who have engrossed the riches of the nation should have the management of its public treasure, and the direction of its fleets and armies."

Bancroft, Hist. of the U.S., vol.2, p.7

Still more revolutionary was the political theory developed by the revolution. The fated period of arbitrary monarchy was come; and was come with the desire of all nations. It was denied to be a form of civil government. Nothing, it was held, can bind freemen to obey any government save their own agreement. Political power is a trust; and a breach of the trust dissolves the obligation to allegiance. The supreme power is the legislature, to whose guardianship it has been sacredly and unalterably delegated. By the fundamental law of property, no taxes may be levied on the people but by its own authorized agents.

Bancroft, Hist. of the U.S., vol.2, p.7 - p.8

The revolution is further marled as a consequence of public opinion. It would not tolerate standing armies, compelling William III. to dismiss his Dutch guards. A free discussion of the national policy and its agents was more and more demanded and permitted. The English government, which used to punish censure of its measures or its ministers with merciless severity, began to lean on public conviction. The whigs could not consistently restrain debate; the tories, from their interests as a minority, desired freedom to appeal to popular sympathy; and the adherents of the fallen dynasty loved to multiply complaints against impious usurpation, so that Jacobites and patriots could frame a coalition. It was no longer possible to set limits to the active spirit of inquiry. The philosophy of Locke, cherishing the variety that is always the first fruit of analysis and free research, was admired, even though it endangered dogmas of the church. Men not only dissented from the unity of faith, but even denied the reality of faith; and philosophy, passing from the ideal world to the actual, claimed the right of observing and doubting at its will. The established censorship of the press, by its own limitation, drew near its end, and, after a short renewal, was suffered to expire, never to be revived. The influence of unlicensed printing was increased by the freedom of parliamentary debates and of elections, and the right of petition, which belonged to every Englishman. "In the revolution of 1688, there was certainly no appeal to the people." In the contest between the nation and the throne, the aristocracy constituted itself the mediating law-giver, and made privilege the bulwark of the commons against despotism; but the free press carried political discussions everywhere; inspired popular opinion with a consciousness of its life; emboldened the common people in public meetings to frame petitions against public grievances; and became a pledge of the ultimate concession of reform.

Bancroft, Hist. of the U.S., vol.2, p.8 - p.9

The revolution of 1688, though narrow in its principle, imperfect in its details, ungrateful toward Puritans, intolerant toward Catholics, formed an auspicious era in the history of England and of mankind. Henceforward the title of the king to the crown was bound up with the title of the aristocracy to their privileges, of the people to their liberties: it sprung from law, and it accepted an accountability to the nation. The revolution respected existing possessions, yet made conquests for freedom preserved the ascendency of the aristocracy, yet increased the weight of the middling class, the security of personal liberty, opinion, and the press. England became the star of constitutional government, shining as a beacon on the horizon of Europe, compelling the eulogies of Montesquieu and the joy of Voltaire. Never had so large a state been blessed with institutions so favorable to public happiness, to the arts of peace, to the development of its natural resources; and its colonies were to participate in the benefit of the change.

Bancroft, Hist. of the U.S., vol.2, p.9

The domestic and colonial system of the Stuarts rested on the simple idea that implicit obedience is due from every member of the British dominions to the sacred prerogative of the crown. In like manner the convention parliament and the ministers of King William and Mary applied the principles of the English revolution of 1688 to the reconstruction of America. The revolution restored to Great Britain its free legislature; and it permitted the reassumption of legislative rights by every colony in which they had been suppressed. The revolution vindicated chartered rights in England; in like manner it respected colonial charters. The revolution recovered for the British parliament the sole right of taxing England; and the analogous right was reclaimed by the legislatures of America.

Bancroft, Hist. of the U.S., vol.2, p.9

But when, in the course of events, the government at home found that it did not hold the colonies within its control, inferior and irresponsible boards were the first to revive the bad precedents of a wrongful use of the prerogative; or insinuate that parliament should add the sanction of law to royal instructions; or revoke the charters that protected self-government; or legislate directly for the colonies in all cases of a difference between them and the crown; or by its own authority establish a new and complete system of colonial administration. But, at that time, no responsible ministry would seriously undertake the change; still less was a persistent plan transmitted from one administration to another.

Bancroft, Hist. of the U.S., vol.2, p.9

After the flight of James II from England, order was maintained in CAROLINA by the people themselves. In the territory south and west of Cape Fear the larger part of the settlers were dissenters, willing to be the supporters of order; but they were repelled by the party of the proprietaries, which had nothing better to propose than martial law. On the other hand, the people, in 1690, accepting the authority of Seth Sothel, the fugitive governor of North Carolina, elected a legislature.

Bancroft, Hist. of the U.S., vol.2, p.9 - p.10

The statute-book of South Carolina attests the moderation and liberality of the laws which derived their sanction from the representation of the inhabitants alone. Methods of colonial defence and revenue were established, and in May, 1691, the Huguenots, so far as it could be done by the South Carolinians themselves, were clothed with the rights of free-born citizens.

Bancroft, Hist. of the U.S., vol.2, p.10

The revolution, from its respect for vested rights, at once restored Carolina to its proprietaries; but there was an invincible obstacle to their success as rulers. They coveted a large personal income from their boundless possessions, and were not willing to imperil their private fortunes in the expenses of government, still less in the costly process of reducing insurgents to obedience. As a consequence, the co-existence of a free Carolina legislature and the prerogatives of the proprietaries brought on a succession of indecisive conflicts.

Bancroft, Hist. of the U.S., vol.2, p.10

The acts of the people's legislature having been rejected, Philip Ludwell, a man of moderation and candor, once collector of customs in Virginia, and, since 1689, governor of North Carolina, was in 1692 sent by the proprietaries to establish their supremacy. He had power to inquire into grievances, not to redress them. Disputes respecting quit-rents and the tenure of lands continued; and, after balancing for a year between the wishes of his employers and the necessities of the colonists, Ludwell gladly withdrew into Virginia.

Bancroft, Hist. of the U.S., vol.2, p.10 - p.11

A concession followed. In April, 1693, the proprietaries voted "that, as the people have declared they would rather be governed by the powers granted by the charter, without regard to the fundamental constitutions, it will be for their quiet and for the protection of the well-disposed to grant their request." Palatines, landgraves, and caciques, "the nobility" of the Carolina statute-book, were doomed to pass away. The right to frame a new set of constitutions was not given up; but nothing came of the reservation. For the moment Thomas Smith, whom the people's legislature had disfranchised for two years because he had recommended the establishment of martial law, was appointed governor. The system of biennial assemblies, which, with slight changes, still endures, was immediately instituted; but, from the general dislike of his political opinions his personal virtues failed to conciliate support. Despairing of success, in 1694, he proposed that one of the proprietaries should visit Carolina, with ample powers alike of inquiry and of redress. The advice pleased; and the grandson of Shaftesbury, the pupil and antagonist of Locke, was selected for the mission. On his declining, the choice fell upon John Archdale, an honest member of the society of Friends.

Bancroft, Hist. of the U.S., vol.2, p.11

The Quaker mediator between the factions, himself a proprietary, was invested with powers; yet they permitted him to infuse candor into his administration, rather than into the constitution of Carolina. He arrived in Charleston in the middle of August, 1695, and was received with universal acclamation. His principles, as a dissenter, pledged him to freedom of conscience; his personal character was an assurance of amnesty to political offenders. Asserting that "dissenters could kill wolves and bears, fell trees, and clear ground, as well as churchmen;" and, acknowledging that emigrants should ever expect "in a wilderness country an enlargement of their native rights," he selected for the council two men of the moderate or "country" party, and one of the "proprietary." This division of power was in harmony with colonial opinion. By remitting quit-rents for three or four years, by regulating the price of land and the form of conveyances, by giving the planter the option of paying quit-rents in money or in the products of the country, he quieted the jarrings between the colonists and their feudal sovereigns. To cultivate friendship with the Indians, he established a board for the decision of all contests between them and the white men. The natives round Cape Fear obtained protection against kidnappers, and in return showed kindness toward mariners shipwrecked on their coast. The government was organized as it had been in Maryland; the proprietaries appointing the council, the people electing the assembly. The defence of the colony rested on the militia. With the Spaniards at St. Augustine friendly relations sprung up. Four Indian converts of the Spanish priests, captured by the Yamassees and exposed to sale as slaves, were ransomed by Archdale, and sent to the governor of St. Augustine. "I shall manifest reciprocal kindness," was his reply; and, when an English vessel was wrecked on Florida, the Spaniards requited the generous deed.

Bancroft, Hist. of the U.S., vol.2, p.11 - p.12

The fame of Carolina increased now that it had had "a true English government, zealous for the increase of virtue as well as outward trade and business;" and, in 1696, its representatives declared that Archdale, "by his wisdom, patience, and labor, had laid a firm foundation for a most glorious superstructure."

Bancroft, Hist. of the U.S., vol.2, p.12

Archdale remained about a year and a half; in March, 1697, immediately after his departure, the Huguenots were, by the colonial legislature, permanently endowed with the rights of citizens. Liberty of conscience was conferred on all Christians except papists. This was the first act in Carolina disfranchising religious opinion.

Bancroft, Hist. of the U.S., vol.2, p.12

After Archdale reached England, the work of proprietary legislation was renewed. The new code asserted a favorite maxim of that day, that "all power and dominion are most naturally founded in property." The journals of the provincial assembly show that, in 1702, after it had been read and debated, paragraph by paragraph, the question of ordering it to a second reading was negatived.

Bancroft, Hist. of the U.S., vol.2, p.12

The consent of non-conformists had been given to the public maintenance of one minister of the church of England; and orthodoxy had been protected by the menace of disfranchisement and prisons. In 1704, "the high pretended churchmen," having, by the arts of Nathaniel Moore, gained a majority of one in an assembly representing a colony of which two thirds were dissenters, abruptly disfranchised them all, and, after the English precedent, gave to the church of England a monopoly of political power. The council joined in the eager assent of the governor. In the court of the proprietaries, Archdale opposed the bill; but Lord Granville, the palatine, scorned all remonstrance. "You," said he, "are of one opinion, I of another; and our lives may not be long enough to end the controversy. I am for this bill, and this is the party that I will head and countenance." Dissenters having, in November, been excluded from the house of commons, the church of England was established by law. Lay commissioners, nominated by the oligarchy from its own number, exercised the authority of the bishop.

Bancroft, Hist. of the U.S., vol.2, p.12 - p.13

The dissenters, excluded from the colonial legislature and dismissed with contumely by the proprietaries, appealed to the house of lords, where Somers prevailed. In 1706, an address to Queen Anne in their behalf was adopted; the lords of trade and plantations reported that the proprietaries had forfeited their charter, and advised its recall by a judicial process; the intolerant acts were, by royal authority, declared null and void. In November of the same year they were repealed by the colonial assembly; but, while dissenters were tolerated and could share political power, the church of England was immediately established as the religion of the province, and this compromise continued as long as the power of the crown.

Bancroft, Hist. of the U.S., vol.2, p.13

Meantime, the authority of the proprietaries was shaken by the declaration of the queen and the opinion of English lawyers. Strifes ensued perpetually respecting quit-rents and finances; and, as the proprietaries provided no sufficient defence for the colony, their power, which had no guarantee even in their own interests, and still less in the policy of the English government or the good-will of the colonists, awaited only an opportunity to expire.

Bancroft, Hist. of the U.S., vol.2, p.13

This period of turbulence and insurrection, of angry factions and popular excitements, was nevertheless a period of prosperity. The country rapidly increased in population and the value of its exports. The prolific rice-plant had, at a very early period, been introduced from Madagascar; in 1691, the legislature rewarded the invention of new methods for cleansing the seed; and the rice of Carolina was esteemed the best in the world. Hence the opulence of the colony; hence, also, its swarms of negro slaves.

Bancroft, Hist. of the U.S., vol.2, p.13

Early in the eighteenth century the Carolina Indian trader had penetrated a thousand miles into the interior for the skins of bears, beavers, wild-cats, deer, foxes, and raccoons. The oak was cleft into staves for the West Indies; the trunk of the pine was valued for masts, boards, and joists; its juices yielded turpentine; from the same tree, when dry, fire extracted tar.

Bancroft, Hist. of the U.S., vol.2, p.13 - p.14

But naval stores were still more the produce of North Carolina, where, as yet, slaves were very few, and the planters mingled a leisurely industry with the use of the fowling-piece. While England was engaged in world-wide wars, here the inhabitants multiplied and spread in the enjoyment of peace and liberty. Five miles below Edenton the stone that marks the grave of Henderson Walker records that "North Carolina, during his administration, enjoyed tranquillity." This is the history of four years in which the people, without molestation, were happy in their independence. North Carolina," like ancient Rome, was famed "as the sanctuary of runaways;" Spotswood describes it as "a country where there's scarce ally form of government;" and it long continued to be said, with but slight exaggeration, that "in Carolina every one did what was right in his own eyes," paying neither tithes nor taxes.

Bancroft, Hist. of the U.S., vol.2, p.14

In such a country, which was almost a stranger to ally regular public worship, among a people made up of Presbyterians and Independents, of Lutherans and Quakers, of men who drew their politics, their faith, and their law from the light of nature—where, according to the royalists, the majority "were Quakers, atheists, deists, and other evil-disposed persons"—the pions zeal or the bigotry of the proprietaries, selecting Robert Daniel, the deputy governor, as their fit instrument, in 1704 resolved on establishing the church of England. The legislature, chosen without reference to this end, after much opposition, acceded to the design; and further enacted that no one, who would not take the oath prescribed by law, should hold a place of trust in the colony. Then did North Carolina first gain experience of disfranchisements for opinions; then did it first hear of glebes and a clergy; then were churches first ordered to be erected at the public cost; but no church was erected until 1705, and five years afterward "there was but one clergyman in the whole country." The Quakers, led by their faith, were "not only the principal fomenters of the distractions in Carolina," but the governor of the Old Dominion complained that they "made it their business to instil the like pernicious notions into the minds of his majesty's subjects in Virginia, and to justify the mad actions of the rabble by arguments destructive to all government."

Bancroft, Hist. of the U.S., vol.2, p.14 - p.15 - p.16

On a vacancy in the office of governor in 1705, anarchy prevailed. North Carolina had been usually governed by a deputy appointed by the governor of the southern province; and Thomas Cary obtained a commission in the wonted form. The proprietaries disapproved the appointment, and gave leave to the little oligarchy of their own deputies to elect the chief magistrate. Their choice fell on William Glover; and the colony was forthwith rent with divisions. On the one side were churchmen and royalists, the immediate friends of the proprietaries; on the other, "a rabble of profligate persons," that is, the Quakers and other dissenters, and that majority of the people which was unconsciously swayed by democratic iustincts. From 1706 to 1710, each party had its governor; each elected its house of representatives. Neither could entirely prevail. The one wanted a legal sanction, the other popular favor; and, as "it had been the common practice for them in North Carolina to resist and imprison their governors" till they came "to look upon that as lawful which had been so long tolerated," "the party of the proprietaries was easily trodden under foot." "The Quakers were a numerous people there, and, having been fatally trusted with a large share in the administration of that government," were resolved "to maintain themselves therein." To restore order, Edward Hyde was despatched, in 1711, to govern the province; but he was to receive his commission from Tynte, the governor of the southern division. As Tynte had already fallen a victim to the climate, Hyde could show no evidence of his right, except private letters from the proprietaries; and "the respect due to his birth could avail nothing on that mutinous people." The legislature which he convened, having been elected under forms which, in the eyes of his opponents, tainted the action with illegality, showed no desire to heal by prudence the distractions of the country, but made passionate enactments, "of which they themselves had not power to enforce the execution," and which, in Virginia, even royalists condemned as unjustifiably severe. At once "the true spirit of Quakerism appeared" in an open disobedience to unjust laws: Cary and some of his friends took up arms; it was rumored that they were ready for an alliance with the Indians; and Spotswood, an experienced soldier, now governor of Virginia, was summoned by Hyde as an ally. The loyalty of the veteran was embarrassed. He could not esteem "a country safe which had in it such dangerous incendiaries." He believed that, unless measures were adopted "to discourage the mutinous spirits, who had become so audacious, it would prove a dangerous example to the rest of her majesty's plantations." But "the difficulties of marching forces into a country so cut with rivers were almost insuperable;" there were no troops but the militia, the counties bordering on Carolina were "stocked with Quakers," or, at least, with "the articles of those people;" and the governor of Virginia might almost as well have undertaken a military expedition against foxes and raccoons, or have attempted to enforce religious uniformity among the conies, as employ methods of invasion against men whose dwellings were so sheltered by creeks, so hidden by forests, so protected by solitudes. The insurgents "obstructed the course of justice, demanding the dissolution of the assembly, and the repeal of all laws they disliked." Spotswood could only send a party of marines from the guardships, as evidence of his disposition. No effusion of blood followed. Cary, and the leaders of his party, on the contrary, boldly appeared in Virginia, for the purpose, as they said, of appealing to England in defence of their actions; and Spotswood compelled them to take their passage in the men-of-war that were just returning. But North Carolina remained as before; its burgesses, obeying the popular judgment, "refused to make provision for defending any part of their country," unless "they could introduce into the government the persons most obnoxious for the late rebellion;" and therefore, in February, 1712, the assembly was dissolved. There was little hope of harmony between the proprietaries and the inhabitants of North Carolina.

Bancroft, Hist. of the U.S., vol.2, p.16 - p.17

But here, as elsewhere in America, this turbulence of freedom did not check the increase of population; the province, from its first permanent occupation by white men, has always exceeded South Carolina in numbers. At the confluence of the Trent and the Neuse, emigrants from Switzerland, in 1710, began the settlement of New Berne. German fugitives from the devastated Palatinate found a home in the same vicinity. In these early days few negroes were introduced into the colony. Its trade was chiefly engrossed by New England. The increasing expenses of the government amounted, in 1714, to nine hundred pounds. The surplus revenue to the proprietaries, by sales of land and quit-rents, was but one hundred and sixty-nine pounds, or twenty guineas to each proprietary. There was no separate building for a courthouse till 1722; no printing-press till 1754.

Bancroft, Hist. of the U.S., vol.2, p.17

Before the end of April 1689, the accession of the prince and princess of Orange was proclaimed in Virginia by order of the council. In March 1691, Francis Nicholson became Lord Effingham's lieutenant in VIRGINIA. He met his first assembly on the sixteenth of April 1691. The burgesses immediately instructed Jeffrie Jeoffryes, their agent in London, to "supplicate their majesties to confirm unto the country the authority of the general assembly, consisting of the governor, council, and burgesses, as near as may be to the model of the parliament of England, to enact laws and statutes for the government of this country not repugnant to the laws of England; that no tax or imposition be made, levied, or raised upon any of its people but by the consent of their general assembly; that they and their children may have equal rights and privileges with all natural-born subjects of the realm of England, and be governed, as near as possible, under the same method they are; and have the full benefit of the great charter and of all English laws and statutes indulging the liberty of the subjects;" and that there may be no appeals from their courts to England.

Bancroft, Hist. of the U.S., vol.2, p.17

The council joined with the burgesses in praying for the confirmation of lands already granted and continuing the power of granting the public lands. They desired the agent of the colony "to take more than ordinary care that their majesties may reunite the northern neck to its ancient government;" and "for the future not grant lands in Virginia under the great seal without first being informed by the governor, council, and burgesses here for the time being whether such grant will not be prejudicial to the country here."

Bancroft, Hist. of the U.S., vol.2, p.17

The English government after the revolution respected the prayers of the Virginians in regard to land; but inclined as little as the Stuarts to acknowledge that their house of burgesses was coordinate with the British house of commons, or that they could claim by right the benefits of Magna Charta.

Bancroft, Hist. of the U.S., vol.2, p.18

In concert with the lieutenant-governor, the burgesses and council sent James Blair the commissary to England. In consequence of his zeal, the college of William and Mary, in age second only to Harvard, was founded and modestly endowed.

Bancroft, Hist. of the U.S., vol.2, p.18

A law of 1682 for advancing the manufacture of articles grown in the country, such as flax, wool, and furs, was revived.

Bancroft, Hist. of the U.S., vol.2, p.18

The permanent revenue which Virginia had established was used in part to pay a large salary to the sinecure governor in chief of the colony who resided in England. Made wise by experience, the burgesses of Virginia, like those of Jamaica and other colonies, in granting additional supplies, insisted upon nominating their own treasurer, subject to their orders without further warrant from the governor.

Bancroft, Hist. of the U.S., vol.2, p.18

Careful to conciliate the assembly, Nicholson made no oposition to any of its acts; but he excused himself to the secretary of state for the law encouraging domestic manufactures. "The merchant," he wrote, "had rather that no more ships come hither than will export half of the tobacco; and then the planters must let him have it at what rate he pleases, and he selleth it very dear. But if neither goods nor ships come, necessity will force the people to leave off planting tobacco and clothe themselves."

Bancroft, Hist. of the U.S., vol.2, p.18

He was impatient "till their majesties should place their own governors" over Pennsylvania, Maryland, the Carolinas, and New England, for they might otherwise become "fatal examples by encouraging the mob," and they already harbored runaway servants and debtors and slaves.

Bancroft, Hist. of the U.S., vol.2, p.18

On the twentieth of September 1692, Sir Edmund Andros, governor-general of Virginia, published his commission in James City. It fell to him to introduce the general post-office which seven months before had been authorized within the chief ports of British America under the great seal of England.

Bancroft, Hist. of the U.S., vol.2, p.18 - p.19

The constitution of the church in Virginia cherished colonial freedom; for the act of 1642, which established it, reserved the right of presentation to the parish. The license of the bishop of London and the recommendation of the governor availed, therefore, but little. Sometimes the parish rendered the establishmeut nugatory by its indolence of action; sometimes the minister, if acceptable to the congregation, was received, but not presented. It was the general custom to hire the minister from year to year. In 1703 a legal opinion was obtained from England, that the minister is an incumbent for life and cannot be displaced by his parishioners; but the vestry kept themselves the parson's master by preventing his induction, so that he acquired no freehold in his living, and might be removed at pleasure. Nor was the character of the clergy who came over always suited to win affection or respect. The parishes, moreover, were of such length that some of the people lived fifty miles from the parish church; and the assembly would not increase the taxes by changing the bounds, even from fear of impending "paganism, atheism, or sectaries." "Schism" threatened "to creep into the church," and to generate "faction in the civil government." A resident prelate was thought of as a remedy, and at one time "all the hopes of Jonathan Swift terminated in the bishopric of Virginia."

Bancroft, Hist. of the U.S., vol.2, p.19 - p.20

The greatest safeguard of liberty was the individual freedom of mind, which formed, of necessity, the characteristic of independent landholders living apart on their plantations. In the age of commercial monopoly, Virginia had not one market town, not one place of trade. Its inhabitants "daily grew more and more averse to cohabitation;" so that, "as to outward appearance, it looked all like a wild desert." British ships were obliged to lie for months in the rivers, before boats, visiting the several plantations on their banks, could pick up a cargo. The colony did not seek to share actively in the profits of commerce; it had little of the precious metals, or of credit; was satisfied with agriculture. Taxes were paid in tobacco; remittances to Europe were made in tobacco; the revenue of the clergy, and the magistrates, and the colony, was collected in the same currency; the colonial tradesman received his pay in straggling parcels of it. Royalists and churchmen as they were by ancestry, habit, and established law, they reasoned boldly in their seclusion. It was said in 1703: "Pernicious notions, fatal to the royal prerogative, were improving daily;" and, though Virginia protested against the charge of "republicanism," as an unfounded reproach, yet colonial opinion, the offspring of free inquiry which seclusion awakened, the woods sheltered, and the self-will of slaveholders confirmed, was more than a counterpoise to the prerogative of the British crown. In former ages, no colony had enjoyed a happier freedom. From the insurrection of Bacon, for three quarters of a century, Virginia possessed uninterrupted peace. The strife with the red men on its own soil was ended; the French hesitated to invade its western frontier; a naval foe was not attracted to a region where there was nothing to plunder but the frugal stores of scattered plantations. In such scenes the political strifes were but the fitful ebullitions of a high spirit which, in the wantonness of independence, loved to tease the governor; and, again, if the burgesses expressed loyalty, they were loyal only because loyalty was their mood. Hence the reports to England were contradictory. "The inclinations of the country," wrote Spotswood in 1710," are rendered mysterious by a new and unaccountable humor, which hath obtained in several counties, of excluding the gentlemen from being burgesses, and choosing only persons of mean figure and character." "This government," so he reported in the next year, "is in perfect peace and tranquillity, under a due obedience to the royal authority, and a gentlemanly conformity to the church of England." The letter had hardly left the Chesapeake before he found himself thwarted by impracticable burgesses; and, dissolving the assembly, he feared to convene another till opinion should change. But Spotswood, the best in the line of Virginia governors, a royalist, a high churchman, a traveller, wrote to the bishop of London, and his evidence is without suspicion of bias: "I will do justice to this country; I have observed here less swearing and prophaneness, less drunkenness and debauchery, less uncharitable feuds and animosities, and less knaverys and villanys, than in any part of the world, where my lot has been." The estimate of fifty thousand as the population of the colony on the accession of Queen Anne is far too low.

Bancroft, Hist. of the U.S., vol.2, p.20 - p.21

Of the Roman Catholic proprietary of MARYLAND, the English "Protestant" revolution sequestered the authority, while it protected the fortunes. During the absence of Lord Baltimore from his province, his powers had been delegated to nine deputies, over whom William Joseph presided. They provoked opposition by demanding of the assembly, as a qualification of its members, an oath of fidelity to the proprietary. On resistance to the illegal demand, the house was prorogued; and, even after the successful invasion of England became known, the deputies of Lord Baltimore hesitated to proclaim the new sovereigns.

Bancroft, Hist. of the U.S., vol.2, p.21

The delay gave birth, in April, 1689, to an armed association for asserting the right of King William; and the deputies were easily driven to a garrison on the south side of Patuxent river, about two miles above its mouth. There, on the first of August, they capitulated, obtaining security for themselves, and yielding their assent to the exclusion of papists from all provincial offices. A convention of the associates "for the defence of the Protestant religion," assumed the government in the names of William and Mary, and in a congratulatory address denounced the influence of Jesuits, the prevalence of popish idolatry, the connivance by the government at murders of Protestants, and the danger from plots with the French and Indians.

Bancroft, Hist. of the U.S., vol.2, p.21 - p.22

The privy council, after a debate on the address, advised the forfeiture of the charter by a process of law; but King William, heedless of the remonstrances of the proprietary who could be convicted of no crime but his creed, and impatient of judicial forms, on the first of June, 1691, by his own power, constituted Maryland a royal government. The arbitrary decree was sanctioned by a legal opinion from Holt; and the barons of Baltimore were superseded for a generation. In 1692, Sir Lionel Copley arrived with a royal commission, dissolved the convention, assumed the government, and convened an assembly. Its first act recognised William and Mary; but, as it contained a clause giving validity in the colony to the Magna Charta of England, it was not accepted by the crown. The second established the church of England as the religion of the state, to be supported by general taxation. In 1694, Annapolis became the seat of government. The support of the religion of the state, earnestly advanced by Francis Nicholson, who, from 1694 to 1698, was governor of Maryland, and by the patient, disinterested, but too exclusive commissary, Thomas Bray, became the settled policy of the government. In 1696, the inviolable claim of the colony to English rights and liberties was engrafted by the assembly on the act of establishment; and this was disallowed; for the solicitor-general, Trevor, "knew not how far the enacting that the great charter of England should be observed in all points would be agreeable to the constitution of the colony, or consistent with the royal prerogative." In 1700, the presence and personal virtues of Bray, who saw Christianity only in the English church, obtained by unanimity a law commanding conformity in every "place of public worship." Once more the act was rejected in England from regard to the rights of Protestant dissenters; and when, in 1702, the Anglican ritual was established by the colonial legislature, and the right of appointment and induction to every parish was secured to the governor, the English acts of toleration were at the same time put in force. Protestant dissent was safe; for the difficulty of obtaining English missionaries, the remoteness of the ecclesiastical tribunals, the scandal arising from the profligate lives and impunity in crime of many clergymen, the zeal of the numerous Quakers for intellectual freedom, and the activity of a sort of "wandering pretenders from New England," deluding even "churchmen by their extemporary prayers and preachments"—all united as a barrier against persecution. In 1704, under the reign of Queen Anne, the Roman Catholics alone were given up to Anglican intolerance. Mass might not be said publicly. No Catholic priest or bishop might seek to make proselytes. No Catholic might teach the young. If the wayward child of a papist would but become an apostate, the law wrested for him from his parents a share of their property. The proprietary was disfranchised for his creed. Such were the methods adopted "to prevent the growth of popery."

Bancroft, Hist. of the U.S., vol.2, p.22 - p.23

For a quarter of a century the administration of Maryland resembled that of Virginia. Nicholson and Andros were governors in each. Like Virginia, Maryland had no considerable town, was disturbed but little by the Indians, and less by the French. Its "people were well-natured and most hospitable." Its staple was tobacco; yet hemp and flax were raised, and both, like tobacco, were sometimes used as currency. In 1706, in Somerset and Dorchester, the manufacture of linen, and even of woollen cloth, was attempted. Industry so opposite to the system of the mercantile monopoly needed an apology; and the assembly pleaded, in excuse of the weavers, that they were driven to their tasks "by absolute necessity." Maryland surpassed every other province in the number of its white servants. The market was always supplied with them, the price varying from twelve to thirty pounds. By its position Maryland was connected with the North; it is the most southern colony which, in 1695, consented to pay its quota toward the defence of New York, thus forming, from the Chesapeake to Maine, an imperfect confederacy. The union was increased by a public post. Eight times in the year letters were forwarded from the Potomac to Philadelphia. During the period of the royal government the assembly still retained influence, for they refused to establish a permanent revenue. They encouraged tillage, exempted provincial vessels from a tax levied on British shipping, recognised the collector of parliamentary customs by regulating his fees, obstructed the importation of negroes by imposing taxes, and attempted to prevent the introduction of convicts. To show their gratitude for the blessings which they enjoyed, they acknowledged the title of George I. They promised a library and a free school to every parish. The population of the colony increased, but not rapidly. The usual estimates for this period are too low. In 1710, the number of bond and free must have exceeded thirty thousand; yet a bounty for every wolf's head continued to be offered; the roads to the capital were marked by notches on trees; and water-mills still solicited legislative encouragement. Such was Maryland as a royal province. In 1715, the infant proprietary recovered his inheritance by renouncing the Catholic church for that of England.

Chapter 2:

The Middle States After the Revolution

Bancroft, Hist. of the U.S., vol.2, p.24

MORE happy than Lord Baltimore, the proprietary of Pennsylvania regained his rights without surrendering his faith. Accepting the resignation of the narrow and imperious but honest Blackwell, who, at the period of the revolution, acted as his deputy, the Quaker chief desired "to settle the government in a condition to please the generality," and to "let them be the choosers." "Friends," such was his message, "I heartily wish you all well, and beseech God to guide you in the ways of righteousness and peace. I have thought fit, upon my further stop in these parts, to throw all into your hands, that you may see the confidence I have in you, and the desire I have to give you all possible contentment." The council of his province, which was at that time elected directly by the people, was, in June 1690, collectively constituted his deputy. Of its members, Thomas Lloyd, from North Wales, an Oxford scholar, was universally beloved as a bright example of integrity. The path of preferment had opened to him in England, but he chose rather the peace that springs from "mental felicity." This Quaker preacher, the oracle of "the patriot rustics" on the Delaware, was now, by the free suffrage of the council, constituted its president. But the lower counties were jealous of the superior weight of Pennsylvania; disputes respecting appointments to office grew up; the council divided; protests ensued; the members from the territories withdrew, and would not be reconciled; so that, in April 1691, with the reluctant consent of William Penn, the "territories" or "lower counties," now known as the state of Delaware, became for two years a government by themselves under Markham.

Bancroft, Hist. of the U.S., vol.2, p.25

Uncertainty rested on the institutions of the provinces; an apparent schism among the Quakers increased the trouble. The ministers of England, fearing the easy conquest of a colony of noncombatants by an enemy, were, in October 1691, inclined to annex Pennsylvania to some province under the immediate government of the king. In this design they found an ally. Amid the applause of the royalist faction, George Keith, conciliating other Protestants by a more formal regard for the Bible, asserted his own exclusive adhesion to the principles of Friends by pushing the doctrine of nonresistance to an absolute extreme. No true Quaker, he insisted, can act in public life either as a law-giver or as a magistrate. The inferences were plain; if Quakers could not be magistrates in a Quaker community, King William must send churchmen to govern them. Conforming his conduct to his opinion, Keith defied the magistracy of Pennsylvania. The grand jury found him guilty of a breach of the laws; an indictment, trial, and conviction followed. The punishment awarded was the payment of five pounds; yet, as his offence was in its nature a contempt of court, the scrupulous Quakers, hesitating to punish impertinence lest it might seem the punishment of opinion, forgave the fine. Meantime, the envious world, vexed at the society which it could neither corrupt nor intimidate, set up the cry that its members were turned persecutors; and quoted the blunt expressions of indignation uttered by the magistrates as proofs of intolerance. But the devices of the apostate had only transient interest; Keith was soon left without a faction, and made a true exposition of his part in the strife by accepting an Anglican benefice.

Bancroft, Hist. of the U.S., vol.2, p.25

The disturbance by Keith, creating questions as to the administration of justice, confirmed the disposition of the English government to subject Pennsylvania to a royal commission; and, in April 1693, Benjamin Fletcher, appointed governor by William and Mary, once more united Delaware to Pennsylvania. "Some, who held commissions from the proprietor, withdrew at the publishing of their majesties' commission, and others refused to act under that power."

Bancroft, Hist. of the U.S., vol.2, p.26

When the house of representatives assembled in May, it was the object of Fletcher to gain supplies; of the legislators to maintain their privileges. The laws founded on the charter of Penn they declared to be "yet in force; and desired the same might be confirmed to them as their right and liberties." "If the laws," answered Fletcher, "made by virtue of Mr. Penn's charter, be of force to you, and can be brought into competition with the great seal which commands me hither, I have no business here;" and he pleaded the royal prerogative as inalienable. "The grant of King Charles," replied Joseph Growdon, the speaker, "is itself under the great seal. Is that charter in a lawful way at an end?"

Bancroft, Hist. of the U.S., vol.2, p.26

To reconcile the difference, Fletcher proposed to re-enact the greater number of the former laws. "We are but poor men," said John White, "and of inferior degree, and represent the people. This is our difficulty; we durst not begin to pass one bill to be enacted of our former laws, least by soe doing we declare the rest void."

Bancroft, Hist. of the U.S., vol.2, p.26

The royalists next started a technical objection: the old laws are invalid because they do not bear the great seal of the proprietary. "We know the laws to be our laws," it was answered; "and we are in the enjoyment of them; the sealing does not make the law, but the consent of governor, council, and assembly."

Bancroft, Hist. of the U.S., vol.2, p.26

The same spirit pervaded the session; and the grant of a penny in the pound, which, it was promised, "should not be dipt in blood," was connected with a capitulation recognising the legislative rights of the representatives. A public manifesto, signed by all the members from Pennsylvania, declared it to be "the right of the assembly that, before any bill for supplies be presented, aggrievances ought to be redressed." "My door was never shut," said Fletcher on parting; "but it was avoided, as if it were treason for the speaker, or any other representative, to be seen in my company during your sessions."

Bancroft, Hist. of the U.S., vol.2, p.26 - p.27

One permanent change in the constitution was the fruit of this administration: the house originated its bills, and retained the right ever after. Fletcher would gladly have changed the law for "yearlie delegates;" for "where," asked the royalist, "is the hurt, if a good assemblie should be continued from one year to another," But the people saved their privilege by electing an assembly of which Fletcher could "give no good character at Whitehall," and which he could have no wish to continue.

Bancroft, Hist. of the U.S., vol.2, p.27

The assembly of 1694 was still more impracticable, having for its speaker David Lloyd, the keenest discoverer of grievances, and the most persevering of political scolds. "If you will not levy money to make war," such was the governor's message, in May, "yet I hope you will not refuse to feed the hungrie and clothe the naked." The assembly was willing to give alms to the sufferers round Albany; but it claimed the right of making specific appropriations, and of collecting and disbursing the money by officers of its own appointment. The demand was rejected as an infringement on the royal prerogative; and, after a fortnight's altercation, the assembly was dissolved. Such was the success of a royal governor in Pennsylvania.

Bancroft, Hist. of the U.S., vol.2, p.27

Thrice, within two years after the revolution, had William Penn been arrested and brought before court, and thrice he had been openly set free. In 1690, he prepared to embark once more for America; emigrants crowded round him; a convoy was granted; the fleet was almost ready to sail, when, on his return from the funeral of George Fox, messengers were sent to apprehend him. To avoid a fourth arraignment, he went into retirement. Locke would have interceded for his pardon; but Penn refused clemency, waiting rather for justice. The delay completed the wreck of his fortunes; the wife of his youth died; his eldest son was of a frail constitution; Jesuit, papist, and traitor were the calumnies heaped upon him by the world; yet he preserved his serenity, and, true to his principles, in a season of passionate and almost universal war, published a plea for eternal peace among the nations.

Bancroft, Hist. of the U.S., vol.2, p.27 - p.28

Among the many in England whom Penn had benefited, gratitude was not extinct. On the restoration of the whigs to power, Rochester, who, under James II., had given up office rather than profess Romanism, the less distinguished Ranelagh, and Henry, the brother of Algernon Sidney, formerly the correspondent of the prince of Orange, interceded for the restoration of the proprietary of Pennsylvania. "He is my old acquaintance," answered William; "he may follow his business as freely as ever; I have nothing to say against him." Appearing before the king in council, his innocence was established; and, in August 1694, the patent for his restoration passed the seals.

Bancroft, Hist. of the U.S., vol.2, p.28

The pressure of poverty delayed the return of the proprietary to the banks of the Delaware; and in 1695 Markham was invested with the executive power. The members of the assembly which he convened in September, anxious for political liberties which the recent changes had threatened to destroy, assumed the power of fundamental legislation, and framed a democratic constitution. They would have "their privileges granted before they would give any monie." Doubtful Of the extent of his authority, Markham dissolved the assembly.

Bancroft, Hist. of the U.S., vol.2, p.28

The legislature of October 1696, by its own authority, subject only to the assent of the proprietary, established a purely democratic government. The governor was hut chairman of the council. The council, the assembly, each was chosen by the people. The time of election, the time of assembling, the period of office, were placed beyond the reach of the executive. The judiciary depended on the legislature. The people constituted themselves the fountain of honor and of power. When, in May 1697, the next assembly came together, Markham could say to them: "You are met, not by virtue of any writ of mine, but of a law made by yourselves." The people ruled; and, after years of strife, all went happily.

Bancroft, Hist. of the U.S., vol.2, p.28 - p.29

In November 1699, William Penn was once more with his colony. The commonwealth had ripened into self-reliance. Passing over all intermediate changes, he upheld the validity of the frame of government agreed upon between himself and the provincial legislature; but proposed, by mutual agreement, "to keep what's good in it, to lay aside what is burdensome, and to add what may best suit the common good." On the seventh of June 1700, the old constitution was surrendered, with the unanimous consent of the assembly and council. Yet the counties or Delaware dreaded the loss of their independence by a union with the extending population of Pennsylvania. Besides, the authority of William Penn in the larger state alone had the sanction of a royal charter.

Bancroft, Hist. of the U.S., vol.2, p.29

The proprietary endeavored, but in vain, to remove the jealousy with which his provinces were regarded in England. Their legislature readily passed laws against piracy and illicit trade; but refused their quota for the defence of New York.

Bancroft, Hist. of the U.S., vol.2, p.29

In regard to the negroes, Penn attempted to legislate not for the abolition of slavery, but for the sanctity of marriage among the slaves, and for their personal safety. The latter object was effected; the former, which would have been the forerunner of family life and of freedom, was defeated. By his will, made in America, Penn liberated his own slaves.

Bancroft, Hist. of the U.S., vol.2, p.29

Treaties of peace were renewed with the men of the wilderness from the Potomac to Oswego, and the trade with them was subjected to regulations; but they could not be won to the faith or the habits of civilized life.

Bancroft, Hist. of the U.S., vol.2, p.29

These measures were adopted amid the fruitless wranglings between the delegates from Delaware and those from Pennsylvania Soon after, the news was received that the English parliament was about to render all their strifes and all their hopes nugatory by the general abrogation of every colonial charter. An assembly was summoned instantly; and when, in September 1701, it came together, the proprietary, eager to return to England to defend the common rights of himself and his province, urged the perfecting of their frame of government. "Since all men are mortal," such was his weighty message, "think of some suitable expedient and provision for your safety, as well in your privileges as property, and you will find me ready to comply with whatever may render us happy by a nearer union of our interests. Review again your laws; propose new ones, that may better your circumstances; and what you do, do it quickly. Unanimity and despatch may contribute to the disappointment of those that too long have sought the ruin of OUR YOUNG COUNTRY."

Bancroft, Hist. of the U.S., vol.2, p.29 - p.30

The members of the assembly, impelled by an interest common to every one of their constituents, were disposed to encroach on the private rights of Penn. If some of their demands were resisted, he readily yielded everything which could be claimed, even by inference, from his promises, or could be expected from his liberality; making his interests of less consideration than the satisfaction of his people; rather remitting than rigorously exacting his revenues.

Bancroft, Hist. of the U.S., vol.2, p.30

Of political privileges, he conceded all that was desired. The council, henceforward to be appointed by the proprietary, became a branch of the executive government; the assembly assumed to itself the right of originating every act of legislation, subject only to the assent of the governor. Elections to the assembly were annual; the time of its election and the time of its session were fixed; it was to sit upon its own adjournments. Sheriffs and coroners were nominated by the people; no questions of property could come before the governor and council; the judiciary was left to the discretion of the legislature. Religious liberty was established, and every public employment was open to every man professing faith in Jesus Christ.

Bancroft, Hist. of the U.S., vol.2, p.30

On returning to America, William Penn had designed to remain for life, and make a home for his posterity in the New World. But his work was done. Having given self-government to his provinces, no strifes remaining but strifes about property, happily for himself, happily for his people, happily for posterity, he returned from the "young countrie" of his affections to the country of his birth.

Bancroft, Hist. of the U.S., vol.2, p.30

For the separation of the territories, contingent provision had been made by the proprietary. In 1702, Pennsylvania convened its legislature apart, and the two colonies were never again united. The lower counties became almost an independent republic; for, as they were not included in the charter, the authority of the proprietary over them was by sufferance only, and the executive power intrusted to the governor of Pennsylvania was too feeble to restrain the power of their people. The legislature, the tribunals, the subordinate executive offices of Delaware knew little of external control.

Bancroft, Hist. of the U.S., vol.2, p.30 - p.31

The next years in Pennsylvania exhibit constant collisions between the proprietary, as owner of the unsold public lands, and a people eager to enlarge their freeholds. The integrity of the mildly aristocratic James Logan, to whose judicious care the proprietary estates were intrusted, remains unsullied by the accusations or impeachments of the assembly. The end of government was declared to be the happiness of the people, and from this maxim the duties of the governor were derived. But the organization of the judiciary was the subject of longest controversy. They were not willing, even in the highest courts, to have English lawyers for judges. "Men skilled in the law, of good integrity, are very desirable," said they in 1706; "yet we incline to be content with the best men the colony affords." The rustic legislators insisted on their right to institute the judiciary, fix the rules of court, define judicial power with precision, and by request displace judges for misbehavior. The courts obtained no permanent organization till the accession of the house of Hanover in 1714. Twice the province had almost become a royal one—once by act of parliament, and once by treaty. But, in England, a real regard for the sacrifices and the virtues of William Penn gained him friends among English statesmen; and the malice of pestilent English officials, of Quarry and others employed in enforcing the revenue laws, valuing a colony only by the harvest it offered of emoluments, and ever ready to appeal selfishly to the crown, the church, or English trade, was never able to overthrow his influence. His poverty, consequent on his disinterested labors, created a willingness to surrender his province to the crown; but he insisted on preserving the colonial liberties, and the crown hardly cared to buy a democracy.

Bancroft, Hist. of the U.S., vol.2, p.31

The conflicts of the assembly with its proprietary did but invigorate the spirit of diligence. In a country where all legislation originated exclusively from the people; where there was perfect freedom of opinion; no established church; no difference of rank; and a refuge opened for men of every clime, language, and creed—in a country without army, or militia, or forts, or an armed police, and with no sheriffs but those elected "by the rabble," the spectacle was given of the most orderly and most prospered land. Never had a country increased so rapidly in wealth and numbers as Pennsylvania.

Bancroft, Hist. of the U.S., vol.2, p.31 - p.32

In New JERSEY, had the proprietary power been vested in the people or reserved to one man, it might have survived, but it was divided among speculators in land, who, as a body, had gain, and not the public welfare, for their end. In April, 1688," the proprietors of East New Jersey had surrendered their pretended right of government," and the surrender had been accepted. In October of the same year, the council of the proprietaries of West New Jersey voted to the secretary general for the dominion of New England the custody of "all records relating to government." Thus the whole province fell, with New York and New England, under the government of Andros. At the revolution, therefore, the sovereignty over New Jersey had reverted to the crown; and the legal maxim, soon promulgated by the board of trade, that the domains of the proprietaries might be bought and sold, but not their executive power, weakened their attempts at the recovery of authority, and consigned the colony to a temporary anarchy.

Bancroft, Hist. of the U.S., vol.2, p.32 - p.33

A community of husbandmen may be safe for a short season with little government. For twelve years, the province was not in a settled condition. From June, 1689, to August, 1692, East New Jersey had apparently no superintending administration, being, in time of war, destitute of military officers as well as of magistrates with royal or proprietary commissions. They were protected by their neighbors from external attacks; and there is no reason to infer that the several towns failed to exercise regulating powers within their respective limits. After ward commissions were issued by two sets of proprietors, of which each had its adherents; while a third party, swayed by disgust at the confusion and by disputes about land titles, rejected the proprietaries altogether. Over the western moiety, Daniel Coxe, as largest owner of the domain, in 1689, claimed exclusive proprietary powers; but the people disallowed his claim, rejecting his deputy under the bad name of a Jacobite. In 1691, Coxe conveyed such authority as he had to the West Jersey Society; and in 1692, Andrew Hamilton was accepted as governor under their commission. This rule, with a short interruption in 1698, continued through the reign of William. But the law officers of the crown, in 1694, questioned it even as a temporary settlement; the lords of trade claimed all New Jersey as a royal province, and in 1699, proposed a decision of the question by "a trial in Westminster Hall on a feigned issue." The proprietaries, threatened with the ultimate interference of parliament in provinces "where," it was said, "no regular government had ever been established," resolved to resign their pretensions. In their negotiations with the crown, they wished to insist that there should be a triennial assembly; but King William, though he had against his inclination approved triennial parliaments for England, would never consent to them in the plantations.

Bancroft, Hist. of the U.S., vol.2, p.33

In 1702, the first year of Queen Anne, the surrender took place before the privy council. The domain, ceasing to be connected with proprietary powers, was, under the rules of private right, confirmed to its possessors, and the decision has never been disturbed.

Bancroft, Hist. of the U.S., vol.2, p.33

The surrender of "the pretended" rights to government being completed, the two Jerseys were united in one province; and the government was conferred on Edward Hyde, Lord Cornbury, who, like Queen Anne, was the grandchild of Clarendon. Retaining its separate legislature, the province had for the next thirty-six years the same governors as New York. It never again obtained a charter: the royal commission of April 1702, and the royal instructions to Lord Cornbury, constituted the form of its administration. To the governor appointed by the crown belonged the power of legislation, with consent of the royal council and the representatives of the people. A freehold, or property qualification, limited the elective franchise. The governor could convene, prorogue, or dissolve the assembly at his will, and the period of its duration depended on his pleasure. The laws were subject to his immediate veto and a veto from the crown, which might be exercised at any time. With the consent of his council he instituted courts of law, and appointed their officers. The people took no part in constituting the judiciary. Liberty of conscience was granted to all but papists, but favor was invoked for the church of England, of which, at the same time, the prosperity was made impossible by investing the governor with the right of presentation to benefices.

Bancroft, Hist. of the U.S., vol.2, p.33 - p.34

In suits at law, the governor and council formed a court of appeal; if the value in dispute exceeded two hundred pounds, the English privy council possessed ultimate jurisdiction. "Great inconvenience," said Queen Anne, "may arise by the liberty of printing in our province" of New Jersey; and there fore no printing-press might be kept, "no book, pamphlet, or other matters whatsoever, might be printed without a license." In subservience to English policy, especial countenance of the traffic "in merchantable negroes" was earnestly enjoined. The courts, the press, the executive, became dependent on the crown; the interests of free labor were sacrificed to the cupidity of the Royal African company.

Bancroft, Hist. of the U.S., vol.2, p.34

One method of influeuce remained to the people of New Jersey. The assembly must fix the amount of its grants to the governor. The queen did not venture to prescribe, or to invite parliament to prescribe, a salary; still less, herself to concede it from colonial resources. Urgent that all appropriations should be made directly for the use of the crown, to be audited by her officers, she wished a fixed revenue to be settled; but the colonial deliberations were respected, and the assembly, in its votes of supplies often insisting on an auditor of its own, never established a permanent revenue.

Bancroft, Hist. of the U.S., vol.2, p.34

The freemen of the colony were soon conscious of the diminution of their liberties. For absolute religious freedom, they obtained only toleration; for courts resting on enactments of their own representatives, they had courts instituted by royal ordinances. Moved by their love of freedom and the sense of having suffered a wrong, by degrees they claimed to hold their former privileges as an indefeasible possession assured to them by an inviolable compact. The surrender of the charter could terminate the authority of the proprietaries, but not impair the political rights of which the people were in possession by their irrevocable grant. Inured to self-reliance, the Quakers of West New Jersey and the Puritans of East New Jersey cordially joined in resisting encroachments on their rights.

Bancroft, Hist. of the U.S., vol.2, p.34

In NEW YORK, Leisler, who had assumed power at the out break in 1689, rested for support upon the less educated classes of the Dutch. English dissenters were not heartily his friends. The large Dutch landholders, many of the English merchants, the friends to the Anglican church, the cabal that had grown up round the royal governors, were his wary and unrelenting opponents. But his greatest weakness was in himself. He was too restless to obey and too passionate to command.

Bancroft, Hist. of the U.S., vol.2, p.34 - p.35

The Protestant insurgents had, immediately after the up rising in New England, taken possession of the fort in New York. A few companies of militia sided with Leisler openly, and nearly five hundred men joined him in arms. Their public declaration of the third of June set forth their purpose: "As soon as the bearer of orders from the prince of Orange shall have let us see his power, then, without delay, we do intend to obey, not the orders only, but also the bearer thereof."

Bancroft, Hist. of the U.S., vol.2, p.35

A committee of safety of ten assumed the task of reorganizing the government, and Jacob Leisler received their commission to command the fort of New York. Of this he gained possession without a struggle. An address to King William was forwarded, and a letter from Leisler was received by that prince without rebuke. In July, Nicholson, the deputy governor, was heard to Say, what was afterward often repeated, that the people of New York were a conquered people, without claim to the rights of Englishmen; that the prince might lawfully govern them by his own will, and appoint what laws he pleased. The dread of this doctrine sunk deeply into the public mind, and afterward attracted the notice of the assemblies of New York. In August, during the period of disorder, the committee of safety reassembled, and, by no authority but their own, constituted Leisler the temporary governor of the province. The appointment was hateful to those who had been "the principal men" of New York. They looked upon Leisler as "an insolent alien," and his Supporters as men "who formerly were thought unfit to be in the meanest offices."

Bancroft, Hist. of the U.S., vol.2, p.35 - p.36

Courtland, the mayor of the city, Bayard, and others of the council, after fruitless opposition, retired to Albany, where the magistrates in convention proclaimed their allegiance to William and Mary, and their resolution to disregard the authority of Leisler. When Milborne, the son-in-law of Leisler, first came to demand the fort, he was successfully resisted. In December, letters were received addressed to Nicholson, or, in his absence, to "such as, for the time being, take care for preserving the peace and administering the law" in New York. A commission to Nicholson accompanied them; but, as Nicholson was absent, Leisler assumed that his own authority had received the royal sanction. In January, 1690, a war rant was issued for the apprehension of Bayard; and Albany, in the spring, terrified by an Indian invasion, and troubled by domestic factions, yielded to Milborne. Amid distress and confusion, a house of representatives was convened, and the government constituted by the popular act. To invade and conquer Canada was the ruling passion of the northern colonies; but the summer was lost in fruitless preparations, and closed in strife.

Bancroft, Hist. of the U.S., vol.2, p.36

In January of 1691, the Beaver arrived in New York harbor with Ingoldsby, who bore a commission as captain. Leisler offered him quarters in the city: "Possession of his majesty's fort is what I demand," replied Ingoldsby, and he issued a proclamation requiring submission. The aristocratic party obtained as a leader one who held a commission from the new sovereign. Leisler, conforming to the original agreement made with his fellow-insurgents, replied that Ingoldsby had produced no order from the king, or from Sloughter, who, it was known, had received a commission as governor, and, promising him aid as a military officer, refused to surrender the fort. In February, the troops, as they landed, were received with all courtesy; yet passions ran high, and a shot even was fired at them. The outrage was severely reproved by Leisler, who, amid proclamations and counter-proclamations, promised obedience to Sloughter on his arrival.

Bancroft, Hist. of the U.S., vol.2, p.36

When in an evening of March the profligate, needy, and narrow-minded adventurer, who held the royal commission, arrived in New York, Leisler instantly sent messengers to receive his orders. The messengers were detained. Next morning he asked by letter, to whom he should surrender the fort. The letter was unheeded; and Sloughter, giving him no notice, commanded Ingoldsby "to arrest him and the persons called his council."

Bancroft, Hist. of the U.S., vol.2, p.36 - p.37

The prisoners, eight in number, were promptly arraigned before a court constituted for the purpose by an ordinance, and having inveterate royalists as judges. Six of the inferior insurgents made their defence, were convicted of high treason, and were reprieved. Leisler and Milborne denied to the governor the power to institute a tribunal for judging his predecessor, and they appealed to the king. On their refusal to plead, they were condemned of high treason as mutes, and sentenced to death, Joseph Dudley, of New England, now chief justice of New York, giving the opinion that Leisler had had no legal authority whatever.

Bancroft, Hist. of the U.S., vol.2, p.37

Meantime, the assembly, for which warrants had been issued on the day of Leisler's arrest, came together in April. In its character it was thoroughly royalist, establishing a revenue, and placing it in the hands of the receiver-general, at the mercy of the governor's warrant. It passed several resolves against Leisler, especially declaring his conduct at the fort an act of rebellion. "Certainly never greater villains lived," wrote Sloughter, on the seventh of May; but he "resolved to wait for the royal pleasure if by any other means than hanging he could keep the country quiet." Yet, on the fourteenth, he assented to the vote of the council, that Leisler and Milborne should be executed. On the fifteenth, "the house did approve of what his excellency and council had done."

Bancroft, Hist. of the U.S., vol.2, p.37

The next day, amid a drenching rain, Leisler, parting from his wife Alice and his numerous family, was, with his son-in-law, Milborne, led to the gallows. Both acknowledged the errors which they had committed "through ignorance and jealous fear, through rashness and passion, through misinformation and misconstruction;" in other respects, they asserted their innocence, which their blameless private lives confirmed. "Weep not for us, who are departing to our God"—these were Leisler's words to his oppressed friends—"but weep for yourselves, that remain behind in misery and vexation;" adding, as the handkerchief was bound round his face, "I hope these eyes shall see our Lord Jesus in heaven." Milborne exclaimed: "I die for the king and queen, and the Protestant religion, in which I was born and bred. Father, into thy hands I commend my spirit."

Bancroft, Hist. of the U.S., vol.2, p.37 - p.38

The appeal to the king, which had not been permitted during their lives, was made by Leisler's son; and, though the committee of lords of trade reported that the forms of law had not been broken, the estates of "the deceased" were restored to their families. Dissatisfied with this imperfect redress, the friends of Leisler and Milborne, with the assent of the king, persevered till, in 1695, an act of parliament, strenuously but vainly opposed by Dudley, reversed the attainder. In New York their partisans formed a powerful, and ultimately a successful, party. The rashness and incompetency of Leisler were forgotten in sympathy for the manner of his death; and in vain did his opponents rail at equality of suffrage and demand for the man of wealth as many votes as he held estates.

Bancroft, Hist. of the U.S., vol.2, p.38

There existed in the province no party which would sacrifice colonial freedom. Even the legislature of 1691, composed of the deadly enemies of Leisler, asserted the right to a representative government and to English liberties to be inherent in the people, and not a consequence of the royal favor of King William. "No tax whatever shall be levied on his majestie's subjects in the province, or on their estates, on any pretence whatsoever, but by the act and consent of the representatives of the people in general assembly convened;" "supreme legislative power belongs to the governor and council and to the people by their representatives:" such was the voice of the most loyal assembly that could ever be convened in New York. "New England," wrote the royalist councillors, "has poisoned the western parts, formerly signal for loyal attachments, with her seditious and anti-monarchical principles." The act, by which "a subordinate legislature declared its own privileges," was printed among the laws in force in New York, and remained six years in England before it received the veto of King William.

Bancroft, Hist. of the U.S., vol.2, p.38

In August, 1692, began the administration of the covetous and passionate Fletcher. By his restlessness and feebleness of judgment, the people of New York, whom he described as "divided, contentions, and impoverished," were disciplined into more decided resistance. The command of the militia of New Jersey and of Connecticut was, by a royal commission, conferred on him, and he was invested with powers of government in Pennsylvania and Delaware.

Bancroft, Hist. of the U.S., vol.2, p.38 - p.39

An address was sent to the king, representing the great cost of defending the frontiers, and requesting that the neighboring colonies might contribute to the protection of Albany. All of them to the north of Carolina were accordingly directed to furnish quotas for the defence of New York or for attacks on Canada; but the instructions, though urgently renewed, were never enforced.

Bancroft, Hist. of the U.S., vol.2, p.39

In its relations toward Canada, New York shared the passion for annexation, which gradually extended to other colonies. In its internal affairs it is the most northern province that admitted by enactment an establishment of the Anglican church. The Presbyterians had introduced themselves under compacts with the Dutch government. The original settlers from the Netherlands were Calvinists, yet with a church organization far less popular than that of New England, and having in some degree sympathy with the ecclesiastical polity of Episcopacy. During the ascendency of the Dutch, it had often been asserted in an exclusive spirit; when the colony became English, the conquest was made by men devoted to the English throne and the English church, and the influeuce of churchmen became predominant in the council. It is not strange, therefore, that the efforts of Fletcher to privilege the English service were partially successful. The house framed a bill, in which they established certain churches and ministers, reserving the right of presentation to the vestrymen and church-wardens. The governor, interpreting the act, limited its meaning to the English form of worship, and framed an amendment giving the right of presentation to the representative of the crown. The assembly, asserting that right for the people, rejected the amendment. "Then I must tell you," retorted Fletcher, "this seems very unmannerly. There never was an amendment desired by the council board but what was rejected. It is a sign of a stubborn ill-temper. I have the power of collating or suspending any minister in my government by their majesties' letters-patent; and, while I stay in this government, I will take care that neither heresy, schism, nor rebellion be preached among you, nor vice and profanity encouraged. You seem to take the whole power into your hands, and set up for every thing."

Bancroft, Hist. of the U.S., vol.2, p.39 - p.40

The "stubborn temper" of the house was immovable; and, in April, 1695, that the act might not be construed too narrowly, it was declared that the vestrymen and churchwardens of the church established in New York might call a Protestant minister who had not received Episcopal ordination. Not a tenth part of the population of that day adhered to the Episcopal church. To the mixed races of legislators in the province, the governor, in 1697, said: "There are none of you but what are big with the privileges of Englishmen and Magna Charta."

Bancroft, Hist. of the U.S., vol.2, p.40

The differences were tranquillized in the short administration of the kindlier earl of Bellomont, an Irish peer, with a sound heart and honorable sympathies for popular freedom. He arrived in New York in April, 1698, after the peace of Ryswick, with a commission, including New York, New Jersey, and all New England, except Connecticut and Rhode Island. In New York, Bellomont, who had served on the committee of parliament to inquire into the trials of Leisler and Milborne, was indifferent to the little oligarchy of the royal council, of which he reproved the vices and resisted the selfishness. The memory of Leisler was revived; and the assembly, by an appropriation of its own in favor of his family, confirmed the judgment of the English parliament.

Bancroft, Hist. of the U.S., vol.2, p.40

The enforcement of the acts of trade which had been violated by the connivance of men appointed to execute them; and the suppression of piracy which, as the turbulent offspring of long wars and of the false principles of the commercial systems of that age, infested every sea from America to China, were the chief purposes of Bellomont; yet for both he accomplished little. The acts of trade, contradicting the rights of humanity, were evaded everywhere; but in New York, a city, in part, of aliens, owing allegiance to England, without the bonds of common history, kindred, and tongue, they were disregarded without scruple. No voice of conscience declared their violation a moral offence; respect for them was but a calculation of chances. In the attempt to suppress piracy, Bellomont employed William Kidd, an adventurer, who proved false to his trust, and, after conviction in England, was hanged for piracy and murder.

Bancroft, Hist. of the U.S., vol.2, p.40 - p.41

Neither war nor illiberal legislation could retard the growth of the city of New York in commerce, in wealth, and in numbers. The increased taxes were imposed with equity and collected with moderation. "I will pocket none of the public money myself, nor shall there be any embezzlement by others," was the honest promise of Bellomont; and the necessity of the promise is the strongest commentary upon the character of his predecessors. The confiding house of representatives voted a revenue for six years, and placed it, as before, at the disposition of the governor. His death interrupted the short period of harmony; and, happily for New York, Lord Cornbury, his successor, had every vice of character necessary to discipline a colony into self-reliance and resistance.

Bancroft, Hist. of the U.S., vol.2, p.41

Heir to an earldom, he joined the worst form of arrogance to intellectual imbecility. Of the sagacity and firmness of the common mind he knew nothing; of political power he had no conception, except as it emanates from the will of a Superior; to him popular rights existed only as a condescension. Educated at Geneva, he yet loved Episcopacy as a religion of state subordinate to executive power. And now, at about forty years of age, with self-will, the pride of rank, and avarice for his counsellors, he came among the mixed people of New Jersey and of New York as their governor.

Bancroft, Hist. of the U.S., vol.2, p.41 - p.42

In 1702, the colony, which was not yet provoked to defiance, elected an assembly disposed to confide in the integrity of one who had been represented as a friend to Presbyterians. The expenses of his voyage were compensated by a grant of two thousand pounds, and an annual revenue for the public service was provided for seven years. In April, 1703, a grant was made of fifteen hundred pounds to fortify the Narrows, "and for no other use whatever." But Lord Cornbury cared little for limitations by a provincial assembly. The money, by his warrant, disappeared from the treasury, while the Narrows were left defenceless; and, in June, the assembly, by addresses to the governor and the queen, solicited a treasurer of its own appointment. The governor sought to hide his own want of integrity by reporting to the lords of trade: "the colonies are possessed with an opinion that their assemblies ought to have all the privileges of a house of commons; but how dangerous this is," he adds, "I need not say." No new appropriations could be extorted; and, heedless of menaces or solicitations, the representatives of the people, in 1704, asserted "the rights of the house." Lord Cornbury answered: "I know of no right that you have as an assembly but such as the queen is pleased to allow you." Broughton, the attorney-general in New York, reported in the same year that "republican spirits" were to be found there. The firmness of the assembly won its first victory; for the queen permitted specific appropriations of incidental grants of money, and the appointment by the general assembly of its own treasurer to take charge of extraordinary supplies.

Bancroft, Hist. of the U.S., vol.2, p.42

In affairs relating to religion, Lord Cornbury was equally imperious, disputing the right of ministers or schoolmasters to exercise their vocation without his license. His long undetected forgery of a standing instruction in favor of the English church led only to acts of petty tyranny, useless to English interests, degrading the royal prerogative, but benefiting the people by compelling their active vigilance. Their power redressed their griefs. When Francis Makemie, a Presbyterian, was indicted for preaching without a license from the governor, and the chief justice advised a special verdict, the jury—Episcopalians—constituted themselves the judges of the law, and readily agreed on an acquittal. In like manner, at Jamaica, the church which the whole town had erected was, by the connivance of Cornbury, reserved exclusively for the Episcopalians, an injustice which was reversed in the colonial courts.

Bancroft, Hist. of the U.S., vol.2, p.42

Twice had Cornbury dissolved the assembly. The third, which he convened in August, 1708, proved how rapidly the political education of the people had advanced. Dutch, English, and New England men were all of one spirit. The rights of the people with regard to taxation, to courts of law, to officers of the crown, were asserted with an energy to which the governor could offer no resistance. Without presence of mind, subdued by the colonial legislature, and as dispirited as he was indigent, he submitted to the ignominy of reproof, and thanked the assembly for the simplest act of justice.

Bancroft, Hist. of the U.S., vol.2, p.42 - p.43

In New Jersey there were the same demands for money, and a still more wary refusal; representatives, elected in 1704 by a majority of votes, were excluded by the governor; one assembly after another was angrily dissolved. At last necessity compelled a third assembly, and among its members were Samuel Jennings and Lewis Morris. The latter was of a liberal mind and intrepid, yet having no fixed system; the former, elected speaker of the assembly, was a true Quaker, of a hasty yet benevolent temper, faithful in his affectious, "stiff and impracticable in politics." These are they whom Lord Cornbury describes "as capable of anything but good;" whom Quarry and other subservient counsellors accuse as "turbulent and disloyal," "encouraging the governments in America to throw off the royal prerogative, declaring openly that the royal instructions bind no further than they are warranted by law." The assembly, according to the usage of that day, in April, 1707, wait on the governor with their remonstrance. The Quaker speaker reads it for them most audibly. It accuses Cornbury of accepting bribes; it deals sharply with "his new methods of government," his "encroachment" on the popular liberties by "assuming a negative voice to the freeholders' election of their representative;" "they have neither heads, hearts, nor souls, that are not forward with their utmost power lawfully to redress the miseries of their country." "Stop!" exclaimed Cornbury, as the undaunted Quaker delivered the remonstrance; and Jennings meekly and distinctly repeated it, with greater emphasis than before. Cornbury attempted to retort, charging the Quakers with disloyalty and faction; they answered, in the words of Nehemiah to Sanballat: "There is no such thing done as thou sayest, but thou feignest them out of thine own heart." And they left, for the instruction of future governors, this weighty truth: "To engage the affections of the people, no artifice is needful but to let them be unmolested in the enjoyment of what belongs to them of right."

Bancroft, Hist. of the U.S., vol.2, p.43 - p.44

Lord Cornbury, more successful than any patriot, had taught New York the necessity and the methods of incipient resistance. The assembly, which, in April, 1709, met Lord Lovelace, his short-lived successor, began the contest that was never to cease but with independence. The crown demanded a permanent revenue, without appropriation; New York henceforward would raise only an annual revenue, and appropriate it specifically. That province was struggling to make the increase of the power of the assembly an open or tacit condition of every grant. The provincial revenue, as established by law, would not expire till 1709; but the war demanded extraordinary supplies; and, in 1704, the moneys voted by the assembly were to be disbursed by its own officers. The royal council, instructed from England, would have money expended only on the warrant of the governor and council; but the delegates resolved that "it is inconvenient to allow the council to amend money bills;" and council, governor, and board of trade yielded to the fixed will of the representatives of the people. In 1705, the assembly was allowed by the queen "to name their own treasurer, when they raised extraordinary supplies;" by degrees all legislative grants came to be regarded as such, and to be placed in the keeping of the treasurer of the assembly, beyond the control of the governor. In 1708, the delegates, after claiming for the people the choice of coroners, made a solemn declaration that "the levying of money upon her majesty's subjects in this colony, under any pretence whatsoever, without consent in general assembly, is a grievance;" and, in 1709, as the condition of joining in an effort against Canada, the legislature assumed executive functions. In the same year, by withholding grants, they prepared to compel their future governors to an annual capitulation.

Bancroft, Hist. of the U.S., vol.2, p.44

In 1710, Lovelace's successor, Robert Hunter, the friend Of Swift, the ablest in the series of the royal governors of New York, a man of good temper and discernment, whom the ministry enjoined to suppress the "illegal trade still carried on with the Dutch islands" and with the enemy under "flags of truce," found himself in his province powerless and without a salary. To a friend he writes: "Here is the finest air to live upon in the universe; the soil bears all things, but not for me; for, according to the custom of the country, the sachems are the poorest of the people." "Sancho Panza was indeed but a type of me." In less than five months after his arrival he was disputing with an assembly. As they would neither grant appropriations for more than a year, nor give up the supervision of their own treasurer over payments from the public revenue, they were prorogued and dissolved.

Bancroft, Hist. of the U.S., vol.2, p.44 - p.45

Perceiving that their conduct was grounded on permanent motives, he made his report accordingly; and his letters reached England when Saint-John, a young man of thirty, better known as Lord Bolingbroke, had become secretary of state. In March, 1711, a bill was drawn under the superintendence of the board of trade, reciting the neglect of the general assembly of New York to continue the taxes which had been granted in all the previous sixteen years, and imposing them by act of parliament. Sir Edward Northey, the attorney-general, and Sir Robert Raymond, the solicitor, both approved the bill; but it was intended as a measure of intimidation, and not to be passed. Meantime, Hunter wrote to Saint-John: "The colonies are infants at their mother's breasts, but will wean themselves when they come of age."

Bancroft, Hist. of the U.S., vol.2, p.45

The desire to conquer Canada prevailed, in the summer of 1711, to obtain for that purpose a specific grant of bills of credit for ten thousand pounds. But when fresh instructions, with a copy of the bill for taxing New York by parliament, were laid before the assembly, no concession was made. The council, claiming the right to amend money bills, asserted that the house, like itself, existed only "by the mere grace of the crown;" but the assembly defied the opinion of the lords of trade as concluding nothing. The share of the council in making laws, they agreed, comes "from the mere pleasure of the prince;" but for their own house they claimed an "inherent right" to legislation, springing "not from any commission or grant from the crown, but from the free choice and election of the people, who ought not, nor justly can, be divested of their property without their consent."

Bancroft, Hist. of the U.S., vol.2, p.45 - p.46

Making to Saint-John a report of these proceedings, Hunter wrote: "The mask is thrown off. The delegates have called in question the council's share in the legislature, trumped up an inherent right, declared the powers granted by her majesty's letters-patent to be against law, and have but one short step to make toward what I am unwilling to name. The assemblies, claiming all the privileges of a house of commons and stretching them even beyond what they were ever imagined to be there, should the councillors by the same rule lay claim to the rights of a house of peers, here is a body co-ordinate with, and consequently independent of, the great council of the realm; yet this is the plan of government they all aim at, and make no scruple to own." "Unless some speedy and effectual remedy be applied, the disease will become desperate." "If the assembly of New York," reported the lords of trade, in 1712, "is suffered to proceed after this manner, it may prove of very dangerous consequence to that province, and of very ill example to the other governments in America, who are already but too much inclined to assume pretended rights, tending to independency on the crown." And Hunter, as he saw the province add to its population at least one third in the reign of Anne, mused within himself on "what the consequences were likely to be, when, upon such an increase, not only the support of" the royal "government, but the inclination of the people to support it at all, decreases." Again the board of trade instructed him on the duty of the legislature, and again the legislature remained inflexible. The menacing mandates of the reign of Queen Anne did but increase the ill humor of New York.

Chapter 3:

New England After the Revolution

Bancroft, Hist. of the U.S., vol.2, p.47

NEW YORK would willingly have extended her boundary over a part of CONNECTICUT; but Treat, its governor, having, in May, 1689, resumed his office, the assembly, which soon convened, obeying the declared opinion of the freemen, reorganized the government according to their charter. Before the end of the month the news of the accession of William and Mary reached them. "Great was that day," said their loyal address to the king, "when the Lord did begin to magnify you like Joshua, by the deliverance of the English dominions from popery and slavery. Because the Lord loved Israel forever, therefore hath he made you king, to do justice and judgment." And, describing their acquiescence in the rule of Andros as "an involuntary submission to an arbitrary power," they announced what they had done.

Bancroft, Hist. of the U.S., vol.2, p.47

In obtaining the approval of the king in 1690, Whiting, the agent of Connecticut, was aided by all the influence which the Presbyterians could enlist for New England. Edward Ward gave his opinion that a surrender, of which no legal record existed, did not invalidate a patent. Somers assented. "There is no ground of doubt," said Sir George Treby. Once more the people of Connecticut elected their own governor, council, assembly men, and their magistrates, and all annually.

Bancroft, Hist. of the U.S., vol.2, p.47 - p.48

The English crown would have taken to itself the command of their militia, which, after having first been assigned to the governor of Massachusetts, was, in 1692, conferred on the governor of New York. The legislature resisted, and referred the question to its constituents. In September 1693 their opinion favored a petition to the king, by the hands of Fitz-John Winthrop. To give the command of the militia, it was said, to the governor of another colony, is, in effect, to put our persons, interests, and liberties entirely into his power; by our charter, the governor and company themselves have a commission of command.

Bancroft, Hist. of the U.S., vol.2, p.48

In October of that year, Fletcher, refusing to await an answer from England, repaired to Hartford with a small retinue, to assume the authority over the militia, conferred on him by his instructions. He caused his commission to be read to the general court which was then in session, and he presented to the governor a memorial requiring obedience to the king's command. At the end of two days they sent him a paper, insisting on their charter, and refusing compliance. To the British secretary of state he reported that he had gone as far as he could without resorting to force, saying, further: "I never saw magistracy so prostituted as here; the laws of England have no force in this colony; they set up for a free state." In April 1694, the king in council decided, on the advice of Ward and Treves, that the ordinary power of the militia in Connecticut and in Rhode Island belonged to their respective governments; and Winthrop, returning from his agency to a joyful welcome, was soon elected governor of the colony.

Bancroft, Hist. of the U.S., vol.2, p.48 - p.49

The decisions which established the rights of Connecticut included RHODE ISLAND. These two commonwealths were the portion of the British empire distinguished above all others by the largest liberty. Each was a nearly perfect democracy under the shelter of a monarchy. But the results in the two were not strictly parallel. In Rhode Island, as all freemen had a joint interest in the large commons of land in the several townships, the right of admitting freemen was parcelled out among the towns to the injury of the central power. Moreover, as Rhode Island rested on the principle of freedom of conscience and mind, there was no established church, nor public worship prescribed by law, nor limit on the right of individuals to unite for offices of religion. In Connecticut each one of its thirty towns had its church and its educated minister. These churches were consociated by an act of legislation, and no new one could be formed without the consent of the general court. Every man was obliged by law to contribute according to his substance to the support of the minister within whose precinct he resided. Free schools trained up every child in this Christian commonwealth. It was first the custom, and, in 1708, it became the order, that "the ministers of the gospel should preach a sermon on the day appointed by law for the choice of civil rulers, proper for the direction of the towns in the work before them."

Bancroft, Hist. of the U.S., vol.2, p.49

The crown, by reserving to itself the right of appeal, had still a method of interfering in the internal concerns of the two republics. Both of them were included among the colonies in which the lords of trade advised a complete restoration of the prerogatives of the crown. Both were named in the bill which, in April, 1701, was introduced into parliament for the abrogation of all American charters. The journals of the house of lords relate that Connecticut was publicly heard against the measure, and contended that its liberties were held by contract in return for services that had been performed; that the taking away of so many charters would destroy all confidence in royal promises, and would afford a precedent dangerous to all the chartered corporations of England. Yet the bill was read a second time, and its principle, as applied to colonies, was advocated by the mercantile interest and by "great men " in England. The impending war with the French postponed the purpose till the accession of the house of Hanover.

Bancroft, Hist. of the U.S., vol.2, p.49 - p.50

But the object was not left out of mind. Lord Cornbury, who had in vain solicited money of Connecticut, in June, 1703, wrote home that "this vast continent would never be useful to England till all the proprietary and charter governments were brought under the crown." An officer of the English government sought to rouse mercantile avarice against the people of Connecticut by reporting that, "if the government be continued longer in these men's hands, the honest trade of these parts will be ruined." And Dudley, a native New England man, after he became governor of Massachusetts, took the lead in the conspiracy against the liberties of New England, preparing a volume of complaints, and in 1705 urging the appointment of a governor over Connecticut by the royal prerogative. The lords of trade were too just to condemn the colony unheard, and it succeeded in its vindication; but an obsolete law against Quakers, which had never been enforced, after furnishing an excuse for outcries against Puritan intolerance, was declared null and void by the queen in council.

Bancroft, Hist. of the U.S., vol.2, p.50

The insurrection in MASSACHUSETTS, which had overthrown the dominion of Andros, had sprung spontaneously from the people, and it insisted on the resumption of the charter. But among the magistrates, and especially among the ministers, some distrusted every popular movement, and sought to control a revolution of which they feared the tendency. Especially Cotton Mather, claiming only English liberties, and not charter liberties, and selfishly jealous of popular power, was eager to thwart the design; and, against the opinion of the venerable Bradstreet, the charter magistrates, in April, 1689, joining to themselves "the principal inhabitants" of Boston, constituted themselves a "council for the safety of the people," and "humbly" waited "for direction of the crown of England." "Had they, at that time"—it is the statement of Increase Mather—"entered upon the full exercise of their charter government as their undoubted right, wise men in England were of opinion they might have gone on without disturbance."

Bancroft, Hist. of the U.S., vol.2, p.50 - p.51

When, in May, the convention of the people assembled, they were jealous of their ancient privileges. Instead of recognising the self-constituted council, they declared the governor, deputy governor, and assistants, chosen and sworn in 1686 according to charter rights, and the deputies sent by the freemen of the towns, to be the government now settled in the colony. The self-constituted council resisted; and the question was referred to the people. Nearly four fifths of the towns, in their annual May meeting, instructed their representatives to reassume their charter; but the pertinacity of a majority of the council permitted only a compromise. In June, the representatives, upon a new choice, assembled in Boston, and they, too, refused to act till the old charter officers should take up their power as of right. The council accepted the condition, but only as a temporary measure, subject to directions from England. Indeed, the time had gone by to do otherwise. Already an address to King William, from "principal inhabitants" who called themselves "a council," had contained the assurance that "they had not entered upon the full exercise of the charter government," and was soon answered by the royal assent to the temporary organization which the council had adopted. But the popular party, jealous of the dispositions of Increase Mather, joined with him in the agency for the colony, Sir Henry Ashurst and two of their own number, the patriot Elisha Cooke, and the equally trustworthy but less able Thomas Oakes.

Bancroft, Hist. of the U.S., vol.2, p.51

A revolution in opinion was impending. The reformation, to overthrow accumulated superstitions, went back of them all and sought the criterion of truth alone in the open Bible; and a slavish interpretation of the Bible had led to a blind idolatry of its letter. But true religion has no alliance with bondage, and, as its spirit increased in energy, reason was summoned to interpret the records of the past and separate time-hallowed errors from immortal truths. In England, at the solicitation of James I., who had explained in a treatise "why the devil doth work more with auncient women than with others," and, in the opinion of Bacon, had "observed excellently well the nature of witchcraft," a parliament of which Bacon and Coke were members made it a capital offence; and hardly a year of his reign went by, but under the law some helpless crone perished on the gallows. The statute-book of Massachusetts established death as its penalty, sustaining both the superstition and its punishment by reference to a Jewish law, of which the meaning and the intent were misunderstood.

Bancroft, Hist. of the U.S., vol.2, p.51

New England, like Canaan, had been settled by fugitives. Like the Jews, they had fled to a wilderness; like the Jews, they looked to heaven for a light to lead them on; like the Jews, they had no supreme ruler but God; like the Jews, they had heathen for their foes; and they derived much of their legislation from the Jewish code. In this way the belief in witchcraft had fastened itself on the common mind. The people accepted the superstition, but only because it had not yet been disengaged from religion.

Bancroft, Hist. of the U.S., vol.2, p.51 - p.52

A cautious doubt prepared to remove error from the faith which had created New England. The time had gone by for the members of the church to control the elective franchise, or the ministers to remain the advisers of the state. But Cotton Mather, one of the ministers of the North Church in Boston, blindly and passionately resisted the inevitable change, and for a moment divided the community into a party which clung to all that had been received, and a party that welcomed the calm but irresistible advances of intelligence. "New England," he cried, "being a country whose interests are remarkably inwrapped in ecclesiastical circumstances, ministers ought to concern themselves in politics."

Bancroft, Hist. of the U.S., vol.2, p.52

In 1688, the last year of the administration of Andros, who, as the servant of arbitrary power, had no motive to war against the dominion of superstition over mind, the daughter of John Goodwin, a child of thirteen years, charged a laundress with having stolen linen from the family; Glover, the mother of the laundress, a friendless emigrant, rebuked the child for her false accusation. Immediately the girl became bewitched. Three others of the family would affect to be deaf, then dumb, then blind, or all at once; they would bark like dogs, or purr like cats; but they ate well and slept well. Cotton Mather went to prayer by the side of one of them, and, lo! the child lost her hearing till prayer was over. The four ministers of Boston, and the one of Charlestown, assembled in Goodwin's house, and spent a day in fasting and prayer. In consequence, a child of four years old was "delivered." But, if the ministers could by prayer deliver a possessed child, there must have been a witch; and the magistrates, William Stoughton being one of the judges, all holding commissions exclusively from the English king, and all irresponsible to the people of Massachusetts, with a "vigor" which the united ministers commended as "just," made "a discovery of the wicked instrument of the devil." The culprit was a wild Irish woman, of a strange tongue, and, as some thought, "crazed in her intellectuals." She could repeat the Lord's prayer in Latin, but not in English. Convicted as a witch, she was executed. "Here," it was proclaimed, "was food for faith."

Bancroft, Hist. of the U.S., vol.2, p.52 - p.53

As the possessed damsel obtained no relief, Cotton Mather, eager to learn the marvels of the world of spirits, and "wishing to confute the Sadducism" of his times, invited her to his house; and the artful girl played upon his credulity. The devil would permit her to read in Quaker books, or the Common Prayer, or popish books; but a prayer from Cotton Mather, or a chapter from the Bible, would throw her into convulsions. By a series of experiments in reading aloud passages from the Bible in various languages, the minister satisfied himself "by trials of their capacity," that devils are well skilled in languages, and know Latin and Greek, and even Hebrew; though he fell "upon one inferior Indian language which the daemons did not seem so well to understand." Experiments were made, with unequal success, to see if they can know the thoughts of others; and the inference was that "all devils are not alike sagacious." The vanity of Cotton Mather was further gratified; for the bewitched girl would say that the evil spirits could not enter his study, and that his own person was shielded by God against their blows.

Bancroft, Hist. of the U.S., vol.2, p.53 - p.54

In 1689, the rapid progress of free inquiry gave alarm. "There are multitudes of Sadducees in our day," sighed Cotton Mather; "a devil, in the apprehension of these mighty acute philosophers, is no more than a quality or a distemper." "We shall come to have no Christ but a light within, and no heaven but a frame of mind." "Men counted it wisdom to credit nothing but what they see and feel. They never saw any witches; therefore, there are none." "How much," add the ministers of Boston and Charlestown, "this fond opinion has gotten ground is awfully observable." "Witchcraft," shouted Cotton Mather from the pulpit, "is the most nefandous high treason against the Majesty on high;" "a capital crime." "A witch is not to be endured in heaven or on earth." And, because men were skeptical on the subject, "God is pleased," said the ministers, "to suffer devils to do such things in the world as shall stop the mouths of gainsayers, and extort a confession." The Discourse of Cotton Mather was therefore printed in 1659, with a copious narrative of the recent case of witchcraft. The story was recommended by all the ministers of Boston and Charlestown as an answer to atheism, proving clearly that "there is both a God and a devil, and witchcraft;" and Cotton Mather, announcing himself as an eye-witness, resolved henceforward to regard the denial of devils, or of witches," as a personal affront, the evidence "of ignorance, incivility, and dishonest impudence."

Bancroft, Hist. of the U.S., vol.2, p.54

The book was widely distributed. It gained fresh power from England, where it was "published by Richard Baxter," who declared the evidence strong enough to convince all but "a very obdurate Sadducee."

Bancroft, Hist. of the U.S., vol.2, p.54

This tale went abroad at a moment when the accession of King William inspired hopes of the conquest of New France. The agents of Massachusetts, appealing to the common enmity toward France, solicited a restoration of its charter. King William was a friend to Calvinists, and, in March 1689, at his first interview with Increase Mather, conceded the recall of Sir Edmund Andros. The convention parliament voted that the taking away of the New England charters was a grievance; and the English Presbyterians, with singular affection, declared that "the king could not possibly do anything more grateful to his dissenting subjects in England than by restoring to New England its former privileges." The dissolution of the convention parliament, followed by one in which an influence friendly to the tories was perceptible, destroyed every prospect of relief from the English legislature; to attempt a reversal of the judgment by a writ of error was useless. There was no avenue to success but through the favor of a monarch who loved authority. The people of New England "are like the Jews under Cyrus," said Wiswall, the agent for Plymouth colony: with a new monarch "on the throne of their oppressors, they hope in vain to rebuild their city and their sanctuary."

Bancroft, Hist. of the U.S., vol.2, p.54 - p.55

In July, William III. professed friendship for Massachusetts. His subjects in New England, said Increase Mather, if they could but enjoy "their ancient rights and privileges," would make him "the emperor of America." In the family of Hampden, Massachusetts inherited a powerful intercessor. The countess of Sunderland is remembered in America as a benefactress. The aged Lord Wharton, last survivor of the Westminster assembly, "a constant and cordial lover of all good men," never grew weary in his zeal. Tillotson, the tolerant archbishop of Canterbury, charged the king "not to take away from the people of New England any of the privileges which Charles I. had granted them." "The charter," said Burnet, "was not an act of grace, but a contract between the king and the first patentees, who promised to enlarge the king's dominion at their own charges, provided they and their posterity might enjoy certain privileges." Yet Somers resisted its restoration, pleading its imperfections. The charter sketched by Sir George Treby was rejected by the privy council for its liberality; and that which was finally conceded reserved such powers to the crown that Elisha Cooke, the popular envoy, declined to accept it. But Increase Mather, an earlier agent for the colony, announced it as conferring on the general court, "with the king's approbation, as much power in New England as the king and parliament have in England. The people have all English liberties, can be touched by no law but of their own making, nor can be taxed by any authority but themselves."

Bancroft, Hist. of the U.S., vol.2, p.55 - p.56

The freemen of Massachusetts, under the old charter, had elected their governor annually; that officer, the lieutenant-governor, and the secretary were henceforward appointed by the king during the royal pleasure. The governor had been but first among the magistrates; he was now the representative of English royalty, and could convene, adjourn, or dissolve the general court. The freemen had, by popular vote, annually elected their magistrates or judicial officers; the judges were now appointed, with consent of council, by the royal governor. The decisions in the courts of New England had been final; appeals to the privy council were now admitted. The freemen had exercised the full power of legislation within themselves by their deputies; the warrior king reserved a double veto—an immediate negative by the governor of the colony, while, at any time within three years, the king might cancel any act of colonial legislation. In one respect, the new charter was an advancement. Every form of Christianity, except the Roman Catholic, was enfranchised; and, in civil affairs, the freedom of the colony, no longer restricted to the members of the church, was extended so widely as to be, in a practical sense, nearly universal. The legislature continued to encourage by law the religion professed by the majority of the inhabitants, but it no longer decided controversies on opinions; and no synod was ever again convened. The new charter government of Massachusetts differed from that of the royal provinces in nothing but the council. In the royal colonies, that body was appointed by the king; in Massachusetts, it was, in the first instance, appointed by the king, and was ever after elected, in joint ballot, by the members of the council and the representatives of the people, subject to a negative from the governor. As the councillors, like the senators of Lycurgus, were twenty-eight in number, they generally, by their own vote, succeeded in effecting their own re-election; and, instead of being, as elsewhere, a greedy oligarchy, were famed for their unoffending respectability.

Bancroft, Hist. of the U.S., vol.2, p.56

The territory of Massachusetts was by the charter vastly enlarged. On the south, it embraced Plymouth colony and the Elizabeth islands: on the east, Maine, Nova Scotia, and all the lands between them; on the north, it extended to the St. Lawrence—the fatal gift of a wilderness, for whose conquest and defence Massachusetts expended more treasure and lost more of her sons, than all the English continental colonies beside.

Bancroft, Hist. of the U.S., vol.2, p.56 - p.57

NEW HAMPSHIRE became henceforward a royal province. Its inhabitants had, in 1689, assembled in convention to institute government for themselves; in 1690, at their second session, they resolved to unite, and did actually unite, with Massachusetts; and both colonies desired that the union might be permanent. But England held itself bound by no previous compact to concede to New Hampshire any charter whatever. The right to the soil, which Samuel Allen, of London, had purchased of Mason, was recognised as valid; and Allen him self received the royal commission to govern a people whose territory, including the farms they had redeemed from the wilderness, he claimed as his own. His son-in-law, Usher, of Boston, formerly an adherent of Andros and a great speculator in lands, was appointed lieutenant-governor. The English revolution of 1688 valued the uncertain claims of an English merchant more than the liberties of a province. Indeed, that revolution loved not liberty, but privilege, and respected popular liberty only where it had the sanction of a vested right.

Bancroft, Hist. of the U.S., vol.2, p.57

In August, 1692, the new government for New Hampshire was organized by Usher. The civil history of that colony, for a quarter of a century, is a series of lawsuits about land. Complaints against Usher were met by counter complaints, till, in 1699, New Hampshire was placed, with Massachusetts, under the government of Bellomont; and a judiciary, composed of men attached to the colony, was instituted. Then, and for years afterward, followed scenes of confusion: trials in the colonial courts, resulting always in verdicts against the pretended proprietary; appeals to the English monarch in council; papers withheld; records of the court under Cranfield destroyed; orders from the lords of trade and the crown disregarded by a succession of inflexible juries; a compromise proposed, and rendered of no avail by the death of one of the parties; an Indian deed manufactured to protect the cultivators of the soil; till, in 1715, the heirs of the proprietary abandoned their claim in despair. The yeomanry of New Hampshire gained quiet possession of the land which their labor had rendered valuable. The waste domain reverted to the crown. A proprietary, sustained by the crown, claimed the people of New Hampshire as his tenants; and they made themselves freeholders. In 1715, New Hampshire had nine thousand five hundred white inhabitants and one hundred and fifty slaves. Its trade in lumber and fish was of the annual value of thirty thousand pounds.

Bancroft, Hist. of the U.S., vol.2, p.57 - p.58

The nomination of the first officers for Massachusetts under the charter, in 1691, was committed to Increase Mather. As governor he proposed Sir William Phips, a native of New England, a well-meaning lover of his country, of a dull intellect, headstrong, and with a reason so feeble that in politics he knew nothing of general principles, in religion was given to superstition. Accustomed from boyhood to the axe and the oar, he was distinguished only for his wealth, acquired by raising treasures from a Spanish wreck with the diving-bell. His partners in the enterprise gained him the honor of knighthood; his present favor was due to the ignorance which left him open to the influence of the ministers. Intercession had been made by Cotton Mather for the advancement of William Stoughton, a man of cold affections, proud, self-willed, and covetous of distinction. He had acted under James II. as deputy president; a fit tool for such a king, joining in all "the miscarriages of the late government." The people had rejected him in their election of judges, giving him not a vote. Yielding to the request of his son, Increase Mather assigned to Stoughton the office of deputy governor. "The twenty-eight assistants, who are the governor's council, every man of them," wrote the agent, "is a friend to the interests of the churches." "The time for favor is come," exulted Cotton Mather; "yea, the set time is come. Instead of my being made a sacrifice to wicked rulers, my father-in-law, with several related to me, and several brethren of my own church, are among the council. The governor of the province is not my enemy, but one whom I baptized, and one of my own flock, and one of my dearest friends." And, uttering a midnight cry, he wrestled with God to awaken the churches to some remarkable thing. "I obtained of the Lord that he would use me," says the infatuated man, "to be a herald of his kingdom now approaching;" and, in the gloom of the winter of 1692, among a people desponding at the loss of their old liberties, their ill success against Quebec, the ravages of their north-eastern border by a cruel and well-directed enemy, the ruin of their commerce by French cruisers, the loss of credit by the debts with which the fruitless and costly war overwhelmed them, the wildest imaginations prevailed.

Bancroft, Hist. of the U.S., vol.2, p.58

The cry of witchcraft has been raised by the priesthood rarely, or never, except when free thought was advancing. The bold inquirer was sometimes burnt as a wizard, and sometimes as an insurgent against the established faith. In France, where there were most heretics, there were most condemnations for witchcraft.

Bancroft, Hist. of the U.S., vol.2, p.58 - p.59 - p.60

In Salem village, now Danvers, there had been between Samuel Parris, the minister, and a part of his people, a strife so bitter that it had even attracted the attention of the general court. The delusion of witchcraft would give opportunities of terrible vengeance. In February, 1692, the daughter of Parris, a child of nine years, and his niece, a girl of less than twelve, began to have strange caprices. "He that will read Cotton Mather's Book of Memorable Providences may read part of what these children suffered;" and Tituba, a hail Indian, half negro female servant who had practiced some wild incantations, being betrayed by her husband, was scourged by Parris, her master, into confessing herself a witch. The ministers of the neighborhood held at the afflicted house a day of fasting and prayer; and the little children became the most conspicuous personages in Salem. The ambition of notoriety recruited the company of the possessed. There existed no motive to hang Tituba: she was saved as a living witness to the reality of witchcraft; and Sarah Good, a poor woman of a melancholic temperament, was the first person selected for accusation. Cotton Mather, who had placed witches "among the poor and vile and ragged beggars upon earth," and had staked his own reputation for veracity on the reality of witchcraft, prayed "for a good issue." As the affair proceeded, and the accounts of the witnesses appeared as if taken from his own writings, his boundless vanity gloried in "the assault of the evil angels upon the country, as a particular defiance unto himself." Yet the prosecution, but for Parris, would have languished. Of his niece he demanded the names of the devil's instruments who bewitched the band of "the afflicted," and then became at once informer and witness. In those days, there was no prosecuting officer; and Parris was at hand to question his Indian servants and others, himself prompting their answers and acting as recorder to the magistrates. The recollection of the old controversy in the parish could not be forgotten; and Parris, who, from personal malice as well as blind zeal, "stifled the accusations of some"—such is the testimony of the people of his own village—and at the same time "vigilantly promoted the accusation of others," was "the beginner and procurer of the sore afflictions to Salem village and the country." Martha Cory, who on her examination in the meeting-house before a throng, with a firm spirit, alone, against them all, denied the presence of witchcraft, was, in March, committed to prison. Rebecca Nurse, likewise, a woman of purest life, an object of the special hatred of Parris, resisted the company of accusers, and was committed. And Parris, in April, filling his prayers with the theme, made the pulpit ring with it, taking for his text: "Have not I chosen you twelve, and one of you is a devil?" At this, Sarah Cloyce, sister to Rebecca Nurse, rose up and left the meeting-house; and she, too, was cried out upon and sent to prison.

Bancroft, Hist. of the U.S., vol.2, p.60 - p.61

To examine Sarah Cloyce and Elizabeth Proctor, the deputy governor and five other magistrates went promptly to Salem. It was a great day; several ministers were present. Parris officiated; and, by his own record, it is plain that he himself elicited every accusation. His first witness, John, the Indian servant, husband to Tituba, was rebuked by Sarah Cloyce, as a grievous liar. Abigail Williams, the niece to Parris, was at band with her tales: the prisoner had been at the witches' sacrament. Struck with horror, Sarah Cloyce asked for water, and sank down "in a dying, fainting fit." "Her spirit," shouted the band of the afflicted, "is gone to prison to her sister Nurse." Against Elizabeth Proctor, the niece of Parris told stories yet more foolish than false: the prisoner had invited her to sign the devil's book. "Dear child," exclaimed the accused in her agony, "it is not so. There is another judgment, dear child;" and her accusers, turning toward her husband, declared that he, too, was a wizard. All three were committed. Examinations and commitments multiplied. Giles Cory, a stubborn old man of more than fourscore years, could not escape the malice of his minister and of neighbors with whom he had quarrelled. Edward Bishop, a farmer, cured the Indian servant of a fit by flogging him; he declared, moreover, his belief that he could, in like manner, cure the whole company of the afflicted, and, for his skepticism, found himself and his wife in prison. Mary Easty, of Topsfield, another sister of Rebecca Nurse—a woman of singular gentleness and force of character, deeply religious, yet uninfected by superstition—was torn from her children and sent to jail. Parris had a rival in George Burroughs, a graduate of Harvard college, who, having formerly preached in Salem village, had had friends there desirous of his settlement. He, too, a skeptic in witchcraft, was, in May, accused and committed. Thus far, there had been no success in obtaining confessions, though earnestly solicited. It had been hinted that confessing was the avenue to safety. At last, Deliverance Hobbs owned everything that was asked of her, and was left unharmed. The gallows was to be set up not for professed witches, but for those who rebuked the delusion.

Bancroft, Hist. of the U.S., vol.2, p.61

Simon Bradstreet, the governor of the people's choice, deemed the evidence insufficient ground of guilt. On Saturday, the fourteenth of May, the new charter and the royal governor arrived in Boston. On the next Monday, the charter was published; and the parishioner of Cotton Mather, with the royal council, was installed in office. Immediately a court of oyer and terminer was instituted by ordinance, and the positive, overbearing Stoughton appointed by the governor and council its chief judge, with Sewall and Walt Winthrop, two feebler men, as his associates: by the second of June the court was in session at Salem, making its first experiment on Bridget Bishop, a poor and friendless old woman. The fact of the witchcraft was assumed as "notorious": to fix it on the prisoner, Samuel Parris, who had examined her before her commitment, was the principal witness to her power of inflicting torture; he had seen it exercised. Deliverance Hobbs had been whipped with iron rods by her spectre; neighbors, who had quarrelled with her, were willing to lay their little ills to her charge; the poor creature had a preternatural excrescence in her flesh; "she gave a look toward the great and spacious meeting-house of Salem"—it is Cotton Mather who records this—"and immediately a daemon, invisibly entering the house, tore down a part of it." She was a witch by the rules and precedents of Keeble and Sir Matthew Hale, of Perkins and Bernard, of Baxter and Cotton Mather; and, on the tenth of June, protesting her innocence, she was hanged. Of the magistrates at that time, not one held office by the suffrage of the people: the tribunal, essentially despotic in its origin, as in its character, had no sanction but an extraordinary and an illegal commission; and Stoughton, the chief judge, a partisan of Andros, had been rejected by the people of Massachusetts. The responsibility of the tragedy, far from attaching to the people of the colony, rests with the very few, hardly five or six, in whose hands the transition state of the government left, for a season, unlimited influence. Into the interior of the colony the delusion did not spread.

Bancroft, Hist. of the U.S., vol.2, p.61 - p.62

The house of representatives, which assembled in June, 1692, was busy with its griefs at the abridgment of the old colonial liberties. Increase Mather, the agent, was heard in his own defence; and at last Bond, the speaker, in the name of the house, tardily and languidly thanked him for his faithful and unwearied exertions. No recompense was voted. "I seek not yours, but you," said Increase Mather; "I am willing to wait for recompense in another world;" and the general court, after prolonging the validity of the old laws, adjourned to October.

Bancroft, Hist. of the U.S., vol.2, p.62 - p.63

But Phips and his council had not looked to the general court for directions; they turned to the ministers of Boston and Charlestown; and from them, by the hand of Cotton Mather, they received gratitude for their sedulous endeavors to defeat the abominable witchcrafts; prayer that the discovery might be perfected; a caution against haste and spectral evidence; a hint to affront the devil, and give him the lie, by condemning none on his testimony alone; while the direful advice was added: "We recommend the speedy and vigorous prosecution of such as have rendered themselves obnoxious." The willing court, at its next session, condemned five women, all of blameless lives, all declaring their innocence. Four were convicted easily enough; Rebecca Nurse was at first acquitted. "The honored court was pleased to object against the verdict;" and, as she had said of the confessing witnesses, "They used to come among us," meaning that they had been prisoners together, Stoughton interpreted the words as of a witch festival. The jury withdrew, and could as yet not agree; but, as the prisoner, who was hard of hearing and full of grief, made no explanation, they no longer refused to find her guilty. Hardly was the verdict rendered before the foreman made a statement of the ground of her condemnation, and she sent her declaration to the court in reply. The governor, who himself was not unmerciful, saw reason to grant a reprieve; but Parris had preached against Rebecca Nurse, and prayed against her; had induced "the afflicted" to witness against her; had caused her sisters to be imprisoned for their honorable sympathy. She must perish, or the delusion was unveiled; and the governor recalled the reprieve. On the next communion day she was taken in chains to the meeting-house, to be formally excommunicated by Noyes, her minister; and was hanged with the rest. "You are a witch; you know you are," said Noyes to Sarah Good, urging a confession. "You are a liar," replied the poor woman; "and, if you take my life, God will give you blood to drink."

Bancroft, Hist. of the U.S., vol.2, p.63

Confessions rose in importance. "Some, not afflicted before confession, were so presently after it." The jails were filled, for fresh criminations were needed to confirm the confessions. "Some, by these their accusations of others"—I quote the cautious apologist Hale—"hoped to gain time, and get favor from the rulers." "Some, under the temptation" of promises of favor beyond what the rulers themselves had given ground for, "regarded not as they should what became of others, so that they could thereby serve their own turns." If the confessions were contradictory, if witnesses uttered obvious falsehoods, "the devil," the judges would say, "takes away their memory, and imposes on their brain." And who now would dare to be skeptical? who would disbelieve confessors? Besides, there were other evidences. A callous spot was the mark of the devil: did age or amazement refuse to shed tears; had threats after a quarrel been followed by the death of cattle or other harm; did an error occur in repeating the Lord's prayer; were deeds of great physical strength performed—these all were signs of witchcraft.

Bancroft, Hist. of the U.S., vol.2, p.63

On a new session, in August, six were arraigned, and all were convicted. John Willard had, as an officer, been employed to arrest the suspected witches. Perceiving the hypocrisy, he declined the service. The afflicted immediately denounced him, and he was seized, convicted, and hanged.

Bancroft, Hist. of the U.S., vol.2, p.63

At the trial of George Burroughs, the bewitched persons pretended to be dumb. "Who hinders these witnesses," said Stoughton, "from giving their testimonies?" "I suppose the devil," answered Burroughs. "How comes the devil," retorted the chief judge, "so loath to have any testimony borne against you?" and the question was effective. Besides, he had given proofs of great, if not preternatural, muscular strength. Cotton Mather calls the evidence "enough:" the jury gave a verdict of guilty.

Bancroft, Hist. of the U.S., vol.2, p.63 - p.64

John Procter, who foresaw his doom, had sent an earnest petition to Cotton Mather and the ministers. Among the witnesses against him were some who had made no confessions till after torture. "They have already undone us in our estates, and that will not serve their turns without our innocent blood;" and he begged for a trial in Boston, or, at least, for a change of magistrates. His entreaties were vain, as also his prayers, after condemnation, for a respite.

Bancroft, Hist. of the U.S., vol.2, p.64

Among the witnesses against Martha Carrier, the mother saw her own children. Her two sons refused to perjure themselves till they had been tied neck and heels so long that the blood was ready to gush from them. The confession of her daughter, a child of seven years old, is still preserved.

Bancroft, Hist. of the U.S., vol.2, p.64

The aged Jacobs was condemned, in part, by the evidence of Margaret Jacobs, his granddaughter. Terrified by a wounded conscience, she confessed the whole truth before the magistrates, who confined her for trial, and proceeded to hang her grandfather.

Bancroft, Hist. of the U.S., vol.2, p.64

These five were condemned on the third, and hanged on the nineteenth of August; pregnancy reprieved Elizabeth Procter. To hang a minister as a witch was a novelty; but Burroughs denied that there was, or could be, such a thing as witchcraft, in the current sense. On the ladder, be cleared his innocence by an earnest speech, repeating the Lord's prayer composedly and exactly, and with a fervency that astonished. Cotton Mather, on horseback among the crowd, addressed the people, cavilling at the ordination of Burroughs, as though he had been no true minister, insisting on his guilt, and hinting that the devil could sometimes assume the appearance of an angel of light.

Bancroft, Hist. of the U.S., vol.2, p.64

Meantime, the confessions of the witches began to be directed against the Anabaptists. Mary Osgood was dipped by the devil. The court still had work to do. On the ninth, six women were condemned; and more convictions followed. Giles Cory, an octogenarian, seeing that all who denied guilt were convicted, refused to plead, and was pressed to death.

Bancroft, Hist. of the U.S., vol.2, p.64 - p.65

On the twenty-second of September, eight persons were led to the gallows. Of these, Samuel Wardwell had confessed, and was safe; but, from shame and penitence, he retracted his confession and was hanged, not for witchcraft, but for denying witchcraft. Martha Cory was, before execution, visited in prison by Parris, the two deacons, and another member of his church. The church record tells that she "imperiously" rebuked her destroyers, and "they pronounced the dreadful sentence of excommunication against her." In the calmness with which Mary Easty exposed the falsehood of those who had selected from her family so many victims, she joined the noblest fortitude and sweetness of temper, dignity, and resignation. But the chief judge was positive that all had been done rightly, and "was very impatient in hearing anything that looked another way." "There hang eight firebrands of hell," said Noyes, the minister of Salem, pointing to the bodies swinging on the gallows.

Bancroft, Hist. of the U.S., vol.2, p.65

Already twenty persons had been put to death for witchcraft; fifty-five had been tortured or terrified into penitent confessions. With accusations, confessions increased; with confessions, new accusations. Even "the generation of the children of God" were in danger of "falling under that condemnation." The jails were full. One hundred and fifty prisoners awaited trial; two hundred more were accused or suspected. It was observed that no one of the condemned confessing witchcraft had been hanged. No one that confessed and retracted a confession, had escaped either hanging or imprisonment for trial. No one of the condemned who asserted innocence, even where one of the witnesses confessed perjury, or the foreman of the jury owned the error of the verdict, escaped the gallows. Favoritism was shown in listening to accusations, which were turned aside from friends or partisans. If a man began a career as a witch-hunter, and, becoming convinced of the imposture, declined the service, he was accused and hanged. Persons accused, who had escaped from the jurisdiction in Massachusetts, were not demanded. Witnesses convicted of perjury were cautioned, and permitted still to swear away the lives of others. The court adjourned to the first Tuesday in November.

Bancroft, Hist. of the U.S., vol.2, p.65 - p.66

On the second Wednesday in October, 1692, about a fortnight after the last hanging of eight at Salem, the representatives of the colony assembled; and the people of Andover, their minister joining with them, appeared with their remonstrance against the doings of the witch tribunals. Of the discussions that ensued no record is preserved; we know only the issue. The general court ordered by bill a convocation of ministers, that the people might be led in the right way as to the witchcraft. They adapted to their condition the British statute on witchcraft of King James, but abrogated the special court, established a new tribunal, and delayed its opening till January of the following year. This interval gave the public mind security and freedom; and though Phips still conferred the place of chief judge on Stoughton, yet jurors acted independently. When, in January, 1693, the court met at Salem, six women of Andover, renouncing their confessions, treated the witchcraft but as something so called, the bewildered but as "seemingly afflicted." A memorial of like tenor came from the inhabitants of Andover.

Bancroft, Hist. of the U.S., vol.2, p.66

Of the presentments, the grand jury dismissed more than half; and of the twenty-six against whom bills were found through the testimony on which others had been condemned, verdicts of acquittal followed. Three who, for special reasons, had been convicted, one being a wife, whose testimony had sent her husband to the gallows and whose confession was now used against herself, were reprieved, and soon set free.

Bancroft, Hist. of the U.S., vol.2, p.66

The party of superstition desired one conviction. The victim selected was Sarah Daston, a woman of eighty years old, who for twenty years had had the reputation of being a witch, if ever there were a witch in the world. In February, 1693, in the presence of a throng, the trial went forward at Charlestown; but the common mind was disenthralled, and asserted itself by a verdict of acquittal.

Bancroft, Hist. of the U.S., vol.2, p.66

The people of Salem village drove Parris from the place; Noyes regained favor only by a full confession and consecrating the remainder of his life to deeds of mercy. Sewall, one of the judges, by rising in his pew in the Old South meetinghouse on a fast day and reading to the whole congregation a paper in which he bewailed his great offence, recovered public esteem. Stoughton never repented. The diary of Cotton Mather proves that he, who had sought the foundation of faith in tales of wonders, himself "had temptations to atheism, and to the abandonment of all religion as a mere delusion."

Bancroft, Hist. of the U.S., vol.2, p.67

The mind of New England was more wise. It never wavered in its faith; but, employing a cautious spirit of search, eliminating error, rejecting superstition as tending to cowardice and submission, cherishing religion as the source of courage and of freedom, it refused to separate belief and reason. Some asserted God to be the true being, the devil to be but a nonentity, and disobedience to God to be the only possible compact with Satan; others, though clinging to the letter of the Bible, showed the insufficiency of all evidence for the conviction of a witch. Men trusted more to observation and analysis; and this philosophy was analogous to the change in their civil condition; liberty, in Massachusetts, was defended by asserting the sanctity of compact, and the inherent right of the colony to all English liberties.

Bancroft, Hist. of the U.S., vol.2, p.67

On the organization of the new government, in 1692, its first body of representatives, with the consent of the council and the royal governor, enacted that "the rights and liberties of the people shall be firmly and strictly holden and observed," that "no aid, tax, tallage, assessment, custom, loan, benevolence, or imposition whatsover, shall be laid, assessed, imposed, or levied on any of their majesties' subjects, or their estates, on any color or pretence whatsoever, but by the act and consent of the governor, council, and representatives of the people assembled in general court." "All trials shall be by the verdict of twelve men, peers or equals, and of the neighborhood, and in the county or shire, where the fact shall arise."

Bancroft, Hist. of the U.S., vol.2, p.67 - p.68

The same legislature, in November, 1692, renewed the institution of towns, the glory and the strength of New England. The inhabited part of Massachusetts, with Maine, as a part of Massachusetts, was recognised as divided into little territories, each of which, for its internal purposes, constituted a separate integral democracy, free from supervision; having power to elect annually its own officers; to hold meetings of all freemen at its own pleasure; to discuss in those meetings any subject of public interest; to elect, and, if it pleased, to instruct its representatives; to raise, appropriate, and expend money for the support of the ministry, of schools, of the poor, and for defraying other necessary expenses within the town. Royalists afterward deplored that the law, which confirmed these liberties, received the unconscious sanction of William III. New Hampshire, Connecticut, and Rhode Island had similar regulations; so that all New England was an aggregate of municipal democracies.

Bancroft, Hist. of the U.S., vol.2, p.68

The late agent, Elisha Cooke, a patriot never willing to submit to the acts of trade, never consenting to the least diminution of freedom, the frank, sincere, persistent friend of popular power, proposed, as the lawful mode of controlling the officers appointed by the king, never to establish a fixed salary for any one of them, to perpetuate no public revenue. This advice was as old as the charter. The legislature, conforming to it, refused from the beginning to vote a permanent establishment, and left the king's governor dependent on their annual grants. Phips, the first royal governor in Massachusetts, was the first to complain that "no salary was allowed or was intended," and was the first to solicit the interference of the king for relief.

Bancroft, Hist. of the U.S., vol.2, p.68

His successor, the earl of Bellomont, found himself equally dependent on the benevolence of the assembly. The same policy was sure to be followed, when, on the death of Bellomont, the colony had the grief of receiving as its governor, under a commission that included New Hampshire, its own apostate son, Joseph Dudley, the great supporter of Andros, "the wolf" whom the patriots of Boston had "seized by the ears," whom the people had insisted on keeping "in the jail," and who, for twenty weeks, had been held in prison, or, as he termed it, had been "buried alive." He obtained the place by the request of Cotton Mather, who at that time continued to be mistaken in England for the interpreter of the general wish of the ministers.

Bancroft, Hist. of the U.S., vol.2, p.68 - p.69

The profoundly selfish Dudley possessed prudence and the inferior virtues, but he loved neither freedom nor his native land. In 1702, on meeting his first assembly, he gave "instances of his remembering the old quarrel, and the people, On their parts, resolved never to forget it." "All his ingenuity could not stem the current of their prejudice against him." A stated salary was demanded for the governor. "As to settling a salary for the governor," replied the house, "it is altogether new to us; nor can we think it agreeable to our present constitution; but we shall be ready to do what may be proper for his support." "This country," wrote his son, "will never be worth living in, for lawyers and gentlemen, till the charter is taken away." Failing to win from the legislature concessions to the royal prerogative, Dudley became the active opponent of the chartered liberties of New England, endeavoring to effect their overthrow and the establishment of a general government as in the days of Andros.

Bancroft, Hist. of the U.S., vol.2, p.69

"Even many of the councillors are commonwealth's men," wrote Dudley, in 1702; and in September of the following year, when the royal requisition for an established salary had once more been fruitlessly made, he urged the ministry to change the provincial charter. The choice of the people for councillors he described to the board of trade as falling on "persons of less affection to the strict dependence of these governments on the crown; till the queen," said he, "appoints the council, nothing will go well." It was not an Englishman who proprosed this abridgment of charter privileges, but a native of Massachusetts, son of one of its earliest magistrates, himself first introduced to public affairs by the favor of its people.

Chapter 4:

Parliament and the Colonies

Bancroft, Hist. of the U.S., vol.2, p.70

DURING the long contests in England, popular liberty had thriven vigorously in its colonies, like the tree by the rivers of water, that grows in the night-time, while they who gave leave to plant it were sleeping. A complete system of equal representative government had been developed, and had been enjoyed with exact regularity. In the reign of each one of the Stuarts, England was left for many years without a parliament. From the time that Southampton and Sandys established assemblies in Virginia, their succession was maintained by an unbroken usage. So it was in Maryland, and so too in the Carolinas, in Pennsylvania, in Delaware, without interruption. In New England, the legislatures of all the chief colonies met twice a year until the reign of James II. The spirit of liberty had been one and the same in Englishmen at home and Englishmen in the colonies, with this momentous difference: the revolution in England had been an adjustment of the old institutions of monarchy, prelacy, and the peerage; in the colonies there was neither prelate nor peer, and the monarch was kept aloof by an ocean. The popular element which had been baffled in the older country existed in America without a master or a rival.

Bancroft, Hist. of the U.S., vol.2, p.70 - p.71

The outline of the still distant conflict between the two was already defined. The parliament, which had made itself supreme by electing a king and regulating the descent of the British crown for the whole extent of the British empire, and had confirmed immutably its right of meeting every year, held itself to be "absolute and unaccountable;" and from its very nature would one day attempt to extend its unlimited legislative sovereignty over every part of the British dominions. Yet it represented not so much the British people as the British aristocracy, which formed one branch of parliament, elected very many members of the second, and through that second branch controlled the monarchy.

Bancroft, Hist. of the U.S., vol.2, p.71

The antagonism between an imperial parliament which held itself supreme, and colonial legislatures which claimed to be co-ordinate, was not immediately manifested. On the contrary, the action of England was the model after which the colonies shaped their own without reproach. The revolution sanctioned for England the right of resisting tyranny. In like manner, the colonies rose with one mind to assert their English liberties, the three royal governments—New York, New Hampshire, and Virginia—rivalling the chartered ones in zeal. They all encouraged each other to assert their privileges, as possessing a sanctity which tyranny only could disregard, and which could perish only by destroying allegiance itself. In England, the right to representation was never again to be separated from the power of taxation; the colonies equally sought the bulwark for their liberties and their peace in the exclusive right of taxing themselves.

Bancroft, Hist. of the U.S., vol.2, p.71

The disfranchisement of dissenters in England, and the still more grievous religions intolerance of the Anglican church in Ireland, wrought for England incalculable evil, and brought the weightiest advantage to the colonies, in most of which the heartiest welcome and the brightest career awaited alike the Independents and Presbyterians.

Bancroft, Hist. of the U.S., vol.2, p.71

King William, having, by his acceptance of the British crown, involved England in a desperate struggle with the king of France, had for his great aim in the administration of the colonies an organization by which their united resources could be made available in war.

Bancroft, Hist. of the U.S., vol.2, p.71 - p.72

James II. had brought to the throne his experience of nearly five-and-twenty years as an American proprietary, and had formed a thorough system of colonial government. Six northern colonies were consolidated under one captain-general, who was invested with legislative power, checked only by a council likewise appointed by the king. This arbitrary system, which was to have been extended to all, appeared to promise him a colonial civil list and revenue at his discretion; to make his servants directly and solely dependent on himself; and, by uniting so many colonies under one military chief, to erect a barrier against the red men, and against the French in America.

Bancroft, Hist. of the U.S., vol.2, p.72

During the three years of his rule he persisted in the purpose of reducing "the independent" colonial administrations; and, with promptness, consistency, and determination, employed the prerogative for that end. The letters-patent of Massachusetts were cancelled; those of Connecticut and Rhode Island, of Maryland, of New Jersey, of Carolina, were to be annulled or surrendered. But with his flight from England the system vanished like the shadow of a cloud, having no root in the colonies, nor in the principle of the English revolution.

Bancroft, Hist. of the U.S., vol.2, p.72

In February 1689, at the instance of Sir George Treby, the convention which made William III. king voted "that the plantations ought to be secured against quo warrantos and surrenders, and their ancient rights restored." But the clause in their behalf did not reappear in later proceedings; they are not named in the declaration of rights; their oppression by James was not enumerated as one of the causes of the revolution; and Somers would not include the Massachusetts charter in the bill for restoring corporations.

Bancroft, Hist. of the U.S., vol.2, p.72

The first soldiers sent to America after the revolution were two companies which were ordered to New York in 1689, and seem to have arrived there in 1691. They were to be paid out of the revenue of England, till provision should be made for them by the province. One hundred pounds were sent for presents to the Indians. This arrangement was likewise to be transient; the ministry never designed to make the defence of America and the conduct of Indian relations a direct burden on the people of England.

Bancroft, Hist. of the U.S., vol.2, p.72 - p.73

The crown had no funds at its disposal for the public defence. The conduct of a war required union, a common treasury, military force, and a central will. In October 1692, the sovereign of England attempted this union by an act of the prerogative; sending to each colony north of Carolina a requisition for a fixed quota of money and of men for the defence of New York, "the outguard of his majesty's neighboring plantations in America." This is memorable as the first form of British regulation of the colonies after the revolution of 1658. The requisition was neglected. Pennsylvania, swayed by the society of Friends, was steadfast in its disobedience.

Bancroft, Hist. of the U.S., vol.2, p.73

Yet England insisted that the colonists should "employ their own hands and purses in defence of their own estates, lives, and families;" and, in 1694, when two more companies at New York were placed upon the English establishment, and when artillery and ammunition were furnished from "the king's magazines," a royal mandatory letter prescribed to the several colonies the exact proportion of their quotas. But the "order, by reason of the distinct and independent governments," was "very uncertainly complied with." The governor of New York had nothing "to rely on for the defence of that frontier but the four companies in his majesty's pay"; while Massachusetts urged that, as "all were equally benefited, each ought to give a reasonable aid."

Bancroft, Hist. of the U.S., vol.2, p.73 - p.74

The king attempted a more efficient method of administering the colonies; their affairs were taken from committees of the privy council; and, in May 1696, a board of commissioners for trade and plantations, consisting of the chancellor, the president of the privy council, the keeper of the privy seal, the two secretaries of state, and eight special commissioners, was called into being. To William Blathwayte, who had drafted the new charter of Massachusetts, John Locke, and the rest of the commission, instructions were given by the crown "to inquire into the means of making the colonies most useful and beneficial to England; into the staples and manufactures which may be encouraged there, and the means of diverting them from trades which may prove prejudicial to England; to examine into and weigh the acts of the assemblies; to set down the usefulness or mischief of them to the crown, the kingdom, or the plantations themselves; to require an account of all the moneys given for public uses by the assemblies of the plantations, and how the same are employed." The administration of the several provinces had their unity in the person of the king, whose duties with regard to then, were transacted through one of the secretaries of state; but the board of trade was the organ of inquiries and the centre of colonial information. Every law of a provincial legislature, except in some of the charter governments, if it escaped the veto of the royal governor, might be arrested by the unfavorable opinion of the law officer of the crown, or by the adverse report of the board of trade. Its rejection could come only from the king in council, whose negative, even though the act had gone into immediate effect, invalidated every transaction under it from the beginning.

Bancroft, Hist. of the U.S., vol.2, p.74

The board of trade was hardly constituted before it was summoned to plan unity in the military efforts of the provinces; and Locke with his associates despaired, on beholding them "crumbled into little governments, disunited ill interests, in an ill posture and much worse disposition to afford assistance to each other for the future." The board, in 1697," after considering with their utmost care," could only recommend the appointment of "a captain-general of all the forces and all the militia of all the provinces on the continent of North America, with power to levy and command them for their defence, under such limitations and instructions as to his majesty should seem best;" "to appoint officers to train the inhabitants;" from "the Quakers, to receive in money their share of assistance;" and "to keep the Five Nations firm in friendship." "Rewards" were to be given "for all executions done by the Indians on the enemy; and the scalps they bring in to be well paid for." This plan of a military dictatorship is the second form of British regulation.

Bancroft, Hist. of the U.S., vol.2, p.74 - p.75

With excellent sagacity—for true humanity perfects the judgment—William Penn matured a plan of a permanent union, by a national representation of the American states. On the eighth day of February 1697, he delivered his project for an annual "congress," as he termed it, of two delegates from each province, with a special king's commissioner as the presiding officer, to establish intercolonial justice, "to prevent or cure injuries in point of commerce, to consider of ways and means to support the union and safety of these provinces against the public enemies. In this congress the quotas of men and charge will be much easier and more equally set, than it is possible for any establishment here to do; for the provinces, knowing their own condition and one another's, can debate that matter with more freedom and satisfaction, and better adjust and balance their affairs, in all respects, for their common safety;" and he added: "The determination, in the assembly I propose, should be by plurality of voices."

Bancroft, Hist. of the U.S., vol.2, p.75

The proposition was advocated before the English world in the vigorous writings of Charles Davenant. He disdained the fear of a revolt of the colonies, "while they have English blood in their veins and have" profitable "relations with England." "The stronger and greater they grow," thus he expressed his generous confidence, "the more this crown and kingdom will get by them. Nothing but such an arbitrary power as shall make them desperate can bring them to rebel. And as care should be taken to keep them obedient to the laws of England, and dependent upon their mother country, so those conditions, privileges, terms, and charters should be kept sacred and inviolate, by which they were first encouraged, at their great expense and with the hazard of their lives, to discover, cultivate, and plant remote places. Any innovations or breach of their original charters (besides that it seems a breach of the public faith) may, peradventure, not tend to the king's profit."

Bancroft, Hist. of the U.S., vol.2, p.75

But the ministry adopted neither the military dictatorship of Locke and his associates, nor the peaceful congress of William Penn, nor the widely read and long-remembered advice of Davenant, but trusted the affair of quotas and salaries to royal instructions. Two causes served to protect the colonies from any despotic system. Responsible ministers were unwilling to provoke a conflict with them; and a generous love of liberty in the larger and better class of Englishmen compelled them as patriots to delight in its extension to all parts of the English dominions.

Bancroft, Hist. of the U.S., vol.2, p.75 - p.76

England, at "the abdication" of its throne by the Stuarts, was, as it were, still free from debt, and a direct tax on America for the benefit of the English treasury was at that moment not dreamed of. That the respective colonies should contribute to the common defence against the French and Indians was desired in America, was earnestly enjoined from England; but the demand for quotas continued to be directed by royal instructions to the colonies themselves, and was refused or granted by the colonial assemblies, as their own policy prompted. This want of concert and the refusal of contributions suggested the interference of parliament.

Bancroft, Hist. of the U.S., vol.2, p.76

While the declaratory acts, by which each one of the colonies asserted its right to the privileges of Magna Charta and freedom from taxation except with their own consent, were always disallowed by the crown, the strife on the power of parliament to tax the colonies was willingly avoided. The colonial legislatures had their own budgets, and financial questions arose: Shall the grants be generally for the use of the crown, or shall they be carefully limited to specific purposes? Shall the moneys levied be confided to an officer of royal appointment, or to a treasurer responsible to the legislature? Shall the revenue be granted permanently, or from year to year? Shall the salaries of the royal judges and the royal governor be fixed, or depend annually on the popular contentment? These were questions consistent with the relations between metropolis and colony; but the supreme power of parliament to tax at its discretion was not yet attempted in England, was always denied in America.

Bancroft, Hist. of the U.S., vol.2, p.76

In this way there grew up a system of administration by the use of the prerogative. In Englnd the power of the king to veto acts of parliament ceased to be used; in the course of a few years it came to be employed in all the colonies except Connecticut and Rhode Island.

Bancroft, Hist. of the U.S., vol.2, p.76

The crown obtained everywhere the control of the judiciary; for the judges, in nearly all the colonies, received their appointments from the king and held them at his pleasure; and the right of appeal to the king in council was maintained in them all. Nor was the power given up to bring a chartered colony, by a scire facias, before English tribunals.

Bancroft, Hist. of the U.S., vol.2, p.76 - p.77

Where the people selected the judges, as in Connecticut and Rhode Island, they were chosen annually, and the public preference, free from fickleness, gave stability to the office; where the appointment rested with the royal governor, the popular instinct desired for the judges an independent tenure. Massachusetts, in an enactment of 1692, claimed the full benefit of the writ of habeas corpus; "the privilege has not yet been granted to the plantations," was the reply of Lord Somers; and the act was disallowed. When the privilege was affirmed by Queen Anne, the burgesses of Virginia, in their gratitude, did but esteem it "an assertion to her subjects of their just rights and properties." England conceded the security of personal freedom as a boon; America claimed it as a birthright.

Bancroft, Hist. of the U.S., vol.2, p.77

The instructions, by which every royal governor was invested with the censorship over the press, were renewed.

Bancroft, Hist. of the U.S., vol.2, p.77

In like manner, the governors were commanded to "allow no one to preach without a license from a bishop;" but the instruction was, for the most part, suffered to slumber. To advance the Anglican church, the crown incorporated the Society for Propagating the Gospel in Foreign Parts; from dissenters in America royal charters were withheld.

Bancroft, Hist. of the U.S., vol.2, p.77

The most terrible of the royal instructions was that which fostered slavery. Before the English crown became directly concerned in the slave-trade, governors were charged to keep the market open for merchantable negroes; and measures adopted by the colonial legislatures to restrain the traffic were nullified by the royal veto.

Bancroft, Hist. of the U.S., vol.2, p.77

In May 1689, the lords of the committee of colonies, willing to derive power from the precedents of James II., represented to King William that "the present relation" of the charter colonies to England is a matter "worthy of the consideration of parliament, for the bringing those proprieties and dominions under a nearer dependence on the crown." But at that time nothing was designed beyond the strict enforcement of the navigation acts.

Bancroft, Hist. of the U.S., vol.2, p.77

In March 1701, less than ten years after the grant of the new charter of Massachusetts, the board of trade invited "the legislative power" of England to resume all charters, and reduce the colonies to equal "dependency;" and, in April, a bill for that end was introduced into the house of lords.

Bancroft, Hist. of the U.S., vol.2, p.77 - p.78

As the danger of a new war with France increased, William was advised that, "besides the assistance he might be pleased to give the colonies, it was necessary that the inhabitants should on their part contribute to their mutual security;" and a new requisition for quotas was made by the warlike sovereign. For Pennsylvania the quota was three hundred and fifty pounds; William Penn himself was present to urge compliance; but war, reasoned the Quakers, is not better than peace; trade and commerce are no less important than weapons of offence; and, professing "readiness to acquiesce with the king's commands," the assembly of Pennsylvania, like Massachusetts, made excuses for an absolute refusal. Immediately in January, 1702, the board of trade represented to their sovereign the defenceless condition of the plantations: "Since the chartered colonies refuse obedience to the late requisitions, and continue the retreat of pirates and smugglers, the national interest requires that such independent administrations should be placed by the legislative power of this kingdom in the same state of dependence as the royal governments." This was the deliberate and abiding opinion of the board, transmitted across half a century to the earl of Halifax and Charles Townshend. But the charters had nothing to fear from William of Orange; for him the sands of life were fast ebbing, and in March he was no more.

Bancroft, Hist. of the U.S., vol.2, p.78

The white inhabitants of British America, who, at the accession of William III., were about one hundred and eighty thousand, were, at the accession of Anne, in 1702, at least two hundred and seventy thousand. Their governors were instructed to proclaim war against France; and a requisition was made of quotas "to build fortifications and to aid one another." "The other colonies will not contribute," wrote Lord Cornbury, from New York, "till they are compelled by act of parliament;" and he afterward solicited "an act of parliament for the establishment of a well-regulated militia everywhere." In Virginia, the burgesses would do nothing "that was disagreeable to a prejudiced people," and excused themselves from complying with the requisition. So did all the colonies: "New York, the Jerseys, Pennsylvania, the Carolinas," were informed against, as "transcripts of New England," which furnished "the worst of examples."

Bancroft, Hist. of the U.S., vol.2, p.78 - p.79

"Till the proprieties are brought under the queen's government," wrote Lord Cornbury, in 1702, "they will be detrimental to the other settlements." "Connecticut and Rhode Island," he added, the next year, "hate everybody that owns any subjection to the queen." The chief justice of New York, in July 1704, thus warned the secretary of state: "Antimonarchical principles and malice to the church of England daily increase in most proprietary governments, not omitting Boston; and, to my own knowledge, some of their leading men already begin to talk of shaking off their subjection to the crown of England."

Bancroft, Hist. of the U.S., vol.2, p.79

Roused by continued complaints, the privy council, in December, 1705, summoned the board of trade "to lay before the queen the misfeasances of the proprieties, and the advantage that may arise from reducing them." The board obeyed, and, in January 1706, represented the original defects in the forms of the charter governments, their assumed independence, their antagonism to the prerogative, the difficulty of executing acts of parliament in provinces where their validity was scarcely admitted, the present inconveniences of administration, and the greater ones which were to come. A bill was, in consequence, introduced into the commons, "for the better regulation of the charter governments;" but it was not sustained, for the ministry were divided in judgment as to the remedy. The inquiry in the house of lords, in 1708, was without results.

Bancroft, Hist. of the U.S., vol.2, p.79

The shyness of the English parliament to tax America or to abrogate American charters was changed into eagerness to interfere, when any question related to trade. Of the great maritime powers, England was the last to establish the colonial system in its severity; yet, pleading "the usage of other nations to keep their plantations' trade to themselves," we have seen that, in the reign of Charles I., she too renewed and extended that colonial monopoly, connecting it with a corn law. Every state, it was argued, has, in exclusion of all others, an indisputable right to the services of its own subjects; England should be the sole market for all products of America, and the only storehouse for its supplies.

Bancroft, Hist. of the U.S., vol.2, p.79 - p.80

In these opinions, the change of dynasty made no difference. The enforcement of the mercantile system in its intensest form is a characteristic of the policy of the aristocratic revolution of England. By the corn laws, English agriculture became an associate in the system of artificial legislation. "The value of lands" began to be urged as a motive for oppressing the colonies. All questions on colonial liberty and affairs were decided from the point of view of English commerce and the interests of the great landholders. It was said that New York had never respected the acts of trade; that Pennsylvania and Carolina were the refuge of the illicit trader; that the mariners of New England distributed the productions of the tropics through the world. By an act of 1696, all former acts giving a monopoly of the colonial trade to England were renewed, and, to effect their rigid execution, the paramount authority of parliament was strictly asserted. Colonial commerce could be conducted only in ships built, owned, and commanded by the people of England or of the colonies. A clause giving a severe construction to the act of 1672 declared that, even after the payment of export duties on the products of the colonies, those products should not be taken to a foreign market; at the same time, "the officers for collecting and managing his majesty's revenues " in America obtained equal powers of visiting, searching, and entering warehouses and wharfs with the officers of the customs in England; charters were for the first time overruled by an act of parliament, and the appointment of the proprietary governors was subjected to the royal negative; all governors were ordered to promise by oath their utmost efforts to carry every clause of the acts of trade into effect; and every American law or custom repugnant to this or any other English statute for the colonies, made or hereafter to be made, was abrogated, as "illegal, null, and void, to all intents and purposes whatsoever."

Bancroft, Hist. of the U.S., vol.2, p.80

The words were explicit, both declaratory and enacting; but it was not easy to restrain the trade of a continent. In March, 1697, the house of lords, after an inquiry, represented to the king the continuance of illegal practices, and advised "courts of admiralty in the plantations, that offences against the act of navigation might no longer be decided by judges and jurors who were themselves often the greatest offenders." In 1698, the commissioners for the customs joined in the demand; and royalists of the next century were glad to repeat that Locke sanctioned the measure. The crown lawyers overruled all objections derived from charters, and the king set up his courts of vice-admiralty in America.

Bancroft, Hist. of the U.S., vol.2, p.80 - p.81

In 1699, the system, which made England the only market and the only storehouse for the colonies, received a new development by an act of parliament, which reached the door of every farm-house within them, and embodied the despotic will of a selfishness known only to highly civilized life. As yet, the owners of land were not sufficiently pledged to the colonial system. Wool was the great staple of England, and its growers and manufacturers envied the colonies the possession of a flock of sheep, a spindle, or a loom. The preamble to an act of parliament avows the motive for a restraining law in the conviction, that colonial industry would "inevitably sink the value of lands " in England. The mother country could esteem the present interest of its landholders paramount to natural justice. The clause, which I am about to cite, is a memorial of a delusion which once pervaded all Western Europe, and which has already so passed away that men grow incredulous of its former existence: "After the first day of December 1699, no wool, or manufacture made or mixed with wool, being the produce or manufacture of any of the English plantations in America, shall be loaden in any ship or vessel, upon any pretence whatsoever—nor loaden upon any horse, cart, or other carriage—to be carried out of the English plantations to any other of the said plantations, or to any other place whatsoever." The fabrics of Connecticut might not seek a market in Massachusetts, or be carried to Albany for traffic with the Indians. An English sailor, finding himself in want of clothes in an American harbor, might buy there forty shillings' worth of woollens, but not more; and this small concession was soon repealed. Did a colonial assembly show favor to manufactures, the board of trade was sure to interpose. Error, like a cloud, must be seen from a distance to be measured. Somers and Locke saw no wrong in this legislation, as Jeremy Taylor and Berkeley had seen none in that which established the Anglican church in Ireland. England sought with foreign states a convenient tariff; in the colonies, it prohibited industry. The interests of landlords and manufacturers, jointly fostered by artificial legislation, so corrupted the public judgment that the intolerable injustice of the mercantile system was not surmised.

Bancroft, Hist. of the U.S., vol.2, p.81 - p.82

In Virginia, the poverty of the people compelled them to attempt coarse manufactures, or to go unclad; yet Nicholson, the royal governor, advised that parliament should forbid the Virginians to make their own clothing. Spotswood repeats the complaint: "The people, more of necessity than of inclination, attempt to clothe themselves with their own manufactures;" adding that "it is certainly necessary to divert their application to some commodity less prejudicial to the trade of Great Britain." In 1701, the charter colonies were reproached, by the lords of trade "with promoting and propagating woollen and other manufactures proper to England." The English need not fear to conquer Canada: such was the reasoning of an American agent; for, in Canada, "where the cold is extreme, and snow lies so long on the ground, sheep will never thrive so as to make the woollen manufactures possible, which is the only thing that can make a plantation unprofitable to the crown." The policy was continued by every administration.

Bancroft, Hist. of the U.S., vol.2, p.82

To the enumerated commodities, which could be sold only in countries belonging to the crown of England, molasses and rice were added in 1704; though in 1730 rice was set free.

Bancroft, Hist. of the U.S., vol.2, p.82

Irish linen cloth was afterward conditionally excepted; but at the end of three years Ireland was abruptly dismissed from partnership in the colonial monopoly; even while the enumerated products might still be carried to "other English plantations."

Bancroft, Hist. of the U.S., vol.2, p.82

A British parliament could easily make these enactments, but America evaded them as unjust. From Pennsylvania, the judge of the court of admiralty—a court hated in that colony, as "more destructive to freedom than the ship-money"—wrote home that his "commission could be of no effect, while the government denied the force of the acts of parliament;" and though William Penn entered a plea that his people were "not so disobedient as mistaken and ignorant," yet in August, 1699, the board of trade reported "the bad disposition of that people and the mismanagement of that administration, as requiring a speedy remedy."

Bancroft, Hist. of the U.S., vol.2, p.82 - p.83

In New Hampshire, Lord Bellomont, in November 1700, found that the people "laughed at the orders of the board" of trade against carrying their lumber directly to Portugal. In the same year, the councillors of Massachusetts were openly "indignant at the acts of navigation;" insisting that "they were as much Englishmen as those in England, and had a right, therefore, to all the privileges which the people of England enjoyed." And the people of Boston were told from the pulpit that they were "not bound in conscience to obey the laws of England, having no representatives there of their choosing." To the orders sent to Carolina, "to prosecute breaches of the act of navigation," the replies were but complaints "of encouragement to illicit trade, and opposition to the officers of the revenue and the admiralty." The malignant humor of the proprietary governments" infected Maryland and Virginia. From 1688 to 1698, the plantation duties yielded no more than the expenses of management; nor could all the energy of authority make them bring into the exchequer more than about a thousand pounds a year.

Bancroft, Hist. of the U.S., vol.2, p.83

The maritime wars had increased piracy; and, in April 1700, parliament seized the opportunity of the crime to illustrate its authority. It defined the offence, overruled charters in constituting courts for its trial, and, should a charter governor fail to obey the new statute, declared the charter of his colony forfeited. "The parliament, having in view the refractoriness of New England and other plantations," thus wrote the board of trade, "have now passed an act that extends to all; by which those of New England may perceive that, where the public good does suffer by their obstinacy, the proper remedy will be found here."

Bancroft, Hist. of the U.S., vol.2, p.83

The coins that circulated in the colonies were chiefly foreign; and each colony had a rate of its own, which was already disturbed by the issue of paper money in Massachusetts. In 1704, a uniform valuation of the several foreign coins which passed in payments in the plantations was fixed in England according to weight and assays; a uniform scale of legalized depreciation was ordered for the colonies by a proclamation of Queen Anne. In England, for example, the Spanish dollar was rated at four shillings and sixpence; in the colonies, at six shillings, and so of the rest. The rate for America, which was enjoined by the queen's will, was always fluctuating and always tending to fall. In 1708, parliament interfered to support the decree of the prerogative by the authority of an imperial statute; and this proved as ineffectual as the proclamation. The evil was never overcome by England.

Bancroft, Hist. of the U.S., vol.2, p.83 - p.84

The American post-office defrayed its own expenses. By an act of prerogative, William III. had, in 1632, appointed a postmaster for the northern provinces. New York feebly encouraged, Massachusetts neglected, the enterprise. In 1710, the British parliament erected a post-office for America, establishing the rates of postage, conferring the freedom of all ferries, appointing a summary process for collecting dues, and making New York the centre of its operations. The routes of the mails were gradually extended through all the colonies; Virginia, where it was introduced in 1718, at first took alarm; for "the people," as Spotswood informed the board, "believed that parliament could not lay any tax on them without the consent of the general assembly." But postage soon came to be regarded as an equitable payment for a valuable service.

Bancroft, Hist. of the U.S., vol.2, p.84

The British parliament interfered for one other purpose, not so directly connected with trade. In 1704, to emancipate the English navy from dependence on Sweeen, a bounty was offered on naval stores, and was accompanied by a proviso which extended the jurisdiction of parliament to every grove north of the Delaware. Every pitch-pine tree, not in an enclosure, was consecrated to the purposes of the English navy; and in the undivided domain, no tree fit for a mast might be cut without the queen's license.

Bancroft, Hist. of the U.S., vol.2, p.84

Beyond these measures, parliament at that time did not proceed. The English lawyers of the day had no doubt of the power of parliament to tax America. But even the impetuous Saint-John dared not attempt to pay the royal officers in the colonies by a parliamentary tax. In August, 1711, Oxford, the lord treasurer, inquired of the board of trade "whether there be not money of her majesty's revenue in that country to pay " the garrison at Port Royal; and in June 1713," foreseeing that great expense would arise to the kingdom by the large supplies of stores demanded for the colonies, he desired the board of trade to consider how they might be made to supply themselves." But faction within the English cabinet baffled every effort at system. The papers of the board of trade began to lie unnoticed in the office of the secretary of state; its annual reports ceased; and whoever had colonial business to transact went directly to the privy council, to the admiralty, to the treasury.

Bancroft, Hist. of the U.S., vol.2, p.85

With every year prophecies had been made of the tendencies of the colonies to independence. "In all these provinces and plantations," thus, in August 1698, wrote Nicholson, who had been in office in New York and Maryland, and was then governor of Virginia, "a great many people, especially in those under proprietaries, and the two others of Connecticut and Rhode Island, think that no law of England ought to be in force and binding on them without their own consent; for they foolishly say that they have no representative sent from themselves to the parliament, and they look upon all laws made in England, that put any restraint upon them, to be great hardships." Ireland was already reasoning in the same manner; and its writers joined America in disavowing the validity of British statutes over nations not represented in the British legislature.

Bancroft, Hist. of the U.S., vol.2, p.85

In 1701, the lords of trade, in a public document, declared: "The independency the colonies thirst after is now notorious." "Commonwealth notions improve daily," wrote Quarry, the surveyor-general of the customs, in 1703; "and, if it be not checked in time, the rights and privileges of English subjects will be thought too narrow." In 1704, the lords of trade reported against suffering assemblies to make representations to the queen by separate agents. In 1705, it was said in print: "The colonists will, in process of time, cast off their allegiance to England, and set up a government of their own;" and by degrees it came to be remarked, "by people of all conditions and qualities, that their increasing numbers and wealth, joined to their great distance from Britain, would give them an opportunity, in the course of some years, to throw off their dependence on the nation, and declare themselves a free state, if not curbed in time, by being made entirely subject to the crown." "Some great men professed their belief of the feasibleness of it, and the probability of its some time or other actually coming to pass."

Chapter 5:

The Red Men East of the Mississippi

Bancroft, Hist. of the U.S., vol.2, p.86

OUR country was as ripe for governing itself in 1689 as in 1716; but the time was not yet come. The colonies were riveted into a system, which every maritime power in Europe had assisted to frame, and which bound in strong bonds every other quarter of the globe. Their independence would be a revolution in the commercial policy of the world. There was no union among the settlements that as yet did but fringe the Atlantic; and not one nation in Europe would at that day have fostered their insurrection. When Austria, with Belgium, shall abandon its hereditary warfare against France; when Spain and Holland, favored by the armed neutrality of Portugal, Sweden, Denmark, Prussia, and Russia, shall be ready to join with France in repressing the commercial ambition of England—then, and not till then, will American independence become possible. These changes, improbable as they might have seemed, were to spring from the false maxims of trade and navigation. Our soil was the destined battleground of the grand conflict for commercial ascendency. The struggles for maritime and colonial dominion, which transformed the unsuccessful competitors into the defenders of the freedom of the seas, having, in their progress, taught our fathers union, prepared for our country the opportunity of independence.

Bancroft, Hist. of the U.S., vol.2, p.86

The object of the acts of trade and navigation was to sell as much as possible, to buy as little as possible. Pushed to an extreme, they would destroy all commerce; in a mitigated form, they provoked European wars; for each nation, in its traffic, sought to levy tribute on all others in favor of its industry, and envied the wealth of a rival as its own loss.

Bancroft, Hist. of the U.S., vol.2, p.87

The commercial interest became paramount in European politics; it framed alliances, controlled wars, and dictated treaties. After the discovery of America and of the path by water to India, the oceans vindicated their rights as natural highways. Navigation in ancient days kept near the coast, or was but a passage from isle to isle; its chosen way was now upon the boundless deep. Of old the objects of trade were restricted; for how could rice or sugar be brought across continents from the Ganges? Now European ships gathered every production of the east and the west; tea, sugar, coffee, and spices from China and Hindostan; masts from American forests; furs from Hudson's bay; men from Africa.

Bancroft, Hist. of the U.S., vol.2, p.87

The Phoenician, Greek, and Italian republics, each began as a city government, retaining its municipal character after the enlargement of its jurisdiction and the diffusion of its colonies. The great European colonizing powers were monarchies, grasping at continents for their plantations. In the tropical isles of America and the East they made their gardens for the fruits of the torrid zone; the Cordilleras and the Andes supplied their mints with bullion; points on the coasts of Africa and Asia were selected as commercial stations; and the colonists that swarmed to the temperate regions of America—such was the universal metropolitan aspiration—were to consume infinite quantities of European manufactures.

Bancroft, Hist. of the U.S., vol.2, p.87

That the mercantile system should be applied by each nation to its own colonies was tolerated by the political morality of that day. Each metropolis was at war with the interests and natural rights of its dependencies; and as each single colony was too feeble for resistance, colonial oppression was destined to endure as long as the union of the oppressors. But the commercial jealousies of Europe extended, from the first, to the other continents; and the home relations of the states of the Old World to each other were finally surpassed in importance by their transatlantic conflicts. The system of trade and navigation, being founded in selfish injustice, was doomed not only to expire, but, by overthrowing the mighty fabric of the colonial system, to emancipate commerce and colonies.

Bancroft, Hist. of the U.S., vol.2, p.87 - p.88

Before the discovery of America, Portugal had reached Madeira and the Azores, the Cape Verde islands and Congo; within six years after the discovery of Hayti, Vasco da Gama, sailing where none but Africans from Carthage had preceded, turned the Cape of Good Hope, arrived at Mozambique, passed beyond the Arabian peninsula, landed at Calicut, and made an establishment at Cochin.

Bancroft, Hist. of the U.S., vol.2, p.88

The brilliant temerity of the same nation achieved establishments on western and eastern Africa, in Arabia and Persia, in Hindostan and the eastern isles, and in Brazil. The closest system of monopoly, combined with the despotism of the sovereign and the intolerance of the priesthood, precipitated the decay of Portuguese commerce; and the Moors, the Persians, Holland, and Spain, dismantled Portugal of her acquisitions at so early a period that she was never involved, as a leading party, in the wars of North America.

Bancroft, Hist. of the U.S., vol.2, p.88

Conforming to the division of the world by Pope Alexander VI., Spain never reached the Asiatic world except by travelling west, and never took possession of any territory in Asia beyond the Philippine isles. But in America there grew up a Spanish world of boundless extent. Marching with British America on the south from the Atlantic to the Mississippi, Spain was easily involved in controversy with England on reciprocal territorial encroachments; and, excluding foreigners from all participation in her colonial trade, she could not but arouse the cupidity of English commerce, bent on extending itself by smuggling, and, if necessary, by force. Yet the maxims according to which Spain ruled islands and half a continent were adopted by England; and both powers became involved in the methods of monopoly.

Bancroft, Hist. of the U.S., vol.2, p.88

Holland had risen into greatness as the champion of maritime freedom; yet the republic, possessing spice islands in the Indian seas, admitted to them no European flag but its own.

Bancroft, Hist. of the U.S., vol.2, p.88

France and England were the two boldest, most powerful, and most persistent competitors for new acquisitions; and so long as each of them governed what they acquired by the maxims of exclusiveness, they became in truth natural enemies.

Bancroft, Hist. of the U.S., vol.2, p.88 - p.89

In France the monarchy had subjected the nobility to the crown, and given dignity to the class of citizens. In the magistracy, as in the church, they could reach high employments; and the members of the royal council were, almost without exception, selected from the ignoble. The middling class was constantly increasing in importance; and the energies of the kingdom, if not employed in arms for aggrandizement, began to be husbanded for commerce, manufactures, and the arts.

Bancroft, Hist. of the U.S., vol.2, p.89

Even before the days of Colbert the colonial rivalry with England had begun. When Queen Elizabeth gave a charter to a first not very successful English East India company, France, under Richelieu, struggled, though vainly, to share the great commerce of Asia. The same year in which England took possession of Barbados, Frenchmen occupied the half of St. Christopher's. Did England add half St. Christopher's, Nevis, and at last Jamaica, France gained Martinique and Guadaloupe with smaller islets, founded a colony at Cayenne, and, by the aid of buccaneers, took possession of the west of Hayti. England, by its devices of tariffs and prohibitions, and by the royal assent to the act of navigation, sought to call into action every power of production, hardly a year before Colbert, in 1664, attempted in like manner by artificial legislation to foster the industries and finances of France, and insure to it spacious seaports, canals, colonies, and a navy. The English East India company had but just revived under Charles II., when France gave privileges to an East India commercial corporation; and the banner of the Bourbons, in 1675, reached Malabar and Coromandel. The British fourth African company, of 1674, with the Stuarts for stockholders and the slave-trade for its object, in 1679 found a rival in the Senegal company; and, in 1685, just when the French king was most zealous for the conversion of the Huguenots, he established a Guinea company to trade from Sierra Leone to the Cape of Good Hope. France, through Colbert and Seignelay, had in conception given her colonial system an extent even vaster than that of the British; and the prelude to the disruption of the European colonial system, which was sure to be the overthrow of the system of monopoly in trade and navigation, was the contest for the valley of the Mississippi.

Bancroft, Hist. of the U.S., vol.2, p.89 - p.90

The Europeans had on every side drawn near the red men; but, however eager the intruders might be to appropriate dominion by carving their emblems on trees and marking their lines of anticipated empire on maps, their respective settlements were still kept asunder by a wilderness. France and England, in their war for American territory, were therefore compelled to seek allies in its aboriginal inhabitants.

Bancroft, Hist. of the U.S., vol.2, p.90

The aspect of the red men of the United States was so uniform that there is no method of grouping them into families but by their languages.

Bancroft, Hist. of the U.S., vol.2, p.90

That which was the most widely diffused, and the most fertile in dialects, received from the French the name of ALGONKIN. It was the mother tongue of those who greeted the colonists of Raleigh at Roanoke, of those who welcomed the pilgrims at Plymouth. It was heard from the bay of Gaspe to the valley of the Des Moines; from Cape Fear and, it may be, from the Savannah, to the land of the Esquimaux; from the Cumberland river of Kentucky to the southern bank of the Missinipi. It was spoken, though not exclusively, in a territory that extended through sixty degrees of longitude and more than twenty degrees of latitude. The Blackfoot tribe, which dwells at the foot of the Rocky Mountains, between the head-waters of the Saskatchewan and the Missouri, and the Cheyenne, which had roamed to the borders of the North and South Platte rivers, are classed as Algonkins.

Bancroft, Hist. of the U.S., vol.2, p.90

The Micmacs, who occupied the east of the continent, south of the little tribe that dwelt round the bay of Gaspe, held possession of Nova Scotia and the adjacent isles, and probably never much exceeded three thousand in number. They were known to our fathers only as the active allies of the French; they often invaded, but never inhabited, New England.

Bancroft, Hist. of the U.S., vol.2, p.90

The Etchemins, or Canoemen, dwelt not only on the St. John's river, the Ouygondy of the natives, but on the St. Croix, which Champlain always called from their name, and they extended as far west, at least, as Mount Desert.

Bancroft, Hist. of the U.S., vol.2, p.90

Next to these came the Abenakis, of whom one tribe has left its name to the Penobscot, and another to the Androscoggin; while a third, under the auspices of Jesuits, had its chapel and its fixed abode in the fertile fields of Norridgewock.

Bancroft, Hist. of the U.S., vol.2, p.90 - p.91

Clans that disappeared from their ancient hunting-grounds migrated to the North and West. Of the Sokokis, who seem to have dwelt near Saco and to have had an alliance with the Mohawks, many, in 1646, abandoned the region where they first became known to European voyagers, and placed themselves under the French in Canada.

Bancroft, Hist. of the U.S., vol.2, p.91

The forests west of the Saco, New Hampshire, and the country as far as Salem, constituted the sachemship of Penacook, or Pawtucket, and often afforded a refuge to the remnants of feebler nations around them. The tribe of the Massachusetts, even before the colonization of the country, had almost disappeared from the shores of the bay that bears its name; and the villages of the interior resembled insulated and nearly independent bands, that had lost themselves in the wilderness.

Bancroft, Hist. of the U.S., vol.2, p.91

Of the Pokanokets, who dwelt round Mount Hope, and were sovereigns over Nantucket, Martha's Vineyard, and a part of Cape Cod; of the Narragansetts, who dwelt between the bay that bears their name and the present limits of Connecticut, holding dominion over Rhode Island and its vicinity, as well as a part of Long Island, the most civilized of the northern Rations; of the Pequods, the branch of the Mohegans that occupied the eastern side of Connecticut, and ruled a part of Long Island—the destruction has already been related. The country between the banks of the Connecticut and the Hudson was possessed by independent villages of the Mohegans, kindred with the Manhattans, whose few "smokes" once rose amid the forests on New York island.

Bancroft, Hist. of the U.S., vol.2, p.91

The Lenni-Lenape, in their two divisions of the Minsi and the Delawares, occupied New Jersey, the valley of the Delaware far up toward the sources of that river, and the basin of the Schuylkill. The Delawares were pledged to a system of peace; their passiveness was the degrading confession of their subjection by the Five Nations, who had stripped them of their rights as warriors and compelled them to endure taunts as women.

Bancroft, Hist. of the U.S., vol.2, p.91 - p.92

Beyond the Delaware, on the eastern shore, dwelt the Nanticokes, who disappeared, or melted imperceptibly into other tribes; and the names of Accomack and Pamlico are the chief memorials of tribes that made dialects of the Algonkin the mother tongue of the natives along the sea-coast as far south, at least, as Cape Hatteras. It is probable that the Corees, or Coramines, who dwelt to the southward of the Neuse river, spoke a kindred language, thus establishing Cape Fear as the southern limit of the Algonkin speech.

Bancroft, Hist. of the U.S., vol.2, p.92

In Virginia, the same language was heard throughout the tribes of the eastern shore and the villages west of the Chesapeake, from the most southern tributaries of James river to the Patuxent.

Bancroft, Hist. of the U.S., vol.2, p.92

The Shawnees connect the south-eastern Algonkins with the West. The basin of the Cumberland river is marked by the earliest French geographers as the home of this restless nation. A part of them afterward had their "cabins" and their "springs" in the neighborhood of Winchester. Their principal bands removed from their hunting-fields in Kentucky to the head-waters of one of the great rivers of South Carolina, and, at a later day, an encampment of four hundred and fifty of them, who had been straggling in the woods for four years, was found not far north of the head-waters of the Mobile river, on their way to the country of the Muskohgees. It was about the year 1698 that three or four score of their families, with the consent of the government of Pennsylvania, left Carolina and planted themselves on the Susquehannah. Others followed, and when, in 1732, the number of Indian fighting men in Pennsylvania was estimated at seven hundred, one half of them were Shawnee emigrants. So desolate was the wilderness that a vagabond tribe could wander undisturbed from Cumberland river to the Alabama, from the head-waters of the Santee to the Susquehannah.

Bancroft, Hist. of the U.S., vol.2, p.92 - p.93

The abode of the Miamis was more stable. "My forefather," said the Miami orator Little Turtle, at Greenville, "kindled the first fire at Detroit; from thence he extended his lines to the head-waters of Scioto; from thence to its mouth; from thence down the Ohio to the mouth of the Wabash; and from thence to Chicago, on Lake Michigan. These are the boundaries within which the prints of my ancestors' bouses are everywhere to be seen." The early French narratives confirm his words. The forests beyond Detroit were found unoccupied, or, it may be, roamed over by bands too feeble to attract a trader or win a missionary; the Ottawas, Algonkin fugitives from the basin of the magnificent river whose name commemorates them, fled to the bay of Saginaw, and took possession of the north of the peninsula as of a derelict country; yet without disturbing the Miamis, who occupied its southern moiety.

Bancroft, Hist. of the U.S., vol.2, p.93

The Illinois were kindred to the Miamis, and their country lay between the Wabash, the Ohio, and the Mississippi. Marquette came upon a village of them on the Des Moines, but its occupants soon withdrew to the east of the Mississippi, and Kaskaskia, Cahokia, Peoria, still preserve the names of the principal bands, of which the original strength has been greatly exaggerated. The vague tales of a considerable population vanish before the accurate observation of the French missionaries, who found in the wide wilderness of Illinois scarcely three or four villages. On the discovery of America, the number of the scattered tenants of the territory which now forms the states of Ohio and Michigan, of Indiana, and Illinois, and Kentucky, could hardly have exceeded eighteen thousand.

Bancroft, Hist. of the U.S., vol.2, p.93

In the early part of the eighteenth century the Pottawatomies had crowded the Miamis from their dwellings at Chicago; the intruders came from the islands near the entrance of Green bay, and were a branch of the great nation of the Ojibwas. That nation is the Algonkin tribe of whose dialect, mythology, traditions, and customs, we have the fullest accounts. They held the country from the mouth of Green bay to the head-waters of Lake Superior, and were early visited by the French at Saint St. Mary and Chegoimegon. They adopted into their tribes many of the Ottawas from Upper Canada, and were themselves often included by the early French writers under that name.

Bancroft, Hist. of the U.S., vol.2, p.93

Ottawa is but the Algonkin word for "trader;" and Mascoutins are "dwellers in the prairie." The latter hardly implies a band of Indians distinct from other nations; but history recognises, as a separate Algonkin tribe near Green bay, the Menomonies, who were found there in 1669, who retained their ancient territory long after the period of French and of English supremacy, and who prove their high antiquity as a nation by their singular dialect.

Bancroft, Hist. of the U.S., vol.2, p.93 - p.94

South-west of the Menomonies, the restless Sacs and Foxes, ever dreaded by the French, held the passes from Green bay and Fox river to the Mississippi, and with insatiate avidity roamed defiantly over the whole country between Wisconsin and the upper branches of the Illinois. The Shawnees are said to have an affinity with this nation; that the Kickapoos, who established themselves by conquest in the north of Illinois, are but a branch of it, is demonstrated by their speech.

Bancroft, Hist. of the U.S., vol.2, p.94

The tribes of the Algonkin family were scattered over a moiety, or perhaps more than a moiety, of the territory east of the Mississippi and south of the St. Lawrence, and constituted about one half of the original population of that territory.

Bancroft, Hist. of the U.S., vol.2, p.94

North-west of the Sacs and the Foxes, west of the Ojibwas, bands of the Sioux, or DAKOTAS, had encamped on Prairies east of the Mississippi, vagrants between the head-waters of Lake Superior and the falls of St. Anthony. They were a branch of the great family which, dwelling for the most part west of the Mississippi and the Red river, extended from the Saskatchawan to lands south of the Arkansas. French traders discovered their wigwams in 1659; Hennepin was among them, on his expedition to the north; Joseph Marest and another Jesuit visited them in 1687, and again in 1689. There seemed to exist a hereditary warfare between them and the Ojibwas. Their only relations to the colonists, whether of France or England, were, at this early period, accidental. One little community of the Dakota family, the Winnebagoes, dwelling between Green bay and the lake that bears their name, preferred rather to be environed by Algonkins than to stay in the dangerous vicinity of their own kindred.

Bancroft, Hist. of the U.S., vol.2, p.94

The midlands of Carolina sheltered the Catawbas. Their villages included the Woccons, and their language is thought to belong to the Dakota stock. The oldest enumeration of them was made in 1743, and gave a return of but four hundred. History knows them chiefly as the hereditary foes of the Iroquois, before whose prowess and numbers they dwindled away.

Bancroft, Hist. of the U.S., vol.2, p.94 - p.95

The nations which spoke dialects of the IROQUOIS, or, as it has also been called, of the WYANDOT, were, on the discovery of America powerful in numbers, and diffused over a wide territory. The peninsula enclosed between Lakes Huron, Erie, and Ontario had been the dwelling-place of the five confederated tribes of the Hurons. After their defeat by the Five Nations, a part descended the St. Lawrence, and their progeny may still be seen near Quebec; a part were adopted, on equal terms, into the tribes of their conquerors; the Wyandots fled beyond Lake Superior and hid themselves in the wastes that divided the Ojibwas from their western foes. In 1671, they retreated before the Sioux, and made their home first at St. Mary's and at Michilimackinac, and afterward near the post of Detroit. Thus the Wyandots within our borders were emigrants from Canada. Leaving to the Miamis the country beyond the Miami of the lakes, they gradually acquired a claim to the territory from that river along Lake Erie to the western boundary of New York.

Bancroft, Hist. of the U.S., vol.2, p.95

The institutions of the Five Nations which dwelt in western New York will be described hereafter. The number of their warriors was declared by the French, in 1660, to have been two thousand two hundred; and, in 1677, this was confirmed by an English agent, sent on purpose to ascertain their strength.

Bancroft, Hist. of the U.S., vol.2, p.95

A few families of the Iroquois, who raised their huts round Fort Frontenac to the north of Lake Ontario, and two villages of Iroquois converts, near Montreal, the Cahnewagas of New England writers, lived in amity with the French.

Bancroft, Hist. of the U.S., vol.2, p.95

At the south, the Chowan and the Nottoway, villages of the Iroquois family, as well as the Meherrin, who may have been a remnant of Dakotas, have left their names to the rivers along which they dwelt; the Tuscaroras, the most powerful tribe in North Carolina, were certainly kindred with the Five Nations. In 1708, their fifteen towns still occupied the upper country on the Neuse and the Tar.

Bancroft, Hist. of the U.S., vol.2, p.95 - p.96

The mountaineers of aboriginal America were the CHEROKEES, who occupied the upper valley of the Tennessee river as far west as Muscle Shoals, and the highlands of Carolina, Georgia, and Alabama—the salubrious and most picturesque region east of the Mississippi. Their homes were encircled by blue hills rising beyond hills, of which the lofty points kindle with the early light, and the overshadowing ridges, like masses of clouds, envelop the valleys. There the rocky cliffs, towering in naked grandeur, mock the lightning, and send from peak to peak the loudest peals of the thunderstorm; there the gentler slopes are decorated with magnolias and flowering forest-trees and roving climbers, and ring with the perpetual note of the whippoorwill; there wholesome water gushes profusely from the earth in transparent springs; snow-white cascades glitter on the hill-sides; and the rivers, shallow but pleasant to the eye, rush through narrow vales, which the abundant strawberry crimsons and coppices of rhododendron and flaming azalea adorn. At the fall of the leaf, the ground is thickly strewn with the fruit of the hickory and the chestnut. The fertile soil teems with luxuriant herbage, on which the roebuck fattens; the vivifying breeze is laden with fragrance; and daybreak is ever welcomed by the shrill cries of the social night-hawk and the liquid carols of the mocking-bird. Through this lovely region were scattered the villages of the Cherokees, nearly fifty in number, each consisting of but a few cabins, erected where the bend in the mountain stream offered at once a defence and a strip of alluvial soil for culture. Their towns were always by the side of some creek or river, and they loved their native land; above all, they loved its rivers, the Keowee, the Tugeloo, the Flint, and the branches of the Tennessee. Running waters, inviting to the bath, tempting the angler, alluring wild fowl, were necessary to their paradise. The organization of their language has a common character with other Indian languages east of the Mississippi, but etymology has not been able to discover conclusive analogies between the roots of their words. The "beloved" people of the Cherokees were a nation by themselves. Who can say for how many centuries, safe in their undiscovered fastnesses, they had decked their war-chiefs with the feathers of the eagle's tail, and listened to the counsels of their "old beloved men"? Who can tell how often the waves of barbarous migrations may have broken harmlessly against their cliffs?

Bancroft, Hist. of the U.S., vol.2, p.96 - p.97

South-east of the Cherokees dwelt the UCHEES. They claimed the country above and below Augusta, and, at the earliest period respecting which we can form a surmise, seem not to have extended beyond the Chattahoochee; yet they boast to have been the oldest inhabitants of that region. They constituted but an inconsiderable band in the Creek confederacy, and are known as a distinct family, not from political organization, but from their singularly harsh and guttural language. When first discovered, they were but a remnant, favoring the conjecture that, from the North and West, tribe may have pressed upon tribe; that successions of nations may have been exterminated by invading nations; that even languages, which are the least perishable monument of the savages, may have become extinct.

Bancroft, Hist. of the U.S., vol.2, p.97

The NATCHEZ became merged in the same confederacy; but they, with the Taensas, are known as a distinct nation, residing in scarcely more than four or five villages, of which the largest rose near the banks of the Mississippi. The acute Vater perceived signs that they spoke an original tongue, and, by the persevering curiosity of Gallatin, it is established that the Natchez were distinguished from the tribes around them less by their customs and the degree of their civilization than by their language, which, as far as comparisons have been instituted, has no etymological affinity with any other whatever. Here again the imagination too readily invents theories; and the tradition has been widely received that the dominion of the Natchez once extended even to the Wabash. History knows them only as a feeble and inconsiderable nation, who in the eighteenth century attached themselves to the confederacy of the Creeks.

Bancroft, Hist. of the U.S., vol.2, p.97

With the exception of the Uchees and the Natchez, the country south-east, south, and west of the Cherokees, to the Atlantic and the Gulf of Mexico, to the Mississippi and the confluence of the Tennessee and Ohio, was in the possession of one great family of nations, of which the language was named by the French the MOBILIAN, and is described by Gallatin as the MUSKOHGEE-CHOCTA. It included three confederacies.

Bancroft, Hist. of the U.S., vol.2, p.97 - p.98

The country bounded on the Ohio at the north, on the Mississippi at the west, on the east by a line drawn from the bend in the Cumberland river to the Muscle Shoals of the Tennessee, and extending at the south into the territory of the state of Mississippi, was the land of the cheerful, brave CHICASAWS, the faithful, the invincible allies of the English; but their chosen abodes were in the upland country, which gives birth to the Yazoo and the Tombigbee, where the grass is verdant in midwinter, the bluebird and the robin are heard in February; the springs of pure water gurgle up through white sands, to flow through natural bowers of evergreen holly; and the maize springs profusely from the generous soil. The region is as happy as any beneath the sun, and was so dear to its occupants that, though not numerous, they were in its defence the most intrepid warriors of the South.

Bancroft, Hist. of the U.S., vol.2, p.98

Below the Chicasaws, between the Mississippi and the Tombigbee, was the land of the Choctaws, who were gathered on the eastern frontier into compact villages, but elsewhere were scattered through the interior of their territory. Dwelling in plains or among gentle hills, they excelled every North American tribe in the culture of corn, and placed little dependence on the chase. Their country was healthful, abounding in brooks. The number of their warriors perhaps exceeded four thousand. Their dialect of the Mobilian so nearly resembles that of the Chicasaws that they almost seemed but one nation. The Choctaws were allies of the French, yet preserving their independence; their love for their country was intense, and they too contemned danger in its defence.

Bancroft, Hist. of the U.S., vol.2, p.98 - p.99

The ridge that divided the Tombigbee from the Alabama was the line that separated the Choctaws from the groups of tribes which were soon united in the confederacy of the CREEKS or Muskohgees. Their territory, including all Florida, reached, on the north, to the Cherokees; on the north-east and east, to the country on the Savannah and to the Atlantic. Along the sea, their northern limit seems to have extended almost to Cape Fear; at least, the tribes with which the settlers at Charleston first waged war are enumerated by one writer as branches of the Muskohgees. Their population, spread over a fourfold wider territory, did not outnumber that of the Choctaws. Their towns were situated on the banks of beautiful creeks; the waters of their bold rivers, from the Coosa to the Chattahoochee, descended rapidly, with a clear current, through healthful and fertile regions; they were careful in their agriculture, and, before going to war, assisted their women to plant. In Florida they welcomed the Spanish missionaries; and throughout their country they derived so much benefit from the arts of civilization that their numbers promised to increase. Being placed between the English of Carolina, the French of Louisiana, the Spaniards of Florida bordering on the Choctaws, the Chicasaws, and the Cherokees they were esteemed as the most important Indian nation north of the Gulf of Mexico. They readily gave shelter to fugitives from other tribes; and their speech became so modified that, with radical resemblances, it has the widest departure from its kindred dialects. The Yamassees, sometimes called the Savannahs, were one of their bands; the Seminoles of Florida were but "wild men" from their confederacy, who neglected agriculture for the chase.

Bancroft, Hist. of the U.S., vol.2, p.99 - p.100

Such is a synopsis of the American nations east of the Mississippi. It is not easy to estimate their probable numbers at the period of their discovery. Many of them—the Narragansetts, the Illinois—boasted of the superior strength of their former condition; and, from wonder, from fear, from the ambition of exciting surprise, early travellers often repeated the exaggerations of savage vanity. The Hurons of Upper Canada were thought to number many more than thirty thousand, perhaps even fifty thousand, souls; yet, according to the more exact enumeration of 1639, they could not have exceeded ten thousand. In the heart of a wilderness a few cabins seemed like a city; and to the pilgrim, who had walked for weeks without meeting a human being, a territory would appear well peopled where, in every few days, a wigwam could be encountered. Vermont and north-western Massachusetts and much of New Hampshire were solitudes; Ohio, a part of Indiana, the largest part of Michigan, remained open to Indian emigration long after America began to be colonized by Europeans. From the portage between the Fox and the Wisconsin to the Des Moines, Marquette saw neither the countenance nor the footstep of man. In Illinois, so friendly to the habits of savage life, the Franciscan Zenobe Mambre, whose journal is preserved by Le Clercq, describes the "only large village" as containing seven or eight thousand souls; Father Rasles imagined he had seen in one place twelve hundred fires, kindled for more than two thousand families; other missionaries who made their abode there describe their journeys as through appalling solitudes; they represent their vocation as a chase after a savage, that was scarce ever to be found; and they could establish hardly five, or even three, villages in the whole region. Kentucky, after the expulsion of the Shawnees, remained the park of the Cherokees. The banished tribe easily fled up the valley of the Cumberland river, to find a vacant region in the highlands of Carolina; and a part of them for years roved to and from wildernesses west of the Cherokees. On early maps the low country from the Mobile to Florida is marked as vacant. The oldest reports from Georgia dwell on the absence of Indians from the vicinity of Savannah, and will not admit that there were more than a few within four hundred miles. There are hearsay and vague accounts of Indian war-parties composed of many hundreds; those who wrote from knowledge furnish means of comparison and correction. The population of the Five Nations may have varied from ten to thirteen thousand; and their warriors roamed as conquerors from Hudson's Bay to Carolina, from the Kennebec to the Tennessee. Very great uncertainty must indeed attend any estimate of the original number of Indians east of the Mississippi and south of the St. Lawrence and the chain of lakes. We shall approach, and perhaps rather exceed, a just estimate of their numbers at the springtime of English colonization, if to the various tribes of the Algonkin race we allow about ninety thousand; of the eastern Dakotas less than three thousand; of the Iroquois, including their southern kindred, about seventeen thousand; of the Catawbas, three thousand; of the Cherokees, twelve thousand; of the Mobilian confederacies and tribes—that is, of the Chicasaws, Choctaws, and Creeks, including the Seminoles—fifty thousand; of the Uchees, one thousand; of the Natchez, four thousand: in all, it may be, not far from one hundred and eighty thousand souls.

Bancroft, Hist. of the U.S., vol.2, p.100

In 1883, there remain of all the nations that formerly occupied the present area of the United States south of Alaska a few thousand less than existed in the sixteenth century east of the Mississippi.

Chapter 6:

The Languages and Manners of the Red Men

Bancroft, Hist. of the U.S., vol.2, p.101

No horde of red men has been caught in its first wrestlings with nature to extort from her the art of expressing thought by gestures and sounds. A tribe has no more been found without a language than without eyesight or memory.

Bancroft, Hist. of the U.S., vol.2, p.101

The American savage has tongue and palate and lips and throat; the power to utter flowing sounds, the power to hiss: hence the primitive sounds are essentially the same, and may almost all be expressed by the alphabet of European use. The tribes vary in their choice of sounds: the Oneidas always changed the letter r; the Algonkins have no f; the Iroquois family never use the semivowel m, or the labials. The Cherokees are destitute of the labials, but employ the semivowels. Of the several dialects of the Iroquois, that of the Oneidas is the most soft, being the only one that admits the letter l; that of the Senecas is rudest and most energetic. The Algonkin dialects, especially those of the Abenakis, heap up consonants with prodigal harshness; the Iroquois abound in a concurrence of vowels; in the Cherokee, every syllable ends with a vowel. But before acquaintance with Europeans, no one of them had discriminated the sounds which he articulated: east of the Mississippi there was no alphabet; and the only mode of writing was by rude imitations and symbols.

Bancroft, Hist. of the U.S., vol.2, p.101

Each language, while it abounded in words to designate every object of experience, for "spiritual matters" was poor; it had no name for continence or justice, for gratitude or holiness. It required, said Loskiel, the labor of years to make the Delaware dialect capable of expressing abstract thought.

Bancroft, Hist. of the U.S., vol.2, p.101 - p.102

This materialism in the use of words gave picturesque brilliancy to American discourse. Prosperity was as a bright sun or a cloudless sky; to establish peace was to plant a tree or to bury the tomahawk; to offer presents as a consolation to mourners was to cover the grave of the departed; griefs and hardships were thorns of the prickly pear. Especially the style of the Five Nations abounded in noble metaphors, and glowed with allegory.

Bancroft, Hist. of the U.S., vol.2, p.102

The Indian does not separate the parts of speech from one another; he expresses a complex idea by grouping its separate elements together in one conglomerate word. The rude process is not a perfect synthesis, as in the conjugation of a Latin verb. It has with greater exactness been said of the red man, that he glues together the words expressing subject and object and number and person and case and time, and yet many more relations. This is the distinguishing mark of American speech; it pervaded the dialects of the Iroquois, of the Algonkin, and the Cherokee. When a new object was presented to an Indian, he would inquire its use and form for it a name which might include within itself an entire definition. So when Eliot, in his version of the Bible, translated kneeling, the word which he was compelled to frame was of eleven syllables.

Bancroft, Hist. of the U.S., vol.2, p.102

The nouns implying relation, wrote Brebeuf, always include the signification of one of the three persons of the possessive pronoun. The missionaries could not translate the doxology literally, but chanted among the Hurons: "Glory be to our Father, and to his Son, and to their Holy Ghost."

Bancroft, Hist. of the U.S., vol.2, p.102

In like manner the American languages wanted terms to express generalizations and classes. The forests abounded in many kinds of oak: the Algonkins had special names for each of them, but no generic word including them all.

Bancroft, Hist. of the U.S., vol.2, p.102 - p.103

"The sociableness of the nature of man appears in the wildest of them." To red men returning to their family no one would offer hindrance, "thus confessing the sweetness of their homes." They love society, and the joining together of houses and towns. With long poles fixed in the ground, and bent toward each other at the top, covered with birch or chestnut bark, and hung on the inside with embroidered mats, having no door but a loose skin, no hearth but the ground, no chimney but an opening in the roof, the wigwam was quickly constructed and easily removed. Its size, whether round or oblong, was in proportion to the number of families that were to dwell in it; and commonly in one smoky cell the whole community—men, children, and women—were huddled together, careless of cleanliness, and making no privacy of actions of which some irrational animals seem ashamed.

Bancroft, Hist. of the U.S., vol.2, p.103

Of the savage, license to gratify his animal instincts seemed the system of morals. The idea of chastity as a social duty was but feebly developed. And yet, wrote Roger Williams, "God hath planted in the hearts of the wildest of the sonnes of men a high and honorable esteem of the marriage-bed, insomuch that they universally submit unto it, and hold its violation abominable." Neither might marriages be contracted between kindred of near degree; the Iroquois might choose a wife of the same tribe with himself, but not of the same cabin; the Algonkin must look beyond those who used the same family symbol; the Cherokee would at one and the same time marry a mother and her daughter, but would never marry his own immediate kindred.

Bancroft, Hist. of the U.S., vol.2, p.103

On forming an engagement, the bridegroom, or, if he were poor, his friends and neighbors, made a present to the bride's father, of whom no dowry was expected. The acceptance of the presents perfected the contract; the wife was purchased; and, for a season at least, the husband, surrendering his gains as a hunter to her family, had a home in her father's lodge.

Bancroft, Hist. of the U.S., vol.2, p.103 - p.104

Even in marriage the Indian abhorred constraint; from Florida to the St. Lawrence polygamy was permitted, though at the north it was not common; and the wilderness could show wigwams where "couples had lived together thirty, forty years." Love did not always light his happiest torch at the nuptials of the children of nature, and marriage had for them its sorrows and its crimes. The infidelities of the husband sometimes drove the helpless wife to suicide: the faithless wife had no protector; her husband might at his will insult or disfigure her or take her life. Divorce took place without formality by a simple separation or desertion, and, where there was no offspring, was of easy occurrence. Children were the strongest bond; for, if the mother was discarded, it was the unwritten law of the red man that she should retain those whom she had borne.

Bancroft, Hist. of the U.S., vol.2, p.104

Child-bearing to the Indian mother was comparatively easy and speedy. "In one quarter of an hour a woman would be merry in the house, and delivered, and merry againe; and within two days, abroad; and, after four or five dayes, at worke." The woman who uttered complaints or groans was esteemed worthy to be but the mother of cowards. Yet death sometimes followed. The pregnant woman continued her usual toils, bore her wonted burdens, followed her family even in its winter rambles. How helpless the Indian infant, born without shelter amid storms and ice! But fear nothing for him: the sentiment of maternity is at his side, and so long as his mother breathes he is safe. The squaw loves her child with instinctive passion; and, if she does not manifest it by lively caresses, her tenderness is real, wakeful, and constant. No savage mother ever trusted her babe to a hireling nurse; no savage mother ever put away her own child to suckle that of another. To the cradle, consisting of thin pieces of light wood, and gayly ornamented with quills of the porcupine and beads and rattles, the infant is firmly attached, and carefully wrapped in furs; and thus swathed, its back to the mother's back, is borne as the topmost burden—its dark eyes now cheerfully flashing light, now accompanying with tears the wailings which the plaintive melodies of the carrier cannot hush. Or, while the squaw toils in the field, she hangs her child, as spring does its blossoms, on the boughs of a tree, that it may be rocked by breezes from the land of souls, and soothed to sleep by the lullaby of the birds. Does the mother die, the nursling—such is Indian compassion—shares her grave.

Bancroft, Hist. of the U.S., vol.2, p.104 - p.105

On quitting the cradle, the children are left nearly naked in the cabin, to grow hardy and learn the use of their limbs. Juvenile sports are the same everywhere; children invent them for themselves; and the traveller, who finds through the wide world the same games, may rightly infer that an innate power instructs childhood in its amusements. There is no domestic government; the young do as they will. They are never earnestly reproved, injured, or beaten; a dash of cold water in the face is their heaviest punishment. If they assist in the labors of the household, it is as a pastime, not as a charge. Yet they show respect to the chiefs, and defer with docility to those of their cabin. The attachment of savages to their offspring is extreme; and they cannot bear separation from them. Hence every attempt at founding schools for their children was a failure; a missionary would gather a little flock about him, and of a sudden, writes Le Jeune, "my birds flew away." From their insufficient and irregular supplies of clothing and food, they learn to endure hunger and rigorous seasons; of themselves they become fleet of foot and skilful in swimming; their courage is fed by tales respecting their ancestors, till they burn with a love of glory to be acquired by valor and address. So soon as the child can grasp the bow and arrow, they are in his hand; and, as there is joy in the wigwam at his birth, and his first cutting of a tooth, so a festival is kept for his earliest success in the chase. The Indian young man is educated in the school of nature. The influences by which he is surrounded kindle within him the passion for war: as he grows up, he in his turn begins the war-song, of which the echoes never die away on the boundless plains of the West; he travels the war-path in search of an encounter with an enemy, that he too, at the great war-dance and feast of his band, may boast of his exploits; may enumerate his gallant deeds by the envied feathers of the war eagle that decorate his hair; and keep the record of his wounds by shining marks of vermilion on his skin.

Bancroft, Hist. of the U.S., vol.2, p.105 - p.106

The savages are proud of idleness. At home they do little but cross their arms and sit listlessly, or engage in games of chance, or meet in council, or sing and eat and play and sleep. The greatest toils of the men were to perfect the palisades of the forts; to repair their cabins; to manufacture a boat out of a tree by the use of fire and a stone hatchet; to get ready instruments of war or the chase; and to adorn their persons. Woman is the laborer. The food that is raised from the earth is the fruit of her industry. With no instrument but a mattock of wood or flint-stone, a shell, or a shoulder-blade of the buffalo, she plants the maize and the beans. She drives the blackbirds from the cornfield, breaks the weeds, and, in due season, gathers the harvest. She pounds the parched corn, dries the buffalo meat, and prepares for winter the store of wild fruits; she brings home the game which her husband has killed; she carries the wood, and draws the water, and spreads the repast. If the chief constructs the keel of the canoe, it is woman who stitches the bark with split ligaments of the pine root, and sears the seams with resinous gum. If the men prepare the poles for the wigwam, it is woman who builds it, and, in times of journeyings, transports it on her shoulders.

Bancroft, Hist. of the U.S., vol.2, p.106

The red men east of the Mississippi had no calendar of their own; their languages have no word for year, and they reckoned time by the return of snow Or the springing of the Bowers; their months were named from that which the earth produces in them; and their almanac is kept by the birds, whose flight announces the progress of the seasons. The brute creation gave them warning of the coming storm; the motion of the sun marked the hour of the day; and the distinctions of time were noted, not in numbers, but in words that breathe the grace of nature.

Bancroft, Hist. of the U.S., vol.2, p.106 - p.107

The aboriginal tribes of the United States depended for food on the chase, fisheries, and agriculture. They kept no herds; they never were shepherds. The bison is difficult to tame, and the use of its milk, of which its female yields little, was unknown. The moose, the bear, the deer, and at the West the buffalo, besides smaller game and fowl, were pursued with arrows tipped with hartshorn, or eagles' claws, or pointed stones. With nets and spears fish were taken, and were cured by smoke. Wild fruits and abundant berries were a resource in their season; and troops of girls, with baskets of bark, would gather the native strawberry. But all the tribes south of the St. Lawrence, except remote ones on the north-east and the north-west, were at once hunters and tillers of the ground. Wheat or rye would have been a useless gift to the Indian, who had neither plough nor sickle. The maize springs luxuriantly from a warm, new field, and in the rich soil, with little aid from culture, outstrips the weeds; bears, not thirty, not fifty, but a thousand-fold; if once dry, is hurt neither by heat nor frost; may be preserved in a pit or a cave for years, aye, and for centuries; is gathered from the field by the hand, without knife or reaping-hook; and becomes nutritious food by a simple roasting before a fire. A little of its parched meal, with water from the brook, was often a dinner and supper; and the warrior, with a small supply of it in a basket at his back, or in a leathern girdle, and with his bow and arrows, is ready for travel at a moment's warning. Tobacco was not forgotten; and the cultivation of the bean, and the trailing plant which we have learned of them to call the squash, completed their husbandry. They seem not to have made much use of salt, but they knew how to obtain it by evaporation.

Bancroft, Hist. of the U.S., vol.2, p.107

During the mild season there may have been little suffering. But thrift was wanting; the stores collected by the industry of the women were squandered in festivities. The hospitality of the Indian has rarely been questioned. He will take his rest abroad, that he may give up his own skin or mat of sedge to his guest. The stranger enters his cabin, by day or by night, without asking leave, and is entertained as freely as a thrush or a blackbird that regales himself on the luxuries of the fruitful grove. Nor is the traveller questioned as to the purpose of his visit; he chooses his time to deliver his message. Festivals, too, were common. But what could be more miserable than the tribes of the North and North-west, in the depth of winter, suffering from an annual famine; driven by the intense cold to sit indolently in the smoke round the fire in the cabin, and fast for days together?

Bancroft, Hist. of the U.S., vol.2, p.107

Famine gives a terrible energy to the brutal part of our nature. A shipwreck will make cannibals of civilized men; a retreating army abandons its wounded. The hunting tribes had the affections of men, but among them extremity of want produced like results. On the journey through the wilderness, if provisions failed, the feeble were left behind, or their life was shortened by a blow.

Bancroft, Hist. of the U.S., vol.2, p.107

For diseases natural remedies were prescribed. Sometimes a vapor bath was prepared in a tent covered with skins, and warmed by means of hot stones; decoctions of bark, or roots, or herbs, were used; but those who lingered with hopeless illness, or were helpless from age, were sometimes neglected, and sometimes put to death.

Bancroft, Hist. of the U.S., vol.2, p.107 - p.108

The clothing of the natives was, in summer, but a piece of skin, like an apron round the waist; in winter, a bear-skin, or, more commonly, robes made of the skins of the fox and the beaver. Their feet were protected by soft moccasons, and to these were bound the broad snow-shoes, on which, though cumbersome to the novice, the practiced hunter could leap like the roe. Of the women, head, arms, and legs were uncovered; a mat or a skin, neatly prepared, tied over the shoulders and fastened to the waist by a girdle, extended from the neck to the knees. They glittered with tufts of elk-hair, dyed in scarlet, and strings of shells were their pearls and diamonds. The summer garments, of the skins of the moose and deer, were painted of many colors, and the fairest feathers of the turkey, fastened by threads made from wild hemp and nettle, were curiously wrought into mantles. The claws of the grizzly bear formed a proud collar for a war chief; a piece of an enemy's scalp, with a tuft of long hair, painted red, glittered on the stem of his war-pipe; the wing of a red bird, or the beak and plumage of a raven, decorated his locks; the skin of a rattlesnake was worn round the arm of their chiefs; the skin of the polecat, bound round the leg, was their order of the garter, emblem of noble daring. A warrior's dress was often a history of his deeds. His skin was tattooed with figures of animals, of flowers, of leaves, and painted with shining colors.

Bancroft, Hist. of the U.S., vol.2, p.108

Some had the nose tipped with blue, the eyebrows, eyes, and cheeks tinged with black, and the rest of the face red; others had black, red, and blue stripes drawn from the ears to the mouth; others had a broad, black band, like a ribbon, extending from ear to ear across the eyes, with smaller bands on the cheeks. When they made visits, and when they assembled in council, they painted themselves brilliantly, delighting especially in vermilion.

Chapter 7:

Polity and Religion of the Red Men

Bancroft, Hist. of the U.S., vol.2, p.109

IN the tribes with which the early colonists came in contact there was not only no written law, there was no formalized traditionary expression of law. Authority over them rested on opinion, of which the motives were never embodied in words, and which gained validity only through unquestioned usage. Their forms of government grew out of their instincts and their wants, and were everywhere nearly the same. Without a distinct settlement of succession in the magistracy by inheritance or election, the selection was made harmoniously through the preponderating influence of personal qualities.

Bancroft, Hist. of the U.S., vol.2, p.109 - p.110

The wild man hates restraint, and loves to do what is right in his own eyes. "The Illinois," writes Marest, "are absolute masters of themselves, subject to no law." The Delawares, it was said, "are, in general, wholly unacquainted with civil laws and proceedings, nor have any kind of notion of civil judicatures, of persons being arraigned and tried, condemned or acquitted." Strings of wampum did the office of money among them, and had a fixed value like coin among white men. Exchanges were often but a reciprocity of gifts; but they had commerce and debts, though arrests and imprisonments, lawyers and sheriffs, were unknown. Each man was his own protector; and, as there was no public justice, each man became his own avenger. In case of death by violence, the departed shade could not rest till appeased by a retaliation. His kindred would "go a thousand miles, for the purpose of revenge, over hills and mountains; through cane-swamps, full of briers; over broad lakes, rapid rivers, and deep creeks; and all the way endangered by poisonous snakes, exposed to the extremities of beat and cold, to hunger and thirst." Blood having once been shed, the rule of reciprocity involved family in the mortal strife against family, tribe against tribe, often continuing from generation to generation. Yet mercy could make itself heard; and peace might be restored by atoning presents, if they were enough to cover up the graves of the dead.

Bancroft, Hist. of the U.S., vol.2, p.110

Notwithstanding the uniform aspect of savage life, there was among them some distribution of pursuits. There seems reason to believe that persons who had singular skill in shaping the implements of which the Indians knew the use, employed themselves specially in their manufacture. Flint-stone hammers were found in the region near Lake Superior; but the miners had no tool with which they could divide pure copper, nor had they learned to melt it, nor did they know how to extract the metal from the ore. They could only scale its thin leaves, and, after folding them together, give them consistency by the blows of the hammer. They remained in the condition of man before the discovery of metals. Copper was prized as an ornament, and, with the mica of North Carolina, has been found in mounds alike at the south and the north of the Mississippi valley.

Bancroft, Hist. of the U.S., vol.2, p.110

Among the red men the ties of relationship were widely extended. Undivided families had a common emblem, which designated all their members as effectually as with us the name. In the choice of a wife there were interdicted degrees of consanguinity, and marriage between dwellers in the same cabin was forbidden. They held the bonds of brotherhood so dear that a brother commonly paid the debt of a deceased brother, and assumed his revenge and his perils. There were no beggars among them, no fatherless children unprovided for. Those who housed together, hunted together, roamed together, fought together, constituted a family. Danger from neighbors led to alliances and confederacies, just as pride, which is a pervading element in Indian character, led to subdivision. Of affinity, as proved by a common language, the Algonkin, the Iroquois, the Dakota, the Mobilian, each was alike unmindful. No one of them had a name embracing all its branches.

Bancroft, Hist. of the U.S., vol.2, p.110 - p.111

As the tribe was but a union of families, the head of the family was its natural chief. The descent through the female line was the rule as seen in Virginia, among the Five Nations, the Creeks, and the Natchez. The colleague of Canonicus, the Narragansett, was his nephew. The hereditary right was modified by opinion, which could crowd a civil chief into retirement, and select his successor. The organization of the savage communities was as with us at a spontaneous public meeting, where opinion in advance designates the principal actors; or, as at the death of the head of a large family, opinion within the family selects the best fitted of its surviving members to settle its affairs. Doubtless the succession appeared sometimes to depend on the will of the surviving matron; sometimes to have been consequent on birth; sometimes to have been the result of the free election of the wild democracy, or of its silent preferences. The general approval was its primitive and essential condition, though there have been chiefs who could not tell when, where, or how they obtained the sway.

Bancroft, Hist. of the U.S., vol.2, p.111

The humiliating subordination of one will to another was everywhere unknown. The Indian chief had no crown, or sceptre, or guards; no outward symbols of supremacy, or means of enforcing his decrees. The bounds of his authority floated with the current of thought in the tribe; he was not so much obeyed as followed with spontaneous alacrity, and, therefore, the extent of his power depended on his personal capacity.

Bancroft, Hist. of the U.S., vol.2, p.111

Each village governed itself seemingly as if independent, and each after the same analogies, without variety. If the observer had regard to the head chief, the government was monarchical: but as, of measures that concerned all, "they would not conclude aught unto which the people were averse," it might be described as a democracy. In council, the people were guided by the eloquent, were emulous of the brave; and this recognised influence appeared to constitute an aristocracy. The governments of the aborigines scarcely differed from each other, except as accident gave a predominance to one of these three elements. Everywhere there was the same distribution into families, and the same order in each separate town. The affairs relating to the whole nation were transacted in general council, and with such equality and such zeal for the common good that, while any one might dissent with impunity, the voice of the tribe would yet be unanimous.

Bancroft, Hist. of the U.S., vol.2, p.112

Their delight was in assembling together and listening to messengers from abroad. Seated in a semicircle on the ground, in double or triple rows, with the knees almost meeting the face; the painted and tattooed chiefs adorned with skins and plumes, the beaks of the red-bird or the claws of the bear; each listener perhaps with a pipe in his mouth, and preserving deep silence—they would give solemn attention to the speaker, who, with great action and energy of language, delivered his message. Decorum was never broken; there were never two speakers struggling to anticipate each other; they did not express their spleen by blows; the debate was never disturbed by an uproar; questions of order were unknown.

Bancroft, Hist. of the U.S., vol.2, p.112 - p.113

The record of their treaties was kept by strings of wampum. When the envoys of nations met in solemn council, gift replied to gift, and belt to belt; by these the memory of the speaker was refreshed; or he would hold in his hand a bundle of little sticks, and for each of them deliver a message. Each tribe had its heralds or envoys, selected with reference only to their personal merit, and because they could speak well; and often an orator, without the aid of rank as a chief, swayed a confederacy by the brilliancy of his eloquence. That the words of friendship might be transmitted safely through the wilderness, the red men revered the peace-pipe. The person that travelled with it could disarm the young warrior as by a spell, and secure a welcome. Each village had its calumet, which was adorned by the chief with eagles' feathers, and consecrated in the general assembly of the nation. The envoys desiring peace or an alliance would come within a short distance of the town, and, uttering a cry, seat themselves on the ground. The great chief, bearing the peace-pipe of his tribe, with its mouth pointing to the skies, goes forth to meet them, accompanied by a long procession of his clansmen, chanting the hymn of peace. The strangers rise to receive them, singing a song, to put away all wars and to bury all revenge. As they meet, each party smokes the pipe of the other, and peace is ratified. The strangers are then conducted to the village; the herald goes out into the street that divides the wigwams, and makes repeated proclamation that the guests are friends; and the glory of the tribe is advanced by the profusion of bear's meat, and flesh of dogs, and hominy, at the banquets in their honor.

Bancroft, Hist. of the U.S., vol.2, p.113

But while councils were the highest enjoyment, war was the only avenue to glory. In warfare against man, they gained an honorable and distinguishing name. Hence to ask an Indian his name was an offence; it implied that his deeds, and the titles conferred for them, were unknown.

Bancroft, Hist. of the U.S., vol.2, p.113

The war-chief was never appointed on account of birth. A war-party was often but a band of volunteers, enlisted for a special expedition, and for no more. Any one who, on chanting the war-song, could obtain volunteer followers, became a war-chief.

Bancroft, Hist. of the U.S., vol.2, p.113

Solemn fasts and religious rites precede the departure of the warriors; the war-dance must be danced, and the war-song sung. They express in their melodies a contempt of death, a passion for glory; and the chief boasts that "the spirits on high shall repeat his name." A belt painted red, or a bundle of bloody sticks, sent to the enemy, is a defiance.

Bancroft, Hist. of the U.S., vol.2, p.113 - p.114

The wars of the red men were terrible, not from their numbers; for, on any one expedition, they rarely exceeded forty men: the parties of six or seven were the most to be dreaded. They follow the trail of the hostile braves, to kill then, when they sleep; or they lie in ambush near a village, to dash on a single foeman, or, it may be, a woman and her children; and, with three strokes to each, the scalps of the victims being suddenly taken off, the brave flies back with his companions, to hang the trophies in his cabin, to go from village to village in triumphant procession, to hear orators recount his deeds to the elders and the chief people, and, by the number of scalps taken with his own hand, to gain high titles of honor. War-parties of but two or three were not uncommon. Clad in skins, with a supply of red paint, a bow and quiver full of arrows, they would roam through the forest as a bark over the ocean; for days and weeks they would hang on the skirts of their enemy, waiting the moment for striking a blow. From the heart of the Five Nations, two young warriors would go through the glades of Pennsylvania, the valleys of western Virginia, and steal within the mountain fastnesses of the Cherokees. There they would hide themselves in the clefts of rocks till, after taking scalps enough to astonish their village, they would bound over the ledges for home.

Bancroft, Hist. of the U.S., vol.2, p.114

The Indian compelled his captives to run the gauntlet through the children and women of his tribe. To inflict blows that cannot be returned was esteemed the entire humiliation of the enemy; it was, moreover, a trial of courage and patience; those who showed fortitude were applauded; the coward became an object of scorn.

Bancroft, Hist. of the U.S., vol.2, p.114

Suppliants from a defeated nation were often incorporated into the victorious tribe. The Creek confederacy was recruited from friends and foes; the Five Nations welcomed defeated Hurons. Sometimes a captive was adopted in place of a fallen warrior. In that event, the children and the wife whom he left at home were to be blotted from his memory: he becomes the departed chieftain, brought back from the dwellingplace of shadows, and he is bound by the same relations of consanguinity, and the same restraints in regard to marriage.

Bancroft, Hist. of the U.S., vol.2, p.114 - p.115

More commonly, it was the captive's lot to endure torments and death, in the forms which the Jesuit Brebeuf has described. On the way to the cabins of his victors, his hands were crushed between stones, his fingers torn off or mutilated, the joints of his arms scorched and gashed, while he himself preserved tranquillity, and sang the songs of his nation. Arriving at the homes of his conquerors, all the cabins regaled him. At one village after another, festivals were given in his name, at which he was obliged to sing. The old chief, who might have adopted him in place of a fallen nephew, chose rather to gratify revenge, and pronounced the doom of death. "That is well," was his reply. The sister of the fallen warrior, into whose place he might have been received, still treated him with tenderness as a brother, offering him food, and serving him with interest and regard; her father caressed him as though he had become his kinsman, handed him a pipe, and wiped the thick drops of sweat from his face. His last entertainment, made at the charge of the bereaved chief, began at noon. To the crowd of his guests he declared: "My brothers, I am going to die; make merry around me with good heart: I am a man; I fear neither death nor your torments;" and he sang aloud. The feast being ended, he was conducted to the cabin of blood. They placed him on a mat, and bound his hands; he rose, and danced round the cabin, chanting his death-song. At eight in the evening, eleven fires which had been kindled were hedged in by files of spectators. The young men selected to be the actors were exhorted to do well, for their deeds would be grateful to Areskoui, the powerful war-god. A war-chief stripped the prisoner, and showed him naked to the people. Then began excruciating torments, which lasted till after sunrise, when the wretched victim, bruised, gashed, mutilated, half-roasted, and scalped, was carried out of the village and hacked in pieces. A festival, at which some of his flesh was eaten, completed the sacrifice.

Bancroft, Hist. of the U.S., vol.2, p.115

The most wonderful proof of the aptitude of the red men for civil organization is found in the perfection to which they carried the federal form of government, excelling the Hellenic councils and leagues in permanency, central vigor, and the singleness of a true union. In the south there was the federal republic of the Creeks; but that of the Five Nations stood first for the skill with which its several parts were consolidated, and by its influence on events of importance to the world.

Bancroft, Hist. of the U.S., vol.2, p.115 - p.116

The Mohawks, Oneidas, Onondagas, Cayugas, and Senecas, dwelling near the river and the lakes that retain their names, formed a confederacy of equal tribes. Their territory, or, as they called it, their "long house," opened one of its doors on the Hudson, the other on the Niagara, including under their immediate dominion more than one half of the state of New York. They were proud of their country as Superior to any other part of America. The soil was exuberantly fertile, and, moreover, from their geographical position, they could start in their canoes from the head-waters of the Hudson, the Delaware, the Susquehanna, or from branches of the Mississippi, as well as of the St. Lawrence, to make their war-paths along the lines where the channels of a national commerce have now been constructed. When Hudson, John Smith, and Champlain were at the same time in America, their superior prowess was known. They claimed some supremacy in northern New England as far as the Kennebec, and to the south as far as New Haven; add were acknowledged as absolute lords over the conquered Lenape. Half Long Island paid them tribute; Upper Canada was their hunting-field by right of war; they exterminated or reduced the Eries and the Conestogas, both tribes of their own family, the one dwelling to the south of Lake Erie, the other on the banks of the Susquehanna; they triumphantly invaded the tribes of the West as far as Illinois; their warriors reached Kentucky and western Virginia.

Bancroft, Hist. of the U.S., vol.2, p.116

The Five Nations were convinced that among them man was born free, that no power on earth had any right to infringe on his liberty, and that nothing could make him amends for its loss. There was no slavery and no favored caste. The villagers dwelt in fixed homes, surrounded by fields of beans and maize, and changing their abode only as the land was worn out. From the Jesuit Lafitau, the earliest writer on their polity, we learn that each village governed itself, and, like a New England town or a Saxon hundred, constituted a little democracy. In each there was the same distribution of families, the same laws of police, the same order; he who had seen one had seen all. When a question arose which interested the whole nation, the deputies of each village met in a common council, and by deliberations, conducted with equality and public spirit, arrived at an agreement. Their safety as a state depended on union, which for this reason nothing could break.

Bancroft, Hist. of the U.S., vol.2, p.116

Each village was divided into the three families of the Wolf, of the Bear, and of the Turtle. More divisions were known in later days. Each family had its chiefs, its assistant chiefs, its ancients, its warriors. These, when they met together, formed the representation of the separate state.

Bancroft, Hist. of the U.S., vol.2, p.116 - p.117

Besides their private names, the chiefs had names describing their dignity and jurisdiction. The highest was named chief of the chiefs, or president; the second represented the family, which thus, as it were, was collectively present in his person, so that when he spoke it might be remarked: "The Wolf has said;" or "the Bear has said;" or "the Turtle has said." The third class of persons of power were called the elders, or ancients. This name did not always correspond to their age, but was chosen to conciliate respect and veneration. "They might be called senators or citizens." Their number was not fixed. Every one had a right to enter the council and give his vote if he was of mature age, prudence, and knowledge, and each knew how to make himself esteemed according to his ability.

Bancroft, Hist. of the U.S., vol.2, p.117

The chiefs appeared to be equal, and were careful not to attract to themselves the direction of affairs; still, some prominence prevailed; perhaps resting on the cabin that had founded the village; or on the superior number of a tribe; or, in a word, on the man who was most respected for his ability. "This," says Lafitau, "I have never been able to decide."

Bancroft, Hist. of the U.S., vol.2, p.117

The dignity of the chief is perpetual and hereditary in his cabin, descending to the child of aunts, sisters, or nieces on the maternal side. "When the tree falls it must be raised again." The selection of a successor had no regard to primogeniture; the choice was of him who by his good qualities was best able to sustain the rank. To prevent his too great authority, he had assistants at his side.

Bancroft, Hist. of the U.S., vol.2, p.117

The warriors were the young who were able to bear arms. The chiefs of the tribes, if fit to command, were ordinarily at their head; but the braves who had done good service were recognised as war chiefs.

Bancroft, Hist. of the U.S., vol.2, p.117

The leading warrior was selected by the general confidence; merit alone could obtain the preferment, and his power was as permanent as the esteem of the tribe. As their brave men went forth to war, for want of martial instruments, they were cheered by the far-reaching voice of their leader.

Bancroft, Hist. of the U.S., vol.2, p.117

Councils were assembled by the order of the chiefs, and were held in their cabins unless there was a public hall. For deliberation the sessions were secret; no vote was taken; no minority was made known; the debate was continued till the mind of the assembly became apparent, and its decision was then accepted by acclamation. The open sessions were for the publication of that which had been resolved upon, and which was sure to meet with the approbation of the multitude.

Bancroft, Hist. of the U.S., vol.2, p.117 - p.118

The federal council fire was lighted in the land of the Onondagas as the central nation. It does not appear that there was one supreme chief for the collective Five Nations; but each of them was represented by its chiefs in the general congress, of which the functions extended to all questions of war and peace, and of treaties and intercourse with foreign powers. These were the institutions which led the Five Nations to deem themselves supreme among mankind; while other red men and the colonies looked upon them as the fiercest and most formidable people in North America.

Bancroft, Hist. of the U.S., vol.2, p.118 - p.119

The dweller in the wilderness was conscious of his dependence; he felt the existence of relations with the objects by which he was surrounded, and with more things than were seen. Yet his conceptions of power were so blended with nature that to many travellers he seemed not to have any religion. "As to the knowledge of God," says Joutel of the Indians of the South-west, "it did not seem to us that they had any definite notion about it. We found upon our route some who, as far as we could judge, believed that there is something which is exalted above all; but they have neither temples, nor ceremonies, nor prayers, marking a divine worship. That they have no religion can be said of all whom we saw." "The northern nations," writes Le Caron, "recognise no divinity from motives of religion." Le Jeune affirms: "There is among them very little superstition; they think only of living and of revenge; they are not attached to the worship of any divinity." And yet every hidden agency was personified. Unaccustomed to abstract thought or free inquiry or any form of skepticism, the red man had obtained no conception of unity in the totality of being; but wherever there was motion, or action, and, in a special manner, wherever there appeared singular excellence or mystery, there to him was the presence of a power out of the reach of the senses. It resided in the flint that gives forth fire; in the mountain cliff; in the grotto; in each little grass; in the sun, in the moon, in the reddening of the morning sky; in the ocean; in the crag that overhangs the river; in the waterfall. He found it in himself when he felt his pulse throb, his heart beat, his eyelids weigh down in sleep. To the Savage, divinity, broken as it were into an infinite number of fragments, was present in each separate place and each individual being. To secure the goodwill of the genius of the place, they threw tobacco into the fire, on the lake, on the rapids, into rocky crevices, or on the warpath. Hennepin found a beaver robe hung on an oak, as an oblation to the spirit that dwells in the falls of St. Anthony. The guides of Joutel in the South-west, having killed a buffalo, offered slices of the meat to the unknown spirit of that wilderness. As they passed the Ohio, the favor of the stream was sought by gifts of tobacco and dried meat; and worship was paid to the rock just above the Missouri. Yet faith in the Great Spirit, when once presented, so infused itself into the heart of remotest tribes, that it often came to be considered as a portion of their original faith.

Bancroft, Hist. of the U.S., vol.2, p.119

The savage was conscious of inexplicable relations with others than himself, of which he could not solve the origin or analyze the nature. His gods were not the offspring of terror; every part of nature seemed to him instinct with power. "The Illinois," writes the Jesuit Marest, "adore a sort of genius, which they call manitou; to them it is a master of life, the spirit that rules all things. A bird, a buffalo, a bear, a feather, a skin—that is their manitou."

Bancroft, Hist. of the U.S., vol.2, p.119

In drawing the distinction between himself and the rest of the world, the red man included with himself all his fellow-men. For him there was man, and the world apart from man; therefore no tribe worshipped its prophets, or deified its heroes; no Indian adored his fellow-man, or paid homage to the dead. He turns from himself to the inferior world, which he believes in like manner to be animated by spirits. The bird, that mysteriously cleaves the air; the fish, that hides itself in the lake; the beasts of the forest, whose unerring instincts seem like revelations—these enshrine the deity whom he adores. On the Ohio, a medicine man, who venerated the buffalo as his manitou, confessed to Mermet that he did not worship the buffalo, but the invisible spirit which is the type of all buffaloes. "Is there such a manitou to the bear?" "Yes." "To man?" "Nothing more certain; man is superior to all." "Why do you not, then, invoke the manitou of man?" And the juggler knew not what to answer.

Bancroft, Hist. of the U.S., vol.2, p.119

By fasting in solitude, the Ojibwa—and a similar probation was known to other tribes—seeks a special genius to be his protection. The fast endures till, excited by thirst, watchfulness, and hunger, he beholds a vision, and he knows it to be his guardian. It may assume a fantastic form, as of a skin or a feather, a smooth pebble or a shell; but the fetich, when obtained and carried by the warrior in his pouch, is not the guardian itself, but only its representative token.

Bancroft, Hist. of the U.S., vol.2, p.120

The piety of the savage was not merely a sentiment of passive resignation: he strove to propitiate the unknown powers, to avert their wrath, to secure their favor. If, at first, no traces of religions feeling were discerned, closer observation showed that even the roving tribes of the North had some kind of sacrifice and of prayer. On their expeditions they kept no watch during the night, but invoked their fetiches to be their sentinels. If the harvest was abundant, if the chase was successful, they saw in their success the influence of a manitou; and they would ascribe even an ordinary accident to the wrath of the god. "O manitou!" exclaimed an Indian, at daybreak, with his family about him, lamenting the loss of a child, "thou art angry with me; turn thine anger from me, and spare the rest of my children." Canonicus, the great sachem of the Narragansetts, when bent with age, having buried his son, "burned his own dwelling, and all his goods in it, in part as a humble expiation to the god who, as they believe, had taken his sonne from him." The idea that sin should be atoned for was so diffused among the savages that Le Clercq believed some of the apostles must have reached the American continent.

Bancroft, Hist. of the U.S., vol.2, p.120

The evils that are in the world were ascribed to spirits as the dreaded authors of woe. The demon of war was to be propitiated by acts of cruelty. The Iroquois, when Jogues was among them, sacrificed an Algonkin woman in honor of Areskoui, their war-god, exclaiming: "Areskoui, to thee we burn this victim; feast on her flesh, and grant us new victories;" and a part of her flesh was eaten as a religious rite.

Bancroft, Hist. of the U.S., vol.2, p.120 - p.121

Nor did the wild man seek to win by gifts alone the favor of the higher natures, which the savage divined but could not fathom; he made a sacrifice of his pleasures and chastened his passions. To secure success in the chase by appeasing the tutelary spirits of the animals to be pursued, severe fasts were kept; and happy was he to whom the game appeared in his dreams, for it was a sure augury of abundant returns. The warrior, preparing for an expedition, often sought favor in battle by continued penance. The security of female captives was, in part, the consequence of the vows of chastity, by which he was bound till after his return. Detesting restraint, he was yet perpetually imposing upon himself extreme hardships, that by suffering and self-denial he might atone for his offences.

Bancroft, Hist. of the U.S., vol.2, p.121

The gifts to the deities were made by the chiefs, or by any one of the tribe for himself. In this sense each Indian was his own priest; the right of offering sacrifices was not reserved to a class; any one could do it for himself, whether the sacrifice consisted in oblations or acts of self-denial. The red man put faith in auguries; but he could for himself cast the lots, and he believed that nature would obey the decision of chance.

Bancroft, Hist. of the U.S., vol.2, p.121

For healing diseases, medicine men sprung up in every part of the wilderness; and he who could inspire confidence might assume the office. He studied the healing properties of the vegetable world, and made good use of his knowledge; but he would try to excite awe by coming forth from a heated, pent-up lodge in all the convulsions of enthusiasm. He boasted of his power over the elements. He could foretell a drought, or bring rain, or guide the lightning; he could conjure the fish to suffer themselves to be caught, the beaver to show itself above the water, the moose to forget its shyness and courage. Were he to assert that the manitou orders the sick man to wallow naked in the snow, or to scorch himself with fire, the behest would be obeyed. But did not a like illusion long linger in Europe? The English moralist Johnson was carried in his infancy to Queen Anne to be cured of scrofula by the great medicine of her touch; and near the middle of the eighteenth century the king of Portugal, for the restoration of his health, gathered relics from churches and cloisters, and spent two hundred thousand dollars for more.

Bancroft, Hist. of the U.S., vol.2, p.121 - p.122

It could not be perceived that the savages had any set holidays; only in times of triumph, at burials, at harvests, the nation assembled for solemn rites. Each Choctaw town had a house in which the bones of the dead were deposited for a season previous to their final burial. But of the famed cabin of the Natchez, Charlevoix, who entered it, writes: "I saw no ornaments, absolutely nothing, which could make me know that I was in a temple;" and, referring to the minute relations of an altar and a dome, of the bodies of departed chiefs, ranged in a circle within a round temple, he adds: "I saw nothing of all that; if things were so formerly, they must have changed greatly." Of what had been reported he found nothing but the fire. And Adair confidently insinuates that the Koran does not more widely differ from the Gospels than the romances respecting the Natchez from the truth. No tribe east of the Mississippi had a consecrated spot, or temple, where there was believed to be a nearer communication between this life and that which is unseen.

Bancroft, Hist. of the U.S., vol.2, p.122

Dreams are to the wild man an avenue to the invisible world; he reveres them as revelations that must be carried into effect. Capricious visions of a feverish sleep were obeyed by the village or the tribe; the whole nation would contribute from its harvest, its costly furs, its belts of beads, the produce of its chase, rather than fail in their fulfilment. On Lake Superior, the nephew of an Ojibwa woman having dreamed that he saw a French dog, she travelled four hundred leagues in midwinter to obtain it. If the message conveyed through sleep could not be fulfilled, some semblance of fulfilment would be made. But, if the dream should be threatening, the savage would prevent the dawn with prayer; or he would call around him his friends and neighbors, and, with invocations, would fast and wake for many days and nights.

Bancroft, Hist. of the U.S., vol.2, p.122

The Indian was unable to conceive of a cessation of life. His faith in immortality was like that of the child, who weeps over the dead body of its mother, and believes that she yet lives. At the bottom of an open grave the melting snows had left a little water. "You have had no compassion for my poor brother:" such was the reproach of an Algonkin; "the air is pleasant and the sun cheering, and yet you do not remove the snow from his grave to warm him a little;" and he knew no contentment till this was done.

Bancroft, Hist. of the U.S., vol.2, p.122 - p.123

The same motive prompted the red man to bury with the warrior his pipe and his manitou, his tomahawk, quiver, and bow ready bent for action, and his most splendid apparel; to place by his side his bowl, and maize, and venison, for the long journey to the country of his ancestors. Festivals in honor of the dead were frequent, when food was given to the flames, that so it might serve to nourish the departed. The traveller would find in the forests a dead body placed upon piles, shrouded in bark, and attired in warmest furs. If a mother lost her babe, she would in like manner cover it with bark, and wrap it in beaver-skins; at the burial-place, she would put by its side its cradle, its beads, and its rattles; and, as a last service of maternal love, would draw milk from her breast, and burn it in the fire, that her infant might still find nourishment on its solitary journey to the land of shades. One of the earliest missionaries attests that the babe which should die within the first or second month after its birth would be buried along the pathway, that so its spirit might steal into the bosom of some passing matron, and be born again under happier auspices.

Bancroft, Hist. of the U.S., vol.2, p.123

The South-west was the gentle region round which traditions gathered. There was the paradise where beans and maize grow spontaneously; there dwelt the shades of the forefathers of the red men.

Bancroft, Hist. of the U.S., vol.2, p.123

The savage believed that to every man there is an appointed time to die; to anticipate that period by suicide was detested as the meanest cowardice. For the dead he abounds in lamentations, mingling them with words of comfort to the living: to him, death is the king of terrors. He never names the name of the departed; to do so is an offence justifying revenge. To speak generally of brothers to one who has lost her own would be an injury, for it would make her weep because her brothers are no more; and to orphans the missionary could not discourse of the Father of man without kindling indignation. And yet they summon energy to announce their own approaching death with tranquillity. While yet alive, the dying chief sometimes arrayed himself in the garments in which he was to be buried, and, giving a farewell festival, calmly chanted his last song, or made a last harangue, glorying in the remembrance of his deeds, and commending to his friends the care of those whom he loved; and, when he had given up the ghost, he was placed by his wigwam in a sitting posture, as if to show that though this life was spent, the principle of being was not gone; and in that posture he was buried. The narrow house, within which the warrior sat, was often hedged round with a light palisade. He that should despoil the dead was accursed.

Bancroft, Hist. of the U.S., vol.2, p.123 - p.124

The Indian was, moreover, persuaded that each individual animal possesses the mysterious, indestructible principle of life: there is not a breathing thing but has its shade, which never can perish. Regarding himself, in comparison with other animals, but as the first among coordinate existences, he respects the brute creation, and assigns to it, as to himself, a perpetuity of being. "The ancients of these lands" believed that the warrior, when released from life, renews the passions and activity of this world; is seated once more among his friends; shares again the joyous feast; walks through shadowy forests, that are alive with the spirits of birds; and there,

By midnight moons, o'er moistening dews,

In vestments for the chase arrayed,

The hunter still the deer pursues,

The hunter and the deer a shade.

Bancroft, Hist. of the U.S., vol.2, p.124

The idea of retribution, as far as it has found its way among them, was derived from Europeans. The future life was to the Indian, like the present, a free gift; some, it was indeed believed, from feebleness of age, did not reach the paradise of the departed; but no red man was so proud as to believe that its portals were opened to him by his own good deeds.

Bancroft, Hist. of the U.S., vol.2, p.124

Their notion of immortality was a faith in the continuance of life; they did not expect a general resurrection; nor could they be induced to believe that the body will be raised up. Yet no nations paid greater regard to the remains of their ancestors. Everywhere among the Choctaws and the Wyandots, the Cherokees and Algonkins, they were carefully wrapped in furs, and preserved with affectionate veneration. Once every few years the Hurons collected from scattered cemeteries the bones of their dead, cleansed them from every remainder of flesh, and deposited them in one common grave.

Chapter 8:

The Nature and Origin of the Red Men

Bancroft, Hist. of the U.S., vol.2, p.125 - p.126

A DEEP interest belongs to the question of the natural relation of the aborigines of America to the race before whom they have retired. "We are men," said the Illinois to Marquette. After illustrating the weaknesses of the Wyandots, Brebeuf adds: "They are men." The natives of America were men and women of like endowments with their more cultivated conquerors; they had the same affections, and the same powers; were chilled with an ague, and they burned with a fever. We may call them savage, just as we call fruits wild; natural law governed them. They revered unseen powers; they had nuptial ties; they were careful of their dead: their religion, their marriages, and their burials showed them possessed of the habits of humanity, and bound by a federative compact to the race. They had not risen to the conceptions of a spiritual religion; but, as between the French and the natives, the latter—such is the assertion of St. Mary of the Incarnation—had the greater tendency to devotion. Under the instructions of the Jesuits, they learned to swing censers and to chant aves. Gathering round Eliot, in Massachusetts, the red choir sang the psalms of David, in Indian, "to one of the ordinary English tunes, melodiously;" and, in the school of Brainerd, thirty Lenape boys could answer all the questions in the Westminster Assembly's Catechism. There were examples among them of men who, under the guidance of missionaries, became anxious for their salvation, having faith enough for despair, if not for conversion; warriors submitted to the penance imposed by the Roman church; and the sanctity of the Mohawk Geneveva is celebrated in the early histories of New France. They recognised the connection between the principles of Christian morals and their own faint intuitions; and, even in the divine unity, they seemed to find not so much a novelty as a reminiscence. Their tales of their age, or of the number of the warriors in their clans, are little to be relied on; and yet everywhere they counted like Leibnitz and Laplace, and for a common reason, began to repeat at ten. They could not dance like those trained to movements of grace; they could not sketch light ornaments with the perfection of Raphael; yet, under every sky, they delighted in a rhythmic repetition of forms and sounds, would dance in cadence to wild melodies, and knew how to tattoo their skins with harmonious arabesques. We call them cruel; yet they never invented the thumb-screw, or the boot, or the rack, or broke on the wheel, or exiled bands of their nations for opinion's sake; and never protected the monopoly of a medicine man by the gallows, or the block, or by fire. There is not a quality belonging to the white man which did not belong to the American savage; there is not among the aborigines a rule of language, a custom, or an institution, which, when considered in its principle, has not a counterpart among their conquerors. The unity of the human race is established by the exact correspondence between their respective powers; the Indian has not one more, has not one less, than the white man; the map of the faculties is for both identical.

Bancroft, Hist. of the U.S., vol.2, p.126

When, from the general characteristics of humanity, we come to the comparison of powers, the existence of degrees immediately appears. The red man has aptitude at imitation rather than invention; he learns easily; his natural logic is correct and discriminating, and he seizes on the nicest distinctions in comparing objects; but he is deficient in the power of imagination and abstraction. Equalling the white man in the sagacity of the senses and in judgments resting on them, he was inferior in reason and in ethics. Nor was this inferiority attached to the individual: it was connected with organization, and was the characteristic of the race.

Bancroft, Hist. of the U.S., vol.2, p.126 - p.127

Benevolence everywhere in our land exerted itself to ameliorate the condition of the Indian; above all, to educate the young. Jesuit, Franciscan, and Puritan, the church of England, the Moravian, the benevolent founders of schools, academies, and colleges—all have endeavored to teach new habits to the rising generation among the Indians; and the results, in every instance, varying in the personal influence exerted by the missionary, have varied in little else. Woman, too, with gentleness and the winning enthusiasm of self-sacrificing benevolence, attempted their instruction, and attempted it in vain. St. Mary of the Incarnation succeeded as little as Jonathan Edwards or Brainerd. The Jesuit Stephen de Carheil, revered for his genius as well as for his zeal, was for more than sixty years, in the seventeenth and eighteenth centuries, a missionary among the Huron-Iroquois tribes; he spoke their dialects with as much facility and elegance as though they had been his mother tongue; yet the fruits of his diligence were inconsiderable. Neither John Eliot nor Roger Williams was able to change essentially the mind and habits of the New England tribes. The Quakers came among the Delawares in the spirit of peace and brotherly love, and with sincerest wishes to benefit them; but the Quakers succeeded no better than the Puritans, not nearly so well as the Jesuits. Brainerd writes: "They are unspeakably indolent and slothful; they discover little gratitude; they seem to have no sentiments of generosity, benevolence, or goodness." The Moravian Loskiel could not transform their nature; and, like other tribes, the fragments of the Delawares have migrated to the West. The condition of little Indian communities, enclosed within European settlements, was hardly cheering to the philanthropist. In New Hampshire and elsewhere, schools for Indian children were established; but, as they became fledged, they all escaped, refusing to be caged. Harvard college enrolls the name of an Algonkin among its pupils; but the college parchment could not close the gulf between the Indian character of those days and the Anglo-American. No tribe could be trained to habits of regular industry. Their hatred of habitual labor spoiled all. The red men were characterized by a moral inflexibility, a rigidity of attachment to their hereditary customs and manners. The birds and the brooks, as they chime forth their unwearied canticles, chime them ever to the same ancient melodies, and the Indian child, as it grew up, displayed a like propensity to the habits of its ancestors.

Bancroft, Hist. of the U.S., vol.2, p.128

This determinateness of moral character was marked in the organization of the American savage. He had little flexibility of features or transparency of skin; and, therefore, if he depicted his passions, it was by strong contortions, or the kindling of the eye, that seemed ready to burst from its socket. The movement of his blood did not visibly reveal the movement of his affections. With rare exceptions, he did not blush.

Bancroft, Hist. of the U.S., vol.2, p.128

This effect was heightened by a uniformity of intellectual culture and activity; and where marriage, interdicted indeed between members of the same family badge, was yet usually limited to people of the same tribe, the purity of the race increased the uniformity of organization.

Bancroft, Hist. of the U.S., vol.2, p.128

Nature in the wilderness is true to her type, and deformity was almost unknown. How rare was it to find the red man squint-eyed, or with a diseased spine, halt or blind, or with any deficiency or excess in the organs! It is not merely that among barbarians the feeble and the misshaped perish from neglect; the most refined nation is most liable to produce varieties; when the habits of uncivilized simplicity have been fixed for thousands of years, the hereditary organization is safe against monstrous deviations.

Bancroft, Hist. of the U.S., vol.2, p.128

There is the same general resemblance of feature among all the aboriginal inhabitants, from the Terra del Fuego to the St. Lawrence; all have some shade of the same dull vermilion, or cinnamon, or reddish-brown, or copper color, carefully to be distinguished from the olive—the same dark and glossy hair, coarse, and never curling. They have beards, but generally of feeble growth; their eye is elongated, having an orbit inclining to a quadrangular shape; the cheek-bones are prominent; the nose is broad; the jaws project; the lips are large and thick, giving to the mouth an expression of indolent insensibility; the forehead, as compared with Europeans, is narrow. The facial angle of the European is assumed to be eighty-seven; that of the red man, by induction from many admeasurements, is declared to be seventy-five. The mean internal capacity of the skull of the former is eighty-seven cubic inches; of the barbarous tribes of the latter, it is found to be, at least, eighty-two.

Bancroft, Hist. of the U.S., vol.2, p.128 - p.129

And yet the inflexibility of organization is not so absolute as to forbid hope of essential improvement. The red color of the tribes differs in its tint; and some have been found so fair that the blood could be seen as it mantled to the cheek; the stature and form vary; not only are some nations tall and slender, but in the same nation there are contrasts.

Bancroft, Hist. of the U.S., vol.2, p.129

Every Indian of to-day excels his ancestors in skill, in power over nature, and in knowledge; the gun, the knife, and the horse, of themselves, made a revolution in his condition and the current of his ideas; that the wife of the white man is cherished as his equal has been noised about in their huts; the idea of the Great Spirit, who is the master of life, has reached the remotest prairies. How slowly did the condition of the common people of Europe make advances! For how many centuries did letters remain unknown to the peasant of Germany and France! How languidly did civilization pervade the valleys of the Pyrenees! When the Cherokees had been acquainted with Europeans but a century and a half, they had learned the use of the plough and the axe, of herds and flocks, of the printing-press and water-mills. And finally that nation, like the Choctaws, the Creeks, the Ojibwas, the Winnebagoes, and other tribes, have escaped the danger of extermination, and so increased in intelligence, that parents in the Indian Territory are eager for the education of their children, of whom thousands are now at school.

Bancroft, Hist. of the U.S., vol.2, p.129

"Whence was America peopled?" was the inquiry that followed its discovery. And, though this continent was peopled long ages before it became known to history, it is yet reasonable to search after traces of connection between its nations and those of the Old World.

Bancroft, Hist. of the U.S., vol.2, p.129 - p.130

To aid this inquiry, there are no monuments. The numerous mounds which arise in the alluvial valley east of the Mississippi have by some been regarded as the works of an earlier and a more cultivated race of men, whose cities have been laid waste, whose language and institutions have been destroyed or driven away; but closer examination and reflection strip this imposing theory of its marvels. Between Illinois and Louisiana there are great numbers of small and larger mounds, some of which have been used as the sites of villages; others have served for the interment of the dead; but there is no ground to infer that any of them were set apart for sacrificial purposes, and still less that they formed a line of watch-towers. Experienced observers, including among them good geologists, believe that many earthen structures of considerable extent are artificial. But when nature has taken to herself her share in the formation of the symmetrical hillocks, nothing will remain east of the Mississippi (nor west of it north of Texas)to warrant the inference of a higher civilization that has left its old abodes or died away; or of an earlier acquaintance with the arts of the Old World; or of greater skill than existed in the native tribes that were found in possession of the land south-east of the Mississippi. "Among the more ancient works," says a careful observer, who is not disposed to undervalue the significancy of these silent monuments, near which he dwells, and which he has carefully explored, "there is not a single edifice nor any ruins which prove the existence in former ages of a building composed of imperishable materials. No fragment of a column, nor a brick, nor a single hewn stone large enough to have been incorporated into a wall, has been discovered. The only relics which remain to inflame curiosity are composed of earth." Some of the tribes had vessels made of clay; near Natchez, an image was found, but of a substance not harder than clay dried in the sun. These few memorials of other days may indicate revolutions among the barbarous hordes of the Americans themselves; they cannot solve for the inquirer the problem of their origin. Comparative anatomy, as it has questioned the graves, and compared its deductions with the traditions and present customs of the tribes, has not even led to safe inferences respecting the relations of the red nations among themselves; far less has it succeeded in tracing their wanderings from continent to continent.

Bancroft, Hist. of the U.S., vol.2, p.130 - p.131

Neither do the few resemblances that have been discovered between the roots of words in American languages on the one hand, and those of Asia or Europe on the other, afford historical evidence of any connection. The human voice articulates hardly twenty distinct, primitive sounds or letters: would it not be strange, then, were there no accidental resemblances? Of all European languages, the Greek is the most flexible; and it is that which most easily furnishes roots analogous to those of America. Not one clear coincidence has been traced beyond accident. Hard by Pamlico sound dwelt, and apparently had dwelt for centuries, branches of the Algonkin, the Huron-Iroquois, and the Catawba families. But though these nations were in the same state of civilization, were mingled by wars and captures, by embassies and alliances, yet each was found employing a radically different language of its own. If resemblances cannot be traced between two families that have dwelt side by side apparently for centuries, who will hope to recover the roots of the mother tongue in Siberia or China? The results of comparison have thus far rebuked rather than satisfied curiosity.

Bancroft, Hist. of the U.S., vol.2, p.131

It is still more evident that similarity of customs furnishes no basis for satisfactory conclusions. The same kinds of knowledge have been reached independently; the same habits are naturally formed under similar circumstances. The manifest recurrence of artificial peculiarities would prove a connection among nations; but all the usages consequent on the regular wants and infirmities of the human system would be likely of themselves to be repeated; and, as for arts, they only offer new sources for measuring the capacity of human invention in its barbarous or semi-civilized state.

Bancroft, Hist. of the U.S., vol.2, p.131

It is chiefly on supposed analogies of customs and of language that the lost tribes of Israel, "who took counsel to go forth into a farther country, where never mankind dwelt," have been discovered, now in the bark cabins of North America, now in the valleys of the Tennessee, and again as the authors of culture on the plains of the Cordilleras. We cannot tell the origin of the Goths and Celts; proud as we are of our lineage, we cannot trace our own descent; and we strive to identify, in the most western part of Asia, the very hills and valleys among which the ancestors of our red men had their dwellings! Humanity has a common character. The ingenious scholar may find analogies in language, customs, institutions, and religion, between the aborigines of America and any nation whatever of the Old World; the pious curiosity of Christendom, and not a peculiar coincidence, has created a special disposition to discover a connection between them and the Hebrews.

Bancroft, Hist. of the U.S., vol.2, p.132

The Egyptians used hieroglyphics; so did the Mexicans, and the Pawnees, and the Five Nations. Among the Algonkins now a man is represented by a rude figure of a body, surmounted by the head of the animal which gives a badge to his family; on the Egyptian pictures, men are found designated in the same way. But did North America, therefore, send envoys to the court of Sesostris?

Bancroft, Hist. of the U.S., vol.2, p.132

If the Carthaginians rivalled Vasco da Gama, why may they not have anticipated Columbus? And men have seen on rocks in America Phoenician inscriptions and proofs of Phoenician presence; but these disappear before all honest skepticism. Besides, the Carthaginians were historians; and a Latin poet has preserved for us the testimony of Himilco, "that the abyss beyond the Columns of Hercules was to them interminable; that no mariner of theirs had ever guided a keel into that boundless deep."

Bancroft, Hist. of the U.S., vol.2, p.132

On a rock by the side of a small New England stream, where even by the aid of the tides small vessels can hardly pass, a rude inscription has been made on a natural block of gray granite. By unwarranted interpolations and bold distortions, in defiance of countless improbabilities, the plastic power of fancy, as it runs away from observation, transformed the rude etching into a Runic monument; a still more recent theory insists on the analogy of its forms with the inscriptions of Fezzan and the Atlas. Calm observers, in the vicinity of the sculptured rock, see nothing in the design beyond the capacity of the red men of New England; and, to Washington, who from his youth was intimately acquainted with the skill and manners of the barbarians, the character of the drawing suggested its Algonkin origin. Scandinavians may have reached the shores of Labrador; the soil of the United States has not one vestige of their presence.

Bancroft, Hist. of the U.S., vol.2, p.132 - p.133

An ingenious writer on the maritime history of the Chinese finds traces of voyages to America in the fifth century, and opens an avenue for Asiatic science to pass into the kingdom of Anahuac. But, if Chinese traders or emigrants came so recently to America, there would be evidence of it in customs and language. Nothing is so indelible as speech: sounds that, in ages of unknown antiquity, were spoken among the nations of Hindostan, still live with unchanged meaning in the language which we daily utter. The winged word cleaves its way through time, as well as through space. If Chinese came to civilize, and came so recently, the shreds of their civilization would be still clinging to their works and their words.

Bancroft, Hist. of the U.S., vol.2, p.133 - p.134

Nor does the condition of astronomical science in aboriginal America prove a connection with Asia. The red men could not but observe the pole-star; and even their children could give the names and trace the motions of the more brilliant groups of stars, of which the return marks the seasons; but they did not divide the heavens, nor even a belt in the heavens, into constellations. It is a curious coincidence that, among the Algonkins of the Atlantic and of the Mississippi, alike among the Narragansetts and the Illinois, the north star was called the Bear. This accidental agreement with the widely spread usage of the Old World is far more observable than the imaginary resemblance between the signs of the Mexicans for their days and the signs on the zodiac for the month in Thibet. The American nation had no zodiac, and therefore, for the names of its days, could not have borrowed from Central Asia the symbols that marked the path of the sun through the year. Nor had the Mexicans either weeks or lunar months; but, after the manner of barbarous nations, they divided the days in the year into eighteen scores, leaving the few remaining days to be set apart by themselves. This division may have sprung directly from their system of enumeration; it need not have been imported. It is a greater marvel that the indigenous inhabitants of Mexico had a nearly exact knowledge of the length of the year, and, at the end of one hundred and four years, made their intercalation more accurately than the Greeks, the Romans, or the Egyptians. The length of their tropical year was almost identical with the result obtained by the astronomers of the caliph Almamon; but let no one derive this coincidence from intercourse, unless he is prepared to believe that, in the ninth century of our era, there was commerce between Mexico and Bagdad. The agreement favors the belief that Mexico did not learn of Asia; for, at so late a period, intercourse between the continents would have left its indisputable traces. No inference is warranted, except that, in the cloudless atmosphere of the table-lands of Central America, the sun was seen to run his career as faithfully over the heights of the Cordilleras as over the plains of Mesopotamia.

Bancroft, Hist. of the U.S., vol.2, p.134

When to this is added that, alone of mankind, the American nations universally were ignorant of the pastoral state; that they kept neither sheep nor kine; that they knew not the use of the milk of animals for food; that they had neither wax nor oil; that their maize was known to no other continent; that they had no iron—it becomes nearly certain that the imperfect civilization of America is its own.

Bancroft, Hist. of the U.S., vol.2, p.134

Yet the original character of American culture does not insulate the American race. It would not be safe to reject the possibility of an early communication between South America and the Polynesian world. Nor can we know what changes time may have wrought on the surface of the globe, what islands may have been submerged, what continents divided. But, without resorting to conjectures or fancies, everywhere around us there are signs of migrations, of which the boundaries cannot be set; and the movement seems to have been toward the east and south.

Bancroft, Hist. of the U.S., vol.2, p.134

The number of primitive languages increases near the Gulf of Mexico; and, as if one nation had crowded upon another, in the canebrakes of the state of Louisiana there were more independent languages than are found from the Arkansas to the pole. In like manner, they abounded on the plateau of Mexico, the natural highway of wanderers. On the western shore of America there are more languages than on the east; on the Atlantic coast, as if to indicate that it had never been a thoroughfare, one extended from Cape Fear to the Esquimaux; on the west, between the latitude of forty degrees and the Esquimaux, there were at least four or five. The Californians derived their ancestors from the north; the Aztecs preserve a narrative of their northern origin.

Bancroft, Hist. of the U.S., vol.2, p.134

At the north, the continents of Asia and America nearly meet. In the latitude of sixty-five degrees fifty minutes, a line across Behring's straits, from Cape Prince of Wales to Cape Tschowkotskoy, would measure a fraction less than forty-four geographical miles; and three small islands divide the distance.

Bancroft, Hist. of the U.S., vol.2, p.134 - p.135

Within the latitude of fifty-five degrees, the Aleutian isles stretch from the great promontory of Alaska so far to the west that the last of the archipelago is but three hundred and sixty geographical miles from the east of Kamtschatka; and that distance is so divided by the Mednoi island and the group of Behring that, were boats to pass islet after islet from Kamtschatka to Alaska, the longest navigation in the open sea would not exceed two hundred geographical miles, nor need the mariner at any moment be more than forty leagues distant from land; and a chain of thickly set isles extends from the south of Kamtschatka to Corea. Now, the Micmac on the north-east of our continent would, in his frail boat, venture thirty or forty leagues out at sea: a Micmac savage, then, steering from isle to isle, might in his birch-bark canoe have made the voyage from North-west America to China.

Bancroft, Hist. of the U.S., vol.2, p.135

Water, ever a favorite highway, is especially the highway of uncivilized man: to those who have no axes, the thick jungle is impervious; canoes are older than wagons, and ships than chariots; a gulf, a strait, the sea intervening between islands, divide less than the matted forest. Even civilized man emigrates by sea and by rivers, and he ascended two thousand miles above the mouth of the Missouri, while interior tracts in New York and Ohio were still a wilderness. To the uncivilized man, no path is free but the sea, the lake, and the river.

Bancroft, Hist. of the U.S., vol.2, p.135 - p.136

The red Indian and the Mongolian races of men, on the two sides of the Pacific, have a near resemblance. Both are alike strongly and definitely marked by the more capacious palatine fossa, of which the dimensions are so much larger that a careful observer could, out of a heap of skulls, readily separate the Mongolian and American from the Caucasian, but could not distinguish them from each other. Both have the orbit of the eye quadrangular, rather than oval; both, especially the American, have a narrowness of the forehead; the facial angle in both, but especially in the American, is comparatively small; in both, the bones of the nose are flatter and broader than in the Caucasian, and in so equal a degree and with apertures so similar, that, on examining specimens from the two, an observer could not, from this feature, discriminate which of them belonged to the old continent; both, but especially the Americans, are characterized by a prominence of the jaws. The elongated occiput is common to the American and the Asiatic; and there is to each very nearly the same obliquity of the face. Between the Mongolian of southern Asia and of northern Asia there is a greater difference than between the Mongolian Tatar and the North American. The Iroquois is more unlike the Peruvian than he is unlike the wanderer on the steppes of Siberia. Physiology has not succeeded in defining the qualities which belong to every well-formed Mongolian, and which never belong to an indigenous American; still less can geographical science draw a boundary line between the races. The Athapascas cannot be distinguished from Algonkin Knisteneaux on the one side, or from Mongolian Esquimaux on the other. The dwellers on the Aleutian isles melt into resemblances with the inhabitants of each continent: and, at points of remotest distance, the difference is still so inconsiderable that Ledyard, whose curiosity filled him with the passion to circumnavigate the globe and cross its continents, as he stood in Siberia with men of the Mongolian race before him and compared them with the Indians who had been his old play-fellows and schoolmates at Dartmouth, writes deliberately that, "universally and circumstantially, they resemble the aborigines of America." On the Connecticut and the Obi, he saw but one race.

Bancroft, Hist. of the U.S., vol.2, p.136

He that describes the Tungusians of Asia seems also to describe the North American. That the Tschukchi of northeastern Asia amid the Esquimaux of America are of the same origin is proved by the affinity of their languages, thus establishing an ancient connection between the continents previous to the discovery of America by cultivated Europeans. The indigenous population of America offers no greater obstacle to faith in the unity of the human race than exists in the three continents first known to civilization.

Chapter 9:

Progress of France in North America

Bancroft, Hist. of the U.S., vol.2, p.137

THE first permanent efforts of French enterprise in colonizing America preceded any permanent English settlement north of the Potomac. Five years before the pilgrims anchored within Cape Cod, the Roman church had been Planted by missionaries from France in the eastern hail of Maine; in 1615 and the year which followed it, Le Caron, an unambitious Franciscan, the companion of Champlain, reached the hunting-grounds of the Wyandots, and, on foot or paddling a bark canoe, went onward and still onward, taking alms of the savages, till he reached the rivers of Lake Huron. While Quebec contained scarce fifty inhabitants, missionaries of the same order, among them La Roche and the historian Sagard, had made their way to the Huron tribe that dwelt by the waters of the Niagara.

Bancroft, Hist. of the U.S., vol.2, p.137

In 1622, after the Canada company had been suppressed, the Calvinists, William and Emeric Caen, had for five years enjoyed its immunities. The colony was distracted by the rivalry which sprung up between Catholics and Huguenots. Champlain appealed to the royal council and to Richelieu, who had been created grand master of navigation. Suppressing former grants, the minister, in 1627, created for New France the company of the One Hundred Associates, as they were called. Their dominion included "New France or Canada from Florida to the Arctic circle, from Newfoundland as far west as they might carry the Gallic name."

Bancroft, Hist. of the U.S., vol.2, p.137 - p.138

For its safety, New France would need an increase of its population, and permanent missions among the many tribes of red men to secure them as allies. Quebec had hitherto been little more than the station of the few persons who were employed in the fur trade; the Hundred Associates pledged themselves within fifteen years to send over four thousand emigrants, male and female, all of whom were to be Catholics and of the French nation. Champlain, still the governor of New France, ever disinterested and compassionate, full of honor and probity and ardent devotion, esteemed "the salvation of a soul worth more than the conquest of an empire." Touched by the simplicity of the order of St. Francis, he had selected its priests of the contemplative class for his companions; "for they were free from ambition;" but now they were set aside because they were of a mendicant order, and for the office of aiding the enlargement of French dominion by missions in Canada the society of the Jesuits was preferred.

Bancroft, Hist. of the U.S., vol.2, p.138 - p.139

The establishment of "the Society of Jesus" by Loyola was contemporary with the reformation, of which it was designed to arrest the progress; and its complete organization belongs to the period when the first full edition of Calvin's Institutes saw the light. Its members were, by its rules, never to become prelates, and could gain power and distinction only by their sway over mind. They took vows of poverty, chastity, absolute obedience, and a constant readiness to go on missions to the heretic or heathen. Their order aimed at the widest diffusion of its activity, and, immediately on its institution, their missionaries made their way to the ends of the earth. Religious enthusiasm colonized New England; religious enthusiasm took possession of the wilderness on the upper lakes and explored the Mississippi. Puritanism gave New England its worship and its schools; the Roman church and Jesuit priests raised for Canada its altars, its hospitals, and its seminaries. The influence of Calvin can be traced in every New England village; in Canada, not a cape was turned, nor a mission founded, nor a river entered, nor a settlement begun, but a Jesuit led the way. The Hundred Associates, giving attention only to the commercial monopoly of a privileged company, neglected their pledges to bring over colonists; the climate of Quebec, "where shivering summer hurries through the sky," did not allure the peasantry of France; and no persecution of Catholics swelled the stream of emigration; there was little except missionary zeal to give vitality to French dominion.

Bancroft, Hist. of the U.S., vol.2, p.139

Behold, then, in 1634, the Jesuits Brebeuf and Daniel, soon to be followed by Lallemand and others of their order, joining a party of barefoot Hurons, who were returning from Quebec to their country. The journey, by way of the Ottawa and the rivers that interlock with it, was one of more than three hundred leagues, through a region dank with forests. All day long the missionaries must wade, or handle the oar. At night, there is no food for them but a scanty measure of Indian corn mixed with water; their couch is the earth or the rock. At five-and-thirty waterfalls the canoe is to be carried on the shoulders for leagues through thick woods or roughest regions; fifty times it was dragged by hand through shallows and rapids, over sharp stones; and thus—swimming, wading, paddling, or bearing the canoe across the portages, with garments torn, with feet mangled, yet with the breviary safely hung round the neck, and vows, as they advanced, to meet death twenty times over, if it were possible, for the honor of St. Joseph—the consecrated envoys made their way, by rivers, lakes, and forests, from Quebec to the heart of the Canadian wilderness. There, to the northwest of Lake Toronto, near the shore of Lake Iroquois, which is but a bay of Lake Huron, they, in September, raised the humble house of the Society of Jesus; the cradle, it was said, of his church who dwelt at Bethlehem in a cottage. At this little chapel, dedicated to St. Joseph, vespers and matins began to be chanted and bread consecrated in the presence of the hereditary guardians of the Huron council-fires. Beautiful testimony to the equality of the human race! the sacred wafer, emblem of the divinity in man, all that the church offered to the princes and nobles of the European world, was shared with the humblest neophyte; moreover, by the charter of the Hundred Associates, every Indian convert was deemed to be a native citizen of France. Two new Christian villages, St. Louis and St. Ignatius, sprung up, and there ascetic devotees uttered vows in the Huron tongue; while skeptics of the wilderness asked if there were, indeed, in the centre of the earth, everlasting flames for the unbelieving.

Bancroft, Hist. of the U.S., vol.2, p.140

The missionary on Lake Huron devoted the earliest hours to private prayer; the day was given to schools, visits, instruction in the catechism, and a service for proselytes. Sometimes, after the manner of St. Francis Xavier, Brebeuf would walk through the village and its environs, ringing a little bell, and inviting the braves and counsellors to a conference. As stations multiplied, the central spot was named St. Mary's, upon the banks of the river now called Wye; and there, at the humble house dedicated to the Virgin, guests from the cabins of the red man received a frugal welcome.

Bancroft, Hist. of the U.S., vol.2, p.140

At the news from this Huron Christendom, religious communities, in Paris and in the provinces, joined in prayers for its advancement; the king sent embroidered garments as presents to the neophytes; the queen, the princesses of the blood, the clergy of France, even Italy, listened with interest to the novel tale, and the pope expressed his favor. Prompted by his own philanthropy, Silleri, in 1637, founded near Quebec the village of Algonkins, which bears his name. In 1638, the duchess of Aiguillon, aided by her uncle, the Cardinal Richelieu, endowed a public hospital, open to the maimed, the sick, and the blind of any tribe between the Kennebec and Lake Superior. For its service, three hospital nuns of Dieppe were selected; the youngest but twenty-two, the eldest but twenty-nine.

Bancroft, Hist. of the U.S., vol.2, p.140

Inspired by the same religious enthusiasm, Madame de la Peltrie, a young and opulent widow of Alencon, with the aid of a nun from Dieppe and two others from Tours, in 1639 came over to establish the Ursuline convent for the education of girls. As the youthful heroines stepped on shore at Quebec, they stooped to kiss the earth which they adopted as their country. The effort of educating the red man's children was at once begun.

Bancroft, Hist. of the U.S., vol.2, p.140 - p.141

Of Montreal, selected by the Sulpicians to be a nearer rendezvous for converted Indians, possession was taken, in 1640, by a solemn mass. In the following February, at the cathedral of Our Lady of Paris, a general supplication was made that the Queen of Angels would receive the island under her protection. In August of the same year the French and native chiefs met there to solemnize the festival of the assumption. The ancient hearth of the sacred fire of the Wyandots was consecrated to the Virgin.

Bancroft, Hist. of the U.S., vol.2, p.141

Before 1647, the remote wilderness was visited by forty-two Jesuit missionaries, besides eighteen assistants.

Bancroft, Hist. of the U.S., vol.2, p.141

By continual warfare with the Mohawks, the French had been excluded from the navigation of Lake Ontario, and had never even launched a canoe on Lake Erie. Their avenue to the West was by way of the Ottawa and French river. If the French could command the southern shore of Lake Ontario, they "could ascend the St. Lawrence without danger, and pass beyond Niagara with a great saving of time and pains." But the fixed hostility and the power of the Five Nations left no hope of success. In the autumn of 1640, Charles Raymbault and Claude Pijart reached the Huron missions. To preserve the avenue to the West by the Ottawa, they on their journey attempted the conversion of the roving tribes that were masters of the highways; and, in the following year, they roamed as missionaries with the Algonkins of Lake Nipising.

Bancroft, Hist. of the U.S., vol.2, p.141

Toward the close of summer, these wandering tribes prepared to celebrate "their festival of the dead." To this ceremony all the confederate nations were invited; as they approach the shore, on a deep bay in Lake Iroquois, their canoes advance in regular array, and the representatives of nations leap on shore, uttering exclamations and cries of joy, which the rocks re-echo. The long cabin for the dead had been prepared; their bones are nicely disposed in coffins of bark, and wrapped in such furs as the wealth of Europe would have coveted; the mourning-song of the war-chiefs had been chanted, all night long, to the responsive wails of the women. The farewell to the dead, the honorable sepulchre, the dances, the councils, the presents, all were finished. But, before the assembly dispersed, the Jesuits received an invitation to visit the Ojibwas at Sault Ste. Marie. "We will embrace you as brothers," said their chieftains; "we will derive profit from your words."

Bancroft, Hist. of the U.S., vol.2, p.141 - p.142

For the leader of this voyage of discovery to the soil of one of our western states Charles Raymbault was selected; and, as Hurons were his attendants, Isaac Jogues was joined with him as interpreter. On the seventeenth of September 1641, these forerunners from Christendom left the bay of Penetangushene. They passed up the clear waters and between the archipelagoes of Lake Huron, and on the eighteenth day landed at the falls in the straits that form the outlet of the vast upper lake. There they found an assembly, as they reported, of two thousand souls. They made inquiries respecting the many nations of the still remoter West; and among others they were told of the Sioux, who dwelt eighteen days' journey farther beyond the Great Lake which was still without a name; warlike tribes, with fixed abodes, cultivators of maize and tobacco, of an unknown race and language. The French bore the cross to the confines of Lake Superior, and looked wistfully toward the dwellers in the valley of the Mississippi, five years before the New England Eliot had addressed the tribe of Indians that dwelt within six miles of Boston harbor.

Bancroft, Hist. of the U.S., vol.2, p.142

After this excursion, Raymbault repaired to the Huron missions, wasting away with consumption. In midsummer of 1642, he descended to Quebec, where he died. The body of this first apostle of Christianity in Michigan, who had glowed with the hope of bearing the gospel through all the American Barbary, even to the ocean that divides America from China, was buried in the same sepulchre with Champlain.

Bancroft, Hist. of the U.S., vol.2, p.142

The companion of Raymbault encountered a more dreaded foe. In August 1642, while on the St. Lawrence, he was attacked by a detachment of Mohawks who lay in wait for the large fleet of canoes with which he was ascending to the Huron missions. Hurons and Frenchmen, chased by the Mohawks, make for the shore. Jogues might have escaped; but there were with him converts not yet baptized. Ahasistari, the greatest of the Huron warriors, had gained a place of safety: observing Jogues to be a captive, he returned to him, saying: "My brother, I made oath to thee that I would share thy fortune, whether death or life; here am I to keep my vow."

Bancroft, Hist. of the U.S., vol.2, p.142 - p.143

The inflictions of cruelty on the captives continued all the way from the St. Lawrence to the Mohawk. There they arrived the evening before the festival of the assumption of the Virgin; and the Jesuit father, as he ran the gauntlet, comforted himself with a vision of the glory of the queen of heaven. In a second and a third village, the same sufferings were encountered; for days and nights he was abandoned to hunger and every torment which petulant youth could devise. But yet there was consolation: an ear of Indian corn on the stalk was thrown to the good father; and see! to the broad blade there clung drops enough of water or of dew to baptize two captive neophytes. Three Hurons were condemned to the flames. The brave Ahasistari, having received absolution, met torments and death with the enthusiasm of a convert and the pride of the most gallant war-chief of his nation. The captive novice, Rene Goupil, was seen to make the sign of the cross on an infant's brow; and lest he should "destroy the village by his charms," his master, with one blow from the tomahawk, laid him lifeless.

Bancroft, Hist. of the U.S., vol.2, p.143

Father Jogues was spared, and his liberty enlarged. On a hill apart, he carved a long cross on a tree, and in the solitude meditated the imitation of Christ. Roaming through the stately forests of the Mohawk valley, where on every hand were to be seen the mighty deeds of the savage warriors, engraved and colored by their own hands, he wrote the name of Jesus on the bark of trees, and entered into possession of the country in the name of God, often lifting up his voice in a solitary chant. The missionary himself was ransomed by the Dutch and sent to his native land; but he made haste to renounce the honors which awaited his martyrlike zeal, and hastened back to terrible dangers in New France.

Bancroft, Hist. of the U.S., vol.2, p.143

Similar were the sufferings of Father Bressani. Taken prisoner in 1644, while on his way to the Hurons; beaten and mangled; driven barefoot through briers and thickets; scourged by a whole village; burned, tortured, wounded, scarred, doomed to witness the fate of one of his companions, whose flesh was eaten—he was protected by some mysterious awe, and he, too, was rescued by the men of New Netherland.

Bancroft, Hist. of the U.S., vol.2, p.143 - p.144

In 1645, the French in Canada, neglected by their mother country, made one supreme effort for a treaty of peace with the Five Nations. At Three Rivers a great council is held. There are the French officers in their state; there the five Iroquois deputies, couched upon mats, bearing strings of wampum. It was agreed to smooth the forest path, to calm the river, to hide the tomahawk. "Let the clouds be dispersed," said the Iroquois; "let the sun shine on all the land between us." The Algonkins joined in the peace. "Here is a skin of a moose," said Negabamat, chief of the Montagnez; "make moccasons for the Mohawk deputies, lest they wound their feet on their way home." "We have thrown the hatchet," said the Mohawks, "so high into the air, and beyond the skies, that no arm on earth can reach to bring it down. The French shall sleep on our softest skins by the warm fire that shall be kept blazing all the night long. The shades of our braves that have fallen in war have gone so deep into the earth that they never can be heard calling for revenge." "I place a stone on their graves," said Pieskaret, "that no one may move their bones."

Bancroft, Hist. of the U.S., vol.2, p.144

The Franciscans in their day had a lodge near the mouth of the Penobscot. Conversion to Catholic Christianity would establish the Abenakis of Maine as a wakeful barrier against New England. They had solicited missionaries; in August 1646, Father Gabriel Dreuillettes, first of Europeans, made the painful journey from the St. Lawrence to the sources of the Kennebec, and, descending that stream to its mouth, in a bark canoe continued his roamings on the open sea along the coast. After repeated visits he succeeded in winning the affections of the savages; and an Indian village gathered about the chapel, which their own hands assisted to build.

Bancroft, Hist. of the U.S., vol.2, p.144

New France had its outposts on the Kennebec and on the shores of Lake Huron; but no defences on the side of Albany. The population hardly increased; there was no military force; and the trading company, deriving no income but from peltries and Indian traffic, had no motive to make large expenditures for protecting the settlements or promoting colonization. The strength of the colony lay in the missionaries. But what could sixty or seventy devotees accomplish among the wild tribes from Nova Scotia to Lake Superior?

Bancroft, Hist. of the U.S., vol.2, p.144 - p.145

A treaty of peace had, indeed, been ratified; for one winter Algonkins, Wyandots, and Iroquois joined in the chase. In May 1646, Father Jogues was received as an envoy by the Mohawks, and gained an opportunity of offering the friendship of France to the Onondagas. On his return, in June, his favorable report raised a hope of reestablishing a permanent mission among the Five Nations; and, as the only one who knew their dialect, he was selected as its founder. "Ibo, et non redibo"—"I shall go, but shall never return"—were his words of farewell. On arriving at the Mohawk castles, in October, he was received as a prisoner, and, against the voice of the other nations, was condemned by the grand council of the Mohawks as an enchanter, who had blighted their harvest. As he entered the cabin where the death-festival was kept, he received the death-blow. His head was hung upon the palisades of the village, his body thrown into the Mohawk river.

Bancroft, Hist. of the U.S., vol.2, p.145

This was the signal for war. The Five Nations, especially the Mohawks, had persuaded themselves that, if all the tribes to the north of them should unite with the French, their own confederation would be overpowered and broken. This fear for the future, combined with the unappeased spirit of revenge which had existed from the days of Champlain, and had been nourished by new wars and reciprocal violence and clashing interests, had now doomed the Huron nation to be exterminated or scattered, and each sedentary mission was a special point of attraction to the invader. On the morning of July 4, 1648, when the braves were absent on the chase, and none but women, children, and old men remained at home, Father Anthony Daniel, of the village of St. Joseph, on the river Wye, hears the cry of the Mohawks, and hastens to the scene of desolation and carnage. He baptizes the crowd of Suppliants by aspersion; just then the palisades are forced. He ran to comfort and baptize the sick; to pronounce a general absolution, and then, as the Mohawks approach the chapel, he serenely advances to meet them. They discharge at him a flight of arrows; rent by wounds, he still continued to speak with surprising energy, till he received a death-blow from a halbert. By his religious associates it was believed that he appeared twice after his death, in youthful radiance; that a crowd of souls, redeemed from purgatory, were his escort into heaven.

Bancroft, Hist. of the U.S., vol.2, p.145

On the sixteenth of March, 1649, a party of a thousand Iroquois surprised before dawn the village of St. Ignatius, and an indiscriminate massacre of the inhabitants followed.

Bancroft, Hist. of the U.S., vol.2, p.145 - p.146

The village of St. Louis receives an alarm; and its women and children fly to the woods, while eighty warriors prepare a defence. A breach is made in the palisades; the enemy enter; and the group of Indian cabins becomes a slaughter-house. Here resided Jean de Brebeuf, disciplined by twenty years; service in the wilderness work to firmness beyond every trial. Here, too, was the younger and gentler Gabriel Lallemand. Both the missionaries might have escaped, but both remain with their converts, and, as prisoners of the Mohawks, must endure all the tortures which the ruthless fury of a raging multitude could invent. Brebeuf, who was set apart on a scaffold, in the midst of every outrage, rebuked his persecutors and encouraged the Hurons. The delicate Lallemand was enveloped from head to foot with bark full of rosin. Brought into the presence of Brebeuf, he exclaimed: "We are made a spectacle unto the world, and to angels, and to men." The pine bark was set on fire, and, when it was in a blaze, boiling water was poured on the heads of both the missionaries. Brebeuf was scalped while yet alive, and died after a torture of three hours; the sufferings of Lallemand were prolonged for seventeen hours. The lives of both had been a continual martyrdom; their deaths were the astonishment of their executioners.

Bancroft, Hist. of the U.S., vol.2, p.146

The Jesuits never receded; but as, in a brave army, new troops press forward to fill the places of the fallen, there were never wanting heroism and enterprise in behalf of the cross and French dominion.

Bancroft, Hist. of the U.S., vol.2, p.146

The great point of desire was the conversion of the Five Nations. Undismayed missionaries were eager to gain admission among them, while they, having through the Dutch learned the use of fire-arms, seemed resolved on asserting their power, not only over the barbarians of the North, the West, and the South-west, but over the French themselves. The Ottawas were driven from their old abodes to forests in the bay of Saginaw. No frightful solitude in the wilderness, no impenetrable recess in the frozen North, was safe against the Five Nations. Their chiefs, animated not by cruelty only, but by pride, were resolved that no nook should escape their invasions, that no nation should rule but themselves; and their warriors, in 1653, killed the governor of Three Rivers, and carried off a priest from Quebec.

Bancroft, Hist. of the U.S., vol.2, p.146 - p.147

At length, satisfied with the display of their prowess, they desired rest. Besides, of the scattered Hurons, many had sought refuge among their oppressors, and, according to an Indian custom, had been incorporated with their tribes; and some of them retained affection for the French. When, in 1654, peace was concluded, and Father Le Moyne appeared as envoy among the Onondagas to ratify the treaty, he found there a multitude of Hurons, who, like the Jews at Babylon, retained their faith in a land of strangers. The hope was renewed of winning the West and North.

Bancroft, Hist. of the U.S., vol.2, p.147

The villages bordering on the Dutch were indifferent to the peace; the western tribes, who could more easily traffic with the French, adhered to it firmly; and Le Moyne selected the banks of the river of the Mohawks for his abode.

Bancroft, Hist. of the U.S., vol.2, p.147

In November 1655, Chaumonot, long a missionary among the Hurons, accompanied by Claude Dablon, a priest, recently arrived from France, and a party of laymen and soldiers, were welcomed at Onondaga, the principal village of the tribe. A general convention was held by their desire; under the open sky and before the multitudinous assembly presents were delivered; and the Jesuit, with much gesture, after the Italian manner, discoursed so eloquently to the crowd that it seemed to Dablon as if the word of God had been preached to all the nations of that land. On the next day, the chiefs and others crowded round the Jesuits, with their songs of welcome. "Happy land "they sang; "happy land! in which the French are to dwell;" and the chief led the chorus: "Glad tidings! glad tidings! it is well that we have spoken together; it is well that we have a heavenly message." A chapel sprung into existence, and, by the zeal of the natives, was finished in a day. "For marbles and precious metals," writes Dablon, "we employed only bark; but the path to heaven is as open through a roof of bark as through arched ceilings of silver and gold." The savages showed themselves susceptible of religious ecstasy; and in the heart of New York, near the present city of Syracuse, hard by the spring which is still known as the Jesuits' Well, the services of the Roman church were securely chanted. The cross and the lily were cherished in the hamlet which was at that time the farthest inland European settlement in our country, and long preceded the occupation of western New York by the English.

Bancroft, Hist. of the U.S., vol.2, p.148

The success of the mission encouraged Dablon to invite a French colony into the land of the Onondagas; and, though the attempt excited the jealousy of the Mohawks, whose war-chiefs, in their hunt after Huron fugitives, still roamed even to the isle of Orleans, in May 1656, a company of fifty Frenchmen embarked for Onondaga. In July, diffuse harangues, dances, songs, and feastings were their welcome from the Indians. In a general convocation of the tribe, the question of adopting Christianity as their religion was debated; and sanguine hope already looked upon their land as a part of Christendom. The chapel, too small for the throng of worshippers that assembled to the sound of its little bell, was enlarged. The Cayugas desired a missionary, and received the fearless Rene Mesnard. In their village a chapel was erected, with mats for the tapestry; and pictures of the Saviour and of the Virgin mother were unfolded to the admiring children of the wilderness. The Oneidas listened to the missionary; and, early in 1657, Chaumonot reached the more fertile and more densely peopled land of the Senecas. The Jesuit Priests published their faith from the Mohawk to the Genesee, Onondaga remaining the central station.

Bancroft, Hist. of the U.S., vol.2, p.148

At this time, the ruthless extermination of the nation of the Huron-Eries, who dwelt on the southern shore of Lake Erie, was completed. Prisoners were brought to the villages and delivered to the flames; even children were burned with refinements of tortures. "Our lives," said Mesnard, "are not safe." In Quebec, and in France, men trembled for the missionaries. Their home was among cannibals; hunger, thirst, nakedness, were their trials; and the first colony of the French, established near the lake of Onondaga, suffered from fever. Border collisions continued. The Oneidas murdered three Frenchmen, and the French retaliated by seizing Iroquois. After discovering a conspiracy among the Onondagas, and vainly soliciting re-enforcements, the French, in March 1658, abandoned their chapel, their cabins, and the valley of the Oswego. The Mohawks compelled Le Moyne to return; and the French and the Five Nations were enemies as before. So ended the most successful attempt at French colonization in New Netherland.

Chapter 10:

France and the Valley of the Mississippi

Bancroft, Hist. of the U.S., vol.2, p.149

NEW FRANCE was too feeble to defend itself against the Five Nations, to which it was inferior in numbers. Its harvest could not be gathered in safety; the convents and the hospitals were insecure; an ecclesiastic was killed near the gates of Montreal; the missions among the Hurons had been extinguished in blood; and the fugitives could find no restingplace nearer than a bay in Lake Superior, within the limits of the present state of Michigan. Many prepared to abandon the country. A new organization of the colony was needed, or it must come to an end. Louis XIV. at five years old had become king of France; at thirteen, had declared himself of age; and, at twenty-three, assumed to act as his own chief minister.

Bancroft, Hist. of the U.S., vol.2, p.149

In February 1663, the company of the Hundred Associates made a surrender of their charter, which, in the following month, the king, then but twenty-four years of age, accepted in the hope, "through the re-establishment of commerce," to create "abundance for his people." In the new regulations, Quebec for the first time was called a city, and New France became a royal province or kingdom.

Bancroft, Hist. of the U.S., vol.2, p.149

At once a Jesuit historian of Canada implored the royal aid against the Iroquois assassins, robbers, and slow-torturing executioners, saying: "New France is thine, most Christian king. On thee, its state and its church place all their hopes. Beat down with iron the atrocity of the Iroquois; so shall the kingdom of Christ and thy kingdom be extended far and wide, and God may grant thee to exalt the dauphin to the highest summit of human greatness."

Bancroft, Hist. of the U.S., vol.2, p.150

In May 1664, the king granted to a new company of the West Indies, for forty years, the exclusive privilege of all French commerce and navigation in North and South America, excepting only the fisheries, which remained free for every Frenchman. But eleven mouths did not pass before the entreaty of the colonists for freedom of commerce brought about a compromise.

Bancroft, Hist. of the U.S., vol.2, p.150

As a result of the direct rule of the king, the year 1665 saw the colony of New France protected by the royal regiment of Carignan, with the aged but indefatigable Tracy as general; with Courcelles, a veteran soldier, as governor; and with Talon, a man of business and of integrity, as intendant and representative of the king in civil affairs. The Iroquois were held in check, but not subdued.

Bancroft, Hist. of the U.S., vol.2, p.150

In October 1660, the Jesuit Rene Mesnard had transferred the mission of Christian Savages that fled before the Iroquois to the bay which he called St. Theresa, and which may have been the bay of Keweenaw, on the south shore of Lake Superior. After a residence of eight months, on a journey to Green Bay he was separated from his guide and was never again seen.

Bancroft, Hist. of the U.S., vol.2, p.150 - p.151

In August 1665, Father Claude Allouez embarked by way of the Ottawa for the far West. Early in September, he reached the rapid river through which the waters of the upper lakes rush to the Huron. On the second of that month, he entered the "Superior" or upper lake, which the savages reverenced as a divinity. Its entrance presented to him a spectacle of rugged grandeur. He passed the lofty ridge of naked sand, which marks the shore by its stupendous piles of drifting barrenness; he sailed beyond the cliffs of pictured sandstone, which for twelve miles rise three hundred feet in height, fretted by the chafing waves into arches and bastions, caverns and walls, heaps of prostrate ruins, and erect columns seemingly crowned with entablatures. On the first day of October, he arrived at the great village of the Ojibwas in the bay of Chegoimegon, now within the limits of the state of Wisconsin. It was at a moment when the young warriors were bent on a strife with the warlike Sioux. A grand council of ten or twelve neighboring nations was held to wrest the hatchet from the rash braves; and Allouez was admitted to the assembly. In the name of Louis XIV. and his viceroy, he commanded peace, and offered commerce and an alliance against the Iroquois; the soldiers of France would smooth the path between the Ojibwas and Quebec; would brush pirate canoes from the rivers; would leave to the Five Nations no choice but between peace and destruction. Before 1667, on the shore of the bay, to which the abundant fisheries attracted crowds, a chapel rose, and the mission of the Holy Spirit was founded. Throngs came to gaze on the white man, and on the pictures which he displayed of hell and of the last judgment; and a choir learned to chant the pater and the ave. During his long sojourn, Allouez lighted the torch of faith for more than twenty different nations. The dwellers round the Sault, a band of the Ojibwas, pitched their tents near his cabin for a month, and received his instructions. Scattered Hurons and Ottawas, that roamed the deserts north of Lake Superior, appealed to his compassion, and were visited by hint before his return. From the unexplored recesses of Lake Michigan the Pottawatomies, worshippers of the sun, invited him to their homes. The Sacs and Foxes travelled to him on foot from their country, which abounded in deer and beaver and buffalo. The Illinois, a hospitable race, unaccustomed to canoes, having no weapon but the bow and arrow, rehearsed their sufferings from the Sioux on the one side, and the Iroquois, armed with muskets, on the other. Curiosity was roused by their tale of the noble river on which they dwelt, and which flowed toward the south. "They had no forests, but, instead of them, vast prairies, where herds of deer and buffalo, and other animals, grazed on the tall grasses." They explained their custom of smoking with the friendly stranger the calumet or pipe of peace and welcoming him, "Their country," said Allouez, "is the best field for the gospel."

Bancroft, Hist. of the U.S., vol.2, p.151

There, too, at the extremity of the lake, the missionary met the impassive warriors of the Sioux, who dwelt to the west of Lake Superior, in a land of prairies, with wild rice for food, and skins of beasts for roofs to their cabins, on the banks of the great river, of which Allouez reported the name to be "Messipi."

Bancroft, Hist. of the U.S., vol.2, p.152

While the Jesuits were forming alliances in the heart of the continent, Talon sought to use the faithlessness of Charles II. for the benefit of France. In the war with Holland, England had gained possession of what is now New York. Talon advised Colbert in the negotiations for peace between the United Netherlands and England to take care to stipulate for its restitution; but first by a secret treaty to obtain a grant of it from the Netherlands. "The country," he wrote, "would give to the king a second entrance into Canada; would secure to the French all the peltry of the north; would place the Iroquois at the mercy of his majesty. Moreover, the king could take New Sweden when he pleased, and shut up New England within its own bounds."

Bancroft, Hist. of the U.S., vol.2, p.152

After residing nearly two years chiefly on the southern margin of Lake Superior, Allouez, in August 1667, returning to Quebec, urged the establishment of permanent missions and colonies of French emigrants; and such was his own fervor, such the earnestness with which he was seconded, that, in two days, with another priest, Louis Nicolas, for his companion, he was on his way back to the mission at Chegoimegon. In this year, some Indians gave to the French a massive specimen of very pure copper ore.

Bancroft, Hist. of the U.S., vol.2, p.152

The prevalence of peace favored the progress of French dominion; a recruit of missionaries had arrived from France and Claude Dablon and James Marquette repaired to the Ojibwas at the Sault, to establish the mission of St. Mary. It is the oldest settlement begun by Europeans within the commonwealth of Michigan.

Bancroft, Hist. of the U.S., vol.2, p.152 - p.153

For the succeeding years, the illustrious triumvirate, Allouez, Dablon, and Marquette, aided by other Jesuit priests, extended the influence of France to the head of Lake Superior on the one side and to Green Bay on the other. From Green bay the Fox river was ascended and a mission was established on its banks, where it approaches nearest to waters flowing to the south-west. Each missionary among the barbarians must expose himself to the inclemencies of nature and of man. He defies the severity of climate, wading through water or through snows, without the comfort of fire; having no bread but pounded maize, and often no food but moss from the rocks; laboring incessantly; exposed to live, as it were, without nourishment, to sleep without a resting-place, to travel far, and always to carry his life in his hand, expecting captivity or death by the tomahawk, tortures, and fire. And yet the wilderness had for him its charms. Under a serene sky, and with a mild temperature, and breathing a pure air, he moved over lakes as transparent as the most limpid fountain or waters that glided between prairies or ancient groves. Every encampment offered his attendants the pleasures of the chase. Like a patriarch, he dwelt beneath a tent; and of the land through which he walked, he was the master. How often was the pillow of stones like that where Jacob felt the presence of God! How often did the ancient oak, of which the centuries were untold, seem like the tree of Mamre, beneath which Abraham broke bread with angels!

Bancroft, Hist. of the U.S., vol.2, p.153

The purpose of discovering the Mississippi sprung up in the mind of Marquette. Moved by the accounts of it which he gathered from the natives, he would have attempted it in the autumn of 1669; and, when ordered to the mission at Chegoimegon, which Allouez left for a new one at Green Bay, he took with him a young man of the Illinois to teach him their language.

Bancroft, Hist. of the U.S., vol.2, p.153

Continued commerce with the French gave protection to the Algonkins of the West, and confirmed their attachment. A strong interest in New France grew up in Colbert and the other ministers of Louis XIV. It became the ambition of Talon, the intendant at Quebec, to send the banner of France even to the Pacific. As soon as he disembarked at Quebec, he made choice of Saint-Lusson to hold a congress at the falls of St. Mary. The invitation was sent in every direction for more than a hundred leagues round about; and fourteen nations, among them Sacs, Foxes, and Miamis, agreed to be present by their ambassadors.

Bancroft, Hist. of the U.S., vol.2, p.153 - p.154

The fourth of June 1671, the day appointed for the congress of nations, arrived; and, with Allouez as his interpreter, Saint-Lusson, fresh from an excursion to the borders of the Kennebec, appeared at the falls of St. Mary as the delegate of the king of France. It was announced to the natives, who were gathered from the headsprings of the St. Lawrence, the Mississippi, and the Red river, that they were placed under his protection. On the banks of the St. Mary, where the bounding river leaps along the rocks, a cross of cedar was raised, and, in the presence of the ancient races of America, the French chanted that hymn of the seventh century:

Vexilla Regis prodeunt;

Fulget crucis mysterium:

The banners of heaven's King advance;

The mystery of the cross shines forth.

Bancroft, Hist. of the U.S., vol.2, p.154

In the presence of the ancient races of the land a column, marked with the lilies of the Bourbons, was planted in the heart of the continent.

Bancroft, Hist. of the U.S., vol.2, p.154

In the same year, Marquette gathered the wandering remains of one branch of the Huron nation round a chapel at Point St. Ignace, on the northern side of the strait of Michilimachinac. The climate was repulsive; but fish abounded at all seasons in the strait; and the establishment was long maintained as the key to the West, and the convenient rendezvous of the remote Algonkins. Here Marquette once more gained a place among the founders of Michigan. Nicolas Perrot, an adventurous explorer, attempted the discovery of copper mines.

Bancroft, Hist. of the U.S., vol.2, p.154

The countries south of the village founded by Marquette were explored by Allouez and Dablon, who bore the cross through eastern Wisconsin and the north of Illinois, visiting the Mascoutins and the Kickapoos on the Milwaukee, and the Miamis at the head of Lake Michigan. The young men of the latter tribe, intent on an excursion against the Sioux, entreated the missionaries to give them the victory. After finishing the circuit, Allouez made an excursion to the cabins of the Foxes on the river which bears their name.

Bancroft, Hist. of the U.S., vol.2, p.154 - p.155

The long-expected discovery of the Mississippi was at hand, to be accomplished by James Marquette and by Louis Jolliet. The enterprise was favored by Talon, who, on the point of quitting Canada, wished to signalize the last years of his stay by opening for France the way to the western ocean; and who, immediately on the arrival of Frontenac from France, in 1612, had advised him to employ Louis Jolliet in the discovery. Jolliet was a native of Quebec, educated at its college, and a man "of great experience" as a wayfarer in the wilderness. He had already been in the neighborhood of the great river which was called the Mississippi, and which at that time was supposed to discharge itself into the gulf of California; and early in 1673 he entered on his great career.

Bancroft, Hist. of the U.S., vol.2, p.155

A branch of the Pottawatomies, familiar with Marquette as a missionary, heard with wonder the daring proposal. "Those distant nations," said they, "never spare the stranger; their mutual wars fill their borders with bands of warriors; the great river abounds in monsters, which devour both men and canoes; the excessive heats occasion death." "I shall gladly lay down my life for the salvation of souls," replied the good father; and the docile nation joined him in prayer.

Bancroft, Hist. of the U.S., vol.2, p.155

At the last village on Fox river which had as yet been visited by the French—where Kickapoos, Mascoutins, and Miamis dwelt together on a hill in the centre of prairies and groves that extended as far as the eye could reach, and where Allouez had already raised the cross which the savages had ornamented with brilliant skins and crimson belts, a thank-offering to the great Manitou—the ancients received the pilgrims in council, of whom Marquette was but thirty-six years old, and Jolliet but seven-and-twenty. "My companion," said Marquette, "is an envoy of France to discover new countries; and I am ambassador from God to enlighten them with the gospel;" and, offering presents, he begged two guides for the morrow. The wild men answered courteously, and gave in return a mat, to serve as a couch during the long voyage.

Bancroft, Hist. of the U.S., vol.2, p.155 - p.156

Behold, then, in 1673, on the tenth day of June, James Marquette and Louis Jolliet, five Frenchmen as companions, and two Algonkins as guides, dragging their two canoes across the narrow portage that divides the Fox river from the Wisconsin. They reach the water-shed; uttering a special prayer to the immaculate Virgin, they part from the streams that could have borne their greetings to the castle of Quebec. "The guides returned," says the gentle Marquette, "leaving us alone, in this unknown land, in the hands of Providence." Embarking on the broad Wisconsin, the discoverers went solitarily down its current, between alternate plains and hillsides, beholding neither man nor familiar beasts; no sound broke the silence but the ripple of their canoes and the lowing of the buffalo. In seven days "they entered happily the great river, with a joy that could not be expressed;" and, raising their sails under new skies and to unknown breezes, floated down the calm magnificence of the ocean stream, over clear sand-bars, the resort of innumerable water-fowl; through clusters of islets tufted with massive thickets, and between the natural parks of Illinois and Iowa.

Bancroft, Hist. of the U.S., vol.2, p.156

About sixty leagues below the Wisconsin, the western bank of the Mississippi bore on its sands the trail of men; a footpath was discerned leading into beautiful fields; and Jolliet and Marquette resolved alone to brave a meeting with the savages. After walking six miles, they beheld a village on the banks of a river, and two others on a slope, at a distance of a mile and a half from the first. The river was the Moingona, of which we have corrupted the name into Des Moines. Marquette and Jolliet, the first white men who trod the soil of Iowa, commending themselves to God, uttered a loud cry. Four old men advanced slowly to meet them, bearing the peace-pipe, brilliant with many colored plumes. "We are Illinois," said they—that is, when translated, "We are men;" and they offered the calumet. An aged chief received them at his cabin with upraised hands, exclaiming: "How beautiful is the sun, Frenchman, when thou comest to visit us! Our village awaits thee; enter in peace into our dwellings."

Bancroft, Hist. of the U.S., vol.2, p.156

To the council Marquette published the one true God, their Creator. He spoke of the great captain of the French, the governor of Canada, who had chastised the Five Nations and commanded peace; and he questioned them respecting the Mississippi and the tribes that possessed its banks.

Bancroft, Hist. of the U.S., vol.2, p.156

After six days' delay, and invitations to new visits, the chieftain of the tribe, with hundreds of warriors, attended the strangers to their canoes; and, selecting a peace-pipe embellished with the head and neck of brilliant birds, and feathered over with plumage of various hues, they hung round Marquette the sacred calumet, the mysterious arbiter of peace and war, a safeguard among the nations.

Bancroft, Hist. of the U.S., vol.2, p.156 - p.157

"I did not fear death," says Marquette, in July; "I should have esteemed it the greatest happiness to have died for the glory of God." They passed the perpendicular rocks, which wore the appearance of monsters; they heard at a distance the noise of the waters of the Missouri, known to them by its Algonkin name of Pekitanoni; and, when they came to the grandest confluence of rivers in the world, where the swifter Missouri rushes like a conqueror into the calmer Mississippi, dragging it, as it were, hastily to the sea, the good Marquette resolved in his heart one day to ascend the mighty river to its source; to cross the ridge that divides the oceans; and, descending a westerly flowing stream, to publish the gospel to all the people of this New World.

Bancroft, Hist. of the U.S., vol.2, p.157

In a little less than forty leagues the canoes floated past the Ohio, which then, and long afterward, was called the Wabash. Its banks were tenanted by numerous villages of the peaceful Shawnees, who quailed under the incursions of the Iroquois.

Bancroft, Hist. of the U.S., vol.2, p.157

The thick canes begin to appear so close and strong that the buffalo could not break through them; the insects become intolerable; as a shelter against the suns of July the sails are folded into an awning. The prairies vanish; and forests of whitewood, admirable for their vastness and height, crowd even to the skirts of the pebbly shore. In the land of the Chicasaws fire-arms were already in use.

Bancroft, Hist. of the U.S., vol.2, p.157

Near the latitude of thirty-three degrees, on the western bank of the Mississippi, stood the village of Mitchigamea, in a region that had not been visited by Europeans since the days of De Soto. "Now," thought Marquette, "we must, indeed, ask the aid of the Virgin." Armed with bows and arrows, with clubs, axes, and bucklers, amid continual whoops, the natives embark in boats made of the trunks of huge hollow trees; but, at the sight of the peace-pipe held aloft, they threw down their bows and quivers and prepared a hospitable welcome.

Bancroft, Hist. of the U.S., vol.2, p.157 - p.158

The next day a long, wooden boat, containing ten men, escorted the discoverers, for eight or ten leagues, to the village of Akansea, the limit of their voyage. They had left the region of the Algonkins, and, in the midst of the Dakotas and Chicasaws, could speak only by an interpreter. A half league above Akansea they were met by two boats, in one of which stood the commander, holding in his hand the peace-pipe, and singing as he drew near. After offering the pipe he gave bread of maize. The wealth of his tribe consisted in buffalo-skins; their weapons were axes of steel—a proof of commerce with Europeans.

Bancroft, Hist. of the U.S., vol.2, p.158

Having descended below the entrance of the Arkansas, and having ascertained that the father of rivers went not to the Gulf of California, but was undoubtedly the river of the Spiritu Santo of the Spaniards which pours its flood of waters into the Gulf of Mexico, on the seventeenth of July Marquette and Jolliet left Akansea and ascended the Mississippi, having the greatest difficulty in stemming its currents.

Bancroft, Hist. of the U.S., vol.2, p.158

At the thirty-eighth degree of latitude they entered the river Illinois, which was broad and deep, and peaceful in its flow. Its banks were without a paragon for its prairies and its forests, its buffaloes and deer, its turkeys and geese and many kinds of game, and even beavers; and there were many small lakes and rivulets. "When I was told of a country without trees," wrote Jolliet, "I imagined a country that had been burned over, or of a soil too poor to produce anything; but we have remarked just the contrary, and it would be impossible to find a better soil for grain, for vines, or any fruits whatever." He held the country on the Illinois river to be the most beautiful and the most easy to colonize. "There is no need," he said, "that an emigrant should employ ten years in cutting down the forest and burning it. On the day of his arrival the emigrant could put the plough into the earth." The tribe of the Illinois entreated Marquette to come back and reside among them. One of their chiefs with young men guided the party to the portage, which, in spring and the early part of summer, was but half a league long, and they easily reached the lake. "The place at which we entered the lake," to use the words of Jolliet, "is a harbor very convenient to receive ships and to give them protection against the wind." Before the end of September the explorers were safe in Green Bay; but Marquette was exhausted by his labors.

Bancroft, Hist. of the U.S., vol.2, p.158 - p.159

At Quebec, while Jolliet's journal was waited for, the utility of the discovery was at once set forth: It will open the widest field for the publication of the Christian faith; the way to the Gulf of California, and so to the seas of Japan and China, will be found by ascending the Missouri to the water-shed on the west; an admirable line of navigation may be opened between Quebec and Florida by cutting through the portage between Chicago and the Illinois river; moreover, the noblest opportunity is given for planting colonies in a country which is vast and beautiful and most fertile. In a relation sent, in 1674, by Father Dablon, it was proposed to connect Lake Michigan with the Illinois river by a canal.

Bancroft, Hist. of the U.S., vol.2, p.159

In 1675, Marquette, who had been delayed by his failing health for more than a year, rejoined the Illinois on their river. Assembling the tribe, whose chiefs and men were reckoned at two thousand, he raised before them pictures of the Virgin Mary, spoke to them of one who had died on the cross for all men, and built an altar and said mass in their presence on the prairie. Again celebrating the mystery of the eucharist, on Easter Sunday he took possession of the land in the name of Jesus Christ, and, to the joy of the multitude, founded the mission of the Immaculate Conception. This work being accomplished, his health failed him, and he began a journey through Chicago to Mackinaw. On the way, feeling himself arrested by the approach of death, he entered a little river in Michigan, and was set on shore that he might breathe his last in peace. Like Francis Xavier, whom he loved to imitate, he repeated in solitude all his acts of devotion of the preceding days. Then, having called his companions and given them absolution, he begged them once more to leave him alone. When, after a little while, they returned to him, they found him passing gently away near the stream that has taken his name. On its highest bank the canoe-men dug his grave. To a city, a county, and a river, Michigan has given his name.

Bancroft, Hist. of the U.S., vol.2, p.159 - p.160

In 1666, at the age of twenty-two, Robert Cavelier de la Salle, of a good family in France, educated in the seminary of the Jesuits, embarked for fortune and fame in New France, with no companions but sobriety, a well-regulated life, and a boundless spirit of enterprise. At first he made his home in Montreal, where the Sulpicians granted him a manor that half in mockery soon took the name of La Chine, as if it had been the starting-point for China. Connecting a trade in furs with his cares as a proprietary, he was led by his nature to wide explorations.

Bancroft, Hist. of the U.S., vol.2, p.160

Having heard through red men reports of the river Ohio and its easy access, the hope rose within him of reaching the rich country on its banks under a milder clime, perhaps even of finding the true way to the south sea. In 1669, he therefore parted with his estate on the island of Montreal, with slight reservations, and entered on the career of a discoverer; but, as he has left no record of his achievements, a cloud of uncertainty hangs over the two next years of his life.

Bancroft, Hist. of the U.S., vol.2, p.160

In 1672, the Count de Frontenac, a veteran soldier, of the rank of lieutenant-general, was appointed governor of New France. He was brave, impatient of control, and suspicious of the ambition of the Jesuits to overrule his administration. In the summer of 1673, he ascended the St. Lawrence to observe for himself the upper country, and to hold a council with the Iroquois. La Salle first appears in history as his messenger, chosen to invite the chiefs of the Five Nations to a meeting. Accepting the mission, he sent at once to the governor a map of Lake Ontario, which showed clearly that the fittest site for a fort and for receiving the Indians was on the bank of the Cataraqui river near the outlet of the lake, where Kingston now stands.

Bancroft, Hist. of the U.S., vol.2, p.160

The young envoy's advice was followed implicitly. At the council with the Iroquois, on the thirteenth of July, the governor of Canada for the first time addressed them as his "children," and received the name of Onondio. To secure peace, he joined the language of confident superiority to words of conciliation. La Salle remained in the service of the governor for more than a year, during which time Fort Frontenac was built of wood.

Bancroft, Hist. of the U.S., vol.2, p.160 - p.161

In November of 1674, Frontenac reported to Colbert, the able minister of Louis XIV., that "the Sieur de la Salle was about to pass into France," saying: "He is a man of parts and intelligence, and the most capable man that I know here for all the enterprises and discoveries that there may be a disposition to confide to him. He has a most perfect knowledge of the state of this country, as will appear to you if you give him a few moments of audience." Repairing to Paris, In Salle presented his proposition. To Frontenac, in April 1675, Louis XIV. expressed his confidence in the advantages to be expected from the new post on Lake Ontario; and, on the thirteenth of the following May, he granted to Robert Cavelier de la Salle, Fort Frontenac, with a manor extending above and below the fort a mile and a half in depth by twelve miles along the lake and river. On the same day patents of nobility were issued to him as to one who had signalized himself "by despising danger," such are the king's words, "in extending to the end of this New World our name and our empire."

Bancroft, Hist. of the U.S., vol.2, p.161

The grant secured to La Salle exclusively the trade of all men, white or red, whom he could allure to his domain; and the most convenient point to intercept the fur trade of the upper country; and he was protected by the power and the favor of the governor. The culture of two years proved the productiveness of his land; his cattle, poultry, and swine gave large increase; he attracted Iroquois stragglers to build and dwell on his estate; a few French sought of him shelter, and Franciscans renewed their zeal under his auspices; the noble forests gave timber for the construction of vessels with decks, two of twenty-five tons, one of thirty, and one of forty, on Lake Ontario. The speedy acquisition of wealth was assured to him. But fortune tempted him with more brilliant visions.

Bancroft, Hist. of the U.S., vol.2, p.161

Two parties existed in Canada. As New England had been settled by towns having each its orthodox minister, so the Jesuits held that Illinois should be first occupied by their missions, and that colonies should then be grouped around each one of them. On the other hand, Frontenac insisted that the Jesuits had too much control over the king in the royal colony; and he gave the preference to other religious orders. So an intensely eager rivalry sprung up for the lead in western discovery, commerce, and colonization. Jolliet, who was of the Jesuit faction, repairing to France, asked leave to establish himself in the country of the Illinois; but his enemies were on the watch; his rightful claims to high honors as the discoverer of the great river were diminished or denied; and, in April 1677, his application was rudely rejected.

Bancroft, Hist. of the U.S., vol.2, p.161 - p.162

In the autumn of that year, La Salle, favored by Count Frontenac, hastened to France, where he was again well received by Colbert. He dwelt on the magnificence of the five great lakes, but likewise on the difficulties of their navigation from falls and rapids. He claimed as the work of his early career to have descended the great river of Ohio at least to its falls, promising an easier mode of communication between Canada and the Gulf of Mexico. He extolled the temperate region, beautiful and fertile; with brooks, rivers, fish, game; where cattle could thrive all winter unhoused; he exhibited a buffalo robe as a new kind of fur; he spoke of the natives as more gentle and sociable, and this picture he held up against the poorer soil of Canada with its bloodthirsty savages and its six months of snow. He therefore demanded leave to spread colonies through the happy region as rapidly and as widely as possible by the aid of a revenue to be derived from a succession of trading forts connected with manors, as at Frontenac.

Bancroft, Hist. of the U.S., vol.2, p.162

The petition of La Salle was seconded by Colbert; and, on the twelfth of May 1678, the king, avowing that he had nothing more at heart than the discovery of the western part of New France and of a way even to Mexico, granted him a monopoly of trade in buffalo skins, and the right to construct forts and take lands wherever he might think best. These he might hold on the same terms as Fort Frontenac; but with the condition that he should achieve the discovery within five years, and that he should not interfere with the fur trade that usually went to Montreal.

Bancroft, Hist. of the U.S., vol.2, p.162 - p.163

Never did fortune scatter from her urn richer, more numerous, or more varied promises than she now lavished on La Salle. With all the swiftness of confident hope he obtained, by loans from his family and from others, the large capital which he needed. Already he resolved to build two sea-going vessels on the Mississippi, and open commerce through the Gulf of Mexico. Taking as his aid the noble-minded and ever-faithful Henri de Tonti, an Italian veteran chosen for him by the prince of Conti, and having engaged a large recruit of mechanics and mariners, with anchors, and sails, and cordage for rigging ships, with stores of merchandise for traffic with the natives, La Salle embarked in July 1678, and in September arrived in Quebec. Before winter, "a wooden canoe" of ten tons sailed with a part of his company into Niagara river; at Niagara a fortified trading-house was established; and near the mouth of the Cayuga creek the work of ship-building began. An advance detachment was sent into the country of the Illinois.

Bancroft, Hist. of the U.S., vol.2, p.163

Leaving Tonti to superintend the construction of the ship, which went on rapidly, and setting a party to build two blockhouses where Fort Niagara now stands, La Salle went down the river. The Jesuit party, which included all Quebec except the governor, were his enemies, and he was detained below by his restless creditors till after midsummer. Not until the seventh of August did he unfurl the sails of the Griffin, a brigantine of forty tons, to the winds of Lake Erie. Entering the Detroit river, he debated planting on its bank, and gave to Lake Saint Clair its name. He narrowly escaped foundering from the fury of the wild winds on Lake Huron, and sought a transient shelter at Mackinaw, the seat of a famous mission of the Jesuits, and the centre of the fur trade of Lower Canada. There every trader hated the upstart nobleman as a rival, and joined his relentless enemies.

Bancroft, Hist. of the U.S., vol.2, p.163

In September, he cast anchor in Green Bay. Here he found that his advance party had collected a great store of furs, and, to meet the demands which were pressing upon him, he despatched them in the Griffin to Niagara. Then, combining with his movement the examination of both sides of Lake Michigan, he sent forward a detachment along the western shore, while he with the main body in bark canoes coasted the eastern shore to the mouth of the St. Joseph's, where Allouez had already gathered a village of Miamis. Here he constructed the trading-house with palisades known as the fort of the Miamis, sounded the mouth of the river, and marked the channel by buoys; then leaving ten men to guard the fort, he, with Louis Hennepin and two other Franciscans, with Tonti and about thirty followers, ascended the St. Joseph's, and, after one short portage, entered a branch of the Kankakee, which connects with the Illinois.

Bancroft, Hist. of the U.S., vol.2, p.163 - p.164

Descending the Illinois slowly, La Salle observed, on their right, a little farther onward, a yellow sandstone " Rock," which, with its flat summit, lifts its massive form one hundred and twenty-five feet or more above the river that flows at its base, in the centre of a lovely country of verdant prairies, bordered by distant slopes, richly tufted with oak, black-walnut, and others of the noblest trees of the American forest. Here, near the present town of Utica, was the grand village of the Illinois. They were absent, according to their custom of passing the winter in the chase. He chose the spot for the centre of a French settlement, and resolved in his mind to crown the "huge cliff" with a fortress.

Bancroft, Hist. of the U.S., vol.2, p.164

Continuing his downward voyage, he kept on the lookout till, below Lake Peoria, he selected the site for the fortified ship-yard where his men were to build a brig strong enough to carry them all down the great river and to navigate the Gulf of Mexico. But already he foreboded that the Griffin would never again be seen, and that his wealth with which it was freighted was hopelessly lost; doubt began to seize hold of his companions till he was deserted by a part of them, including his best carpenters. In the anguish of his soul he named the new fort Crevecoeur, or Heartbreak.

Bancroft, Hist. of the U.S., vol.2, p.164

With no resources but in himself, fifteen hundred mlles from the nearest French settlement, impoverished, surrounded by wild and uncertain nations, he inspired the few who stayed by him with resolution to saw forest-trees into plank and lay the keel for the vessel in which they were to make their voyage. He despatched Louis Hennepin to explore the Mississippi above the Illinois river; he questioned the Illinois and their southern captives, such of them as he could find, on its downward course. Then, as recruits, sails, and cordage were needed, in March, with a musket and a pouch of powder and shot, a blanket, and skins for making moccasons, he, with three companions, set off for Fort Frontenac, travelling on foot as far as Detroit.

Bancroft, Hist. of the U.S., vol.2, p.164

During the absence of La Salle, Michael Accault, accompanied by Hennepin, who bore the calumet, and Du Gay, followed the Illinois to its junction with the Mississippi, then ascended it to the great falls which, from the chosen patron saint of the expedition, were named the Falls of St. Anthony. On a tree near the cataract, the Franciscan engraved the cross and the arms of France; and, after a summer's rambles, diversified by a short captivity of the party among the Sioux, from which they were rescued by the brave and able French officer, Daniel Duluth, the party returned, by way of the Wisconsin and Fox rivers, to Green Bay.

Bancroft, Hist. of the U.S., vol.2, p.165

With a few men, Tonti executed an order sent him by his chief to examine "the Rock," near the great village of the Illinois, and make it a strong place. The ship-builders at Heartbreak seized the opportunity of his absence to steal whatever was of any value at their station and take shelter among the savages. In September 1680, a large war party of the Iroquois made a merciless and infuriated attack upon the Illinois, partly to destroy them as in war, partly to rob them of their store of furs. It was on this occasion that the great village of the Illinois was laid waste. Of Tonti and his few companions, their rights to protection as Frenchmen were respected, but they were compelled to retire to Green Bay.

Bancroft, Hist. of the U.S., vol.2, p.165

At Niagara, where La Salle arrived on Easter Monday, he learned the certainty of the loss of the Griffin, and, further, that goods of great price, shipped to hint from France, had been wrecked in the Gulf of St. Lawrence. His worn-out companions could travel no farther; alone he pushed forward to Fort Frontenac. But the farther he proceeded the darker grew his fortunes. All Canada, even the government, except Frontenac, seemed to have conspired against him. His own agents betrayed him; one of them despoiled him and escaped to New Netherland; his creditors laid hold of his property; of twenty men who had come over in his service from Europe, he could count but upon four, and every Canadian whom he had employed seemed to be detached from his interest.

Bancroft, Hist. of the U.S., vol.2, p.165 - p.166

Still adhering to the idea of descending the Great River in a sea-going vessel, La Salle, in August 1680, embarked on Lake Erie at the head of an advance party. Pursuing his old course by way of the Kankakee, on the first of December he reached the "Rock," which overhung a scene of carnage and desolation unequalled in atrocity by any Indian onslaught of which we have an authentic record. Of the Illinois village nothing was to be seen but burnt stakes which marked its extent. The heads of the dead remained stuck on poles for the crows to strike at with their talons; before the eyes of La Salle and his attendants, the bodies of the slain were left to be rent in pieces by the wolves; and not only had the scaffolds on which the recent dead lay in their burial costume been thrown down, but an unheard-of sacrilegious wrath had burst open the pits for the final interment of past generations, and scattered their bones over the plain; while the wolves and crows, keeping up their revels for more than two months, increased the horror of the scene by their howlings and their cries. Proofs were abundant that Illinois captives had been put to death by their conquerors in a thousand modes of skilful torture; but there was no appearance that any Frenchman had been injured.

Bancroft, Hist. of the U.S., vol.2, p.166

On the second of December, La Salle, well provided with arms and articles for presents, embarked at about three o'clock in the afternoon in a canoe with three European companions and one savage. The trees seen on the way down the river bore the portraits of the chiefs of the late Iroquois invaders, and the number of soldiers which each one had led; they amounted in all to five hundred and eighty-two. The killed and the captives were chiefly women and children, and their number, according to the record, was more than six hundred. At Heartbreak the vessel, which the deserters had left was found on the stocks little injured, and bearing the in scription, "We all are savages."

Bancroft, Hist. of the U.S., vol.2, p.166

On the fifth, the party came upon the Great River. All was quiet. The whole of La Salle's advances had been fruitlessly spent; he commanded no longer credit enough to renew the expedition in the proportions in which it had been begun. Magnanimous, and not knowing how to be disheartened, he resolved to carry out his enterprise in bark canoes.

Bancroft, Hist. of the U.S., vol.2, p.166

Winter was at hand, and the nearest place of refuse was his own fort on the St. Joseph's. Near the Illinois village, the collecting of maize and provisions, and hiding them for the next year's use, employed more than two weeks. The great comet of 1680 shone over him in its fullest lustre before he renewed his upward journey.

Bancroft, Hist. of the U.S., vol.2, p.166 - p.167

On the sixth of January 1681, La Salle's little party, which on their way had sought in vain for Tonti, arrived at the confluence of the Illinois with the Kankakee. The rest of the journey to the fort on the St. Joseph's river was made through a continuous snow-storm of nineteen days.

Bancroft, Hist. of the U.S., vol.2, p.167

His principal work during the winter was a formal reconcilement of the Miamis with the Iroquois. The following summer and autumn were taken up in a journey to Fort Frontenac, where he did what he could to appease his creditors and to provide for his final voyage. On the return, he formed a junction with Tonti at Mackinaw, and made his last purchases of stores. On the twenty-first of December, Tonti and Membre, the Franciscan, set forward in advance by way of the Chicago; La Salle soon followed with the rest of the party. The rivers were frozen, and they were obliged to drag their canoes on sledges, which Tonti had constructed for the purpose; nor did they find any open water until they had passed Lake Peoria.

Bancroft, Hist. of the U.S., vol.2, p.167

On the sixth of February 1682, they arrived at the banks of the Mississippi, where, on account of the runniug ice, they took rest. There, on the fourteenth day of February, all being assembled, twenty-two Frenchmen, Henri de Tonti among them, Zenobe Membre, a Franciscan missionary, eighteen Algonkins, chiefly of New England, and ten Indian women as servants—in all at least fifty—embarked on the Mississippi.

Bancroft, Hist. of the U.S., vol.2, p.167

They soon passed the Missouri, which La Salle regarded as the mightier branch of the Great River, with deeper and still more abundant waters and more Indian nations dwelling in its marvellously fertile valley. As he floated down the united stream, he seemed to hear in the distance "the sound of the advancing multitude" that was to fill the imperial wilderness with civilized states. On the thirteenth of March, at the village of the Akansas and in the presence of the tribe, possession was taken of the country for Louis the Great, with every civil and religious ceremony; and a carefully authenticated record was made of the act.

Bancroft, Hist. of the U.S., vol.2, p.167

The mouths of the Mississippi were reached on the sixth of April. On the seventh, La Salle reconnoitred the south-west passage all the way to the sea, and fixed the latitude as near as he could at about twenty-seven degrees; but, from the frailty of his canoe, he was not able to make a proper examination of the entrance from the sea. Both La Salle and Tonti described the two channels as "beautiful, broad, and deep."

Bancroft, Hist. of the U.S., vol.2, p.168

In that age, no mode of promptly ascertaining the longitude was known. On the eighth a dry spot was found for performing solemnly the act of taking possession. A column and a cross were prepared. The column bore the arms of France, with the inscription, "Louis, the great king of France and of Navarre, reigns, this ninth of April 1682." Every one remaining under arms, they chanted the Te Deum, and God save the King; amid salvos of musketry and cries of "Long live the king," La Salle erected the column, and pronounced that by authority of the royal commission he took possession of the country of the Mississippi, with all its tributaries, from the mouth of the Ohio on the east, from its head-spring on the west even beyond its valley to the mouth of the river of Palms. It was added that, as his majesty is the oldest son of the church, he would acquire no country for the crown without striving to establish in it the Christian religion; and then the cross was raised, while the whole company sang the same hymn that a few years before had been chanted at the falls of St. Mary: "The banners of Heaven's King advance: Vexilla Regis prodeunt."

Bancroft, Hist. of the U.S., vol.2, p.168

La Salle immediately began the ascent of the river, forming the plan to return home and seek to establish a direct connection between France and Louisiana. But his health was undermined. Below the Red river he was delayed forty days by a dangerous malady. Not till the close of July could he slowly renew his journey. Bringing his affairs in the West into order, he selected the Rock which he named St. Louis for the central fort of his possessions; he encouraged and brought the Illinois back to their ancient village, and joined to them the Miamis; and, in a grossly exaggerated account, rated the Indians whom he had gathered near his fort at twenty thousand. Leaving Tonti in command with full instructions, he reached Quebec early in November, and Rochelle, in France, the twenty-third of December 1683. De la Barre, the successor of Frontenac, had from Quebec falsely reported him as disobedient, and planning an independent government in the West; ejecting his agents from Fort Frontenac, he sent an officer to supersede Tonti in Fort St. Louis.

Bancroft, Hist. of the U.S., vol.2, p.168 - p.169

La Salle arrived in France at a moment auspicious for his purposes. He had been waited for to give to the court an ample account of the terrestrial paradise of America, where the king was to call into being a magnificent empire. Spain had insisted that the Gulf of Mexico was a closed sea of its own. Louis XIV. denied the assumption, ordered his ships of war to disregard it, and wished a convenient post somewhere on the Mississippi river from which a descent into the sea could readily be made. Spain and France were then at war.

Bancroft, Hist. of the U.S., vol.2, p.169

Colbert, whose genius had awakened a national spirit in behalf of French industry, was no more; but Seignelay, his son, minister for maritime affairs, listened confidingly to the messenger from the land which was regarded as "the delight of the New World."

Bancroft, Hist. of the U.S., vol.2, p.169

He was received by the king; his merits as an explorer were recognised. The Abbe Bernou described La Salle to Seignelay as "irreproachable in his morals, regular in his conduct, a strict disciplinarian, well informed, of good judgment, watchful, untiring, sober, and intrepid; he had knowledge of architecture as well as of agriculture; could speak four or five languages of the savages; knew their ways, and how to rule them by address and eloquence. On his excursions he fared no better than the humblest of his people, and took more pains than any one to inspirit them; let him but have protection, and he will found colonies more considerable than all which the French have as yet established."

Bancroft, Hist. of the U.S., vol.2, p.169

La Salle could now make his own proposition to the government, and he suited it to the state of the times. His plan was, to place himself with absolute power in command of an expedition for the purpose of founding on the Mississippi, at or not many miles from the site of the present New Orleans, a post from which the French might readily enter the Gulf of Mexico. As France and Spain were then at war, he further offered to ascend to his fort St. Louis, to collect there thousands of Indians whom he professed to know how to govern, and, with them and fifty West Indian buccaneers, and French troops to be committed to his command, to take possession of the silver mines of New Biscay, of which nothing was known, but which were reputed to be wonderfully rich. The expedition, except at the outset, was to provide its own means of permanent success.

Bancroft, Hist. of the U.S., vol.2, p.169 - p.170

More was accorded to him than he had asked. But Beaujeu, the commander of the squadron which was to transport his party, was inflamed by envy, and entreated of Seignelay the command of the expedition for himself. Seignelay, in reply, enjoined on him to promote the enterprise by every means that depended on him, adding: "Be not chagrined about the command; otherwise, nothing will more certainly shipwreck the enterprise." But Beaujeu breathed nothing but bitter, inveterate hostility, at a time when it could breed nothing but evil. In the narrowness of his mind, he continued to revile La Salle as without experience; without rank; the comrade of wretched school-boys; without the manners of a gentleman; of a crazed intellect; and he persistently entreated his own friends to persuade the friends of La Salle that he was not the man they took him for. His fixed purpose was the overthrow of the man whom he had not been able to supersede.

Bancroft, Hist. of the U.S., vol.2, p.170

Henri Joutel, a soldier and a very upright man, who, like La Salle, was a native of Rouen, volunteered to serve under his command; he was destined to become the historian of the expedition. As the squadron sailed, La Salle wrote to his mother: "I passionately hope that the result of the voyage may contribute as much to your repose and comfort as I desire."

Bancroft, Hist. of the U.S., vol.2, p.170

On the first of August 1654, the squadron finally sailed, and, on the fifteenth of that mouth, a truce for twenty years was established at Ratisbon between France and Spain. Nothing remained for La Salle but to carry out his own original plan of founding a colony on the Mississippi; but the preparations had the double character of a military force, and a peaceful company for the planting of Louisiana.

Bancroft, Hist. of the U.S., vol.2, p.170

Four vessels bore two hundred and eighty persons to take possession of the valley. Of these, one hundred were soldiers: about thirty were volunteers, two of whom were nephews to La Salle. Of ecclesiastics, there were three Franciscans and three of St. Sulpice, one of them being brother to La Salle. There were, moreover, mechanics of various skill; and the presence of young women proved the design of permanent colonization. But the mechanics were poor workmen, ill versed in their art; the soldiers were without discipline, without experience, and without proper officers; the volunteers were restless with indefinite expectations.

Bancroft, Hist. of the U.S., vol.2, p.171

The little squadron, borne along by the trade-winds, proceeded to San Domingo with fair weather, under the enchanting influence of the brilliant skies and the tropical ocean sparkling with drops of fire; but throughout the passage there was an unrelenting war between Beaujeu and La Salle. Beaujeu wilfully passed beyond the port in San Domingo at which he should have halted, and, by hurrying to Petit Goave, which was reached on the twenty-seventh of September, the ketch laden with food and tools and other stores for La Salle's expedition, fell a prey to the Spanish. The loss was irreparable.

Bancroft, Hist. of the U.S., vol.2, p.171

On stepping on shore, La Salle fell desperately ill with fever. "If he dies, I shall pursue a course different from that which he has marked out," wrote Beaujeu to Seignelay.

Bancroft, Hist. of the U.S., vol.2, p.171

No sooner had La Salle thrown off the fever than, gathering such information as he could from buccaneers who had been in the Gulf of Mexico, he desired to proceed to his task. As he knew not the longitude of the mouths of the Mississippi, the voyage was an attempt at their discovery from the sea.

Bancroft, Hist. of the U.S., vol.2, p.171

Instead of remaining with Beaujeu in the Joly, La Salle went on board the smaller Aimable, and they both embarked on the twenty-eighth of November. The separation wrought new confusion. Besides, Beaujeu had, of his own will, brought the expedition to the westernmost side of San Domingo; and, instead of turning the capes of Florida, which would have led directly to the Mississippi, it was necessary to coast along southern Cuba till Cape Antonio was doubled. From that point a course nearly north-west brought La Salle, on the sixth of January, in sight of the shore near Galveston. In those days all believed the gulf stream flowed with great swiftness to the straits of Bahama, and under the fear of being borne too far to the east, La Salle sailed still farther to the west, until he was between Matagorda island and Corpus Christi bay. For seventeen days he and the naval commander had been separated. On the nineteenth, they formed a junction, criminating each other for the time that had been lost. La Salle was now sure that they were to the west of the principal mouth of the river for which he was searching, and was desirous to retrace his steps, but could come to no understanding with Beaujeu.

Bancroft, Hist. of the U.S., vol.2, p.171 - p.172

A month of indecision passed away, and La Salle, having no hope of the co-operation of Beaujeu in discovering the true mouth of the Mississippi, resolved to land his party on the waters which he believed connected with that river. The shallow entrance into the harbor was carefully surveyed and marked out; but when, on the twentieth of February, the storeship Aimable, under its own captain, attempted to enter the harbor, it struck the bar and was hopelessly wrecked.

Bancroft, Hist. of the U.S., vol.2, p.172

La Salle, calming his grief at the sudden ruin of his boundless hopes, borrowed boats from the fleet to save, at least, some present supplies. But with night came a gale of wind, and the vessel was dashed in pieces. The stores lay scattered on the sea; little could be saved. Savages came down to pilfer, and murdered two of the volunteers.

Bancroft, Hist. of the U.S., vol.2, p.172

The fleet set sail, and there remained on the beach of Matagorda a desponding company of about two hundred and thirty, huddled together in a fort constructed of the fragments of their shipwrecked vessel, having no resource but in the constancy and elastic genius of la Salle.

Bancroft, Hist. of the U.S., vol.2, p.172

Ascending the Lavacca, a small stream at the west of the bay, La Salle selected a site on the open ground for the establishment of a fortified post. The gentle slope, which he named St. Louis, showed, toward the west and south-west a boundless landscape, verdant with luxuriant grasses and dotted with groves of forest-trees; south and east was the bay of Matagorda, skirted with prairies. The waters, which abounded in fish, attracted flocks of wild fowl; the fields were alive with deer and bisons and wild turkeys, and the deadly rattlesnake, bright inhabitant of the meadows. There, under the suns of June, with timber felled in an inland grove and dragged for a league over the prairie-grass, the colonists prepared to build a shelter, La Salle being the architect and himself marking the beams and tenons and mortises. With parts of the wreck brought up in canoes, a second house was framed, and of each the roof was covered with buffalo skins. Thus France took possession of Texas; her arms were carved on its trees; and by no treaty or public document or map did she give up her right to the province until she resigned the whole of Louisiana to Spain.

Bancroft, Hist. of the U.S., vol.2, p.172 - p.173

Excursions into the vicinity of the fort discovered nothing but the productiveness of the country. In December, La Salle went to seek the Mississippi with the aid of canoes; and, after an absence of about four months and the loss of twelve or thirteen men, in March 1686, he returned in rags, having failed to find "the fatal river." In April, he plunged into the wilderness, with twenty companions; in the northern part of Texas he found the numerous nation of the Cenis, all hostile to the Spaniards. He only succeeded in obtaining five horses and supplies of maize and beans; but learned nothing of mines.

Bancroft, Hist. of the U.S., vol.2, p.173

On his return, he was told of the wreck of the bark which Louis XIV. had given him, and which he had left with the colony: he heard it unmoved. Heaven and man seemed his enemies. Having lost his hopes of fortune and of fame; with his colony diminished to about forty, among whom discontent gave birth to plans of crime; with no Europeans nearer than the river Panuco, no French nearer than Illinois—he, with the energy of an indomitable will, resolved to travel on foot to his countrymen at the north, and find means of relieving his colony in Texas.

Bancroft, Hist. of the U.S., vol.2, p.173 - p.174

Leaving twenty men at Fort St. Louis, in January 1687, with sixteen men, he departed for Canada. Lading their baggage on the wild horses from the Cenis, which found their pasture everywhere in the prairies; in shoes made of green buffalo hides; following the track of the buffalo, and using skins as their only shelter against rain; winning favor with the savages by the confiding courage of their leader—they ascended the streams toward the first ridge of highlands, walking through prairies and groves, among deer and buffaloes—now fording clear rivulets, now building a bridge by felling a giant tree across a stream—till they reached a branch of Trinity river. In the little company of wanderers, two men, Duhaut and L'Archeveque, had embarked their capital in the enterprise. Of these, Duhaut had long shown a spirit of mutiny and ungovernable hatred. Inviting Moranget to take charge of the fruits of a buffalo hunt, they quarrelled with him and murdered him. Wondering at the delay of his nephew's return, La Salle, on the twentieth of March, went to seek him. At the brink of the river he observed eagles hovering as if over carrion; and he fired an alarm gun. Warned by the sound, Duhaut and L'Archeveque crossed the river; the former skulked in the prairie grass; of the latter, La Salle asked: "Where is my nephew?" At the moment of the answer, Duhaut fired; and, without uttering a word, La Salle fell dead. "There you are, grand bashaw! there you are!" shouted one of the conspirators as they despoiled his remains, which were left on the prairie, naked and without burial, to be devoured by wild beasts. For force of will and daring conceptions; for various knowledge and quick adaptation to untried circumstances; for energy of purpose and unfaltering courage—this resolute adventurer had no superior among his countrymen. He won the affection of the governor of Canada, the esteem of Colbert, the confidence of Seignelay, the favor of Louis XIV. After beginning the occupation of Upper Canada, he perfected the discovery of the Mississippi from the falls of St. Anthony to its mouth; and he is remembered as the father of colonization in the great central valley of the West.

Bancroft, Hist. of the U.S., vol.2, p.174

But avarice and passion were not calmed by the blood of La Salle. Duhaut and another of the assassins, grasping at an unequal share in the spoils, were themselves murdered, while their reckless associates joined a band of savages. Joutel, with the brother and surviving nephew of La Salle, and others, in all but seven, obtained a guide to the Arkansas; and, fording rivulets, crossing ravines, by rafts or boats of buffalo hides making a ferry over rivers, not meeting the cheering custom of the calumet till they reached the country above the Red river, leaving a faithful companion in a wilderness grave, on the twenty-fourth of July 1687, so many of them as survived came upon a great tributary of the Mississippi, and beheld on an island a large cross. Never did Christian gaze on that emblem with heartier joy. Near it stood a log hut, tenanted by two Frenchmen. The ever-to-be-remembered Henri de Tonti had descended the river, and, full of grief at not finding La Salle, had established a post on the Arkansas.

Chapter 11:

The Rivalry of France and Great Britain in America

Bancroft, Hist. of the U.S., vol.2, p.175

BAD as was the condition of affairs of France in the valley of the Mississippi, it was hardly better on the banks of the St. Lawrence. To secure its inland connections, France needed the alliance of the Five Nations; but they were irresistibly attracted to New York, because they found there the best market for their furs and the cheapest for their supplies.

Bancroft, Hist. of the U.S., vol.2, p.175

To remonstrances from De la Barre, the Senecas answered: "We have not wandered from our paths, but when the governor of Canada threatens us with war, shall we give way? Our beaver-hunters are brave men, and the beaver hunt must be free." Meanwhile, De la Barre advanced with a large force to the fort which stood near the outlet of the present Rideau canal. But the bad air of August on the marshy borders of Lake Ontario disabled his army; and, after crossing the lake, and disembarking his wasted troops in the land of the Onondagas, he was compelled to solicit peace.

Bancroft, Hist. of the U.S., vol.2, p.175 - p.176

The deputies of the tribes, repairing to the presence of De la Barre, exulted in his humiliation. "It is well for you," said the eloquent Haaskouaun, as he rose from smoking the calumet," that you have left under ground the hatchet which has so often been dyed in the blood of the French. Our children and old men would have carried their bows and arrows into the heart of your camp, if our braves had not kept them back. Our warriors have not beaver enough to pay for the arms we have taken from the French; and our old men are not afraid of war. We have the right to guide the English to our lakes. We are born free. We depend neither on the English nor the French." Dismayed by the energy of the Seneca chief, the governor of Canada accepted a treaty which left his allies at the mercy of their enemies.

Bancroft, Hist. of the U.S., vol.2, p.176

Fresh troops arrived from France; and De la Barre was superseded by the marquis of Denonville. The advice of the new governor, on his arrival in 1655, was that New York might be acquired by purchase, saying that James II., being dependent for money on Louis XIV., might very well sell him the whole province. In a treaty of November 1656, the English king agreed that neither of the two sovereigns should assist the Indian tribes with whom the other might be at war.

Bancroft, Hist. of the U.S., vol.2, p.176

"The welfare of my service," such were the instructions of Louis XIV. to his new governor, "requires that the number of the Iroquois should be diminished as much as possible. They are strong and robust, and can be made useful as galley-slaves. Do what you can to take a large number of them prisoners of war, and ship them for France." In the course of 1687, forty-one of the warriors of the Five Nations were sent across the ocean to be chained to the oar in the galleys of Marseilles.

Bancroft, Hist. of the U.S., vol.2, p.176

An incursion into the country of the Senecas, under Denonville, followed. The savages retired into remoter forests; the domain was overrun without resistance; but, as the French army withdrew, the wilderness remained to its old inhabitants. The Senecas in their turn made a descent upon their ruthless enemy; and the Onondagas threatened war. "The French governor has stolen our sachems; he has broken," said they, "the covenant of peace." And Haaskouaun, in 1658, advances with five hundred warriors to dictate the terms of peace. "I have always loved the French," said the proud chieftain to the foes whom he scorned. "Our warriors proposed to come and burn your forts, your houses, your granges, and your corn; to weaken you by famine, and then to overwhelm you. I am come to tell Onondio he can escape this misery if within four days he will yield to the terms which Corlear has proposed." Twelve hundred Iroquois were already on Lake St. Francis; in two days they could reach Montreal. The haughty condescension of the Seneca chief was accepted, and the return of the Iroquois chiefs conceded.

Bancroft, Hist. of the U.S., vol.2, p.177

A year passes, and the conditions of the treaty had not been fulfilled, and, on the twenty-fifth of August 1689, the Iroquois, fifteen hundred in number, reached the isle of Montreal at La Chine at break of day. Finding all asleep, they set fire to the houses, and in less than an hour killed two hundred people with most skilfully devised forms of cruelty; they never were masters of the city, but they roamed unmolested over the island until the middle of October, and, when they retired, took with them one hundred and twenty prisoners. In the moment of consternation Denonville, almost as his last act as governor, ordered Fort Frontenac on Lake Ontario to be evacuated and razed. From Three Rivers to Mackinaw there remained hardly one French post. Before the danger was at its height, Denonville wrote: "God alone could have saved Canada this year."

Bancroft, Hist. of the U.S., vol.2, p.177

France and Great Britain had for nearly a century been rivals in North America. The English revolution of 1688 impressed on that rivalry a new form. The kings of France had thrown off the control of the states general of the kingdom, and Louis XIV. stood in Europe as the impersonation of absolute power; and the other sovereigns on the continent, even to the pettiest ruling prince, took him for their model. In England, the parliament had not only preserved its ancient rights, but made itself the master of the government. Henceforward the rivalry between England and France assumed the character of a rivalry between unlimited monarchy and a power which was the representative, though the imperfect representative, of the nation. England, the representative of a monarchy not so much limited as controlled by her parliament, became the forerunner of liberty for all civilized states. She was the star of hope for the European world. Moreover, her legislative branch was divided into two separate chambers, which were each a check on the other. Thus, England gave to the world the perpetual possession of the two fundamental and necessary principles of a strong and free government: the control of the executive power by a national legislature, and the division of that legislature into two branches, as a check and a support to each other, as well as to the executive power.

Bancroft, Hist. of the U.S., vol.2, p.177 - p.178

The aristocratic revolution of England was the signal for a war with France. Louis XIV. refused to acquiesce in the revolution, and took up arms at once for the assertion of the indefeasible right of the Stuarts to the throne of Great Britain, and for the acquisition of territory from his neighbors. England had the glorious office of asserting the right of a nation to reform its government.

Bancroft, Hist. of the U.S., vol.2, p.178

Let it be left to European historians to preserve so much of the deeds in Europe of this first war of revolution as merit to be remembered. The narrative of its events in America is but a picture of sorrows followed by no result. The idea of weakening an adversary by encouraging its colonies to assert independence did not as yet exist; European statesmanship assumed that they must have a master; and in America, England, by sharing her own liberties with her colonies, bound them to herself by pride and affection.

Bancroft, Hist. of the U.S., vol.2, p.178

The French in Canada and its dependencies were so inferior in number to the English in their twelve continuous colonies along the sea, that they could make forays and ravage but not conquests; and would have easily been overpowered but for the difficulty of reaching them.

Bancroft, Hist. of the U.S., vol.2, p.178

To protect Acadia, the Jesuits Vincent and James Bigot collected a village of Abenakis on the Penobscot; and a flourishing town now marks the spot where the Baron de Saint-Castin, a veteran officer of the regiment of Carignan, established a trading fort. Would France, it was said, strengthen its post on the Penobscot, occupy the islands that command the Gulf of St. Lawrence, and send supplies to Newfoundland, she would be sole mistress of the cod fisheries. The French missionaries, swaying the mind of the Abenakis, gave hope of them as allies.

Bancroft, Hist. of the U.S., vol.2, p.178 - p.179

In the east, at Cocheco, thirteen years before, an unsuspecting party of Indians had been shipped for Boston, to be sold into foreign slavery. The emissaries of Castin roused the tribe of Penacook to revenge. On the evening of the twenty-seventh of June, two squaws repaired to the house of Richard Waldron, and the octogenarian magistrate, who was a trader, bade them lodge on the floor. At night they unbar the gates for their companions. "What now? what now?" shouted the brave old man; and, seizing his sword, he defended himself till he fell stunned by a blow from a hatchet. They then placed him in a chair on a table in his own hall: "Judge Indians again!" thus they mocked him; and, making sport of their debts to him, they drew gashes across his breast, each one saying, "Thus I cross out my account!" The Indians, having burned his house and others near it, and killed twenty-three persons, returned to the wilderness with twenty-nine captives.

Bancroft, Hist. of the U.S., vol.2, p.179

In August, the Indian women and children, at the Penobscot mission of Canibas, uplift in prayer hands purified by confession; in their little chapel, the missionary and his neophytes have established a perpetual rosary, while a hundred warriors, in a fleet of bark canoes, steal out of the Penobscot, and paddle toward Pemaquid. Thomas Gyles and his sons, in the sunny noontide, are making hay; a volley whistles by them; a short encounter ends in their defeat. "I ask no favor," says the wounded father, "but leave to pray with my children." Pale with the loss of blood, he commends his children to God, then bids them farewell for this world, in the hope of seeing them in a better; and falls by the hatchet. After a defence of two days, the stockade at Pemaquid capitulates; and the warriors return to Penobscot with prisoners. Other inroads were made by the Penobscot and St. John Indians, so that the settlements east of Falmouth were deserted.

Bancroft, Hist. of the U.S., vol.2, p.179

Soon after the outbreak of the war, Count Frontenac was appointed once more governor of Canada. His instructions of the seventh of June 1689 charged him to recover Hudson's bay; to protect Acadia; and, by a descent from Canada, to assist a fleet from France in making conquest of New York. Of that province De Callieres was, in advance, appointed governor; the English Catholics were to be permitted to remain; other inhabitants to be sent into Pennsylvania or New England. On the twelfth of October, Frontenac arrived at Quebec just in time to witness the complete desolation to which New France had been reduced by the incapacity of Denonville. Drawing to his aid his own experience, he used every effort to win the Five Nations to neutrality or to friendship. To recover esteem in their eyes, and to secure to Durantaye, the commander at Mackinaw, the means of treating with the Hurons and the Ottawas, it was resolved by Frontenac to make a triple descent into the English provinces.

Bancroft, Hist. of the U.S., vol.2, p.180

In 1690, a party of one hundred and ten, composed of French and of Christian Iroquois—having De Mantet and Sainte Helene as leaders, and Iberville as a volunteer—for two-and-twenty days travelled over the snows to Schenectady. The village had given itself to slumber; the invaders entered silently through unguarded gates just before midnight, raised the war-whoop, and set the dwellings on fire. Of the inhabitants, some, half-clad, fled through the snows to Albany; sixty were massacred, of whom seventeen were children and ten were Africans.

Bancroft, Hist. of the U.S., vol.2, p.180

A party from Three Rivers, led by Hertel de Rouville, consisting of fifty-two persons, of whom three were his sons and two his nephews, surprised the settlement at Salmon Falls, on the Piscataqua, and, after a bloody engagement, burned houses, barns, and cattle in the stalls, and took fifty-four prisoners, chiefly women and children. The prisoners were laden by the victors with spoils from their own homes.

Bancroft, Hist. of the U.S., vol.2, p.180

Returning from this expedition, Hertel met a war-party from Quebec, and, with them and a re-enforcement from Castin, made a successful attack on the settlement in Casco bay.

Bancroft, Hist. of the U.S., vol.2, p.180

Meantime, danger taught the colonies the need of union. In March 1690, the idea of a colonial "congress," familiar from the times when wars with the Susquehannahs brought agents of Virginia and Maryland to New York, arose at Albany. On the eighteenth of that month, letters were despatched from the general court of Massachusetts "to the several governors of the neighboring colonies, desiring them to appoint commissioners to meet at Rhode Island on the last Monday in April next, there to advise and conclude on suitable methods in assisting each other for the safety of the whole land, and that the governor of New York be desired to signify the same to Maryland, and parts adjacent." Leisler heartily favored the design; the place of meeting was changed to New York; and there, on the first day of May, commissioners from Massachusetts, Plymouth, Connecticut, and New York came together by their own independent acts. In that assembly it was resolved to attempt the conquest of Canada by sending an army over Lake Champlain against Montreal, while Massachusetts should attack Quebec with a fleet.

Bancroft, Hist. of the U.S., vol.2, p.181

Before the end of May, Sir William Phips sailed to Port Royal, now Annapolis, which readily surrendered; but, in the following year, it was retaken by a French ship. In August, an Indian announced at Montreal that an army of Iroquois and English was constructing canoes on Lake George; immediately Frontenac placed the hatchet in the hands of his allies, and, with the tomahawk in his own grasp, old as he was, chanted the war-song and danced the war-dance. On the twenty-ninth, it was said that an army had reached Lake Champlain; but the projected attack by land was defeated by divisions and mutual criminations of Leisler and Winthrop, of Connecticut.

Bancroft, Hist. of the U.S., vol.2, p.181

Frontenac was preparing to return to Quebec, when, on the tenth of October, an Abenaki, hurrying through the woods in twelve days from Piscataqua, gave warning of a fleet which was on the way from Boston. Massachusetts had sent forth under Phips a fleet of thirty-four sail, manned by two thousand of its citizens, who, without pilots, were sounding their way up the St. Lawrence.

Bancroft, Hist. of the U.S., vol.2, p.181 - p.182

In the night before the fifteenth of October, Frontenac reached Quebec, and the fortifications of the city had been made tenable, when, on the sixteenth, soon after daybreak, the fleet from Boston cast anchor near Beauport, in the stream. It arrived too late. The herald from the ship of the admiral, demanding a surrender of the place, was dismissed with scoffs. What could avail the courage of the citizen soldiers who effected a landing at Beauport? Before them was a fortified town defended by a garrison far more numerous than the assailants, and the concerted plan against Montreal had failed. On the twenty-first, the New England men re-embarked for Boston. At Quebec, the church of Our Lady of Victory was built in the lower town in commemoration of the event; and in France a medal was struck in honor of the successes of Louis XIV. in the New World. The New England ships, on their way home, were scattered by storms: one, bearing sixty men, was wrecked on Anticosti. Sir William Phips reached Boston in November. The treasury was empty; to meet the cost of the expedition, in December, bills of credit, in notes from five shillings to five pounds, were issued, to "be in value equal to money, and accepted in all public payments." Distrust impeded their circulation, and yet new emissions followed; so the bills were made in all payments a legal tender.

Bancroft, Hist. of the U.S., vol.2, p.182

Repulsed from Canada, the exhausted colonies for the rest of the war attempted little more than the defence of their frontiers. Their borders were full of terror and sorrow, of captivity and death; but no designs of conquest were formed. Schuyler, in 1691, made an irruption into the French settlements on the Sorel, gained successes in a skirmish, and effected a safe retreat. In January 1692, a party of French and Indians, coming on snow-shoes from the east, burst upon the town of York, offering its inhabitants no choice but captivity or death. The British fort which was rebuilt at Pemaquid was, at least, an assertion of supremacy over the neighboring region. In England the conquest of Canada was resolved upon. In 1693, the British squadron designed for the expedition, after a repulse at Martinique, arrived at Boston; but it came freighted with yellow fever of so malignant a type that a very large part of the mariners and soldiers on board were its victims. In August, hostilities in Maine were suspended by a treaty of peace with the Abenakis; but in less than a year, solely through the influence of the Jesuits, they were again in the field, and from the village at Oyster river, in New Hampshire, ninety-four persons were killed or carried away. The chiefs of the Micmacs presented to Frontenac the scalps of English killed on the Piscataqua. Nor did the thought occur that such inroads were atrocious. The Jesuit historian of France relates with pride, that they had their origin in the counsels and influence of the missionaries Thury and Bigot; extols the success of the foray; and passes a eulogy on the deeds of Taxus, the bravest of the Abenakis.

Bancroft, Hist. of the U.S., vol.2, p.182 - p.183

Once, indeed, a mother achieved a startling revenge. In March 1697, the Indian prowlers raised their shouts near the house of Hannah Dustin, of Haverhill, seven days after her confinement. Her husband rode home from the field, but too late for her rescue. He must fly, if he would save even one of his seven children, who had hurried before him into the forest. But, from the cowering flock, how could a father make a choice? With gun in his hand, he now repels the assault, now cheers on the little ones, as they rustle through the dry leaves, till all reach a shelter. The Indians burned his home, dashed his new-born child against a tree; and, after weary marches, Hannah Dustin and her nurse, with a boy from Worcester, find themselves on an island in the Merrimack, just above Concord, in a wigwam occupied by two Indian families. The mother planned escape. "Where would you strike, to kill instantly?" asked the boy, Samuel Leonardson, of his master, and the Indian told him where and how to scalp. At night, while the household slumbers, the two women and the boy, each with a tomahawk, strike fleetly, and with wise division of labor; and, of the twelve sleepers, ten lie dead; of one squaw the wound was not mortal; one child was spared from design. Taking the gun and tomahawk of the murderer of her infant, and a bag heaped full with the scalps of the slain, the three, in a bark canoe, descended the Merrimack to the English settlements, filling the land with wonder at their deed.

Bancroft, Hist. of the U.S., vol.2, p.183

In the late summer of 1696, the fort of Pemaquid was taken by Iberville and Castin. The frontier of French dominion was extended into the heart of Maine.

Bancroft, Hist. of the U.S., vol.2, p.183

After the hope of conquering Canada was abandoned by the English, Frontenac had little strife but with the Five Nations, whom he alternately endeavored to win, or to terrify into an alliance. In February 1692, three hundred French, with Indian confederates, were sent against hunting-parties of the Senecas in Upper Canada. In January and February of the following year, a larger party entered the country of the Mohawks, bent on their extermination. The first castle and the second fell easily, for the war-chiefs were absent; at the third, forty, who were dancing a war-dance, gave battle, and victory cost the invaders thirty men. The governor of Montreal had ordered no quarter to be given, unless to women and children; the savage confederates insisted on showing mercy. This the French historian censures "as inexcusable;" for Schuyler, of Albany, collecting two hundred men, and pursuing the party as it retired, succeeded in liberating many of the captives.

Bancroft, Hist. of the U.S., vol.2, p.183 - p.184

Nor did the Five Nations continue their control over western commerce. In 1695, after many vacillations, the prudence of the memorable La Motte Cadillac, who had been appointed governor at Mackinaw, confirmed the friendship of the neigh boring tribes; and a party of Ottawas, Pottawatomies, and Ojibwas surprised and routed a band of Iroquois, returning with scalps and piles of beaver.

Bancroft, Hist. of the U.S., vol.2, p.184

But the Indians of the West would not rally under the banner of France; and, in 1696, the French of Canada, aided only by their immediate allies, made their last inroad into western New York. Frontenac, then seventy-four years of age, conducted the army. On the twenty-ninth of July, from the fort which bore his name and which he had restored, they passed over to Oswego, at night reached the falls three leagues above its mouth, and, by the light of bark torches, dragged the canoes and boats across the portage. As they advanced they found fourteen hundred and thirty-four reeds, tied in two bundles to a tree, announcing that that number of warriors defied them. As they approached the great village of the Onondagas, the nation set fire to it and retired. Early in August, the army encamped near the Salt Springs at Salina, while a party was sent to ravage the country of the Oneidas, kill all who should offer resistance, and take six chiefs as hostages. Meantime, an aged Onondaga, who had refused to fly, was abandoned to the allies of the French. During all the tortures that more than four hundred savages could inflict, the decrepit old man scoffed at them as the slaves of those whom he despised. On receiving mortal wounds, his last words were: "You should have taken more time, so as to learn how to meet death manfully! I die contented; for I have no cause for self-reproach."

Bancroft, Hist. of the U.S., vol.2, p.184

Leaving the Onondagas and Oneidas to suffer from famine, yet to retain their spirit and recover their lands, Frontenac, with his forces, went back to Montreal.

Bancroft, Hist. of the U.S., vol.2, p.184

During the war, England, by a decree, had, without a blockade, closed all the ports of France against every foreign ship. The English exchequer had been recruited by means of a great change in the internal and the financial policy of England. In 1694, it accepted from individuals a loan of one and a half million pounds sterling, paying for it eight per cent per annum, and incorporating the subscribers to the loan as the Bank of England, with the privilege of issuing notes for circulation.

Bancroft, Hist. of the U.S., vol.2, p.184 - p.185

France had sustained itself well in the war, gaining victories in the field and in diplomacy, and in Europe rounding off its territory by the acquisition of Strassburg, on the Rhine. But in September 1697, at the peace which was made at Ryswick between France and England, Louis XIV. recognised the revolutionary sovereign of England as its king; but in America he retained all of which he was in possession at the beginning of the war. The boundary lines were to be established by commissioners. England claimed to the St. Croix, and France to the Kennebec; and, had peace continued, the St. George would have been adopted as a compromise.

Bancroft, Hist. of the U.S., vol.2, p.185

The boundary between New France and New York was difficult of adjustment. In the negotiations for the restoration of prisoners, Lord Bellomont, the governor of New York, vainly sought to obtain an acknowledgment that the Iroquois were subject to England. They themselves asserted their independence. Their religious sympathies inclined them to the French, but commercial advantages brought them into connection with the English. As the influence of the Jesuits gave to France its only power over the Five Nations, the legislature of New York, in 1700, made a law for hanging every popish priest that should come voluntarily into the province, of which the land of the Iroquois was held to be a part.

Bancroft, Hist. of the U.S., vol.2, p.185 - p.186

After many collisions and acts of hostility between the Iroquois and the allies of the French, especially the Ottawas; after many ineffectual attempts, on the part of Lord Bellomont, to constitute himself the arbiter of peace, and thus to obtain an acknowledged ascendency—the four upper nations, in the summer of 1700, sent envoys to Montreal "to weep for the French who had died in the war." After rapid negotiations, peace was ratified between the Iroquois on the one side, and France and her Indian allies on the other. The Rat, chief of the Hurons from Mackinaw, said: "I lay down the axe at my father's feet;" and the deputies of the four tribes of Ottawas echoed his words. The envoy of the Abenakis said: "I have no hatchet but that of my father, and, since my father has buried it, now I have none;" the Christian Iroquois assented. To a written treaty each nation placed its symbol: the Senecas and Onondagas drew a spider; the Cayugas, a calumet; the Oneidas, a forked stick; the Mohawks, a bear; the Hurons, a beaver; the Abenakis, a deer; and the Ottawas, a hare. It was further declared that war should cease between the French allies and the Sioux; that peace should reach beyond the Mississippi. As to limits in western New York, De Callieres advised the French minister to assert French jurisdiction over the land of the Iroquois, or at least to establish its neutrality.

Bancroft, Hist. of the U.S., vol.2, p.186

In the month of June 1701, De la Motte Cadillac, with a Jesuit missionary and one hundred Frenchmen, was sent to take possession of Detroit. This is the oldest permanent settlement in Michigan. Near the fort, place was made for the remnant of the Hurons; and higher up the river in Upper Canada rose a settlement of the Ottawas, their inseparable companions.

Bancroft, Hist. of the U.S., vol.2, p.186

The occupation of Illinois by the French continued without interruption. Joutel found a garrison at Fort St. Louis in 1687; in 1689, La Hontan bears testimony that it was still there; in 1696, a public document proves its existence, and the wish of Louis XIV. for its welfare; and when, in 1700, Tonti again descended the Mississippi, he was attended by twenty Canadians from Illinois. But in what year the mission established by Marquette removed its seat, is not known.

Bancroft, Hist. of the U.S., vol.2, p.186

The permanent settlement at Vincennes belongs to the year 1702. It is the oldest village in Indiana.

Bancroft, Hist. of the U.S., vol.2, p.186

There is no mention of the time when the Jesuit missionary Mermet assisted the commandant Jucherau, from Canada, in collecting Indians and Canadians, and founding the first French post on the Ohio, or, as the lower part of that river was then called, the Wabash. A contagious disease invaded the mixed population and broke up the settlement.

Bancroft, Hist. of the U.S., vol.2, p.186

The missionaries encountered with dismay the horror of life in the vast, uninhabited regions where in a journey of twelve days not a soul was met. In 1711, the Jesuit Marest writes: "There was no village, no bridge, no ferry, no boat, no house, no beaten path; we travelled over prairies, intersected by rivulets and rivers; through forests and thickets filled with briers and thorns; through marshes, where we plunged sometimes to the girdle. At night, repose was sought on the grass, or on leaves, exposed to wind and rain; by the side of some rivulet, of which a draught might quench thirst. A meal was prepared from such game as was killed on the way, or by roasting ears of corn."

Bancroft, Hist. of the U.S., vol.2, p.187

At the mission at Kaskaskia, at early dawn, the pupils came to church, dressed neatly and modestly, each in a large deerskin, or in a robe stitched together from smaller peltry. After receiving lessons, they chanted canticles; mass was then said in presence of all the Christians in the place, the French and the converts—the women on one side, the men on the other. From prayer and instruction the missionaries proceeded to visit the sick; and their skill as physicians did more than all the rest to win confidence. In the afternoon, the catechism was taught in presence of the young and the old, and every one, without distinction of rank or age, answered the questions of the missionary. At evening, all would assemble at the chapel for instruction, prayer, and to chant the hymns of the church. On Sundays and festivals, even after vespers, a homily was pronounced; at the close of the day, parties would meet in the cabins to recite the chaplet in alternate choirs, and sing psalms into the night. Their psalms were often homilies, with the words set to familiar tunes. Saturday and Sunday were the days for confession and communion, and every convert confessed once in a fortnight. Marriages of the French with the daughters of the Illinois were sometimes solemnized according to the rites of the Catholic church. The mission was a cantonment of Europeans among the native proprietors of the prairies.

Bancroft, Hist. of the U.S., vol.2, p.187

The honor of colonizing the south-west of our republic belongs to the illustrious Canadian, Lemoine Iberville. The most skilful naval officer in the service of France, the idol of his countrymen, after the peace of Ryswick he sought and obtained a commission for establishing direct intercourse between France and the Mississippi.

Bancroft, Hist. of the U.S., vol.2, p.187 - p.188

On the seventeenth day of October 1698, two frigates and two smaller vessels, with a company of marines and about two hundred settlers, including a few women and children—most of the men being disbanded Canadian soldiers—embarked for the Mississippi. Happier than La Salle, the leader of the enterprise won confidence everywhere: the governor of San Domingo gave him a welcome, and bore a willing testimony to his genius and his good judgment. A larger ship-of-war from that station joined the expedition, which, in January 1699, caught a glimpse of the continent, and anchored before the island St. Rose. On the opposite shore, the fort of Pensacola had just been established by three hundred Spaniards from Vera Cruz. This Prior occupation is the reason why, afterward, Pensacola remained a part of Florida, and the dividing line between that province and Louisiana was drawn between the bays of Pensacola and Mobile. Obedient to his orders, the governor of Pensacola would allow no foreign vessel to enter the harbor. Sailing to the west, Iberville cast anchor south-south-east of the eastern point of Mobile, and landed on Massacre, or, as it was rather called, Dauphine island. The water between Ship and Horn islands being found too shallow, the larger ship from the station of San Domingo returned, and the frigates anchored near the groups of the Chandeleur, while Iberville with his people erected huts on Ship island, and made the discovery of the river Pascagoula and the tribes of Biloxi. The next day, a party of Bayagoulas from the Mississippi passed by: they were warriors returning from a foray on the Indians of Mobile.

Bancroft, Hist. of the U.S., vol.2, p.188 - p.189

In two barges, Iberville and his brother Bienville, with a Franciscan who had been a companion to La Salle, and with forty-eight men, set forth to seek the Mississippi. Floating trees, and the turbid aspect of the waters, guided to its mouth. On the second day in March, they entered the mighty river, and ascended to the village of the Bayagoulas—a tribe which then dwelt on its western bank, just below the river Iberville, worshipping, it was said, an opossum for their manitou, and preserving in their temple an undying fire. There they found a letter from Tonti to La Salle, written in 1686. The Oumas were visited; and the party probably saw the great bend at the mouth of the Red river. A parish and a bayou, that bear the name of Iberville, mark the route of his return, through the lakes which he named Maurepas and Pontchartrain, to the bay which he called St. Louis. At the head of the bay of Biloxi, on a sandy shore, under a burning sun, he erected, in May, the fort which, with its four bastions and twelve cannon, was to be the sign of French jurisdiction over the territory from near the Rio Bravo del Norte to the confines of Pensacola. While Iberville himself sailed for France, his brother, Bienville, and Sauvolle, were left in command of the station, round which the few colonists were planted. Thus began the commonwealth of Mississippi. Prosperity was impossible; yet there were gleams of light: the white men from Carolina, allies of the Chicasas, invaded the neighboring tribes of Indians, making it easy for the French to establish alliances. Missionaries had already conciliated the good-will of remoter nations; and, from the Taensas and the Yazoos, Davion—whose name belonged of old to the rock now called Fort Adams—and Montigny floated down the Mississippi to visit their countrymen. A line of communication existed between Quebec and the Gulf of Mexico. The boundless southern region, made a part of the French empire by lilies carved on forest-trees or crosses erected on bluffs, and occupied by French missionaries and forest rangers, was annexed to the command of the governor of Biloxi.

Bancroft, Hist. of the U.S., vol.2, p.189

During the absence of Iberville, England showed jealousy of his enterprise. Hennepin had been taken into the pay of William III, and, in 1698, had published a new work, in which, to bar the French claim of discovery, he, with impudent falsehood, insisted on having himself been the first to descend the Mississippi, and had interpolated into his former narrative a journal of this pretended voyage down the river. In 1699, an exploring expedition, under the auspices of Coxe, a proprietor of New Jersey, sought for the mouths of the Mississippi. When Bienville, who passed the summer in exploring the forks below the site of New Orleans, descended the river in September, he met an English ship of sixteen guns, commanded by Barr; one of two vessels which had been sent to sound the channel of the stream. Giving heed to the assertion of Bienville of French supremacy, as proved by French establishments, the English captain turned back; and the bend in the river where the interview was held is still called English Turn.

Bancroft, Hist. of the U.S., vol.2, p.189 - p.190

Thus failed the project of Coxe to possess what he styled the English province of Carolana. But Hennepin had had an audience of William III; a memorial from Coxe was presented to the king in council, and the members were unanimous in the opinion that the settling of the banks of the Mississippi should be encouraged. William of Orange often assured the proprietor of his willingness to send over, at his own cost, several hundred Huguenot and Vaudois refugees. But England was never destined to acquire more than a nominal possession of the Mississippi; and Spain could only protest against what it professed to regard as a dismemberment of Mexico.

Bancroft, Hist. of the U.S., vol.2, p.190

In 1699, Bienville received the memorial of French Protestants to be allowed, under French sovereignty and in the enjoyment of freedom of conscience, to plant the banks of the Mississippi. "The king," answered Pontchartrain at Paris, "has not driven Protestants from France to make a republic of them in America;" and Iberville returned from Europe with projects far unlike the peaceful pursuits of agriculture. First came the occupation of the Mississippi by a fortress built, in January 1700, on a point elevated above the marshes, not far from the sea, soon to be abandoned. In February, Tonti came down from the Illinois; and, under his guidance, the brothers Iberville and Bienville ascended the Great River and made peace between the Oumas and the Bayagoulas. Among the Natchez, the Great Sun, followed by a large retinue of his people, welcomed the strangers.

Bancroft, Hist. of the U.S., vol.2, p.190

Iberville in March explored western Louisiana, and, crossing the Red river, approached New Mexico. No tidings of mines or of wealth were gleaned from the natives. In April, a company under Le Sueur, in search of mineral stores, entered the St. Peter's, ascended that river to the confluence of the Blue Earth, and, in a fort among Iowas, passed a fruitless winter.

Bancroft, Hist. of the U.S., vol.2, p.190

Le Sueur had not yet returned to Biloxi when, in May 1701, word came from the impatient ministry of impoverished France that certainly there were gold mines on the Missouri. But bilious fevers sent death among the dreamers who went there for precious metals and rocks of emerald. Sauvolle was an early victim, leaving the chief command to the youthful Bienville; and great havoc was made among the colonists, who were dependent on the red men for corn, and were saved from famine by the chase and the net and line. The Choctas and the Mobile Indians desired an alliance against the Chicasas; and the French were too weak to act, except as mediators. In December, Iberville, arriving with re-enforcements, found but one hundred and fifty alive.

Bancroft, Hist. of the U.S., vol.2, p.191

Early in 1702, the chief fortress of the French was transferred from Biloxi to the western bank of the Mobile river, the first settlement of Europeans in Alabama; and during the same season, though Dauphine island was flat, and covered with sands which hardly nourished a grove of pines, its excellent harbor was occupied as a convenient station for ships. Such was Louisiana in the days of its founder. Attacked by the yellow fever, Iberville escaped with broken health; and, though he gained strength to render service to France in 1706, the effort was followed by a severe illness, which terminated in his death at the Havana. In him, the colonies and the French navy lost a hero worthy of their regret. But Louisiana, at his departure, was little more than a wilderness, occupied in behalf of the French king by scarcely thirty families. The colonists were unwise in their objects, searching for pearls, for the wool of the buffalo, for mines. There was no quiet agricultural industry. The coast of Biloxi is as sandy as the deserts of Libya; the soil on Dauphine island is meagre: on the delta of the Mississippi, where a fort had been built, Bienville and his few soldiers were at the mercy of the rise and fall of the river. The hissing of snakes, the cry of alligators, seemed to claim the country still for a generation as the inheritance of reptiles; while the barrens round the fort of Mobile warned the emigrants to seek homes farther within the land.

Chapter 12:

The War of the Spanish Succession

Bancroft, Hist. of the U.S., vol.2, p.192

IN the first war of William III with France, Spain took no part; we come to the events which united the two kingdoms by a family compact.

Bancroft, Hist. of the U.S., vol.2, p.192

The liberties of the provinces, the military corporations, and the cities of Spain had been gradually absorbed by the power of the monarch; and the inquisition had so manacled the national intelligence that the country of Cervantes had relapsed into inactivity. The contest against the Arabs had been for seven centuries the struggle of Catholic Christianity against Moslem theism; and had given to Spanish character the rigid aspect of exclusiveness which was heightened by the barrier presented by the Pyrenees to easy communication with the rest of Europe. France had established its unity by amalgamating provinces on the principle of equality; Spain had made war on a nation and a religion. Moreover, she had lost men. From Ferdinand the Catholic to Philip III, she had expelled three millions of Jews and Moors; her inferior nobility emigrated to America; in 1702, her census enumerated less than seven million souls. The nation that once would have invaded England had no navy; and, possessing mines in Mexico and South America, it needed subscriptions for its defence. Foreigners, by means of loans and mortgages, gained more than seven eighths of its wealth from America, and furnished more than nine tenths of the merchandise shipped for the colonies. Spanish commerce had expired; Spanish manufactures had declined; even agriculture had fallen a victim to mortmains and privilege. Inactivity was followed by poverty; and, on the thirtieth of October 1701, its dynasty became extinct.

Bancroft, Hist. of the U.S., vol.2, p.193

If the doctrine of legitimacy were to be recognised as paramount to treaties, the king of France could claim for his own family the inheritance of Spain. That claim was sanctioned by the testament of the last Spanish king, and by the desire of the Spanish people, whose anger had been roused by attempts at the partition of its possessions. The crown of Spain held the Low Countries, the Milanese, and the Two Sicilies, besides its world in the Indies; and the union of so many states in the family of the Bourbons seemed to threaten the freedom of Europe, and to secure to France colonial supremacy. William III resolved on war. In 1702, the last year of his life, suffering from a mortal disease—with swollen feet, voice extinguished; too infirm to receive visits; alone at the castle of St. Loo—he rallied new alliances, governed the policy of Europe, and shaped the territorial destinies of America. In the midst of negotiations, James II died at St. Germain; and the king of France incensed the British nation by recognising the son of the royal exile as the legitimate king of Great Britain. Louis XIV, "that wicked persecutor of God's people," as he was called in a Boston pulpit, was grown old; and the men of energy in his cabinet and his army were gone. There was no Colbert to put order into his finances; Luxembourg was dead, and the wise Catinat no more in favor. Two years passed without reverses; but, in 1704, the battle of Blenheim revealed the exhaustion of France. The armies of Louis XIV. were opposed by troops from England, the German empire, Holland, Savoy, Portugal, Denmark, Prussia, and Lorraine, under the command of Eugene and Marlborough, who, completing the triumvirate with Heinsius, the grand pensionary of Holland, combined in their service money, numbers, forethought, and genius.

Bancroft, Hist. of the U.S., vol.2, p.193

The central colonies of our republic were undisturbed, except as they were invited to aid in defending the borders, or were alarmed by a privateer off their coast. The Five Nations, at peace with France and England, protected New York by a compact of neutrality with them both. South Carolina and New England were alone involved in direct war.

Bancroft, Hist. of the U.S., vol.2, p.193 - p.194

The governor of South Carolina, James Moore, by the desire of the commons, placed himself at the head of an expedition for the reduction of St. Augustine. The town was easily ravaged; to besiege the castle, heavy artillery has been asked for of Jamaica. At the instance of Bienville, then in Mobile, two Spanish vessels appeared near the harbor; Moore, abandoning his ships and stores, retreated by land. The colony, burdened with debt, pleaded the precedent "of great and rich countries," and, confident that "funds of credit have fully answered the ends of money," issued bills of credit to the amount of six thousand pounds. To Carolina, the first-fruits of war were debt and paper money.

Bancroft, Hist. of the U.S., vol.2, p.194 - p.195

The Spaniards had gathered the natives on the bay of Appalachee into towns, built for them churches, and instructed them by Franciscan priests. The traders of Carolina beheld with alarm the line of communication from St. Augustine to the incipient settlements in Louisiana; and, in the last weeks of 1705, a company of fifty volunteers, under the command of Moore, assisted by a thousand savage allies, following the trading path across the Ocmulgee, came upon the Muskohgee towns near St. Mark's. Their inhabitants had learned the use of horses and of beeves, which multiplied without care in their groves. At sunrise, on the fourteenth of December, the adventurers reached the strong place of Ayavalla. Beaten back from an assault, they set fire to the church, which adjoined the fort. A "barefoot friar" vainly begged for mercy; more than a hundred women and children and more than fifty warriors were taken prisoners for the slave-market. On the next morning, the Spanish commander on the bay, with twenty-three soldiers and four hundred Indians, gave battle, and was defeated. The chief of Ivitachma "compounded for peace with the plate of his church and ten horses laden with provisions." Five other towns submitted without conditions, and most of their people removed as free emigrants into South Carolina.

Bancroft, Hist. of the U.S., vol.2, p.194 - p.195

In the next year, a French squadron from the Havana attempted revenge by an invasion of Charleston; but the brave William Rhett and the governor, Sir Nathaniel Johnson, prepared defence. The Huguenots panted for action. One of the French ships was taken; wherever a landing was effected, the enemy was attacked with such energy that, of eight hundred, three hundred were killed or taken prisoners. Unaided by her proprietaries, South Carolina, with little loss, repelled the invaders. The result was an indefinite extension of the English boundary toward the south.

Bancroft, Hist. of the U.S., vol.2, p.195

For Massachusetts, the history of the war is but a record of sorrows. The Marquis de Vaudreuil, now governor of Canada, made haste to conciliate the Iroquois. He formed a treaty of neutrality with the Senecas, and, to prevent its rupture, he sent no war-parties against New York.

Bancroft, Hist. of the U.S., vol.2, p.195

The English were less successful in their plans of neutrality with the Abenakis. Within six weeks, the country from Casco to Wells was in a conflagration. On the tenth of August, 1703, the several parties of Indians and French burst upon every house or garrison in that region, sparing, says the faithful chronicler, "neither the milk-white brows of the ancient nor the mournful cries of tender infants." Cruelty became an art, and honor was awarded to the most skilful contriver of tortures.

Bancroft, Hist. of the U.S., vol.2, p.195 - p.196

Death hung on the frontier. The farmers, that had built their dwellings on the bank just above the beautiful meadows of Deerfield, had surrounded with pickets an enclosure of twenty acres, the village citadel. There were separate dwelling-houses, likewise fortified by a circle of sticks of timber set upright in the ground. Their occupants knew, through the Mohawks, that danger was at hand. All that winter, there was not a night but the sentinel was abroad; not a mother lulled her infant to rest without fearing that, before morning, the tomahawk might crush its skull. The snow lay four feet deep, when the clear, invigorating air of midwinter cheered the war-party of about two hundred French and one hundred and forty-two Indians, who, with the aid of snow-shoes and led by Hertel de Rouville, had walked on the crust all the way from Canada. On the last night in February 1704, a pine forest near Deerfield gave them shelter till after midnight. When, at the approach of morning, the unfaithful sentinels retired, the war-party entered within the palisades, which drifts of snow had made useless; and the war-whoop of the savages bade each family prepare for captivity or death. The village was set on fire, and all but the church and one dwelling-house were consumed. Of the inhabitants, but few escaped: forty-seven were killed; one hundred and twelve, including the minister and his family, were made captives. One hour after sunrise, the party began its return to Canada. But who would know the horrors of that winter march through the wilderness? Two men starved to death. Did a young child weep from fatigue, or a woman totter from anguish under the burden of her own offspring, the tomahawk stilled complaint, or the infant was cast out upon the snow. Eunice Williams, the wife of the minister, had not forgotten her Bible; and, when they rested by the wayside, or at night made their couch of branches of evergreen strown on the snow, the savages allowed her to read it. Having but recently recovered from confinement, her strength soon failed. To her husband, who reminded her of the "house not made with hands, eternal in the heavens," "she justified God in what had happened." The mother's heart rose to her lips as she commended her five captive children, under God, to their father's care; and then one blow from a tomahawk ended her sorrows. "She rests in peace," said her husband, "and joy unspeakable and full of glory." In Canada, no entreaties, no offers of ransom, could rescue his youngest daughter, then a child of but seven years old. Adopted into the village of the praying Indians near Montreal, she became a proselyte to the Catholic faith, and the wife of a Cahnewaga chief. When, after long years, she visited her friends at Deerfield, she appeared in an Indian dress; and, making a short sojourn, in spite of a day of fast of a whole village which assembled to pray for her deliverance, she returned to the fires of her wigwam and to the love of her Mohawk children.

Bancroft, Hist. of the U.S., vol.2, p.196

From 1705 to 1707, the prowling Indian stealthily approached towns even in the heart of Massachusetts. Children, as they gambolled on the beach; mowers, as they swung the scythe; mothers, as they busied themselves about the household—fell victims to an enemy who was ever present where a garrison or a family ceased its vigilance, and disappeared after striking a blow.

Bancroft, Hist. of the U.S., vol.2, p.196 - p.197

In 1708, after a war-council at Montreal, the French, under Des Chaillons and Hertel de Rouville, with Algonkin allies, ascended the St. Francis, and, passing by the White Mountains, having travelled near one hundred and fifty leagues, made their rendezvous at Winnipiseogee. There they failed to meet the expected aid from the Abenakis, and, in consequence, were too feeble to attack Portsmouth; they therefore descended the Merrimack to the town of Haverhill, which was at that time, a cluster of thirty cottages and log cabins, embosomed in the primeval forests, near the tranquil Merrimack. In the centre of the settlement stood a new meeting-house, the pride of the village. On the few acres of open land, the ripening Indian corn rose over the charred stumps of trees; on the north and west the unbroken wilderness stretched beyond the White Mountains. On the twenty-ninth of August, evening prayers had been offered in each family, and the village had resigned itself to sleep. That night the invaders slept quietly in the near forest. At daybreak they assumed the order of battle; Rouville addressed the soldiers, who, after their orisons, marched against the fort, raised the shrill yell, and dispersed themselves through the village to their work of blood. The rifle rang; the cry of the dying rose. Benjamin Rolfe, the minister, was beaten to death; one Indian sunk a hatchet deep into the brain of his wife, while another dashed the head of his infant child against a stone. Thomas Hartshorne and two of his sons, attempting a rally, were shot; a third son was tomahawked. John Johnston was shot by the side of his wife; she fled into the garden, bearing an infant; was caught and murdered; but, as she fell, she concealed her child, which was found, after the massacre, clinging to her breast. Simon Wainwright was killed at the first fire. Mary, his wife, unbarred the door; with cheerful mien bade the savages enter; furnished them what they wished; and, when they demanded money, she retired as if to "bring it," and, gathering up all her children save one, succeeded in escaping.

Bancroft, Hist. of the U.S., vol.2, p.197

As the destroyers retired, Samuel Ayer, ever to be remembered in village annals, with a force which equalled but a thirteenth part of the invaders, hung on their rear—himself a victim, yet rescuing several from captivity.

Bancroft, Hist. of the U.S., vol.2, p.197 - p.198

The day was advanced when the battle ended. The rude epitaph on the moss-grown stone tells where the interment was made in baste; Rolfe, his wife, and child, fill one grave; in the burial-ground of the village, an ancient mound marks the resting-place of the multitude of the slain.

Bancroft, Hist. of the U.S., vol.2, p.198

"I hold it my duty toward God and my neighbor," such was the message of the brave Peter Schuyler to the Marquis de Vaudreuil, "to prevent, if possible, these barbarous and heathen cruelties. My heart swells with indignation when I think that a war between Christian princes, bound to the exactest laws of honor and generosity, which their noble ancestors have illustrated by brilliant examples, is degenerating into a savage and boundless butchery."

Bancroft, Hist. of the U.S., vol.2, p.198

Such fruitless cruelties compelled the employment of a large part of the inhabitants as soldiers; so in one year, during this war, even a fifth part of all who were able to bear arms were in active service. They fostered a willingness to exterminate the natives. The Indians vanished when their homes were invaded; hence a bounty was offered for every Indian scalp; to regular forces under pay, the grant was ten pounds; to volunteers in actual service, twice that sum; but volunteers without pay were encouraged by the promise of "fifty pounds per scalp."

Bancroft, Hist. of the U.S., vol.2, p.198

Meantime, the English had repeatedly made efforts to gain the French fortress on Newfoundland; and New England, for the security of its trade and fishery, desired the reduction of Acadia. In 1704, a fleet from Boston harbor defied Port Royal; three years afterward, under the influence of Dudley, Massachusetts attempted its conquest. The costly expedition was thwarted by the activity of Castin, and was followed in the colony by increased paper currency and public debt. But England was resolved on colonial acquisitions; in 1709, a fleet and an army were to be sent from Europe; from Massachusetts and Rhode Island, twelve hundred men were to aid in the conquest of Quebec; from the central provinces, fifteen hundred were to assail Montreal; and, in one season, Acadia, Canada, and Newfoundland were to be reduced under British sovereignty. The colonies kindled at the prospect: to defray the expenses of preparation, Connecticut and New York and New Jersey then first issued bills of credit; stores were collected, troops levied, but no English fleet arrived.

Bancroft, Hist. of the U.S., vol.2, p.198 - p.199

At last, in 1710, the successful expedition against Acadia took place. At the instance of Nicholson, who had been in England for that purpose, six English vessels under his command, joined by thirty of New England, and four New England regiments, sailed in September from Boston. In six days the fleet anchored before the fortress of Port Royal. The troops under Subercase, the French governor, were few and disheartened. Famine would have soon compelled a surrender at discretion. Terms of capitulation were easily concerted; on the sixteenth of October, new style, the garrison, one hundred and fifty-six, marched out, with the honors of war. From that day the English flag has been safe at the town, which in honor of the queen was called Annapolis.

Bancroft, Hist. of the U.S., vol.2, p.199

Flushed with victory, Nicholson repaired to England to urge the conquest of Canada. The legislature of New York had unanimously appealed to the queen on the dangerous progress of French dominion at the West. "It is well known," said their address, "that the French can go by water from Quebec to Montreal. From thence they can do the like, through rivers and lakes, at the back of all your majesty's plantations on this continent as far as Carolina; and in this large tract of country live several nations of Indians who are vastly numerous. Among those, they constantly send emissaries and priests, with toys and trifles, to insinuate themselves into their favor. Afterward they send traders, then soldiers, and at last build forts among them; the garrisons are encouraged to intermarry, cohabit, and incorporate among them; and it may easily be concluded that, upon a peace, many of the disbanded soldiers will be sent thither for that purpose." At the same time, five chiefs from the Iroquois sailed with Schuyler for England. In London, amid the gaze of crowds, dressed in English small-clothes of black, with scarlet ingrain cloth mantles edged with gold for their blankets, they were conducted in coaches to an audience with Queen Anne, to whom they gave belts of wampum, and avowed their readiness to take up the hatchet for the reduction of Canada.

Bancroft, Hist. of the U.S., vol.2, p.199 - p.200

In 1711, the secretary of state was Saint-John, afterward raised to the peerage as Viscount Bolingbroke, whom a keen observer described as "the greatest young man" of his and excellent taste. Though fond of pleasure, he was prompt, and capable of close and long-continued application. Winning friends by his good temper and charming conversation, he was the best orator in the house of commons; and parliament was infatuated by his eloquence. But Saint-John had no faith, and therefore could keep none. He could be true in his attachment to a woman or a friend, but not to a principle or a people. "The rabble," he would say, "is a monstrous beast, that has passions to be moved, but no reason to be appealed to; plain sense will influence half a score of men at most, while mystery will lead millions by the nose;" and, having no reliance in the power of the common mind to discern the right, or in the power of truth to guide through perils, he could give no fixedness to his administration, and no security to his fame. Demanding intellectual freedom, he was author of the tax on newspapers. Indifferent to religion, he was the unscrupulous champion of the high church, and supported the worst acts of its most intolerant policy, while he despised its priests and derided its doctrines. As he grew older, he wrote on patriotism and liberty, and, from the dupe of the Pretender, became the suitor for power through the king's mistress. Thus, though capable of great ideas, and catching glimpses of universal truth, his horizon was shut in by the selfishness of his ambition. Writing brilliant treatises on philosophy, he fretted at the bit which curbed his passions; and, from the unsettled character of his mind, though rapid in appropriating a scheme, he could not arrange an enterprise with method. Full of energy and restless activity, he wanted soundness of judgment and power of combination. Such was the statesman who formed the design of the conquest of Canada.

Bancroft, Hist. of the U.S., vol.2, p.200 - p.201

The fleet, consisting of fifteen ships-of-war and forty transports, was placed under the command of Sir Hovenden Walker; seven veteran regiments from Marlborough's army, with a battalion of marines, were intrusted to Mrs. Masham's second brother, whom the queen had pensioned and made a brigadier-general; whom his bottle companions called honest Jack Hill; whom, when a tall, ragged boy, the duchess of Marlborough had, from charity, put to school; and whom the duke, refusing him a colonelcy, had properly described as good for nothing. In the preparations, the public treasury was defrauded for the benefit of favorities. "Improve to-day, instead of depending on to-morrow;" was the secretary's admonition to his admiral. "The queen is very uneasy at the unaccountable loss of time in your stay at Portsmouth." The fleet did sail at last; and when Saint-John heard of its arrival at Boston, he wrote to the duke of Orrery: "I believe you may depend on our being masters, at this time, of all North America."

Bancroft, Hist. of the U.S., vol.2, p.201

From June twenty-fifth to the thirtieth day of July 1711, the fleet lay at Boston, taking in supplies and the colonial forces. At the same time, an army of men from Connecticut, New Jersey, and New York, Palatine emigrants, and about six hundred Iroquois, assembling at Albany, prepared to burst upon Montreal; while in Wisconsin the English had allies in the Foxes, who were always wishing to expel the French from Michigan.

Bancroft, Hist. of the U.S., vol.2, p.201

In Quebec, measures of defence began by a renewal of friendship with the Indians. To deputies from the Onondagas and Senecas, the governor spoke of the fidelity with which the French had kept their treaty; and he reminded them of their promise to remain quiet upon their mats.

Bancroft, Hist. of the U.S., vol.2, p.201

A war festival was next held, at which were present all the savages domiciliated near the French settlements, and all the delegates of their allies who had come down to Montreal. In the presence of seven or eight hundred warriors, the war-song was sung and the hatchet uplifted. The savages of the remote West were wavering, till twenty Hurons from Detroit took up the hatchet, and swayed all the rest by their example. By the influence of the Jesuits over the natives, an alliance extending to the Ojibwas constituted the defence of Montreal.

Bancroft, Hist. of the U.S., vol.2, p.201

Descending to Quebec, Vaudreuil found Abenaki volunteers assembling for his protection. Measures for resistance had been adopted with hearty earnestness; the fortifications were strengthened; Beauport was garrisoned; and the people were resolute and confiding; even women were ready to labor for the common defence.

Bancroft, Hist. of the U.S., vol.2, p.201 - p.202

Toward the last of August, it was said that peasants at Matanes had descried ninety or ninety-six vessels with the English flag. Yet September came, and still from the heights of Cape Diamond no eye caught one sail of the expected enemy.

Bancroft, Hist. of the U.S., vol.2, p.202

The English squadron, leaving Boston on the thirtieth of July, after loitering near the bay of Gaspe, at last began to ascend the St. Lawrence, while Sir Hovenden Walker puzzled himself with contriving how he should secure his vessels during the winter at Quebec. Fearing "the ice in the river, freezing to the bottom, would bilge them, as much as if they were to be squeezed between rocks," he could think of no way but to disencumber them, "and secure them on the dry ground, in frames and cradles, till the thaw." While ascending the river, which he took to be" a hundred fathom deep," on the evening of the twenty-second of August, a thick fog came on, with an easterly breeze. The pilots, with one accord, advised that the fleet should lie to, with the heads of the vessels to the southward; this was done, and, even so, the vessels were carried toward the northern shore. Just as Walker was going to bed, the captain of his ship came down to say that land could be seen; and, without going on deck, the admiral wantonly ordered the ships to head to the north. There was on the quarter-deck a man of sense—Goddard, a captain in the land service: he rushed to the cabin in great haste, and importuned the admiral at least to come on deck; but the self-willed man laughed at his fears. A second time Goddard returned, saying: "For the Lord's sake, come on deck, or we shall certainly be lost; I see breakers all around us!" "Putting on my gown and slippers," writes Walker, "and coming up on deck, I found what he told me to be true." Even then the blind admiral shouted: "I see no land to the leeward!" but the moon, breaking through the mists, gave him the lie. The fleet was close upon the north shore, among the Egg islands. Now the admiral believed the pilots, and made sail immediately for the middle of the river; but morning showed that eight ships had been wrecked, and eight hundred and eighty-four men drowned. A council of war voted unanimously that it was impossible to proceed. "Had we arrived safe at Quebec," wrote the admiral, "ten or twelve thousand men must have been left to perish of cold and hunger: by the loss of a part, Providence saved all the rest!"

Bancroft, Hist. of the U.S., vol.2, p.203

Such was the issue of hostilities in the North-east. Their total failure left the expedition from Albany no option but to return, and Montreal was unmolested. Detroit, in 1712, almost fell before the valor of a party of the Ottagamies, or Foxes, a nation passionate and untamable, springing up into new life from every defeat, and though reduced in the number of their warriors, yet present everywhere by their ferocious daring. Resolving to burn Detroit, they pitched their lodgings near the fort, which Du Buisson, with but twenty Frenchmen, defended. Aware of their intention, he summoned his Indian allies from the chase; and, about the middle of May, Ottawas and Hurons and Pottawatomies, with one branch of the Sacs, Illinois, Menomonies, and even Osages and Missouris, each nation with its own ensign, came to his relief. So wide was the influence of the missionaries in the West. "Father," said they, "behold! thy children compass thee round. We will, if need be, gladly die for our father; only take care of our wives and our children, and spread a little grass over our bodies to protect them against the flies." The warriors of the Fox nation, far from destroying Detroit, were themselves besieged, and at last were compelled to surrender at discretion. Those who bore arms were ruthlessly murdered; the rest distributed among the confederates, to be enslaved or massacred at the will of their masters. Cherished as the loveliest spot in Canada, the possession of Detroit secured for Quebec a great highway to the upper Indian tribes and to the Mississippi.

Bancroft, Hist. of the U.S., vol.2, p.203 - p.204

The Tuscaroras changed their dwelling-place during the war. Their chiefs had become indignant at the encroachments of the proprietaries of Carolina, who had assigned their lands to Palatines, fugitives from the banks of the Neckar and the Rhine. De Graffenried, who had undertaken the establishment of the exiles, accompanied by Lawson, the surveyor-general for the northern province, in September 1711, ascended the Neuse river, to discover how far it was navigable and through what kind of country it flowed. Seized by a party of sixty well-armed Indians, they were taken to a village of the Tuscaroras. Before a council of the principal men from various towns of the tribe, complaint was made of the conduct of the English in Carolina, and Lawson, who with his compass and chain had marked their territory into lots for settlers, was reproved as "the man who sold their land." After a discussion of two days, the death of the prisoners was decreed. The fire was kindled; the ring drawn round the victims, and strown with flowers. On the morning appointed for the execution, a council assembled anew. Round the white men sat the chiefs in two rows; behind them were three hundred of the people, engaged in dances. No reprieve was granted to Lawson; but Graffenried, on pledging his people to neutrality and promising to occupy no land without the consent of the tribe, was suffered, after a captivity of five weeks, to return through the woods on foot. He came back to desolated settlements. On the twenty-second of September, small bands of the Tuscaroras and Corees, acting in concert, approached the scattered cabins along the Roanoke and Pamlico sound. As night came on, a whoop from a warrior called his associates from the woods, to commence the indiscriminate carnage, and the Palatines encountered a foe more fierce than Louvois and Louis XIV. At Bath, the Huguenot refugees, and the planters in their neighborhood, were struck down by aid of light from their own burning cabins. In the three following days the savages scoured the country on the Albemarle sound.

Bancroft, Hist. of the U.S., vol.2, p.204

Not all the Tuscaroras had joined in the conspiracy: Spotswood, governor of Virginia, sought to renew with them an alliance; but, as the burgesses engaged with him in a contest of power, no effectual aid came from the Old Dominion. The assembly of South Carolina promptly voted relief; and, in 1712, defying the hardships of a long march through the wilderness, Barnwell, with Cherokees, Creeks, Catawbas, and Yamassees as allies, led a small detachment of militia to the banks of Neuse river. There, in the upper part of Craven county, the Indians were intrenched in a rude fort. The fort was besieged; but even imminent danger had not roused the inhabitants of North Carolina to harmonious action; they retained their hatred for the rule of the proprietaries, and Barnwell could only negotiate with the Indians a treaty of peace.

Bancroft, Hist. of the U.S., vol.2, p.204 - p.205

The troops of South Carolina, on their return, themselves violated the treaty, enslaving inhabitants of villages which should have been safe under its guarantees; and the massacres on Neuse river were renewed. The province was impoverished, the people dissatisfied with their government; in autumn, the yellow fever raged in its most malignant form; and the country south of Pamlico sound seemed destined to become once more a wilderness. But Spotswood succeeded in dividing the Tuscaroras. In November and December, large reinforcements of Indians from South Carolina arrived, with a few white men, under James Moore. The enemy were pursued to their fort, within the limits of the present Greene county, on the Neuse; and, on its surrender, in March 1713, eight hundred became captives. The legislature of North Carolina, assembling in May, under a new governor, issued its first bills of credit to the amount of eight thousand pounds. "The very refractory" among the people grew zealous to supply the forces with provisions; the enemy were chased across the lakes and swamps of Hyde county; the woods were patrolled by red allies, who hunted for prisoners to be sold as slaves, or scalped for a reward. At last, the hostile part of the Tuscaroras abandoned their old hunting-grounds, and, migrating to the vicinity of the Oneida lake, were received by their kindred, the Iroquois, into the confederacy of the Five Nations. Their humbled allies were established as a single settlement in the precincts of Hyde. The power of the natives of North Carolina was broken, and its interior made safe to the emigrant.

Bancroft, Hist. of the U.S., vol.2, p.205

In the mean time, the preliminaries of a treaty had been signed between France and England; and the war, which had grown out of European changes and convulsions, was suspended by negotiations that were soon followed by the uncertain peace of Utrecht.

Bancroft, Hist. of the U.S., vol.2, p.205 - p.206

In 1706, after the victories of Ramillies and of Turin, France, driven from its outposts, was compelled to struggle for the defence of its own soil. The aged monarch was humbled in arms, reduced in power, chagrined by the decline of the prosperity of his kingdom, and dejected at the loss of foreign provinces. His children, his grandchildren, all but one infant, were swept away. For the sake of peace, he, in April 1709, offered to "make a sacrifice of his glory," and assent to the dethronement of his grandson. The confederates demanded that he should himself expel his grandson from the Spanish throne. "If I must have war," he answered, "it shall not be with my children;" and he began to enlist on his side the sympathies of the dispassionate. From the banks of the Danube, the Tagus, and the Po, his armies had been driven back into his own kingdom. France could not threaten England with a king, or Holland with conquest, or the emperor with rivalry in the empire. The party of peace grew every day. Besides, the archduke Charles, whom the allies had proposed as king of Spain, was, by the death of Joseph, become emperor. If the sovereign over the Austrian dominions, and head of the empire, should possess the undivided Spanish monarchy, the days of Charles V would return.

Bancroft, Hist. of the U.S., vol.2, p.206

The debility of France became its safety, and the accumulated power of the archduke was the prevailing motive for neglecting his claims. Moreover, success in arms had, in 1710, under the auspices of the victorious Duke de Vendome and with the applause of the Spanish nation, conducted Philip V, the grandson of Louis XIV, to Madrid. His expulsion was become impossible. In England, where public opinion could reach the government, the tories came into power as the party of peace. Marlborough was dismissed.

Bancroft, Hist. of the U.S., vol.2, p.206

The treaty of peace concluded at Utrecht, in April 1713, closed the series of universal wars for the balance of power. The Netherlands were the barrier against French encroachment; they were severed from Spain, and assigned to Austria, as the second land power on the continent. The house of Savoy was raised to the rank of royalty; and Sicily at first, afterward, instead of Sicily, the island of Sardinia, was added to its sceptre. The kingdom of Naples, at first divided between the houses of Savoy and Austria, soon became united, and was constituted a secundogeniture of Spain. These subordinate changes were not inconsistent with the policy of the peace of Utrecht, and were, therefore, at a later day, effected without a general conflagration of Europe. For the Calvinist family of the Hohenzollern, and for Savoy, a monarchy was established. The balance of power, so far as France and England were interested on the continent, was arranged in a manner that might have permitted between the two neighbors a perpetual peace.

Bancroft, Hist. of the U.S., vol.2, p.207

France assented to the emancipation of England from the maxims of legitimacy, and not only recognised the reigning queen, but the succession to the crown, as vested in the house of Hanover by act of parliament. Spain vindicated for the family of the Bourbons the right of succession to the crowns of France and Spain, but consented that the two nations should never be united under one king. England took no interest in any question of freedom agitated on the continent, and never promoted, or was suspected of promoting, any increase of popular power. It faithlessly and ungratefully abandoned Holland. Its true-hearted allies, the Catalonians, had maintained the liberties which they had inherited from the middle age: the Bourbons abolished them in punishment of a people which had fought with England; and, in the treaty of peace, England mocked them by a clause which promised them "the privileges of Castile"—that is, the total loss of their own. The absolute monarchies of the continent had no dread of Great Britain as the supporter in arms of revolution. The principles which were springing into activity on the borders of the American wilderness were not noticed; European revolutions and European wars for freedom seemed forever at an end.

Bancroft, Hist. of the U.S., vol.2, p.207

And yet the treaty of peace at Utrecht scattered the seeds of war broadcast throughout the globe. The world had entered on the period of mercantile privilege. Instead of establishing equal justice, England sought commercial advantages; and, as the mercantile system was identified with the colonial system of the great maritime powers of Europe, the political interest, which could alone kindle universal war, was to be sought in the colonies. Hitherto, they had been subordinate to European politics: henceforward, the question of trade on our borders, of territory on our frontier, involved an interest which could rouse the world to arms. The interests of commerce, under the narrow view of privilege and of profit, regulated diplomacy, swayed legislation, and marshalled revolutions.

Bancroft, Hist. of the U.S., vol.2, p.207 - p.208

First, then, by the peace of Utrecht, Spain lost all her European provinces and retained all her colonies. The mother country, being thus left with a population of but six or seven millions, had no strength proportionate to the vast extent of her colonial possessions. She held them not by physical force, but by the power of established interests, usages, and religion. By insisting on the cession of the Spanish Netherlands to Austria, England lost its only hold on Spain; and, by retaining Gibraltar, made her its implacable enemy.

Bancroft, Hist. of the U.S., vol.2, p.208

Again, by the peace of Utrecht, Belgium was compelled to forego the advantages with which she had been endowed by the God of nature; to gratify commercial jealousy, Antwerp was denied the use of the deep waters that flowed by her walls; and the Austrian efforts at trade with the East Indies were suffocated in their infancy. This policy was a violation of international justice, a fraud upon humanity, a restriction, by covenant, of national industry and prosperity. It was a pledge that Belgium would look beyond treaties, and grow familiar with natural right.

Bancroft, Hist. of the U.S., vol.2, p.208

With regard to France, one condition of the treaty was still worse. England extorted the covenant that the port of Dunkirk should be filled up. A treaty of peace contained a stipulation for the ruin of a harbor!

Bancroft, Hist. of the U.S., vol.2, p.208 - p.209

On the opening of the contest with France, in 1689, William III, though bearing the standard of freedom, was false to the principle of the liberty of the seas, prohibiting to foreign nations all commerce with France; and to the protest of Holland he gave no other reply than that it was his will, and that he had power to make it good. To the tory ministry of Queen Anne belongs the honor of having inserted in the treaties of peace a principle which, but for England, would in that generation have wanted a vindicator. But truth, once elicited, never dies. As it descends through time, it may be transmitted from state to state, from monarch to commonwealth; but its light is never extinguished, and never falls to the ground. A great truth, if no existing nation would assume its guardianship, has power—such is God's providence—to call a people into being, and live by the life it imparts. The idea which Grotius promulgated, Bolingbroke fostered and England kept alive. Free ships," such was international law, as interpreted by England at Utrecht, "free ships shall also give a freedom to goods." The name of contraband was narrowly defined, and the right of blockade severely limited. Sailors, in those days, needed no special protections; for it was covenanted that, with the exception of soldiers in the actual service of the enemy, the Sag shall protect the persons that sail under it.

Bancroft, Hist. of the U.S., vol.2, p.209 - p.210

The English government had always cherished most warmly the slave-trade of its merchants, giving instructions to the governors of New York and to other governors, before and during the war, to furnish "a constant and sufficient supply of merchantable negroes." Its ambition, capacious of such schemes for the enrichment of the kingdom, now strove not only to fill British colonies with slaves, but to monopolize the supply of Spanish America; and at the same time to secure the most favorable opportunities for a profitable smuggling trade. The assiento, as the agreement respecting the slave-trade was called, was, for English America, the most weighty result of the negotiations at Utrecht. It was demanded by Saint-John in 1711; and Louis XIV promised his good offices to obtain it for the English. "Her Britannic majesty did offer and undertake," such are the words of the treaty, "by persons whom she shall appoint, to bring into the West Indies of America belonging to his Catholic majesty, in the space of thirty years, one hundred and forty-four thousand negroes, at the rate of four thousand eight hundred in each of the said thirty years," paying, on four thousand of them, a duty of thirty-three and a third dollars a head. The assientists might introduce as many more as they pleased, at the less rate of duty of sixteen and two thirds dollars a head. Exactest care was taken to secure a monopoly. No Frenchman, nor Spaniard, nor any other persons, might introduce one negro slave into Spanish America. For the Spanish world in the Gulf of Mexico, on the Atlantic, and along the Pacific, as well as for the English colonies, her Britannic majesty, by persons of her appointment, was the exclusive slave-trader. England extorted the privilege of filling the New World with negroes. As great profits were anticipated from the trade, Philip V of Spain took one quarter of the common stock, agreeing to pay for it by a stock-note; Queen Anne reserved to herself another quarter; and the remaining moiety was to be divided among her subjects. The sovereigns of England and Spain became the largest slave-merchants ever known in the history of the world. Lady Masham promised herself a share of the profits; but Harley, who had good sense and was most free from avarice, advised the assignment of the queen's portion of the stock to the South Sea company.

Bancroft, Hist. of the U.S., vol.2, p.210

Controlling the trade in slaves, who cost nothing but trinkets and toys and refuse arms, England gained, by the sale of the children of Africa into bondage in America, the capital which confirmed a British empire in Hindostan. The political effects of this traffic were equally perceptible in the West Indies. The mercantile system of monopoly, of which the colonial system was the essential branch, culminated in the slave-trade, and the commercial policy adopted with regard to the chief produce of slave-labor. The statesmen who befriended the restrictive system showed their highest favor to the sugar colonies.

Bancroft, Hist. of the U.S., vol.2, p.210 - p.211

Further, England, guarding with the utmost strictness the monopoly of her own colonial trade, encroached by treaty on the colonial monopoly of Spain. There shall be trade, it was said, between Great Britain and Spain, and their respective plantations and provinces, "where hitherto trade and commerce have been accustomed;" so that a prescriptive right might spring from the continued successes of British smugglers. Besides, as England gained the assiento, it was agreed that the agents of the assientists might enter all the ports of Spanish America; might send their factors into inland places; might, for their own supplies, establish warehouses, safe against search until after proof of fraudulent importations; might send yearly a ship of five hundred tons, laden with merchandise, to be entered free of all duties in the Indies, and to be sold at the annual fair; might send the returns of this traffic, whether bars of silver, ingots of gold, or the produce of the country, directly to Europe in English vessels. The hope was further expressed that, from Europe and the North American colonies, direct supplies might be furnished to the assientists in small vessels; that is, in vessels fitted to engage in smuggling. Here lay the seeds of war: the great colonial monopolists were divided against each other; and England sought to engross, if possible, every advantage. Many were the consequences to our fathers from these encroachments; they opened trade between our colonies and the Spanish islands; they stimulated England to aggressions till Spain became willing to see the great colonial system impaired, if by that means she could revenge herself on England.

Bancroft, Hist. of the U.S., vol.2, p.211

Finally, England, by the peace of Utrecht, obtained from France large concessions of territory in America. The assembly of New York had addressed the queen against French settlements in the West; William Penn advised to establish the St. Lawrence as the boundary on the north, and to include in our colonies the valley of the Mississippi. It will make a glorious country:" such were his prophetic words. Spotswood, of Virginia again and again directed the attention of the English ministry to the progress of the French in the West. The colony of Louisiana excited in Saint-John "apprehensions of the future undertakings of the French in North America." The occupation Of the Mississippi valley had been proposed to Queen Anne; yet, at the peace, that immense region remained to France. But England obtained the bay of Hudson and its borders; Newfoundland, subject to the rights of France in its fisheries; and all Nova Scotia, or Acadia, according to its ancient boundaries. It was agreed that "France should never molest the Five Nations subject to the dominion of Great Britain." But Louisiana, according to French ideas, included both banks of the Mississippi. Did the treaty of Utrecht assent to such an extension of French territory? And what were the ancient limits of Acadia? Did it include all that is now New Brunswick? or had France still a large territory on the Atlantic between Acadia and Maine? And what were the bounds of the territory of the Five Nations, which the treaty appeared to recognise as a part of the English dominions? These were questions which were never to be adjusted amicably.

Chapter 13:

Of the Boundaries of British, French, and Spanish Colonies

Bancroft, Hist. of the U.S., vol.2, p.212

IN August 1714, the house of Hanover ascended the English throne, an event doubly grateful to the colonies. The contest of parties is the struggle between ideas; and the abiding sympathy of nations is never won but by the support of the regenerating principles of the age. George I had imprisoned his wife; had, from jealousy, caused a young man to be assassinated; had had frequent and angry quarrels with his son; and now, being fifty-three years old, attended by two women of the Hanoverian aristocracy, who were proud of being known as his mistresses, he crossed the sea to become the sovereign of a country of which he understood neither the institutions, the manners, nor the language. Intrusting the administration to the whigs, he avowed his purpose of limiting his favor to them, as though he were himself a member of their party; and in return, by a complaisant ministry, places in the highest ranks of the English aristocracy were secured to his mistresses. And yet throughout English America even the clergy heralded the elevation of George I as an omen of happiness; and it was announced from the pulpit of Boston that, in the whole land, "not a dog can wag his tongue to charge them with disloyalty." To the children of the Puritans, the accession of the house of Hanover was the triumph of Protestantism, and the guarantee of civil liberty.

Bancroft, Hist. of the U.S., vol.2, p.212 - p.213

Louis XIV had outlived his children and every grandchild, except the king of Spain. "My child," said he, in August 1715, as he gave a farewell blessing to his great-grandson, the boy of five years old who was to be his successor, "you will be a great king; do not imitate me in my passion for war; seek peace with your neighbors, and strive to be, what I have failed to be, a solace to your people." On the first of September 1715, he died, but the peace which two years before he had concluded with England remained unbroken for forty years. His nephew, the brave, generous, but abandoned Philip of Orleans, became absolute regent. The French minister Torcy, the gifted son of Colbert, was supplanted, and, by the influence of Protestant England, the recklessly immoral Du Bois, thrice infamous, as the corrupter of his pupil, as the licentious priest of a spiritual religion, and as a statesman in the pay of a foreign country, became cardinal, the successor of Fenelon in an archbishopric, and prime minister of France. On his death in 1723, Fleury entered the privy council, and, in January 1726, at seventy-three years of age, he became the chief minister of the king of France, with the rank of cardinal, and held the office until his death in January 1743. The wise cardinal had a discriminating and candid mind. The preservation of peace was his rule of administration; and he was the chosen mediator between conflicting sovereigns. He clearly foresaw impending revolutions, but succeeded in hushing the storm until his judgment sank beneath the infirmities of fourscore. Under such auspices peace was secured to the colonies of rival nations.

Bancroft, Hist. of the U.S., vol.2, p.213 - p.214

On the accession of George I, Sir Robert Walpole entered the British ministry, and, in the course of 1715, became the first lord of the treasury and chancellor of the exchequer. From this post he retired in 1717, but only to resume it in 1720, and to retain it for more than twenty-one years. His character was a pledge of moderation. Ignorant of theories, not familiar with the history or politics of foreign nations, he was an adept in worldly wisdom. Though destitute of fortune or alliances, he gradually engrossed power, and exercised it temperately. Jovial and placable and always hopeful, he never distrusted his policy or himself. He could endure no rival and sought friends among his inferiors; nor could any person of high pretension long continue to act with him. His pleasures degenerated into coarse licentiousness, and he was not indifferent to the display of magnificence. In the employment of means, he "plunged to the elbows in corruption." His strength lay in his policy of promoting the commerce and manufactures of his country and diminishing its debt. Never palliating his conduct, and caring only for majorities, trading for numbers and not for talents or for appearances, he followed honesty more than he professed to do. He did not corrupt others; he did but buy the service of the corrupt. The house of commons was his avenue to power; and his thoughts were engrossed by intrigues for its control.

Bancroft, Hist. of the U.S., vol.2, p.214

Happy period for the colonies! For a little more than a quarter of a century, the controversies of Great Britain and France respecting colonial boundaries could not occasion the outbreak of a war.

Bancroft, Hist. of the U.S., vol.2, p.214

South Carolina had become the centre of an Indian traffic, which the prospect of continued peace extended from Cape Fear to the country beyond the Savannah, from Mobile river to the Natchez. The tribes among which the traders had their storehouses had been regarded as "a tame and peaceable people;" they were very largely in debt for the advances which had been made them; and "the traders began to be hard upon them, because they would be paid." As a consequence, Indian tribes from Mobile river to Cape Fear were in commotion. A rising was resolved on by the Yamassees with such support as they could gain from the Uchees and the Creeks. On the morning of Good Friday 1715, an indiscriminate massacre of the English began. The bands of the enemy, hiding by day in the swamps, and by night attacking the scattered settlements, drove the planters toward the capital. Charleston itself was in peril.

Bancroft, Hist. of the U.S., vol.2, p.214 - p.215

But the impulse of wild passion could not prevail against the deliberate courage of civilized man. On the north, the insulated band of invaders received a check, and vanished into the forests; on the south, Charles Craven, the governor of the province, promptly led the militia of Colleton district to a final conflict with the confederated warriors on the banks of the Salke-hachie. The savages fought long and desperately; but they were driven out of the province. When Craven returned to Charleston, he was greeted with the applause which his alacrity, courage, and conduct merited. The colony lost about four hundred of its inhabitants.

Bancroft, Hist. of the U.S., vol.2, p.215 - p.216

South Carolina had been defended by its own people alone; and they resolved, under the sovereignty of the English monarch, to govern themselves. Scalping-parties, from their places of refuge in Florida, continued to hover on the frontiers; and the proprietaries took no efficient measures for protecting their colony. They monopolized the lands which they had not contributed to defend. They negatived judicious revenue laws. The polls for the election of representatives had hitherto been held for the whole province at Charleston; the legislature authorized the votes to be taken in each parish; but this was negatived. Members of the proprietary council who, by long residence, became attached to their new country, were supplanted or outweighed by an abrupt increase of the number of councillors. In consequence, at the next election of assembly, though it was chosen at Charleston, not one friend of the proprietaries was returned. The members elect, at private meetings, "resolved to have no more to do with the proprietors;" and the people of the province entered "into an association to stand by their rights and privileges." The assembly, in November 1719, resolved "to have no regard to the officers of the proprietaries or to their administration," and begged Robert Johnson, the governor, "to hold the reins of government for the king." When Johnson rejected their offer, they, with Arthur Middleton for their president, voted themselves "a convention delegated by the people;" and, resolved "on having a governor of their own choosing," they elected James Moore, "whom all the country had allowed to be the fittest person" for undertaking its defence. The militia of Charleston was to be reviewed on the twenty-first of December; and that occasion was selected for proclaiming the new chief magistrate. To Parris, the commanding officer, Johnson issued particular orders to delay the muster, nor suffer a drum to be beaten in the town. But, on the appointed day, with colors flying at the forts and on all the ships in the harbor, the militia drew up in the public square. In the king's name, Johnson commanded Parris to disperse his men; and Parris answered: "I obey the convention." "The revolutioners had their governor, council, and convention, and all of their own free election."

Bancroft, Hist. of the U.S., vol.2, p.216

The agent from Carolina, in 1720, obtained in England a ready hearing from the lords of the regency. The proprietors were esteemed to have forfeited their charter; measures were taken for its abrogation; and, in the mean time, Francis Nicholson—trained to the direction of colonial governments, by experience in New York, in Virginia, in Maryland—received a royal commission as provisional governor of the province. The bold act of the people of Carolina, which in England was respected as an evidence of loyalty, was remembered in America as an example.

Bancroft, Hist. of the U.S., vol.2, p.216

In 1721, the first act of Nicholson confirmed peace with the natives. On the border of the Cherokees he was met, in congress, by the chiefs of thirty-seven different villages. They smoked with him the calumet, and marked the boundaries between "the beloved nation" and the colonists; and they returned to their homes in the mountain vales, pleased with their generous brother and new ally. A treaty of commerce was concluded with the Creeks, whose hunting-grounds it was solemnly agreed should extend to the Savannah. Yet English ambition was not bounded by that river; in defiance of remonstrances from Spain, a small English fort was maintained on the forks of the Alatamaha.

Bancroft, Hist. of the U.S., vol.2, p.216

In September 1729, under the sanction of an act of parliament, and for the sulu of twenty-two thousand five hundred pounds, seven eighths of the proprietaries sold to the crown their territory, powers of jurisdiction and arrears of quit-rents. Lord Carteret alone, joining in the surrender of the government, reserved an eighth share in the soil. Then it was that a royal governor was first known in North Carolina. Its secluded hamlets had not imitated the popular revolution of the southern province.

Bancroft, Hist. of the U.S., vol.2, p.216 - p.217

So soon as the royal government was confirmed, it attempted, by treaties of union, to convert the Indians on the borders of Carolina into allies or subjects; and, early in 1730, Sir Alexander Cumming, a special envoy, guided by Indian traders to Keowee, summoned a general assembly of the chiefs of the Cherokees to meet at Nequassee, in the valley of the Tennessee. They came together in the month of April, and were told that King George was their sovereign. When they offered a chaplet, four scalps of their enemies and five eagles' tails, as the record of the treaty, it was proposed to them to send deputies to England; and their assent was interpreted as an act of homage to the British monarch. In England, a treaty of alliance, offensive and defensive, was signed by the name and seal of one party, by the emblems and marks of the other. No white men, except the English, might build cabins or plant corn upon the lands of the Cherokees, who in this way were constituted a barrier against the French. The seven envoys from the mountains of Tennessee, bewildered at the vastness of London and the splendor and discipline of the British army, were presented at court; and, when in September the king claimed their land and all the country about them as his property, surprise and inadvertence extorted from one of their war-chiefs the Irrevocable answer, "To-eu-hah "—it is "a most certain truth"—and the delivery of eagles' feathers confirmed his words. The covenant promised that love should flow forever like the rivers, that peace should endure like the mountains; and it was faithfully kept for one generation.

Bancroft, Hist. of the U.S., vol.2, p.217

The treaty of Utrecht surrendered to England Acadia "with its ancient boundaries." Disputes were to arise respecting them; but even the eastern frontier of the province of Massachusetts was not vindicated without a contest. To the country between the Kennebec and the St. Croix a new claimant appeared in the Abenakis themselves. In 1716, the general court extended its jurisdiction to the utmost bounds of the province; the fishermen and the traders of New England not only revived the villages that had been desolated during the war, but, on the eastern bank of the Kennebec, laid the foundation of new settlements, and protected them by forts.

Bancroft, Hist. of the U.S., vol.2, p.217 - p.218

The red men became alarmed. Away went their chiefs, in 1717, across the forests to Quebec, to ask if France had indeed surrendered the country, of which they themselves were the rightful lords; and, as Vaudreuil answered that the French treaty with the English made no mention of their country, their chief resisted the claim of the government of Massachusetts. "I have my land," said he, "where the Great Spirit has placed me; and, while there remains one child of my tribe, I shall fight to preserve it." France could not maintain its influence by an open alliance, but its missionaries guided their converts. At Norridgewock, on the banks of the Kennebec, Sebastian Rasles, for more than a quarter of a century the companion and instructor of savages, had gathered a flourishing village round a church which, rising in the desert, made some pretensions to magnificence. Severely ascetic, using no wine and little food except pounded maize, a rigorous observer of the days of Lent, he built his own cabin, tilled his own garden, drew for himself wood and water, prepared his own hominy, and, distributing all that he received, gave an example of religious poverty. Himself a painter, he adorned the humble walls of his church with pictures. There he gave instruction almost daily. Following his pupils to their wigwams, he tempered the spirit of devotion with familiar conversation and innocent gayety, winning the mastery over their souls by his powers of persuasion. He had trained a band of forty young savages, arrayed in cassock and surplice, to assist in the service and chant the hymns of the church; and their public processions attracted a concourse of red men. Two chapels were built near the village, and before them the hunter muttered his prayers, on his way to the river or the woods. When the tribe descended to the seaside, in the season of wild fowl, they were followed by Rasles; and on some islet a little chapel of bark was quickly consecrated.

Bancroft, Hist. of the U.S., vol.2, p.218

In 1717, the government of Massachusetts attempted, in turn, to establish a mission; and its minister made a mocking of purgatory and the invocation of saints, of the cross and the rosary. "My Christians," retorted Rasles, "believe the truths of the Catholic faith, but are not skilful disputants;" and he prepared a defence of the Roman church.

Bancroft, Hist. of the U.S., vol.2, p.218 - p.219

Several chiefs had, by stratagem, been seized by the New England government, and were detained as hostages. For their liberty a stipulated ransom had been paid; and still they were not free. The Abenakis, in 1721, demanded that their territory should be evacuated, and the imprisoned warriors delivered up, or reprisals would follow. Instead of negotiating, the English seized the young Baron de Saint-Castin, a half breed, who at once held a French commission and was an Indian war-chief; and, after vainly soliciting the savages to surrender Rasles, in January 1722, Westbrooke led a strong force to Norridgewock to take him by surprise. The warriors were absent in the chase; the Jesuit had sufficient warning to escape, with the old men and the infirm, into the forest; and the invaders gained nothing but his papers. These were important; for the correspondence with Vaudreuil proved a latent hope of establishing the power of France on the Atlantic. There was found, moreover, a vocabulary of the Abenaki language, which the missionary had compiled, and which has been preserved to this day.

Bancroft, Hist. of the U.S., vol.2, p.219

On returning from the chase, the Indians, after planting their grounds, resolved to destroy the English settlements on the Kennebec. They sent deputies to carry the hatchet and chant the war-song among the Hurons of Quebec and in every village of the Abenakis. The work of destruction began by the burning of Brunswick.

Bancroft, Hist. of the U.S., vol.2, p.219

Rasles clearly perceived that, "unless the French should join" with the red men, the land would be lost. At his bidding, many of his flock retired to Canada; but, to their earnest solicitations that he would share their flight, the aged man, foreseeing the impending ruin of Norridgewock, replied: "I count not my life dear unto myself, so I may finish with joy the ministry which I have received."

Bancroft, Hist. of the U.S., vol.2, p.219

The legislature of Massachusetts, by resolution, in July 1722, declared the eastern Indians to be traitors and robbers; and, while troops were raised for the war, offered private men for each Indian scalp at first a bounty of fifteen pounds, and afterward of a hundred.

Bancroft, Hist. of the U.S., vol.2, p.219 - p.220

The expedition to Penobscot, in 1723, was under public auspices. After five days' march through the woods, Westbrooke, with his company, came upon the Indian settlement, that was probably above Bangor, at Old Town. He found a fort, seventy yards long and fifty in breadth, well protected by stockades, fourteen feet high, enclosing twenty-three houses regularly built. On the south side, near at hand, was the chapel, sixty feet long and thirty wide, well and handsomely furnished within and without; and south of this stood the "friar's dwelling house." The invaders arrived there on the ninth of March 1723, at six in the evening. That night they set fire to the village, and by sunrise next morning every building was in ashes.

Bancroft, Hist. of the U.S., vol.2, p.220

Twice it was attempted in vain to capture Rasles. At last, on the twenty-third of August 1724, a party from New England reached Norridgewock unperceived till they discharged their guns at the cabins. There were about fifty warriors in the place. They seized their arms and marched forth tumultuously to protect the flight of their wives and children and old men. Rasles, roused to the danger by their clamors, went forward to save his flock by drawing down upon himself the attention of the assailants; and his hope was not vain. Meantime, the savages fled to the river, which they passed by wading and swimming, while the English pillaged the cabins and the church, and then set them on fire.

Bancroft, Hist. of the U.S., vol.2, p.220

After the retreat of the invaders, the red men returned to nurse their wounded and inter their dead. They buried Rasles beneath the spot where he used to stand before the altar. The most noted of the Catholic missionaries in New England, he was in his sixty-seventh year, and had been thirty-seven years in the service of the church in America. He knew several dialects of the Algonkin, and had been as a missionary among various tribes from the ocean to the Mississippi. In 1721, Father de la Chasse had advised his return to Canada. "God has intrusted to me this flock," was his answer; "I shall follow its fortunes, happy to be immolated for its benefit." In New England, he was regarded as the leader of the insurgent Indians; the brethren of his order mourned for him as a martyr and a saint.

Bancroft, Hist. of the U.S., vol.2, p.220

The overthrow of the missions completed the ruin of French influence. The English themselves had grown skilful in the Indian mode of warfare; and no war-parties of the red men ever displayed more address or heroism than the brave John Lovewell and his companions. His volunteer associates twice returned laden with scalps. On a third expedition, in April 1725, falling into an ambush of Saco Indians, he lost his life in Fryeburg, near a sheet of water which has taken his name; and the stream that feeds it is still known to the peaceful husbandman as the Battle Brook.

Bancroft, Hist. of the U.S., vol.2, p.221

In the following November, the eastern Indians, who had been instigated but not supported by the French, unable to contend openly with their opponents and excelled even in their own methods of warfare, concluded a peace, which in August of the next year was ratified by the chiefs as far as the St. John, and was long and faithfully maintained. Influence by commerce took the place of influence by religion, and English trading-houses supplanted French missions. Peace on the eastern frontier revived the maritime enterprise of Maine, and its settlements began to obtain a fixed prosperity.

Bancroft, Hist. of the U.S., vol.2, p.221

The wilderness that divided the contending claimants postponed hostilities. By the treaty of Utrecht, the subjects and friends of both nations might resort to each other for the reciprocal benefit of their trade; and an active commerce subsisted between Albany and Montreal by means of the Christian Iroquois. The French, in 1719, gained leave to build a trading-house in the land of the Onondagas. In 1722 the governor of New York was instructed "to extend with caution the English settlements as far as possible, since there was no great probability of obtaining a determination of the general boundary." William Burnet, then governor of New York, bestowed assiduous care on the condition of the frontiers, invoked colonial concert, appealed to the ministry, and, in 1726, persuaded the New York legislature, at its own cost, to lay the foundation of Oswego. In 1727, this trading-post, partly at the expense of Burnet himself, was converted into a fortress, in defiance of the Five Nations and the constant protest of France. It was the avenue through which the West was reached by English traders and formed a station for the Miamis, and even the Hurons, on their way from Detroit to Albany.

Bancroft, Hist. of the U.S., vol.2, p.221 - p.222

The limit of jurisdiction between England and France was not easy of adjustment. France had never yielded its claim to that part of Vermont and New York which is watered by streams flowing to the St. Lawrence. The boat of Champlain had entered the lake that makes his name a familiar word in the same summer in which Hudson ascended the North river. Holland had never dispossessed the French. There was no act of France relinquishing its pretension before the treaty of Utrecht. The ambiguous language of that treaty did, indeed, refer to "the Five Nations subject to England;" but French diplomacy would not interpret an allusion to savage hordes as a surrender of Canadian territory, while the English revived and exaggerated the rights of the Five Nations.

Bancroft, Hist. of the U.S., vol.2, p.222

In 1701, at the opening of the war of the Spanish succession, the chiefs of the Mohawks and Oneidas had appeared in Albany; and the English commissioners, who could produce no treaty, yet made a minute in their books of entry that the Mohawks and the Oneidas had placed their hunting-grounds under the protection of the English. Immediately their hunting-grounds were interpreted to extend to Lake Nipising; and, on old English maps, the region is included within the dominions of England, by virtue of an act of cession from the Iroquois.

Bancroft, Hist. of the U.S., vol.2, p.222

But, as a treaty of which no record existed could hardly be cited as a surrender of lands, it was the object of Burnet to obtain a confirmation of this grant. Accordingly, in the treaty concluded at Albany, in September 1726, the cession of the Iroquois country west of Lake Erie, and north of Erie and Ontario, was confirmed; and, in addition, a strip of sixty miles in width, extending from Oswego to Cuyahoga river at Cleveland, was "submitted and granted" by chiefs of the three western tribes to "their sovereign lord, King George," "to be protected and defended by his said majesty, for the use of the said three nations." The chiefs could give no new validity to the alleged treaty of 1701; they had no authority to make a cession of land, nor were they conscious of attempting it. If France had renounced its rights to western New York, it had done so only in 1713 by the treaty of Utrecht. Each new ground for an English claim was a confession that the terms of the treaty of Utrecht were far from being explicit.

Bancroft, Hist. of the U.S., vol.2, p.222 - p.223

France did not merely remonstrate against the attempt to curtail its limits and appropriate its provinces. Entering Lake Champlain, it established, in 1731, the fortress of the crown. The garrison was at first stationed on the eastern shore of the lake, within the present township of Addison, but soon removed to the point, where its batteries defended the approach to Canada by water. That Fort Dummer, which was within the present Brattleborough, was within the limits of Massachusetts was not questioned by the French.

Bancroft, Hist. of the U.S., vol.2, p.223

Among the public officers of the French, who gained influence over the red men by adapting themselves with happy facility to life in the wilderness, was the Indian agent Joncaire. For twenty years he had been successfully employed in negotiating with the Senecas. He was become, by adoption, one of their own citizens and sons, and to the culture of a Frenchman added the fluent eloquence of an Iroquois warrior. "I have no happiness," said he in council, "like that of living with my brothers;" and he asked leave to build himself a dwelling. "He is one of our own children," it was said in reply; "he may build where he will." And he planted himself in the midst of a group of cabins on the angle formed by the junction of the Niagara with Lake Ontario, within the present Lewiston. In May of 1721, a party arrived at the spot, among whom were the son of the governor of New France, from Montreal, and Charlevoix, best of early writers on Canadian history. They observed the rich soil of western New York, its magnificent forests, its mild climate. "A good fortress in this place, with a reasonable settlement, will enable us," thus they reasoned, "to dictate law to the Five Nations, and to exclude the English from the fur trade." And, in 1726, four years after Burnet had built the English trading-house at Oswego, the flag of France floated from Fort Niagara.

Bancroft, Hist. of the U.S., vol.2, p.223

The fortress at Niagara gave a control over the commerce of the interior: if furs descended by way of the lakes, they passed over the portage at the falls to Montreal. The boundless region in which they were gathered knew no jurisdiction but that of the French, whose trading canoes were safe in all the waters, whose missions extended beyond Lake Superior. Except the fortress at Oswego, the English held no post in the country watered by tributaries of the St. Lawrence.

Chapter 14:

Progress of Louisiana

Bancroft, Hist. of the U.S., vol.2, p.224

AT the west and south, Louisiana was held by the French to extend to the river Del Norte; the boundary line of French pretensions, in disregard of the claims of Spain, crossed the Rocky Mountains, and sought its termination in the Gulf of California. At the north-west, where it met the possessions of the company of Hudson's bay, the British commissioners, Bladen and the younger Pulteney, who repaired to Paris to adjust the boundaries, met irreconcilable differences, and no attempt was made to run the line.

Bancroft, Hist. of the U.S., vol.2, p.224

On the east, the line between Spain and France was equidistant from Pensacola and Mobile; with England, the watershed of the Alleghany Mountains was to France the dividing line.

Bancroft, Hist. of the U.S., vol.2, p.224

The French made haste to secure their influence on the Ohio. In 1698, a branch of the Shawnees established themselves at Conestoga; in 1700, William Penn received them as a part of the people of Pennsylvania; and they scattered themselves along the upper branches of the Delaware and the Susquehannah. About the year 1724, the Delawares, for the conveniency of game, migrated to branches of the Ohio; and, in 1728, the Shawnees gradually followed them. They were soon met by Canadian traders. In 1730, the wily Joncaire induced their chiefs to visit the governor at Montreal. In the next year, the warriors of the tribe, hoisting a white flag in their town, put themselves under the protection of Louis XV The government of Canada annually sent them presents and friendly messages.

Bancroft, Hist. of the U.S., vol.2, p.225

To resist the French claims, Spotswood, the governor of Virginia, as early as 1710, sought to extend the line of the Virginia settlements far enough to the west to interrupt the chain of communication between Canada and the Gulf of Mexico. He caused the passes in the mountains to be examined, and promoted settlements beyond them. Finding other measures unavailing, he favored the incorporation of a Virginia Indian company, which, from the emoluments of a monopoly of the traffic, should sustain forts in the western country; but in England at that time determined opposition to a privileged company led to a repeal of the act.

Bancroft, Hist. of the U.S., vol.2, p.225

In 1719, the subject was earnestly pressed upon the lords of trade by the governor of Pennsylvania, who counselled the establishment by Virginia of a fort on Lake Erie. From 1725, after the migration of the Delawares and Shawnees, James Logan, the secretary of Pennsylvania, incessantly demanded the attention of the proprietary to the ambitious designs of France, which extended "to the heads of all the tributaries of the Ohio." "This," he rightly added, "interferes with the five degrees of longitude of this province." In the autumn of 1731, immediately after the establishment of Crown Point, Logan prepared a memorial on the state of the British plantations, which was communicated to Sir Robert Walpole. But "the grand minister and those about him were too solicitously concerned for their own standing to lay anything to heart that was at so great a distance."

Bancroft, Hist. of the U.S., vol.2, p.225

The avenue from the St. Lawrence to the Mississippi, by way of the Miami of the lakes, came more and more into use. Emigrants from Canada continued to increase the settlement at the portage on the Wabash, where the post Vincennes was established not later than 1735. In 1742, a few herdsmen gained permission of the natives to pasture their beeves on the fertile fields of Blanche river.

Bancroft, Hist. of the U.S., vol.2, p.225 - p.226

The widest extent of Louisiana was, on the eve of the treaty of Utrecht, expressly asserted in the royal grant of the exclusive trade of the territory to Anthony Crozat, a French merchant, who had "prospered in opulence to the astonishment of all the world." La Motte Cadillac, the founder of the military post at Detroit, now the royal governor of Louisiana, became his partner.

Bancroft, Hist. of the U.S., vol.2, p.226

Hardly had their officers landed at Dauphine island when, in May 1713, a vessel was sent to Vera Cruz; but every Spanish harbor in the Gulf of Mexico was closed against them. Liberty of commerce in the wilderness claimed by Spain was sternly refused. With better success, in 1714, Charleville established a trading-post where now is Nashville.

Bancroft, Hist. of the U.S., vol.2, p.226

From the mines of Louisiana it was still hoped to obtain "great quantities of gold and silver." Two pieces of silver ore, left at Kaskaskia by a traveller from Mexico, were exhibited to Cadillac as the produce of a mine in Illinois; and, elated by the seeming assurance of success, he hurried up the river, to find in Missouri abundance of the purest ore of lead, but neither silver nor gold.

Bancroft, Hist. of the U.S., vol.2, p.226 - p.227

The only prosperity of the province had grown out of the enterprise of humble individuals, who had succeeded in instituting a little barter with the natives, and a petty contraband trade with neighboring European settlements. These were cut off by the profitless but fatal monopoly of the Parisian merchant. The Indians were too numerous to be resisted by his factors. The English gradually appropriated the trade with the natives; and every Frenchman in Louisiana, except his agents, fomented opposition to his privileges. Crozat resigned his charter. On receiving it, Louisiana possessed twenty-eight French families: in 1717, when he abandoned it, the troops sent by the king, joined to the colonists, did not swell the inhabitants of the colony to more than seven hundred, including persons of every age, sex, and color. These few were scattered from the neighborhood of the Creeks to Natchitoches. In 1714, with the aid of a band of the Choctas, Fort Toulouse, a small military post, had been built and garrisoned on the head-waters of the Alabama, at the junction of the Coosa and the Tallapoosa. After a short period of hostilities, which sprung in part from the influence of English traders among the Chicasas, Bienville chanted the song of peace with the great chief of the Natchez; and a fort, built in 1716, and named Rosalie in honor of the countess of Pontchartrain, protected the French commercial establishment in their village. Such was the origin of the city of Natchez. In the Mississippi valley, it is the oldest permanent settlement south of Illinois.

Bancroft, Hist. of the U.S., vol.2, p.227 - p.228

The imagination of France was inflamed, and the commerce and opulence of coming ages was clutched at as within immediate grasp, when John Law obtained the control of the commerce of Louisiana and Canada. The debt which Louis XIV bequeathed to his successor, after arbitrary reductions, exceeded two milliards of livres; and, to meet the annual interest of eighty millions, the surplus revenues of the state did not yield more than nine millions. In this period of depression, John Law proposed to the regent to liberate the state from its enormous burden, without loans or taxes, by a system which should bring all the money of France on deposit. It was the faith of Law that the currency of a country is but the representative of its moving wealth; that this representative need not possess in itself an intrinsic value, but may be made of shells or paper; that, where gold and silver are the only circulating medium, the wealth of a nation may be at once indefinitely increased by an arbitrary infusion of paper; that credit consists in the excess of circulation over immediate resources; and that the advantage of credit is in the direct ratio of that excess. Applying these maxims to France, he planned the whimsically gigantic project of collecting all the gold and silver of the kingdom into one bank. At first, from his private bank, having a nominal capital of six million livres of which a part was payable in government notes, bills were emitted wath moderation; and, while the despotic government had been arbitrarily changing the value of its coin, his notes, being payable in coin at an unvarying standard of weight and fineness, bore a small premium. When Crozat resigned the commerce of Louisiana, it was transferred to the Western company, better known as the company of Mississippi, instituted under the auspices of Law. The stock of the corporation was fixed at two hundred thousand shares, of five hundred livres each, to be paid in any certificates of public debt. Thus, nearly one hundred millions of the most depreciated of the public stocks were suddenly absorbed, the government changing its obligations from an indebtedness to individuals to an indebtedness to a favored company of its own creation. Through the bank of Law, the interest on the debt was discharged punctually; and, in consequence, the evidences of debt, which were received in payment for stock, rose rapidly from a depreciation of two thirds to par value. Public credit seemed restored as if by a miracle. Tales were revived of the wealth of Louisiana; its ingots of gold had been seen in Paris. The vision of a fertile empire, with plantations, manors, cities, and busy wharfs, a monopoly of commerce throughout all French North America, the richest silver mines and mountains of gold, were blended in the French mind into one boundless promise of treasures. The regent, who saw opening before him unlimited resources; the nobility, the churchmen, who competed for favors from the privileged institution; stockjobbers, including dukes and peers, marshals and bishops, women of rank, statesmen and courtiers—eager to profit by the sudden and indefinite rise of stocks, conspired to reverence Law as the greatest man of his age.

Bancroft, Hist. of the U.S., vol.2, p.228

In September 1717, the Western company obtained its grant. On the twenty-fifth day of August 1718, after a long but happy voyage, the Victory, the Duchess of Noailles, and the Mary, bearing eight hundred emigrants for Louisiana, chanted their Te Deum as they cast anchor near Dauphine island. Bienville, in the midsummer of that year, had selected the site for the capital of the new empire; and from the regent of France, the promised city received the name of New Orleans. The emigrants disembarked on the crystalline sands of Dauphine island, to make their way as they could to the lands that had been ceded to then. Some perished for want of enterprise, some from the climate; those who prospered, did so by their own indomitable energy. The Canadian Du Tissenet, purchasing a compass, and taking an escort of fourteen Canadians, went fearlessly from Dauphine island by way of the Mobile river to Quebec, and returned to the banks of the Mississippi with his family. The most successful colonists of Louisiana were hardy emigrants from Canada, who brought with them little beyond a staff and the coarse clothes that covered them.

Bancroft, Hist. of the U.S., vol.2, p.229

Of the new-comers from France, eighty convicts were sent to the site of New Orleans, to prepare room for a few tents and cottages; but the emigrants still continued to disembark on the coast; and, in 1721, Bienville himself for a second time established the head-quarters of Louisiana at Biloxi.

Bancroft, Hist. of the U.S., vol.2, p.229

Meantime, Alberoni, the minister of Spain, having, contrary to its interests add to those of France, involved the two countries in a war, Serigny arrived, in February of 1719, with orders to take possession of the bay and fort of Pensacola. On the margin of the bay, called, in the days of De Soto, Anchusi, afterward, in 1693, St. Mary, and St. Mary of Galve, Don Andres de Arricla had, in 1696, built a fort, a church, and a few houses, in a place without commerce or agriculture, or productive labor of any kind. On the fourteenth of May 1719, the fort, after five hours' resistance, surrendered, and the French hoped to extend their power to the Atlantic. But within forty days the Spaniards recovered the town, and attempted, in their turn, to conquer the French posts on Dauphine island and on the Mobile. In September, the French recovered Pensacola, which, by the treaty of 1721, reverted to Spain. The tidings of peace were welcomed at Biloxi with heartfelt joy.

Bancroft, Hist. of the U.S., vol.2, p.229

But a change had taken place in the fortunes of the Mississippi company. By its connection with the bank of Law, its first attempts at colonization were conducted with careless prodigality. The richest and the most inviting lands in the southern valley of the Mississippi, were conceded to companies or to individuals who sought principalities in the New World. It was hoped that at once six thousand white colonists would be established in Louisiana. To Law himself there was granted a vast prairie on the Arkansas, where he designed to plant a city and villages, and his investments rapidly amounted to a million and a half of livres. But the decline of Louisiana followed on the financial changes in France.

Bancroft, Hist. of the U.S., vol.2, p.229 - p.230 - p.231

In January of 1719, the bank of Law became, by a negotiation with the regent, the Bank of France; and a government which had almost absolute power of legislation conspired to give the widest extension to what was called credit. The contest between paper and specie began to rage; the one buoyed up by despotic power, the other appealing to common sense. Within four years, a succession of decrees changed the relative value of the livre not less than fifty times, that, from disgust at fluctuation, paper at a fixed rate might be preferred. All taxes were to be collected in paper; at last, paper was made the legal tender in all payments. To win the little gold and silver that was hoarded by the humbler classes, small bills, as low even as of ten livres, were put in circulation. The purchase of the bank by the government met less opposition, when a second scheme was devised for absorbing its issues. Two kinds of paper, bills payable on demand and certificates of stock, were put abroad together; and the stupendous project was formed of paying off the public debt in bank-bills, to absorb which new shares in the Mississippi company, under the title of the Company of the Indies, were constantly created and offered for sale. The extravagance of hope was nourished by the successive surrender to that corporation of additional monopolies—the trade in Africans, the trade on the Indian seas, the sale of tobacco, the profits of the royal mint, the profits of farming the whole revenue of France—till a promise of a dividend of forty per cent, from a company which had the custody of the revenues and the benefit of the commerce of France, obtained belief. Avarice became a frenzy; its fury seized every member of the royal family, men of letters, prelates, and women. Early in the morning, the exchange opened with beat of drum and sound of bell, and closed at night on avidity that could not slumber. To doubt the wealth of Louisiana provoked anger. New Orleans was famous at Paris as a city before its canebrakes were cut down. The hypocrisy of manners, which in the old age of Louis XIV made religion a fashion, revolted to libertinism; and licentious pleasure was become the parent of an equally licentious cupidity. In the course of sixteen months, more than two milliards of stock were emitted; and the regent's mother could write that "all the king's debts were paid." The extravagances of stock-jobbing were increased by the latent distrust alike of the shares and of the bills; men purchased stock because they feared the end of the paper system, and because with the bills they could purchase nothing else. The parliament protested that private persons were by the system defrauded of three fifths of their income. To stifle doubt, Law, who had made himself a Catholic, was, in January 1720, appointed comptroller-general; and, in the next month, the new minister of finance perfected the triumph of paper by a decree that no person or corporation should have on hand more than five hundred livres in specie; the rest must be exchanged for paper, and all payments, except for sums under one hundred livres, must be paid in paper. Terror and the dread of informers brought, within three weeks, forty-four millions into the bank. In March, a decree of council fixed the value of the stock at nine thousand livres for five hundred, and forbade certain corporations to invest money in anything else; all circulation of gold and silver, except for change, was prohibited; all payments must be made in paper, except for sums under ten livres. He who should have attempted to convert a bill into specie would have exposed his specie to forfeiture and himself to fines. Confidence disappeared, and, in May, bankruptcy was avowed by a decree which reduced the value of bank-notes by a moiety. The French people remained faithful to their delusion till France was impoverished, public and private credit subverted, the income of capitalists annihilated, and labor left without employment; while, in the midst of the universal wretchedness of the middling class, a few wary speculators, profiting by fluctuations, gloried in their wrongfully acquired wealth. The chancellor Aguesseau, who was driven from office because he could show no favor to the system, was, after a short retirement, restored to greater honors than before, and lives in memory as a tolerant and incorruptible statesman; while those who assisted the recklessness of Law have been rescued from infamy only by oblivion.

Bancroft, Hist. of the U.S., vol.2, p.231 - p.232

The downfall of Law abruptly curtailed expenditures for Louisiana. But a colony was already planted, destined to encounter and survive all dangers. Charlevoix, the enlightened traveller, held America happy as the land in which the patriot could point to no ruins of a more prosperous age, and predicted that the site where he found, in 1722," two hundred persons encamped on the borders of a great river " to build a city, on land "still almost entirely covered with forest-trees and canes, would become, and perhaps at no distant day, the opulent metropolis of a grand and rich colony. I found this opinion," he said, "on the situation of the place, within twenty-four hours from the sea; on the fertility of its soil; the softness and goodness of its climate; the industry of its inhabitants; the neighborhood of Mexico, of Havana, of the most beautiful isles of America, and of the English colonies. What more is needed to make the city flourishing? Rome and Paris were not built under so happy auspices; nor did they offer the advantages which we find in the Mississippi, compared with which the Seine and the Tiber are but rivulets."

Bancroft, Hist. of the U.S., vol.2, p.232

For the time, the disenchanted public would see in Louisiana nothing but the graves of emigrants. In 1722, the garrison at Fort Toulouse revolted; and, of the soldiers, six-and-twenty attempted to reach the English settlements of Carolina. When, in 1727, a Jesuit priest arrived at the domain granted to Law on the Arkansas, he found only thirty needy Frenchmen who had been abandoned by their employer, and had no consolation but in the blandness of the climate and the unrivalled fertility of the soil.

Bancroft, Hist. of the U.S., vol.2, p.232

From the easier connection of Mobile with the sea, it remained a principal post; but, in August of 1723, the quarters of Bienville were transferred to New Orleans, where the central point of French power, after hovering round Ship island and Dauphine island, the bays of Biloxi and Mobile, was at last established. The emigrants to Arkansas removed to lands on the river nearer that city.

Bancroft, Hist. of the U.S., vol.2, p.232

The villages of the Natchez, planted in the midst of the most fertile climes of the South-west, rose near the banks of the Mississippi. There was among the Natchez no greater culture than among the Choctas; and their manners hardly differed from those of northern tribes, except as they were modified by climate; but the accounts which we have of them are meagre, and wanting in scientific exactness.

Bancroft, Hist. of the U.S., vol.2, p.232 - p.233

The French, who were cantoned among the Natchez, coveted their soil; the French commander, Chopart, required for a plantation the very site of their principal village. The tribe listened to the counsels of the Chicasas; they gained in part the support of the Choctas; and a general massacre of the intruders was concerted. On the morning of the twenty-eighth of November 1729, the work of blood began, and before noon nearly every Frenchman in the colony was murdered.

Bancroft, Hist. of the U.S., vol.2, p.233

At that time, the Jesuit Du Poisson was the missionary among the Arkansas. Two years before, he had made his way up the Mississippi from New Orleans till he reached the prairies that had been selected for the plantations of Law, and smoked the calumet with the southernmost tribes of the Dakotas. Desiring to plan a settlement near the margin of the Mississippi, he touched at Natchez in search of counsel; preached on the first Sunday in advent, visited the sick, and was returning with the host from the cabin of a dying man, when he, too, was struck to the ground, and beheaded. Du Codere, the commander of the post among the Yazoos, who had drawn his sword to defend the missionary, was killed by a musket-ball, and scalped because his hair was long and beautiful. The planter Koli, a Swiss by birth, one of the most worthy members of the colony, had come with his son to take possession of a tract of land on St. Catharine's creek; and both were shot. The Capuchin missionary among the Natchez, returning from an accidental absence, was killed near his cabin, and a negro slave by his side. Two white men, both mechanics, and two only, were saved. The number of victims was reckoned at two hundred. Women were spared for menial services; children, as captives. When the work of death was finished, pillage and carousals began.

Bancroft, Hist. of the U.S., vol.2, p.233

The news spread dismay in New Orleans. Each house was supplied with arms; the city fortified by a ditch. Danger appeared on every side. The negroes, of whom the number was about two thousand, half as many as the French, showed symptoms of revolt. But the brave Le Sueur won the Choctas to his aid, and was followed across the country by seven hundred of their warriors. On the river, the forces of the French were assembled, and placed under the command of Loubois.

Bancroft, Hist. of the U.S., vol.2, p.233 - p.234

Le Sueur was the first to arrive in the vicinity of the Natchez. On the evening of the twenty-eighth of January 1730, they gave themselves up to sleep, after a day of festivity on the following morning, at daybreak, the Choctas broke into their villages, liberated their captives, and, losing but two of their own men, brought off sixty scalps with eighteen prisoners.

Bancroft, Hist. of the U.S., vol.2, p.234

In February 1730, the French besieged the Natchez in their home. They escaped by night across the Mississippi. Pursued in the next year, their greatest chief, "the Sun," and more than four hundred others, chiefly women and children, were taken prisoners and sold as slaves in Hispaniola. Before the end of 1731 the Natchez, wasted by further encounters, ceased to be a nation.

Bancroft, Hist. of the U.S., vol.2, p.234

The cost of defending Louisiana exceeding the returns from its commerce and from grants of land, the company of the Indies, seeking wealth by conquests or traffic on the coast of Guinea and Hindostan, solicited leave to surrender the Mississippi wilderness; and, on the tenth of April 1732, the jurisdiction and control over its commerce reverted to the crown of France. The company had held possession of Louisiana for fourteen years, which were its only years of comparative prosperity. The early extravagant hopes had continued long enough to attract emigrants, who, being once established, took care of themselves. In 1735, the Canadian Bienville reappeared to assume the command for the king.

Bancroft, Hist. of the U.S., vol.2, p.234

The great object of the crown was the establishment of its power in Louisiana. The Chicasaws were the dreaded enemies, who had hurried the Natchez to bloodshed and destruction; in their cedar barks, shooting boldly into the Mississippi, they interrupted the connection between Kaskaskia and New Orleans. They maintained their savage independence, and weakened by dividing the French empire. They made all settlements on the eastern bank of the Mississippi unsafe from the vicinity of New Orleans to Kaskaskia. They welcomed the English traders from Carolina to their villages; they even endeavored to debauch the affections of the Illinois, and to extirpate French dominion from the West. After nearly two years' preparation, in 1736, the whole force of the colony at the South, with Artaguette and troops from his command in Illinois and probably from the Wabash, was directed to meet, on the tenth of May, in their land. The government of France had itself given directions for the invasion, and watched the issue of the strife.

Bancroft, Hist. of the U.S., vol.2, p.235

From New Orleans, the fleet of thirty boats and as many pirogues departed for Fort Conde at Mobile, which it did not leave till the fourth of April. In sixteen days, it ascended the river to Tombigbee, a fort which an advanced party had constructed on the west bank of the river, two hundred and fifty miles above the bay. Of the men employed in its construction, some attempted to escape into the wilderness: by sentence of a court-martial, they were shot.

Bancroft, Hist. of the U.S., vol.2, p.235

The Choctaws, lured by gifts of merchandise and high rewards for every scalp, gathered at Fort Tombigbee to aid Bienville. Of these red auxiliaries, the number was about twelve hundred; and the whole party slowly sounded its way up the windings of the Tombigbee to the point where Cotton Gin Port now stands, and which was but about twenty-one miles south-east of the great village of the Chicasaws. There the artillery was deposited in a temporary fortification; and the forests and prairies between the head-sources of the Tombigbee and the Tallahatchie were disturbed by the march of the army toward the long house of their enemy. After the manner of Indian warfare, they encamped, on the evening of the twenty-fifth of May, at the distance of a league from the village. In the morning, before day, they advanced to surprise the Chicasaws. In vain. The brave warriors, whom they had come to destroy, were on the watch; their intrenchments were strong; English flags waved over their fort; English traders had assisted them in preparing defence. Twice during the day an attempt was made to storm their log citadel; and twice the French were repelled, with a loss of thirty killed, of whom four were officers. The next day saw skirmishes between parties of Choctaws and Chicasaws. On the twenty-ninth, the retreat began; on the thirty-first of May, Bienville dismissed the Choctaws, having satisfied them with presents; and, throwing his cannon into the Tombigbee, his party ingloriously floated down the river. In the last days of June, he landed on the banks of the bayou St. John.

Bancroft, Hist. of the U.S., vol.2, p.235 - p.236

The young Artaguette had gained glory in the war against the Natchez, braving death under every form. Advanced to the command in Illinois, he obeyed the summons of Bienville; and, with an army of about fifty French soldiers and more than a thousand red men, accompanied by Father Senat and by the Canadian Vincennes, the careful hero stole cautiously and unobserved into the country of the Chicasaw, and, on the evening before the appointed day, encamped among the sources of the Yalabusha. But the expected army from below did not arrive. For ten days he retained his impatient allies in the vicinity of their enemy; at last, as they menaced desertion, he consented to an attack. His measures were wisely arranged. One fort was carried, and the Chicasaws driven from the cabins which it protected; at the second, the intrepid youth was equally successful; on attacking the third fort, he received one wound, and then another, and in the moment of victory was disabled. The red men from Illinois, dismayed at the check, fled precipitately. Voisin, a lad of but sixteen years, conducted the retreat of the French, having the enemy at his heels for five-and-twenty leagues, marching forty-five leagues without food, while his men carried with them such of the wounded as could bear the fatigue. The unhappy Artaguette was left weltering in his blood, and by his side lay others of his bravest troops. The Jesuit Senat might have escaped; he remained to receive the last sigh of the wounded. Vincennes, the Canadian, refused to fly, and shared the captivity of his gallant leader. After the Indian custom, their wounds were stanched; they were received into the cabins of the Chicasaws, and feasted bountifully. When Bienville had retreated, the captives were brought into a field; and, while one was spared to relate the deed, the adventurous Artaguette, the faithful Senat, true to his mission, Vincennes, whose name will be perpetuated as long as the Wabash shall Bow by the dwellings of civilized man—these, with the rest of the captives, were bound to the stake, and neither valor nor piety could save them from death by slow torments and fire. Such is the early history of the state of Mississippi.

Bancroft, Hist. of the U.S., vol.2, p.236 - p.237

Ill success did but increase the disposition to continue the war. To advance the colony, a royal edict of 1737 permitted a ten-years' freedom of commerce between the West India islands and Louisiana; while a new expedition against the Chicasaws, receiving aid not from Illinois only, but even from Montreal and Quebec, and from France, made its rendezvous in Arkansas, on the St. Francis river. In the last of June 1739, the collective army, composed of twelve hundred whites and twice that number of red and black men, took up its quarters in Fort Assumption, on the bluff of Memphis. But the recruits from France and the Canadians languished in the climate. When, in March 1740, a small detachment proceeded toward the Chicasaw country, they were met by messengers of peace; and Bienville gladly accepted the calumet. The fort at Memphis was razed; the troops from Illinois and from Canada drew back; the fort on the St. Francis was dismantled. From Kaskaskia to Baton Rouge the jurisdiction of France was but a name.

Bancroft, Hist. of the U.S., vol.2, p.237

The population of Louisiana, more than a half-century after the first attempt at colonization by La Salle, may have been five thousand whites and half that number of blacks. Louis XIV. had fostered it with pride and liberal expenditures; an opulent merchant, famed for his successful enterprise, assumed its direction; the company of the Mississippi, aided by boundless hut transient credit, had made it the foundation of their hopes; and, again, Fleury and Louis XV. had sought to advance its fortunes. Priests and friars, dispersed through nations from Biloxi to the Dakotas, propitiated the favor of the savages. Yet all its patrons had not brought to it a tithe of the prosperity which, within the same period, grew out of the benevolence of William Penn to the peaceful settlers on the Delaware.

Chapter 15:

Colonial Administration Under the House of Hanover

Bancroft, Hist. of the U.S., vol.2, p.238

AT the accession of George I, the continental colonies counted three hundred and seventy-five thousand seven hundred and fifty white inhabitants, and fifty-eight thousand eight hundred and fifty black—in all, four hundred and thirty-four thousand six hundred souls—and were increasing with unexampled rapidity. The value of their imports from England, on an average of the first three years of George I, was a little less than two millions of dollars; of their exports, a little less than seventeen hundred thousand dollars; their domestic commerce equalled that with England; their trade with the British and foreign West Indies, the Azores, and the continent of Europe, exceeded both. They had institutions like those of the mother country; and the house of Hanover was to them the symbol of liberty.

Bancroft, Hist. of the U.S., vol.2, p.238

As a guide for the next twenty-six years through the chaos of colonial administration, a discrimination must be made between the acts which the British parliament abandoned to the discretion of the ministry, and the points of policy which it imperatively and inflexibly dictated.

Bancroft, Hist. of the U.S., vol.2, p.238 - p.239

It was a period of corruption. The men in power used their patronage unscrupulously, providing for their relatives, or dependents, or partisans, not merely by naming them to offices in the colonies, but by bestowing on them the disposition of offices, which the actual holders either bought at an unreasonable price or by setting apart for their patron a large proportion of the emoluments to which they could be honestly entitled. Wherever a colony granted the crown a perpetual revenue it was sure to be charged with English sinecures or Pensions. Horatio, a brother of Sir Robert Walpole, for example, under the title of "auditor-general" for the colonies, obtained a sinecure grant of one twentieth part of the revenues of the crown in all the West Indian and North American colonies. The places of governors were through family favor often shamelessly filled by the least worthy, some of whom were as ready to further their own interests by circumventing the crown as by oppressing the people. It would have been very easy for the British government to have conciliated affection and respect by an honest use of the public money; but the avidity of the persons holding office was constant and too strong.

Bancroft, Hist. of the U.S., vol.2, p.239

But there was no forbearance when the interests of British commerce and manufactures were in question. In May 1718, Massachusetts imposed a duty on English manufactures, and, as its own citizens built six thousand tons of shipping annually, it favored their industry by a small discrimination. "In a little time," it was said of them, "they will be able to live without Great Britain; and their ability, joined to their inclination, will be of very ill consequence." The impost on English goods, though of but one per cent, was negatived by the king, with the warning "that the passage of such acts endangers the charter."

Bancroft, Hist. of the U.S., vol.2, p.239 - p.240

Every branch of consumption was, as far as practicable, secured to English manufacturers; every form of competition by colonial industry was discouraged or forbidden. It was found that hats were well made in the land of furs: the London company of hatters remonstrated; and their craft was protected by an act forbidding hats to be transported from one plantation to another. The proprietors of English iron-works were jealous of American industry. In 1719, news came from Samuel Shute, the royal governor of Massachusetts, that, in some parts of his government, "the inhabitants worked up their wool and flax, and made a coarse cloth for their own use that they manufactured great part of their leather; that there were hatters in the maritime towns; and that six furnaces and nineteen forges were set up for making iron." The spectres of these six furnaces and nineteen forges haunted the public imagination for a quarter of a century. The house of commons readily resolved that "the erecting manufactories in the colonies tended to lessen their dependence;" and, under pretence of encouraging the importation of American lumber, they passed a bill having the clause, "that none in the plantations should manufacture iron wares of any kind out of any sows, pigs, or bars whatsoever." The house of lords added "that no forge, going by water, or other works should be erected in any of the said plantations, for the making, working, or converting of any sows, pigs, or cast-iron into bar or rod iron." But the opposition of the northern colonies defeated the bill, which forbade the colonists to manufacture a bolt or a nail.

Bancroft, Hist. of the U.S., vol.2, p.240

The board of trade, after long inquiry, in September 1721, made an elaborate report of the statistics of colonial commerce, eagerly adopting every view which magnified its importance. They found that it yielded in favor of Great Britain a yearly balance of two hundred thousand pounds; and that, on a fair estimate of indirect advantages, the colonies gave employment to one fourth, or perhaps even one third, of the whole navigation of Great Britain. Their statements, which seemed to justify the boast of a colonial agent, "that London had risen out of the plantations, and not out of England," were received as the results of exact inquiries, and formed the motive to the policy of succeeding years.

Bancroft, Hist. of the U.S., vol.2, p.240

From 1721, Sir Robert Walpole had, during more than twenty years, the undisputed direction of English affairs. He found parliament a corrupt body, and, to govern its members, he adopted the methods which they required; but, in his happier hours, there were those who had

"Seen him, uncumber'd with a venal tribe,

Smile without art, and win without a bribe."

Bancroft, Hist. of the U.S., vol.2, p.240 - p.241

It is his glory that he refused to intrust measures of cruelty to executive discretion, saying, with the highest wisdom: "He that gives the power of blood gives blood." Of the American colonies he knew little, but they profited by the character of a statesman who shunned compulsory processes that might provoke an insurrection, and rejected every proposition for revenue that deeded the sabre and bayonet for its collection. It was his purpose to make England the home of the industrial arts and of commerce. Export duties on all goods of British produce were abolished, thus gaining for mankind some advance toward freedom of intercourse. The British colonial monopoly was confirmed. In the seventh year of George I, the importation of East Indian goods into the colonies was prohibited, except from Great Britain; and thus the colonists virtually paid on them the duties retained on their exportation. Furs from the plantations were enumerated among the commodities which could be exported only to Great Britain; so, too, ore from the abundant copper mines of America. The reservation of the pine-trees of the north for the British navy was continued; and the jurisdiction of the court of vice-admiralty extended to offenders against the act. The bounties on hemp and naval stores were renewed, and the export of wood and lumber from the colonies was made free.

Bancroft, Hist. of the U.S., vol.2, p.241

By restricting American manufactures, the board of trade, the ministry, the united voice of Great Britain, proposed to guarantee dependence. No sentiment won more universal acceptance. Fashion adopted it; Queen Caroline and the prince of Wales were its patrons; and, in 1729, Joshua Gee, who had already for many years been consulted by the board of trade, and who is said to have advised an American stamp act by parliament, embodied the ancient prohibitory maxims in a work which was placed in the hands of the ministry and the royal family. "As people had been filled with fears that the colonies, if encouraged to raise rough materials, would set up for themselves," he recommended the prohibition of colonial manufactures as the security of England. Others proposed that "an exact account be taken of all looms now erected in the plantations, and that for the future no other or more looms be tolerated." These views prevailed at court, in the board of trade, and throughout England. Men, who heard with indifference of the bickerings of colonial governors with the legislatures, demanded the destruction of all "the ironworks in the plantations."

Bancroft, Hist. of the U.S., vol.2, p.241 - p.242

For colonists to manufacture like Englishmen was esteemed an audacity, to be rebuked and to be restrained by every device of law. The mercantile restrictive system was the superstition of that age. Capitalists worshipped it; statesmen were overawed by it; philosophers dared not question it. England believed itself free from bigotry; and its mind had bowed to a new idolatry. Now was quickened the inquisition by authority into American industry, of which every governor was enjoined to report the condition. Spain had never watched more jealously the growth of free opinion, than British statesmanship the development of colonial enterprise. Ireland, which had been excluded from the American trade as carefully as France or Portugal, could still import hops from America; now the growers of hops in England arrogated the market of the sister kingdom exclusively to themselves. Bounties were renewed to naval stores, but naval stores were enumerated, so that they could be carried to Great Britain only. Debts due in the plantations to Englishmen might be proved before an English magistrate; and, overthrowing the laws of Virginia, the parliament made lands in the plantations liable for debts. That America, the home of the beavers, might not manufacture its own hats, it was enacted that none should be hatters, nor employed as journeymen, who had not served an apprenticeship of seven years; that no hatter should employ more than two apprentices; that no negro should serve at the work; that no American hats should be shipped from one plantation to another, nor be loaded upon any horse, cart, or carriage for conveying from one plantation to another. Similar rules were proposed for American iron; but the English ironmongers asked for a total prohibition of forges; and the English landlords, of furnaces for preparing the rough material, because the fires in America diminished the value of British woodlands. In the conflict the subject was postponed.

Bancroft, Hist. of the U.S., vol.2, p.242

A measure, adopted in 1733, brought America nearer to independence. England favored the islands more than the continent; for the West Indians were as the bees which bring all their honey home to the hive. Moreover, the planters dwelt in England, and held estates there which gave them weight in parliament. For many years, even from the reign of William of Orange, they had sought to prohibit, as "pernicious," all trade between the northern colonies and the French and Spanish and Dutch West India islands.

Bancroft, Hist. of the U.S., vol.2, p.242 - p.243

After the peace of Utrecht, the English continental colonies grew accustomed to a modest commerce with the islands of the French and Dutch, purchasing of them sugar, rum, and molasses, in return for provisions, horses, and lumber. The sugar colonies, always eager for themselves to engage in contraband trade with the Spanish provinces, demanded of parliament a prohibition of all intercourse between the northern colonies and any tropical islands but the British.

Bancroft, Hist. of the U.S., vol.2, p.243

In the formation of the colonial system, each European nation valued most the colonies of which the products least interfered with its own. England was willing, therefore, to check the North and to favor the South. Hence permission was given to the planters of Carolina, and afterward of Georgia, to ship their rice directly to any port in Europe south of Cape Finisterre. Hence, when, in November 1724, the ship-carpenters of the river Thames complained "that their trade was hurt, and that their workmen emigrated because so many vessels were built in New England," the board of trade supported their complaints; and when, a few years later, in imitation of the French policy, liberty was granted for carrying sugar from the British sugar plantations directly to foreign markets, ships built and ships owned in the American plantations were excluded from the privilege. Hence, also, the tropical products, especially the products of the cane, formed the central point of colonial policy. To monopolize the culture of sugar and the traffic in slaves became the cardinal object of English commercial ambition.

Bancroft, Hist. of the U.S., vol.2, p.243 - p.244

The great patron of the islands against "the continent" was the irritated auditor-general for the plantations, Horatio Walpole. The house of commons, thinking to adopt a compromise between their interests, still permitted the northern colonies to find a market for their fish, lumber, provisions, horses, and other produce in the foreign islands, but, in 1733, resolved to impose on the return cargo a discriminating duty. "Such impositions," said Rhode Island, in its petition to the house of commons, "would be highly prejudicial to our charter." "The petition," objected Sir William Yonge, "looks mighty like aiming at independence and disclaiming the authority of this house, as if this house had not a power to tax them." "I hope," said another, "they have no charter which debars this house from taxing them, as well as any other subjects;" while a third held that, "as the colonies are all a part of the people of Great Britain, they are generally represented ill this house as well as the rest of the people are." On the other hand, Sir John Barnard urged the reception of the petition, since its presentation "was a direct acknowledgment of the authority of the house;" and Pulteney, Sir William Windham, and their associates, argued that the petition should at least be read. But the commons would receive none against a money bill.

Bancroft, Hist. of the U.S., vol.2, p.244

New York esteemed the imposition of the proposed duties worse than the prohibition; its merchants appealed to the equity of the house of lords, on account of "the inconvenience to trade;" and Partridge, the agent of the New York merchants, having enclosed their petition to Newcastle, added: "The bill is divesting them of their rights as the king's natural born subjects and Englishmen, in levying subsidies on them against their consent, when they are annexed to no county in Britain, have no representative in parliament, nor are any part of the legislature of this kingdom. It will be drawn into a precedent hereafter."

Bancroft, Hist. of the U.S., vol.2, p.244

Petitions, arguments, and appeals were disregarded; and, after two years' discnssion, an act of parliament, recognising the prosperity of "the sugar colonies in America as of the greatest consequence to the trade of England," "gave and granted" a duty of ninepence on every gallon of ruin, sixpence on every gallon of molasses, and five shillings on every hundred-weight of sugar imported from foreign colonies into any of the British plantations. The penalties under the act were recoverable in the courts of admiralty.

Bancroft, Hist. of the U.S., vol.2, p.244 - p.245

Here was an act of the British parliament, to be executed by officers of royal appointment, levying a tax on consumption in America. In England, it was afterward appealed to as a precedent; in America, the sixpence duty on molasses had the effect of a prohibition, and led only to clandestine importations. The enactment had its motive in the desire to secure the monopoly of the colonial market to the British sugar plantations; and failed entirely in its purpose. No money went into the British treasury. The British officials sent over to America to collect a revenue seized the opportunity to enrich themselves by connivance at free trade in sugar and molasses. It is Belcher, a royal governor of Massachusetts, who wrote: "No prince ever had such a crew of villains to betray his interests and break the acts of trade." This connivance continued until the next generation, as we know from Hutchinson, and the revenue officers excused themselves because "they were quartered upon" by their patrons in England for all the income that they could gain honestly.

Bancroft, Hist. of the U.S., vol.2, p.245

In 1740, Ashley, a well informed writer, proposed to secure a revenue by reducing the duty to one half or one third, or even to a sixth, of the old rate.

Bancroft, Hist. of the U.S., vol.2, p.245

The inexorable zeal which never rested in its warfare against the growth of American manufactures, slumbered over the contests which arose between the office-holders, who were always, without regard to right, struggling for increased emoluments, and the colonies, which were careful to restrain their cupidity. The holders of the offices themselves were always on the alert to identify their own interest with the honor of the crown and the power of parliament, but the English public looked upon the strife with great indifference. A colonial legislature had but two modes of effectual resistance: one was to be so frugal and specifically exact in its appropriations that they could not be misused; the other, to keep the royal governor on his good behavior by making him dependent on an annual grant for his salary and its amount. In Massachusetts, the house never passed an impost bill or bill for the general tax for the support of government nor granted a salary to the governor for a longer term than one year.

Bancroft, Hist. of the U.S., vol.2, p.245 - p.246

Within the province of Maine there was a reservation for the benefit of the crown of the pine-trees in the forests suited for masts. The surveyor of the woods was charged with permitting such persons as would pay him for it, to cut down the very logs and timber which he gave out to be the king's, and the house of representatives, after inquiry, found cause to condemn the surveyor. The board of trade, without entering into any inquiry, sent back the accusation brought against the surveyor as an exparte document. To prevent the publication of an answer by the house to one of his speeches, Shute claimed under his instructions power over the press; with no result except that, through the resistance which he roused, the press in Massachusetts from that time became free. He negatived the choice to the council of Elisha Cooke, the younger, heir to his father's virtues. Cooke was promptly chosen a representative of Boston, and, in 1720, was elected speaker of the house. The governor disapproved the election; the house treated his disapproval as a nullity. The governor dissolved the assembly; and, in July, the new representatives punished him by reducing his half-year's gratuity from six hundred to five hundred pounds in a depreciating currency. In the following November, they appointed "one or more meet persons" to inspect the forts and garrisons and the condition of the forces employed for protection against the eastern Indians, and again curtailed the governor's salary. In May 1721, they would not ask the governor's assent to their choice of speaker, and refused to make any grants of money for public salaries until the governor should accept their acts, resolves, and elections. "They are more fit for the affairs of farming," wrote Shute, "than for the duty of legislators; they show no regard to the royal prerogative or instructions."

Bancroft, Hist. of the U.S., vol.2, p.246 - p.247

How to get an American revenue at the royal disposition remained a problem. In a report made in February 1719, at the command of the board of trade, Sir William Keith, of Pennsylvania, in concert with the more discreet Logan, explained the rapid progress of the French, proposed a system of frontier defence, and enforced the "necessity that some method be projected whereby each colony shall be obliged to bear its proportionable share of expense." To accomplish this end, the board, in September 1721, brought forward a new system of colonial administration by a concentration in their own hands of power over the colonies. They recommended that the first commissioner of their board, like the first lord of the treasury and of the admiralty, should have immediate access to the sovereign. As "the most effectual way" of ruling in America, they proposed to consolidate all the continental provinces under the government of one lord lieutenant or captain-general, who should have a fixed salary independent of the pleasure of the inhabitants, and should be constantly attended by two members of each provincial assembly; one of the two to be elected every year. This general council might "not meddle with or alter the manner of government in any province," but should have power to allot to each one its quota of men and money, which the several assemblies would then raise by laws.

Bancroft, Hist. of the U.S., vol.2, p.247

Of the charter governments it was said that they had neglected the defence of the country; had exercised power arbitrarily; had disregarded the acts of trade; had made laws repugnant to English legislation; and, by fostering the numbers and wealth of their inhabitants, were creating formidable antagonists to English industry. Moreover, "too great an inclination was shown by them to be independent of their mother kingdom." The board of trade therefore advised "that the charters should be reassumed to the crown, as one of those essential points without which the colonies could never be put upon a right footing;" and next, that "they should be compelled by proper laws to follow the commands sent them. It hath, ever," they added, "been the wisdom not only of Great Britain, but likewise of all other states, to secure by all possible means the entire, absolute, and immediate dependency of their colonies." And they pressed for the instant adoption of their scheme, which, like that of 1696, had some features of a military dictatorship. It seemed "past all doubt that a bill would be brought into the house of commons at their next session to disfranchise the charter governments."

Bancroft, Hist. of the U.S., vol.2, p.247 - p.248

At this moment of danger, Jeremiah Dummer, a native of Boston, a graduate of Harvard college, now agent of Massachusetts, came forward in behalf of the New England charters, menaced alike by parliament and by the prerogative. In their "Defence," of which Lord Carteret, afterward earl of Granville, accepted the dedication, he argued that the three New England colonies held their charters by compact, having obtained them as a consideration for the labor of those who redeemed the wilderness and annexed it to the English dominions; that the charters did but establish the political relation between the colonies and Great Britain; that the crown, having itself no right in the soil, neither did nor could grant it; that the Americans held their lands by purchases from the natives and their own industry and daring; that, if the planters had foreseen that their privileges would be such transitory things, they never would have engaged in their costly and hazardous enterprise; that, but for them, France would have multiplied its settlements till she had reigned sole mistress of North America; that, far from neglecting their defence, the glorious deeds of their soldiers, if they must not shine in British annals, would consecrate their memory in their own country, and there, at least, transmit their fame to the latest posterity; that the charters themselves contained the strongest barriers against arbitrary rule, in the annual election of magistrates; that violations of the acts of navigation, which equally occurred in every British seaport, were the frauds of individuals, not the fault of the community; that, in the existing state of things, all the officers of the revenue were appointed by the crown, and all breaches of the acts of trade cognizable only in the court of admiralty; that colonial laws, repugnant to those of England, far from effecting a forfeiture of the charters, were of themselves, by act of parliament, illegal, null, and void; that the crown had no interest to resume the charters, since it could derive no benefit but from the trade of the colonies, and the nursery of trade is a free government, where the laws are sacred; that justice absolutely forbade a bill of attainder against the liberties of states; that it would be a severity without a Precedent if a people should in one day, unsummoned and unheard, be deprived of all the valuable privileges which they and their fathers had enjoyed for near a hundred years. And as the plan of the board of trade was recommended by the fear that the colonies would, "in the course of some years, throw off their dependence and declare themselves a free state," as men in office "professed their belief of the feasibleness of it, and the probability of its some time coming to pass," he set forth that the colonies would not be able to succeed in the undertaking, "unless they could first strengthen themselves by a confederacy of all the parts;" and that their independence would be hastened, if "all the governments on the continent be brought under one viceroy and into one assembly."

Bancroft, Hist. of the U.S., vol.2, p.248 - p.249

Such were the arguments urged in September 1721, by Dummer, of New England, who, "in the scarcity of friends to those governments," gained a tongue to assert their liberties. The bill for abrogating the charters was dropped. The earl of Stair, who was selected to be the viceroy of America, having declined the station, the scheme of the board of trade was allowed to slumber. In 1722, the liberal Trenchard, whose words were very widely read, foresaw that "the colonies when they grew stronger might attempt to wean themselves," and for that very reason counselled moderation and forbearance. "It is not to be hoped," thus he reasoned publicly and wisely, "that any nation will be subject to another any longer than it finds its own account in it and cannot help itself. Our northern colonies must constantly increase in people, wealth, and power. They have doubled their inhabitants since the revolution, and in less than a century must become powerful states; and the more powerful they grow, still the more people will flock thither. And there are so many exigencies in all states, so many foreign wars and domestic disturbances, that these colonies can never want opportunities, if they watch for them, to do what they shall find it their interest to do; and, therefore, we ought to take all the precaution in our power that it shall never be their interest to act against that of their native country."

Bancroft, Hist. of the U.S., vol.2, p.249 - p.250

These words of Trenchard still rung in the public ear, when, in 1723, Samuel Shute, then the governor of Massachusetts, suddenly appeared in England, having fled secretly from his government. He came to complain to the king that the representatives had trampled on the prerogative, had adjourned against his will, had assembled again at their own appointed time, and had gained to themselves a control over the movements of colonial troops and the appointment of their commanders. Especially he complained of "Boston, a town of eighteen thousand inhabitants." Its liberties were described as the want "of proper police;" its ardent love of freedom, as "a levelling spirit;" the conduct of its citizens as an aptitude "to be mutinous;" its influence, as swaying the country representatives "to make continual encroachments on the few prerogatives left to the crown." "The cry of the city of London was exceedingly against" the people of Massachusetts; it was feared that the spirit of 1641 still lived beyond the Atlantic; and even Neal, the historian and friend of New England, censured the younger Elisha Cooke, as endangering the charter. The board of trade saw high treason in the interference of the assembly with the militia; they reported to the lords of council that "the inhabitants were daily endeavoring to wrest the small remains of power out of the hands of the crown, and to become independent of the mother kingdom." To make the danger apparent, they recounted the populousness of the province, the strength of its militia, the number of its mariners; they apprised the privy council of the importance of restraining "so powerful a colony within due bounds of obedience to the crown;" and, as the only remedy, they demanded, without loss of time, "the effectual interposition of the British legislature."

Bancroft, Hist. of the U.S., vol.2, p.250 - p.251

At a moment when the administration of the colonies was fraught with so many difficulties, Walpole conferred the management of them with the seals of the southern department of state on the young duke of Newcastle, who owed his consequence to the number of members of parliament dependent on him for their return. He was ruled by an insatiable passion for holding high office, but was untainted by avarice, and free from a disposition to cruelty. He owed much to the faithful gnidance and fidelity of his younger brother, Henry Pelham, who was already in the ministry, and was one of the wisest statesmen of his time. The powers of Newcastle's mind did not reach to the formation of a system of administration; he was by nature led to get on as he could from day to day, and in difficult times he was like the stream that cuts its channel along the line of the least resistance. Importuned to distribute places in America, he conferred office, without a scruple, on men too vile to be employed at home, and then left them to look out for themselves. On the questions which had been raised in Massachusetts, the crown lawyers gave a report, deciding every question against the colony, yet not encouraging harsh measures of redress. Newcastle, ascertaining what modifications in its constitution Massachusetts would be willing to accept, in August 1726, gave an explanatory a charter to that province, according to which the speaker was to be approved or disapproved by the highest executive officer in the province, and the representatives were to adjourn themselves not exceeding two days without leave. The arrears of salary due from that refractory people to the fugitive Shute he settled by a pension out of the revenue of Barbados, which thus found out how unwise it had been in granting the crown a perpetual revenue. The instruction for the permanent grant of a salary to the governor during the time of his service was continued; but the governor was permitted to accept occasional grants if he could do no better.

Bancroft, Hist. of the U.S., vol.2, p.251

At the time of a stormy altercation in Jamaica, the crown lawyers were asked if the king or his privy council had not a right to levy taxes upon the inhabitants of Jamaica; and, in May 1724, Sir Philip Yorke, afterward Lord Hardwicke, and Sir Clement Wearg replied: "If Jamaica is to be considered as a colony of English subjects, they cannot be taxed but by the parliament of Great Britain, or some representative body of the people of the island." Proposals for taxing the colonies by act of parliament were not wanting; but from the government they received no support. "I will leave the taxing of the British colonies," such are the words attributed to Sir Robert Walpole toward the close of his ministry, and such certainly were his sentiments, "for some of my successors, who may have more courage than I have, and be less a friend to commerce than I am. It has been a maxim with me," he added, "to encourage the trade of the American colonies to the utmost latitude—nay, it has been necessary to pass over some irregularities in their trade with Europe; for, by encouraging them to an extensive, growing foreign commerce, if they gain five hundred thousand pounds, I am convinced that, in two years afterward, full two hundred and fifty thousand pounds of this gain will be in his majesty's exchequer by the labor and produce of this kingdom, as immense quantities of every kind of our manufactures go thither; and, as they increase in the foreign American trade, more of our produce will be wanted. This is taxing them more agreeably to their own constitution and laws."

Bancroft, Hist. of the U.S., vol.2, p.251 - p.252

Once the legislature of Massachusetts, by petition before the lower house of parliament, brought the question of its right to dispose of all money. The house, after debate, dismissed the petition, as "frivolous and groundless, a high insult upon his majesty's government, and tending to shake off the dependency of the colony upon the kingdom, to which by law and right they ought to be subject." There the strife elided. When, in 1735, Belcher, a later governor, was allowed to accept his salary by an annual vote, he confessed himself disposed to let the assembly "do the king's business in their own way," with no hint as to the fashion of it but that given by the duchess of Kendall to the goldsmith, when the late king promised her a set of gold plate: "Make them thick and get them done out of hand."

Bancroft, Hist. of the U.S., vol.2, p.252

While the ministry sought to avoid contention with the colonies, no member of the board of trade exercised more influence than Martin Bladen, who, in 1719, had been successor to Joseph Addison, and who remained at the board almost forty years. He often expressed the conviction that "the colonies desired to set up for themselves." "Massachusetts," he assured Newcastle, in October 1740, "is a kind of commonwealth, where the king is hardly a stadholder." Belcher describes him as a "proud, imperious creature who lived upon rapine, and yet from his haughtiness died a beggar." When a question arose as to the boundary line which divided New Hampshire from Massachusetts, he obtained an arbitrary decree, which awarded to New Hampshire far more than that government claimed. Massachusetts employed one of its own sons, the able and cultivated Thomas Hutchinson, to protest against the decision; but he was more intent on making friends for himself than supporting the rights of his native colony; and the decree, though wantonly unjust, was enforced. Enlarged by territory from Massachusetts, New Hampshire, in 1741, was erected into a separate government, the only royal government in New England. Benning Wentworth, its first governor, a supporter of the church of England and of kingly authority, arriving in his province in June 1741, "found scarcely the shadow of prerogative." But he premised "to introduce gradually the rights of the crown."

Bancroft, Hist. of the U.S., vol.2, p.252 - p.253

It was in later times recalled to mind that Samuel Adams, a young man of Boston, when in 1743 he took the degree of Master at Harvard college, proposed the question whether it is lawful to resist the supreme magistrate if the commonwealth cannot be otherwise preserved, and maintained the affirmative of the question.

Bancroft, Hist. of the U.S., vol.2, p.253

The administration in England engaged wilfully in a strife with Connecticut, where the freeholders divided their lands among their children. In regard to intestate estates, its law was, in 1725, annulled in England; and the English law, favoring the eldest-born, was declared to be in force among them. The conflict was protracted through more than twenty years before the British government receded from the vain project of enforcing English rules of inheritance of land on the husbandmen of New England.

Bancroft, Hist. of the U.S., vol.2, p.253

In September 1720, William Burnet, the son of Bishop Burnet and godson of William III, entered upon the government of New York, burdened by instructions from England to keep alive the assembly which had been chosen several years before This he did, to the great discontent of the people, until it had lasted more than eleven years. He further provoked invincible opposition by his zeal, under the strict commands of the lords of the treasury, to obtain for Horatio Walpole his sinecure perquisites as auditor-general. Moreover, he supported the court of chancery, of which he as governor was the chancellor. But he was intelligent, and free from avarice. It was he who took possession of Oswego, and he "left no stone unturned to defeat the French designs at Niagara." Nevertheless, for all his merit, in 1725, he was transferred to Massachusetts to make way for the groom of the chamber of George II while he was prince of Wales.

Bancroft, Hist. of the U.S., vol.2, p.253

At the time when the ministry were warned that "the American assemblies aimed at nothing less than being independent of Great Britain as fast as they could," Newcastle sent as governor to New York and New Jersey the dull and ignorant John Montgomerie. Sluggish, yet humane, the pauper chief magistrate had no object in America but to get money; and he escaped contests with the legislatures by giving way to them in all things. Owning himself unqualified, he refused to act as chancellor until enjoined by special orders from England. He died in office in 1731.

Bancroft, Hist. of the U.S., vol.2, p.253 - p.254

His successor, in 1732, was William Cosby, a brother-in-law of the earl of Halifax, and connected with Newcastle. A boisterous and irritable man, broken in his fortunes, having little understanding and no sense of decorum or of virtue, he had been sent over to clutch at gain. Few men did more to hasten colonial emancipation. Incapable of a political system, he removed Morris, the royalist chief justice of New York, for what the privy council pronounced insufficient reasons, and put James Delancey in his place. "To deter others from being advocates for the Boston principles," he dismissed from the council James Alexander and the elder William Smith, who planned for New York the system of annual grants of support. "Oh, that I could see them on a gallows at the fort gate!" was the "highest wish" of his wife, whose grandson, the duke of Grafton, in less than forty years, became England's prime minister.

Bancroft, Hist. of the U.S., vol.2, p.254

To gain very great perquisites, he followed the precedent of Andros in Massachusetts in the days of the Stuarts, and insisted on new surveys of lands and new grants, in lieu of the old. To the objection of acting against law, he answered: "Do you think I mind that? I have a great interest in England." The courts of law were not pliable; and Cosby displaced and appointed judges, without soliciting the consent of the council or waiting for the approbation of the sovereign.

Bancroft, Hist. of the U.S., vol.2, p.254 - p.255

Complaint could be heard only through the press. A newspaper was established to defend the popular cause; and, in November 1734, about a year after its establishment, its printer, John Peter Zenger, a German by birth, who had been an apprentice to the famous printer, William Bradford, and afterward his partner, was imprisoned, by an order of the council, on the charge of publishing false and seditious libels. The grand jury would find no bill against him, and the attorney-general filed an information. The counsel of Zenger took exceptions to the commissions of the judges, because they ran during pleasure, and because they had been granted without the consent of council. The angry judge met the objection by disbarring James Alexander who offered it, though he stood at the head of his profession in New York for sagacity, penetration, and application to business. All the central colonies regarded the controversy as their own. At the trial the publishing was confessed; but the aged and venerable Andrew Hamilton, who came from Philadelphia to plead for Zenger, justified the publication by asserting its truth. "You cannot be admitted," interrupted the chief justice, "to give the truth of a libel in evidence." "Then," said Hamilton to the jury, "we appeal to you for witnesses of the facts. The jury have a right to determine both the law and the fact, and they ought to do so." "The question before you," he added, "is not the cause of a poor printer, nor of New York alone; it is the cause of liberty. Every man who prefers freedom to a life of slavery will bless and honor you as men who, by an impartial verdict, lay a noble foundation for securing to ourselves, our posterity, and our neighbors that to which nature and the honor of our country have given us a right—the liberty of opposing arbitrary power by speaking and writing truth." The jury gave their verdict, "Not guilty." Hamilton received of the common council of New York the franchises of the city for "his learned and generous defence of the rights of mankind and the liberty of the press."

Bancroft, Hist. of the U.S., vol.2, p.255 - p.256

When, in 1736, on the death of Cosby, Clarke, the deputy of the auditor-general, Horatio Walpole, became lieutenant-governor of New York, he, too, could obtain no obedience to the king's instructions. "Since treason has been committed, he wrote to the board of trade, "examples should be made." In vain did he dissolve one assembly. "No government," thus, in September 1737, did the new assembly address him, "no government can be safe without proper checks upon those intrusted with power. We tell you, you are not to expect that we either will raise sums unfit to be raised, or put what we shall raise into the power of a governor to misapply, if we can prevent it; nor shall we make up any other deficiencies than what we conceive are fit and just to be paid, or continue what support and revenue we shall raise for any longer time than one year; nor do we think it convenient to do even that, until such laws are passed as we conceive to be necessary for the safety of the inhabitants of this colony, who have reposed a trust in us for that only purpose, and, by the grace of God, we will endeavor not to deceive them." Clarke submitted, and, bartering law against law, consented to a bill for triennial assemblies. In 1743, the term of the New York assembly was fixed by its own act at seven years, as in England. The claim of Horatio Walpole was paid him by the crown officers in defiance of the acts of the colony.

Bancroft, Hist. of the U.S., vol.2, p.256

Parliament, in 1729, had ratified the royal purchase of South Carolina. The royal government had hardly been instituted and an assembly convened, before it was said that the governor could not procure a fixed salary; nor "get a fair rent-roll by any means in that country."

Bancroft, Hist. of the U.S., vol.2, p.256

In North Carolina, things stood even worse for royalty. On the transfer of its domain from proprietaries to the king, the temporary governor was making haste, by secret grants, to dispose of lands without bargain for quit-rent or price, even issuing blank patents. To organize this government, where so much prudence was required, Newcastle sent a man who was passionate, corrupt, ignorant, and intemperate. In February 1731, he wrote to his patron that "the people of North Carolina were neither to be cajoled nor outwitted; whenever a governor attempts to effect anything by these means, he will lose his labor and show his ignorance." The first assembly which he convened directed its attention to grievances; the country languished under the exactions of oppressive fees; and all his power was exerted to deny the right of instituting inquiry or expressing complaint. The representatives were altogether and undeniably in the right; yet the executive proceeded so far in obloquy and reproof, that the first royal legislature separated without enacting a law.

Bancroft, Hist. of the U.S., vol.2, p.256

The assembly, having framed the rent-roll in January 1735, would not permit the council to amend it. The governor, who had no other resource for his salary, attempted to force the payments by instituting a court of exchequer. At a session in March 1737, the assembly imprisoned the king's officers for distraining for rent; and, in its turn, was dissolved, leaving North Carolina without a revenue, its officers without pay.

Bancroft, Hist. of the U.S., vol.2, p.256 - p.257

Virginia had no special subject of contest with the crown; and alone of all the colonies it had no paper money. Until 1721, color made no distinction in the right of the freeman to exercise the elective franchise. In that year, for the first time, a clause, disfranchising free negroes, mulattoes, and Indians, was inserted in a law for the better government of negroes. The act being referred in England to the lawyer, Richard West, for revision, he reported against the disfranchising clause, saying: "Although I agree that slaves are to be treated in such a manner as the proprietors of them may think it necessary for their security, yet I cannot see why one freeman should be used worse than another merely upon account of his complexion." But the government took no notice of the objection, and the disfranchising clause was allowed.

Bancroft, Hist. of the U.S., vol.2, p.257

The danger that most alarmed the people of Pennsylvania was the prohibition of manufactures. "Some talk of an act of parliament," observed the mildly conservative Logan, in 1728," to prohibit our making bar iron, even for our own use. Scarce anything could more effectually alienate the minds of the people in these parts, and shake their dependence upon Britain." In Pennsylvania, there existed the fewest checks on the power of the people. "Popular zeal raged as high there as in any country;" and Logan wrote despondingly to the proprietary: "'Liberty and privileges' are ever the cry." "This government under you is not possibly tenable without a miracle." The world was inexperienced in the harmlessness of the ferment of the public mind, where that mind deliberates, decides, and governs.

Bancroft, Hist. of the U.S., vol.2, p.257

To the timid of that day there seemed "a real danger of insurrection." The assemblies were troublesome; the spirit of insubordination grew by indulgence; "squatters" increased so rapidly that their number threatened to become their security. And Maryland was as restless as Pennsylvania. Logan could not shake off distrust. With "a long enjoyment of a free air and almost unrestrained liberty," wrote he, "we must not have the least appearance even of a militia, nor any other officers than sheriffs chosen by the multitude themselves, and a few constables, part of themselves, to enforce the powers of government; to which add a most licentious use of thinking, in relation to those powers, most industriously inculcated and fomented." The result was inexplicable on the old theories of government. "One perplexity had succeeded another, as waves follow waves in the sea, while the settlement of Penn had thriven at all times since its beginning."

Bancroft, Hist. of the U.S., vol.2, p.258 - p.259

To free schools and colleges the periodical press had been added, and newspapers began their office in America as the ministers to curiosity and the guides and organs of opinion. Philadelphia received a printer, in whom it was to find a statesman. On the twenty-fourth of April, in 1704, the Boston News-Letter," the first ever published on the western continent, saw the light in the metropolis of New England. In 1719, it obtained a rival at Boston, and was imitated at Philadelphia. In 1740, the number of newspapers in the English colonies on the continent had increased to eleven, of which one appeared in South Carolina, one in Virginia, three in Pennsylvania—one of them being in German—one in New York, and the remaining five in Boston. The sheet at first used was but of the foolscap size; and but one, or even but a half of one, was issued weekly. The papers sought support rather by modestly telling the news of the day than by engaging in conflicts; they had no political theories to enforce, no revolutions in faith to hasten. At Boston, indeed, where the pulpit had marshalled Quakers and witches to the gallows, the New England "Courant," the fourth American periodical, was, in August 1721, established by James Franklin as an Organ of independent opinion. Its temporary success was advanced by Benjamin, his brother and apprentice, a boy of fifteen, who wrote for its columns, worked in composing the types as well as in printing off the sheets, and, as carrier, distributed the papers to the customers. The sheet satirized hypocrisy, and spoke of religious knaves as of all knaves the worst. This was described as tending "to abuse the ministers of religion in a manner which was intolerable." "I can well remember," writes Increase Mather, then more than fourscore years of age, "when the civil government would have taken an effectual course to suppress such a cursed libel." In July 1722, a resolve passed the council, appointing a censor for the press of James Franklin; but the house refused its concurrence. The ministers persevered; and, in January 1723, a committee of inquiry was raised by the legislature. Benjamin, being examined, escaped with an admonition; James, the publisher, refusing to discover the author of the offence, was kept in jail for a month; his paper was censured as reflecting injuriously on the reverend ministers of the gospel; and, by vote of the house and council, he was forbidden to print it, "except it be first supervised."

Bancroft, Hist. of the U.S., vol.2, p.259

Vexed at the arbitrary proceedings, Benjamin Franklin, then but seventeen years old, in October 1723, sailed clandestinely for New York. Finding there no employment, he crossed to Amboy; went on foot to the Delaware; for want of a wind, rowed in a boat from Burlington to Philadelphia; and bearing marks of his labor at the oar, weary, hungry, having for his whole stock of cash a single dollar, the runaway apprentice—the pupil of the free schools of Boston, rich in the boundless hope of youth and the unconscious power of modest genius—stepped on shore to seek food and occupation.

Bancroft, Hist. of the U.S., vol.2, p.259 - p.260

On the deep foundations of sobriety, frugality, and industry, the young journeyman built his fortunes and fame; and he soon came to have a printing-office of his own. Toiling early and late, with his own hands he set types and worked at the press; with his own hands would trundle to the office in a wheelbarrow the reams of paper which he was to use. His ingenuity was such that he could form letters, make types and woodcuts, and engrave vignettes in copper. The assembly of Pennsylvania chose him its printer. He planned a newspaper; and, when he became its proprietor and editor, he defended freedom of thought and speech, and the inalienable power of the people. He proposed improvements in the schools of Philadelphia, invented the system of subscription libraries, and laid the foundation of one that was long the most considerable in America; he suggested the establishment of an academy, which has ripened into a university; and gathered a philosophical society for the advancement of science. The intelligent and highly cultivated Logan bore testimony to his merits: "Our most ingenious printer has the clearest understanding, with extreme modesty. He is certainly an extraordinary man;" "of a singularly good judgment, but of equal modesty;" "excellent, yet humble." "Do not imagine," he adds, "that I overdo in my character of Benjamin Franklin, for I am rather short in it." When the students of nature began to investigate the wonders of electricity, Franklin excelled all observers in the simplicity and lucid exposition of his experiments, and in "sagacity and power of scientific generalization." It was he who first explained thunder-gusts and the northern lights on electrical principles, and, in the summer of 1752, going out into the fields, with no instrument but a kite, no companion but his son, established his theory by obtaining a line of connection with a thunder-cloud.

Bancroft, Hist. of the U.S., vol.2, p.260 - p.261

The son of a rigid Calvinist, the grandson of a tolerant Quaker, Franklin from boyhood was skeptical of tradition as the basis of faith, and respected reason rather than authority. After a momentary lapse into fatalism, he gained with increasing years an increasing trust in the overruling providence of God. Adhering to none of all the religions in the colonies, he yet devoutly adhered to religion. But though famous as a disputant, and having a natural aptitude for metaphysics, he obeyed the tendency of his age, and sought by observation to win an insight into the mysteries of being. The best observers praise his method most. He so sincerely loved truth that, in his pursuit of her, she met him half-way; so that his mind was like a mirror, in which the universe, as it reflected itself, revealed its laws. His morality, repudiating ascetic severities, was indulgent to appetites of which he abhorred the sway; but in all his career, the love of man held the mastery over personal interest. He had not the imagination which inspires the bard or kindles the orator; but an exquisite propriety, parsimonious of ornament, gave ease, correctness, and graceful simplicity even to his most careless writings. In life, his tastes were delicate. He relished the delights of music and harmony. The benignity of his manners made him the favorite of intelligent society; and, with healthy cheerfulness, he derived pleasure from books, from philosophy, from conversation—now administering consolation to the sorrower, now indulging in light-hearted gayety. In his intercourse, a serene benevolence saved him from contempt of his race or disgust at its toils. To superficial observers, he might have seemed as an alien from speculative truth, limiting himself to the world of the senses; and yet, in study, and among men, his mind always sought to discover and apply the general principles by which nature and affairs are controlled—now deducing from the theory of caloric improvements in fireplaces and lanterns, and now advancing human freedom by firm inductions from the inalienable rights of man. He never professed enthusiasm, yet his hope was steadfast; and, in the moments of intense activity, he from the abodes of ideal truth brought down and applied to the affairs of life the principles of goodness, as unostentatiously as became the man who with a kite and hempen string had drawn the lightning from the skies. He separated himself so little from his age that he has been called the representative of materialism; and yet, when he thought on religion, his mind passed beyond reliance on sects to faith in God; when he wrote on politics, he founded freedom on principles that know no change; when he turned an observing eye on nature, he passed from the effect to the cause, from individual appearances to universal laws; when he reflected on history, his philosophic mind found gladness and repose in the clear anticipation of the progress of humanity.

Bancroft, Hist. of the U.S., vol.2, p.261

Through the press, no one was so active as Benjamin Franklin. His newspaper defended freedom of speech and of the press, for he held that falsehood alone dreads attack and cries out for auxiliaries, while truth scorns the aid of the secular arm and triumphs by her innate strength. He rejected with disdain the "policy of arbitrary government," which can esteem truth itself to be a libel. Nor did he fail to applaud "popular governments, as resting on the wisest reasons." In "the multitude, which hates and fears ambition," he saw the true counterpoise to unjust designs; and he trusted the mass, as unable "to judge amiss on any essential points." "The judgment of a whole people," such was the sentiment of Franklin, "if unbiassed by faction, undeluded by the tricks of designing men, is infallible." That the voice of the people is the voice of God he declared to be universally true; and, therefore, "the people cannot, in any sense, divest themselves of the supreme authority." Thus he asserted the common rights of mankind, by illustrating "eternal truths, that cannot be shaken even with the foundations of the world." So was public opinion guided in Pennsylvania more than a century ago.

Bancroft, Hist. of the U.S., vol.2, p.261 - p.262

The colonies were forming a character of their own. Throughout the continent, the love of freedom and the sentiment of independence were gaining vigor and maturity. They were not the offspring of deliberate forethought: they grew like the lilies, which neither toil nor spin.

Bancroft, Hist. of the U.S., vol.2, p.262

Parliament itself avoided the extreme conflict with all the colonies. The Episcopalians in America, not then aware that the Episcopal church could not have great success in America while a king was its head, continually prayed for "a constitution in church and state as near as possible conformable to that of their mother country." Johnson asked for "bishops and a viceroy." In 1725, the ministers of Massachusetts, by the hand of Cotton Mather, desired a synod, "to recover and establish the faith and order of the gospel." The council assented; the house referred the question to its next session. The bishop of London anticipated its decision; and a reprimand from England forbade "the authoritative" meeting, as a bad precedent for dissenters. With this the interference ended; in the eighteenth century there was little to fear from the excessive zeal of English churchmen. All the time liberal opinion was gaining strength in Massachusetts, and a law of 1729 relieved Quakers and Baptists from parish taxes.

Bancroft, Hist. of the U.S., vol.2, p.262 - p.263

A new country desires credit, submits even to extortion and expedients rather than renounce its use. Where nature invites to the easy and rapid development of its resources, hope sees the opportunity of golden advantages, if a loan can be obtained. The first emission of provincial paper had its origin in the immediate necessities of Massachusetts; next, in times of peace, provinces issued bills of credit, redeemable at a remote day, and put in circulation by means of loans to citizens at a low rate of interest on the mortgage of lands. The bills, in themselves almost worthless from the remoteness of the day of payment, were made a lawful tender. The borrower, who received them, paid to the state annual interest on his debt; and this interest constituted a public revenue, obtained, it was boasted, without taxation. In 1712, South Carolina issued on interest new bills for fifty-two thousand pounds. Massachusetts, which for twenty years had used bills of credit for public purposes, in 1714 authorized an emission of fifty thousand pounds in bills, to be put into the hands of five trustees, and let out at five per cent on safe mortgages of real estate, to be paid back in five annual installments. The debts were not thus paid back; but an increased clamor was raised for greater emissions. In 1716, an additional issue of one hundred thousand pounds was made, and committed to the care of county trustees. The scarcity of money was ever more and more complained of: "all the silver money was sent into Great Britain to make returns for what was owing there." Paper money was multiplied so lavishly that, in 1720, an instruction, afterward modified, but never abrogated, was issued to every governor in America, to consent to no act for emitting bills of credit, except for the support of government, without a suspending clause till the king's pleasure should be known. The instruction was disregarded, and the system was imitated in every colony but Virginia. Rhode Island, in 1721," issued a bank of forty thousand pounds," on which the interest was payable in hemp or flax. Franklin, who afterward perceived the evil of paper money, assisted, in 1723, in introducing it into Pennsylvania, where silver had circulated; and the complaint was soon heard that, "as their money was paper, they had very little gold and silver, and, when any came in, it was accounted as merchandise."

Bancroft, Hist. of the U.S., vol.2, p.263 - p.264

In 1738, the New England currency was worth but one hundred for five hundred; that of New York, New Jersey, Pennsylvania, and Maryland, one hundred for one hundred and sixty or seventy, or two hundred; of South Carolina, one for eight; while of North Carolina, of all the states the least commercial in its character, the paper was in London esteemed worth but one for fourteen, in the colony but one for ten. Yet parliament was not invited to interfere till Massachusetts established a land bank. Then the house of commons condemned the mischievous practice, and addressed the king in support of the royal instructions. Still the frenzy for paper money defied the royal commands; and the private land bank began to issue paper that it never could redeem. Parliament interfered, in 1741," to restrain undertakings in the colonies," by enacting that the statute of 1719, which was passed after the ruin of the South Sea company, and which made every member of a joint-stock company personally liable for its debts, was, and had from the first, been in force in the colonies. Every principle of public policy required a check to the issues of paper money; but nothing could have been more arbitrary than to enact that a statute, which had no reference whatever to Massachusetts, and which was passed many years before, had all the while been valid in that colony.

Bancroft, Hist. of the U.S., vol.2, p.264

The home government approved of the establishment of the fort of Oswego, and made a specific call on nine states for men; on Rhode Island, Connecticut, Pennsylvania, Maryland, and Virginia for money, toward supporting fortifications at Albany, Schenectady, and Oswego. Sir William Keith, formerly surveyor of the customs for the southern department, governor of Pennsylvania for nine years, a fiery Patriot, boisterous for liberty and property, by which he had meant more paper money, was used as the organ in London for suggesting a new plan of colonial administration. None of the plantations, he said, could "claim an absolute legislative power within themselves; none could evade the true force of any act of parliament affecting them." To give unity and vigor to the colonial government, he repeated the advice of the board of trade to make its first lord a secretary of state; and submitted to the king the inquiry, "whether the duties of stamps upon parchment and paper in England may not, with good reason, be extended by act of parliament to all the American plantations." The suggestion, which probably was not original with Keith, met at the time with no favor. In 1745, two clauses were added to a bill before parliament which had the scope of compelling the legislators to obey all the orders and instructions of the crown; but the bill was not carried through parliament.

Bancroft, Hist. of the U.S., vol.2, p.264

In 1740, parliament enacted that foreign Protestants, wherever they might be born, after a residence of seven years in any of the colonies, with no absence for more than two months at any one time during that period, and after subscribing the prescribed oaths, "shall be deemed, adjudged, and taken to be natural-born subjects of the kingdom."

Bancroft, Hist. of the U.S., vol.2, p.264 - p.265

This period was marked by the unrivalled prosperity of the colonies. The population, which had doubled within twenty-five years, grew rich through industry. Boston continued its great manufacture of ships, and found a market for them among the French and Spaniards in San Domingo; so that, for example in 1738, there were built in that town forty-one topsail vessels. Peace on the eastern frontier revived the youthful maritime enterprise of Maine. Of Connecticut, the swarming population spread over its soil, and occupied even its hills; for its whole extent was protected against the inroads of savages. The selfishness of the governors of New York and their royalist party could delay, but not prevent, its increase. Pennsylvania, the land of promise, grew in wealth from agriculture, from commerce, from ship-building, and mines and manufactures of iron. The beautiful valley of Virginia attracted white inhabitants.

Bancroft, Hist. of the U.S., vol.2, p.265

West of the Alleghanies there were no European settlements, except that traders, especially from Carolina, had ventured among the Indians, and, becoming wild like the men with whom they trafficked, had established their houses among the Cherokees, the Muskohgees, and the Chicasaws. On the eastern side of the mountains, the peopling of the remote upland interior began in South Carolina with herdsmen, who pastured beeves upon natural grasses, and now and then rallied their cattle at central "Cowpens." A British poet directed the admiration of his countrymen to the new English world:

Lo! swarming southward on rejoicing suns,

Gay colonies extend—the calm retreat

Of undeserved distress, the better home

Of those whom bigots chase from foreign lands.

Not built on rapine, servitude, and woe,

But bound by social freedom, firm they rise.

Bancroft, Hist. of the U.S., vol.2, p.265 - p.266

The progress of colonization was mainly due to the rapid increase of the early settlers. But the wars on the continent hurried emigrants in masses to Pennsylvania. "We shall soon have a German colony," wrote Logan, in 1726," so many thousands of Palatines are already in the country." The restriction on commerce and industry drove multitudes into exile. "The whole North," so the duke of Newcastle, in November 1725, was informed by letters from Boulter the primate of Ireland, "is in a ferment at present, and people every day engaging one another to go the next year to the West Indies"—that is, to the British continental colonies in America. "The humor has spread like a contagious distemper, and the people will hardly hear anybody that tries to cure them of their madness. The worst is, that it affects only Protestants, and reign chiefly in the North."

Bancroft, Hist. of the U.S., vol.2, p.266

In the following year Logan writes: "We are very much surprised at the vast crowds of people pouring in upon us from the north of Ireland." Scotch emigrants who went directly from Scotland brought with them loyalty toward the mother country and monarchy. The Scotch-Irish Protestants, disciplined by disfranchisements in civil life, home industry, and trade, found a welcome from Maine to Georgia, and were ever among the foremost of those who in peace and in war struggled for right and freedom. The emigration of Irish Catholics was already begun; but from the continued intolerance of legislation in many colonies, it was as yet chiefly directed to Maryland and the two provinces founded by Penn.

Bancroft, Hist. of the U.S., vol.2, p.266 - p.267

The greatest of the sons of Ireland who came to us in those days was George Berkeley, and he, like Penn, reposed hopes for humanity on America. Versed in ancient learning, exact science, and modern literature, disciplined by travel and reflection, adverse factions agreed in ascribing to him "every virtue under heaven." Cherished by those who were the pride of English letters and society, favored with unsolicited dignities and revenues, he required for his happiness, not fortune or preferment, but a real progress in knowledge. The material tendencies of the age in which he lived were hateful to his purity of sentiment; and having a mind kindred with Plato and the Alexandrine philosophers, with Barclay and Malebranche, he held that the external world was wholly subordinate to intelligence; that true existence can be predicated of spirits alone. He did not distrust the senses, being rather a close and exact observer of their powers, and finely discriminating between impressions made on them and the deductions of reason from those impressions. Far from being skeptical, he sought to give to faith the highest certainty by deriving all knowledge from absolutely perfect intelligence, from God. If he could but "expel matter out of nature," if he could establish the supremacy of spirit as the sole creative power and active being, then would the slavish and corrupt theories of Epicurus and of Hobbes be cut up by the roots. Thus he sought "gently to unbind the ligaments which chain the soul to the earth, and to assist her flight upward toward the sovereign good." For the application of such views, Europe of the eighteenth century offered no theatre. Regarding "the well-being of all men of all nations" as the design in which the actions of each individual should concur, he repaired to the new hemisphere to found a university. The island of Bermuda, at first selected as its site, was abandoned for Newport within our America, of which, from January 1729 to midsummer 1731, he was a resident. But opinion in England did not favor his purpose. "From the labor and luxury of the plantations," English politicians said, "great advantages may ensue to the mother country; yet the advancement of literature, and the improvement in arts and sciences in our American colonies, can never be of any service to the British state." The funds that had been regarded as pledged to the university, in which Indians were to be trained in wisdom, missionaries educated for works of good, science and truth advanced and disseminated, were diverted to pay the dowry of the princess royal. Disappointed, yet not irritated, Berkeley returned to Europe, to endow a library in Rhode Island; to cherish the interests of Harvard college; to gain a right to be gratefully remembered in Yale college; to encourage the foundation of a college at New York. Advanced to a bishopric, the heart of the liberal prelate still beat for America, of which his benevolence had dictated this prophecy:

In happy climes, the seat of innocence,

Where nature guides, and virtue rules,

Where men shall not impose for truth and sense

The pedantry of courts and schools—

There shall be sung another golden age—

The rise of empire and of arts;

The good and great inspiring epic rage;

The wisest heads and noblest hearts.

Westward the course of empire takes its way;

The four first acts already past,

A fifth shall close the drama with the day;

Time's noblest offspring is the last.

Chapter 16:

The British Slave-Trade,

Colonization of Georgia

Bancroft, Hist. of the U.S., vol.2, p.268

THE moral world is swayed by general laws. They extend not over inanimate nature only, but over man and nations; over the policy of rulers and the opinion of masses. Event succeeds event according to their influence; amid the jar of passions and interests, amid wars and alliances, commerce and conflicts, they form the guides of civilization, which marshals incongruous incidents into their just places, and arranges checkered groups in clear and harmonious order. To discover the tendency of the ages, research must be unwearied, and must be conducted without a bias; as the student of natural history, in examining even the humblest flower, seeks instruments that may unfold its wonderful structure, without color and without distortion. For the historic inquirer to swerve from exact observation would be as absurd as for the astronomer to break his telescopes and compute the path of a planet by conjecture. Of success there is a sure criterion; for, as every false statement contains a contradiction, truth alone possesses harmony. Truth, and truth alone, is permanent. The selfish passions of a party are as evanescent as the material interests involved in the transient conflict: they may deserve to be described; they never can inspire; and the narrative which takes from them its motive will hurry to oblivion as rapidly as the hearts in which they were kindled moulder to ashes. But facts, faithfully ascertained and placed in proper contiguity, become of themselves the firm links of a brightly burnished chain, connecting events with their causes, and marking the line along which the power of truth is conveyed from generation to generation.

Bancroft, Hist. of the U.S., vol.2, p.269

Events that are past are beyond change, and, where they merit to be known, can at least in their general aspect be known correctly. The constitution of the human mind varies only in details; its elements are the same always; and the multitude, possessing but a combination of the powers and passions of which each one is conscious, is subject to the same laws which control individuals. Humanity, constantly enriched and cultivated by the truths it develops and the inventions it amasses, has a life of its own, and yet possesses no element that is not common to each of its members. By comparison of document with document; by an analysis of facts, and the reference of each of them to the laws of intelligence which it illustrates; by separating the idea which inspires combined action from the forms it assumes; by comparing results with the principles that govern the movement of nations—historic truth may establish itself as a science.

Bancroft, Hist. of the U.S., vol.2, p.269 - p.270

The trust of our race that there is progress in human affairs is warranted. Universal history does but seek to relate "the sum of all God's works of providence." In 1739, the first conception of its office, in the mind of Jonathan Edwards, though still cramped and perverted by theological forms not derived from observation, was nobler than the theory of Vico: more grand and general than the method of Bossuet, it embraced in its outline the whole "work of redemption"—the history of the influence of all moral truth in the gradual regeneration of humanity. The New England divine, in his quiet association with the innocence and simplicity of rural life, knew that, in every succession of revolutions, the cause of civilization and moral reform is advanced. "The new creation," such are his words, "is more excellent than the old. So it ever is, that, when one thing is removed by God to make way for another, the new excels the old." "The wheels of Providence," he adds, "are not turned by blind chance, but they are full of eyes round about, and they are guided by the Spirit of God. Where the Spirit goes, they go." Nothing appears more self-determined than the volitions of each individual; and nothing is more certain than that Providence will overrule them for good. The finite will of man, free in its individuality, is in the aggregate subordinate to general laws. This is the reason why evil is self-destructive; why truth, when it is once generated, is sure to live forever; why freedom and justice, though resisted and restrained, renew the contest from age to age, confident that messengers from heaven fight on their side, and that the stars in their courses war against their foes. There would seem to be no harmony and no consistent tendency to one great end in the confused events of the reigns of George II of England and Louis XV of France, where legislation was now surrendered to the mercantile passion for gain, was now swayed by the ambition and avarice of the mistresses of kings; where the venal corruption of public men, the open profligacy of courts, the greedy cupidity of trade, conspired in exercising dominion over the civilized community. The political world was without form and void; yet the Spirit of God was moving over the chaos of human passions and human caprices, bringing forth the firm foundations on which better hopes were to rest, and setting in the firmament the lights that were to guide the nations.

Bancroft, Hist. of the U.S., vol.2, p.270

England, France, and Spain occupied all the continent, nearly all the islands, of North America; each established over its colonies an oppressive metropolitan monopoly; but Great Britain, while she vigorously enforced her own acts of navigation, disregarded those of Spain. Strictly maintaining the exclusive commerce with her own colonies, she coveted intercourse with the Spanish islands and main; and was about to give to the world, for the first time in history, the spectacle of a war for trade—a war which hastened the downfall of commercial restrictions and the independence of America.

Bancroft, Hist. of the U.S., vol.2, p.270

A part of the holders of the debt of Great Britain had been incorporated into a company, with the exclusive trade to the South Seas. But as Spain occupied much of the American coast in those seas, and claimed a monopoly of its commerce, the grant was worthless, unless that monopoly could be successfully invaded; and to begin this invasion, the commercial advantages conceded by the assiento treaty were assigned to the South Sea company.

Bancroft, Hist. of the U.S., vol.2, p.270 - p.271

Notwithstanding the in success of its attempts to trade in the Pacific, enough of the South Sea company survived to execute the contract for negroes and to conduct an illicit commerce with Spanish America. "Ambition, avarice, distress, disappointment, and the complicated vices that tend to render the mind of man uneasy, filled all places and all hearts in the English nation." Dreams of the acquisition of Florida, with the sole use of the Bahama channel; of the conquest of Mexico and Peru, with their real and their imagined wealth—rose up to dazzle the restless; Jamaica became the centre of an extensive smuggling trade; and slave-ships, deriving their passport from the assiento treaty, were the ready instruments of contraband cupidity.

Bancroft, Hist. of the U.S., vol.2, p.271

While the South Sea company satisfied but imperfectly its passion for wealth by a monopoly of the supply of negroes for the Spanish islands and main, the African company and independent traders were still more busy in sending negroes to the colonies of England. This avidity was encouraged by English legislation, fostered by royal favor, and enforced for a century by every successive ministry of England.

Bancroft, Hist. of the U.S., vol.2, p.271

The colored men who were imported into our colonies, sometimes by way of the West Indies, and sometimes, especially for the South, directly from the Old World, were sought all along the African coast, for thirty degrees together, from Cape Blanco to Loango St. Paul's; from the Great Desert of Sahara to the kingdom of Angola, or perhaps even to the borders of the land of the Kaffres. It is not possible to relate precisely in what bay they were respectively laden, from what sunny cottages they were kidnapped, from what more direful captivity they were rescued. The traders in men have not been careful to record the lineage of their victims. They were chiefly gathered from gangs that were marched from the far interior; so that the freight of a single ship might be composed of persons of different languages, and of nations altogether strange to each other. Nor was there uniformity of complexion; of those brought to our country, some were from tribes of which the skin was of a tawny yellow.

Bancroft, Hist. of the U.S., vol.2, p.271 - p.272

The purchases in Africa were made, in part, of convicts sentenced to slavery, or to a fine which was discharged by their sale; of debtors sold, though but rarely, into foreign bondage; of children sold by their parents; of kidnapped villagers; of captives taken in war. Hence, the sea-coast and the confines of hostile nations were laid waste. But the chief source of supply alike for the caravans of the Moors and for the ships of Europe was from the swarms of those born in a state of slavery. In the upper country, on the Senegal and the Gambia, three fourths of the inhabitants were not free; and the slave's master was the absolute lord of the slave's children. In the healthy and fertile uplands of Western Africa, under the tropical sun, the natural increase of the prolific race, combined with the imperfect development of its moral faculties, gave to human life, in the eye of man himself, an inferior value. Humanity did not respect itself in the individual, in the family, or in the nation. Our systems of ethics will not explain the phenomenon: its cause is not to be sought in the suppression of moral feeling, but rather in the condition of a branch of the human family not yet fully possessed of its moral and rational life. The quick maturity, the facility of obtaining sustenance, an undeveloped intelligence, and the fruitfulness of the negro, explain why, from century to century, the slave-ships could find a freight, and yet the population of the interior be kept full.

Bancroft, Hist. of the U.S., vol.2, p.272

Africans of more than thirty years of age were rejected by the traders as too old, and few were received under fourteen. Of the whole number, not more than one third part was composed of women; and a woman past two-and-twenty was hardly deemed worth transportation. The English slave-ships were laden with the youth of Africa.

Bancroft, Hist. of the U.S., vol.2, p.272 - p.273

Slavery and even a change of masters were familiar to the African; but to be conducted to the shores of the Western Ocean, to be doomed to pass its boundless deep and enter on new toils in an untried clime and amid an unknown race, was appalling to the black man. The horrors of the passage corresponded with the infamy of the trade. Small vessels, of little more than two hundred tons' burden, were prepared for the traffic; for these could most easily penetrate the bays and rivers, and, quickly obtaining a lading, could soonest hurry away from the deadly air of the African coast. In such a bark five hundred negroes and more have been stowed, exciting wonder that men could have lived, within the tropics, cribbed in so few inches of room. The inequality of force between the crew and the cargo led to the use of manacles; the hands of the stronger men were made fast together, and the right leg of one was chained to the left of another. The avarice of the trader was a partial guarantee of the security of life, as far as it depended on him; but death hovered always over the slave-ship. The negroes, as they came from the higher level to the sea-side, poorly fed on the sad pilgrimage, sleeping at night on the damp earth without covering, and often reaching the coast at unfavorable seasons, imbibed the seeds of disease, which confinement on board ship quickened into feverish activity. There have been examples where one half of them—it has been said, even, where two thirds of them—perished on the passage. The total loss of life on the voyage is computed to have been, on the average, fifteen, certainly full twelve and a half, in the hundred; the harbors of the West Indies proved fatal to four and a half more out of every hundred. No scene of wretchedness could surpass a crowded slave-ship during a storm at sea, unless it were that same ship dismasted, or suffering from a protracted voyage and want of food, its miserable inmates tossed helplessly to and fro under the rays of a vertical sun, vainly gasping for a drop of water.

Bancroft, Hist. of the U.S., vol.2, p.273

Of a direct voyage from Guinea to the coast of the United States no journal is known to exist, though slave-ships from Africa entered Newport and nearly every considerable harbor south of it.

Bancroft, Hist. of the U.S., vol.2, p.273 - p.274

In the northern provinces of English America, the negroes were lost in the larger number of whites; and only in the lowlands of South Carolina and Virginia did they constitute a great majority of the inhabitants. When they met on our soil they were as strange to one another as to their masters. Taken from places in Africa a thousand miles asunder, the negro emigrants to America brought with them no common language or worship. They were compelled to adopt a new dialect for intercourse with each other; and broken English became their tongue not less among themselves than with their masters. Hence there was no unity among them, and no immediate political danger from their joint action. Once an excitement against them raged in New York, through fear of a pretended plot; but the frenzy grew out of a delusion. Sometimes the extreme harshness of taskmasters may have provoked resistance; or sometimes an African, accustomed from birth to freedom, and reduced to slavery by the chances of war, carried with him across the Atlantic the indomitable spirit of a warrior; but the instances of insurrection were insulated, and without result. Destitute of common traditions, customs, and laws, the black population existed in fragments, having no bonds of union but color and misfortune. Thus, the negro slave in America was dependent on his owner for civilization; he could be initiated into skill in the arts only through him; through him only could he gain a country; and, as a consequence, in the next generation, though dissatisfied with his condition, he had yet learned to love the land of his master as his own.

Bancroft, Hist. of the U.S., vol.2, p.274

It is not easy to conjecture how many negroes were imported into the English continental colonies. The usual estimates far exceed the truth. Climate came in aid of opinion to oppose their introduction. Owing to the inequality of the sexes, their natural increase was not rapid in the first generation. Previous to the year 1740, there may have been brought into our country nearly one hundred and thirty thousand; before 1776, a few more than three hundred thousand. From the best accounts that have been preserved, there may have been in the United States, in 1714, nearly fifty-nine thousand negroes; in 1727, seventy-eight thousand; in 1754, nearly two hundred and ninety-three thousand; but these numbers are not entitled to be regarded as absolutely accurate.

Bancroft, Hist. of the U.S., vol.2, p.274

In the northern and the middle states, the negro was employed for menial offices and in the culture of wheat and maize. In the South, almost all the tobacco exported from Maryland and Virginia, all the indigo and rice of Carolina, were the fruit of his toils. Instead of remaining in a wild and unproductive servitude, his labor contributed to the wealth of nations; his destiny, from its influence on commerce, excited interest throughout the civilized world.

Bancroft, Hist. of the U.S., vol.2, p.274 - p.275

With new powers of production, the negro learned new wants, which were at least partially supplied. At the North, he dwelt under the roof of his master; his physical well-being was provided for, and opinion protected him against cruelty. At the South, his home was a rude cabin of his own, constructed of logs or slabs. The early writers tell us little of his history, except the crops which he raised.

Bancroft, Hist. of the U.S., vol.2, p.275

His physical constitution decided his home in the New World; he loved the sun; even the climate of Virginia was too chill for him. His labor, therefore, increased in value as he proceeded south; and hence the relation of master and slave came to be essentially a southern institution.

Bancroft, Hist. of the U.S., vol.2, p.275

The testimony of concurrent tradition represents the negroes, at their arrival, to have been gross and stupid, having memory and physical strength, but undisciplined in the exercise of reason. At the end of a generation, all observers affirmed the marked progress of the black American. In the midst of the horrors of slavery and the slave-trade, the masters had, in part at least, civilized the negro.

Bancroft, Hist. of the U.S., vol.2, p.275

The thought of emancipation soon presented itself. In 1701, Boston instructed its representatives "to encourage the bringing of white servants, and to put a period to negroes being slaves." In 1712, to a petition for the "enlargement" of negro slaves by law, the legislature of Pennsylvania answered that "it was neither just nor convenient to set them at liberty;" and yet George Keith, the early abolitionist, was followed by the eccentric Benjamin Lay; by Ralph Sandiford, who held slavery to be inconsistent alike with the rights of man and the principles of Christianity; and, at a later day, by the amiable enthusiast, Anthony Benezet.

Bancroft, Hist. of the U.S., vol.2, p.275 - p.276

But did not Christianity enfranchise its converts? The Christian world of that day almost universally revered in Christ the impersonation of the divine wisdom. Could an intelligent being, who, through the Mediator, had participated in the Spirit of God, and by his own inward experience had become conscious of a Supreme Being, and of relations between that Being and humanity, be rightfully held in bondage? From New England to Carolina, the "notion" prevailed that "being baptized is inconsistent with a state of slavery;" and this early apprehension proved an obstacle to the "conversion of these poor people." The sentiment was so deep and so general that South Carolina in 1712, Maryland in 1715, Virginia repeatedly from 1667 to 1748, set forth by special enactments that baptism did not confer freedom. The lawyers declared the fear groundless; add "the opinion of his majesty's attorney and solicitor general, Yorke and Talbot, signed with their own hands, was accordingly printed in Rhode Island, and dispersed through the plantations." "I heartily wish," adds Berkeley, "it may produce the intended effect;" and at the same time he rebuked "the irrational contempt of the blacks, as creatures of another species, having no right to be instructed." In like manner, Gibson, the bishop of London, asserted that "Christianity and the embracing of the gospel did not make the least alteration in civil property;" while he besought the masters to regard the negroes "not barely as slaves, but as men-slaves and women-slaves, having the same frame and faculties with themselves."

Bancroft, Hist. of the U.S., vol.2, p.276

There is not, in all the colonial legislation of America, one law which recognises the rightfulness of slavery in the abstract. Every province favored freedom as such. The real question at issue was, from the first, not one of slavery and freedom generally, but of the relations to each other of the Ethiopian and American races. The Englishman in America tolerated and enforced not the slavery of man, but the slavery of the man who was "guilty of a skin not colored like his own." In the skin lay the unexpiated, and, as it was held, inexpiable, guilt. To the negro, whom the benevolence of his master enfranchised, the path to social equality was not open.

Bancroft, Hist. of the U.S., vol.2, p.276

The question of tolerating the slave-trade and the question of abolishing slavery rested on different grounds. The one related to a refusal of a trust; the other, to the manner of its exercise. The English continental colonies, in the aggregate, were always opposed to the African slave-trade. Maryland, Virginia, even Carolina, alarmed at the excessive production and the consequent low price of their staples, at the heavy debts incurred by the purchase of slaves on credit, and at the dangerous increase of the colored population, each showed an anxious preference for the introduction of white men; and laws designed to restrict importations of slaves are scattered copiously along the records of colonial legislation. On the sixth of April 1776, the first continental congress which took to itself powers of legislation gave a legal expression to the well-formed opinion of the country by resolving "that no slaves be imported into any of the thirteen united colonies."

Bancroft, Hist. of the U.S., vol.2, p.277

Before America legislated for herself, the interdict of the slave-trade was impossible. England was inexorable in maintaining the system, which gained new and stronger supporters by its excess. The English slave-trade began to attain its great activity after the assiento treaty. From 1680 to 1700, the English took from Africa about three hundred thousand negroes, or about fifteen thousand a year. The number during the continuance of the assiento may have averaged annually not far from thirty thousand. Raynal considers the number of negroes exported by all European nations from Africa before 1776 to have been nine millions; and historians of the slave-trade have deemed his statement too small. A careful analysis of the colored population in America at different periods, and the inferences to be deduced from the few authentic records of the numbers imported, corrected by a comparison with the commercial products of slave labor as appearing in the annals of English commerce, seem to prove, beyond a doubt, that even the estimate of Raynal is larger than the reality. We shall not err very much if, for the century previous to the prohibition of the slave-trade by the American congress, in 1776, we assume the number imported by the English into the Spanish, French, and English West Indies, and the English continental colonies, to have been, collectively, nearly three millions: to which are to be added more than a quarter of a million purchased in Africa, and thrown into the Atlantic on the passage. The gross returns to English merchants, for the traffic in that number of slaves, may have been not far from four hundred millions of dollars. Yet, as at least one half of the negroes exported from Africa to America were carried in English ships, it should be observed that this estimate is by far the lowest ever made by any inquirer into the statistics of human wickedness. After every deduction, the trade retains its gigantic character of crime.

Bancroft, Hist. of the U.S., vol.2, p.277 - p.278

In an age when the interests of commerce guided legislation, this branch of commerce possessed paramount attractions. Not a statesman exposed its enormities; and, if Richard Baxter reminded the slave-holder that the slave "was of as good a kind as himself, born to as much liberty, by nature his equal, a servant and a brother, by right born his own;" if Addison, as a man of letters, held it without excuse, that "this Part of our species was not put upon the common foot of humanity;" if Southern drew tears by the tragic tale of "Oronooko;" if Steele awakened a throb of indignation by the story of "Inkle and Yarico;" if Savage and Shenstone pointed their feeble couplets with the wrongs of "Afric's sable children;" if the Irish metaphysician Hutcheson, who proposed to rulers for their object "the greatest happiness of the greatest number," justly stigmatized the traffic—yet in England no general indignation rebuked the enormity. The philosophy of that day furnished to the African no protection against oppression; and the interpretation of English common law was equally regardless of human freedom. The colonial negro, who sailed to the metropolis, found no benefit from touching the soil of England, but returned a slave. Such was the approved law of England in the first half of the last century; such was the opinion of Yorke and Talbot, the law officers of the crown, as expressed in 1729, and, after a lapse of twenty years, repeated and confirmed by Yorke as chancellor of England.

Bancroft, Hist. of the U.S., vol.2, p.278 - p.279

The influence of the manufacturers was still worse. They clamored for the protection of a trade which opened to them an African market. A resolve of the commons, in the days of William and Mary, proposed to lay open the trade in negroes "for the better supply of the plantations;" and, in 1695, the statute-book of England declared the opinion of its king and its parliament, that "the trade is highly beneficial and advantageous to the kingdom and the colonies." In 1708, a committee of the house of commons report that "the trade is important, and ought to be free;" in 1711, a committee once more report that "the plantations ought to be supplied with negroes at reasonable rates," and urge an increase of importations. In June 1712, Queen Anne, in her speech to parliament, boasts of her success in securing to Englishmen a new market for slaves in Spanish America. In 1729, George II recommended a provision, at the national expense, for the African forts; and the recommendation was followed. At last, in 1749, to give the highest activity to the traffic, every obstruction to private enterprise was removed, and the ports of Africa were laid open to English competition; for "the slave-trade," such are the words of the statute, "is very advantageous to Great Britain." "The British senate," wrote one of its members, in February 1750," have this fortnight been pondering methods to make more effectual that horrid traffic of selling negroes. It has appeared to us that six-and-forty thousand of these wretches are sold every year to our plantations alone."

Bancroft, Hist. of the U.S., vol.2, p.279

But, while the partial monopoly of the African company was broken down, and the commerce in men was opened to the competition of all Englishmen, the monopoly of British subjects was rigidly enforced against foreigners. That Englishmen alone might monopolize all wealth to be derived from the trade, Holt and Pollexfen, and eight other judges, in pursuance of an order in council, had given their opinion "that negroes are merchandise," and that, therefore, the act of navigation was to be extended to English slave-ships to the exclusion of aliens.

Bancroft, Hist. of the U.S., vol.2, p.279 - p.280

The same policy was manifested in the relations between the English crown and the colonies. Land from the public domain was given to emigrants, in one West India colony at least, on condition that the resident owner would "keep four negroes for every hundred acres." The eighteenth century was ushered in by the royal instruction of Queen Anne, in 1702, to the governor of New York and New Jersey, "to give due encouragement to merchants, and in particular to the royal African company of England." That the instruction was general is evident from the apology of Spotswood for the small number of slaves brought into Virginia. In that commonwealth, the planters beheld with dismay the increase of negroes. A tax repressed their importation; and, in May 1726, Hugh Drysdale, the deputy governor, announced to the house that "the interfering interest of the African company had obtained the repeal of that law." Long afterward, a statesman of Virginia, in full view of the course of colonial legislation and English counteracting authority, unbiassed by hostility to England, bore true testimony that "the British government constantly checked the attempts of Virginia to put a stop to this infernal traffic." On whatever ground Virginia opposed the trade, the censure was just. South Carolina, in 1760, from prudential motives, attempted restrictions, and gained only a rebuke from the English ministry. Great Britain, steadily rejecting every colonial limitation of the slave-trade, instructed the governors, on pain of removal, not to give even a temporary assent to such laws; and, but a year before the prohibition of the slave-trade by the American congress, in 1776, the earl of Dartmouth addressed to a colonial agent these memorable words: "We cannot allow the colonies to check, or discourage in any degree, a traffic so beneficial to the nation."

Bancroft, Hist. of the U.S., vol.2, p.280

The assiento treaty, originally extorted by force of arms, remained a source of jealousy between Spain and England. On the American frontier Spain claimed to extend her jurisdiction north of the Savannah river, as far at least as St. Helena sound. The foundation of St. Augustine had preceded that of Charleston by a century; national pride still clung to the traditions of the wide extent of Florida; the settlement of the Scottish emigrants at Port Royal had been dispersed; and it was feebleness alone which tolerated the advancement of the plantations of South Carolina toward the Savannah. Meantime, England resolved to pass that stream.

Bancroft, Hist. of the U.S., vol.2, p.280

The resolution was not hastily adopted. In 1717, a proposal was brought forward to plant a new colony south of Carolina, in the region that was heralded as the most delightful country of the universe. The land was to be tilled by British and Irish laborers exclusively, without "the dangerous help of blackamoors." Three years afterward, in the excited season of English stock-jobbing and English anticipations, the suggestion was revived. When Carolina, in 1728, became by purchase a royal province, Johnson, its governor, was directed to mark out townships as far south as the Alatamaha; and, in 1731, a site was chosen for a colony of Swiss in the ancient land of the Yamassees, but on the left bank of the Savannah. The country between the two rivers was still a wilderness, when the spirit of benevolence, heedless of the objection that "the colonies would grow too great " for England "and throw off their dependency," resolved to plant the sunny clime with those who in England had neither land nor shelter, and those on the continent to whom, as Protestants, bigotry denied freedom of worship and a home.

Bancroft, Hist. of the U.S., vol.2, p.281

In the days when protection of property was avowed to be the end of government, the gallows was set up as the penalty for a petty theft. Each year, in Great Britain, at least four thousand unhappy men were immured in prison for the misfortune of poverty; a small debt exposed to a perpetuity of imprisonment; one indiscreet contract doomed the miserable dupe to lifelong confinement. The subject won the attention of James Oglethorpe, a member of the British parliament; in middle life; educated at Oxford; receiving his first commission in the English army during the ascendency of Bolingbroke; a volunteer in the family of Prince Eugene; present at the siege of Belgrade. To him, in the annals of legislative philanthropy, the honor is due of having first resolved to lighten the lot of debtors. Touched with the sorrows which the walls of a prison could not hide from him, he searched into the gloomy horrors of jails,

Where sickness pines, where thirst and hunger burn,

And poor misfortune feels the lash of vice.

Bancroft, Hist. of the U.S., vol.2, p.281

In 1728, he invoked the interference of the English parliament; and, as a commissioner for inquiring into the state of the jails in the kingdom, persevered, till, "from extreme misery, he restored to light and freedom multitudes who, by long confinement for debt, were strangers and helpless in the country of their birth." He did more. For them, and for persecuted Protestants, he planned a new destiny in America.

Bancroft, Hist. of the U.S., vol.2, p.281 - p.282

To further this end, a charter from George II, dated the ninth day of June 1732, erected the country between the Savannah and the Alatamaha, and from the head-springs of those rivers due west to the Pacific, into the province of Georgia, and placed it for twenty-one years under the guardianship of a corporation, "in trust for the poor." The common seal of the corporation, having on one side a group of silk-worms at their toils, with the motto, "Non sibi, sed aliis"—"Not for themselves, but for others "expressed the purpose of the patrons, who by their own request were restrained from receiving any grant of lands, or any emolument whatever. On the other side of the seal, the device represented two figures reposing on urns, emblematic of the boundary rivers, having between them the genius of "Georgia Augusta," with a cap of liberty on her head, a spear in one hand, the horn of plenty in the other. But the cap of liberty was, for a time at least, a false emblem; for all executive and legislative power, and the institution of courts, were for twenty-one years given exclusively to the trustees, or their common council, who were appointed during good behavior. The trustees held these grants to contain but "proper powers for establishing and governing the colony." The land, open to Jews, was closed against "papists." At the head of the council stood Shaftesbury, fourth earl of that name; but its most celebrated member was Oglethorpe. So illustrious were the auspices of the design, that hope painted visions of an Eden that was to spring up to reward such disinterested benevolence. The kindly sun of the new colony was to look down on purple vintages, and the silk-worm yield its thread to British looms. Individual zeal was kindled in its favor; the Society for Propagating the Gospel in foreign parts sought to promote it; and parliament showed its good-will by contributing ten thousand pounds.

Bancroft, Hist. of the U.S., vol.2, p.282 - p.283

But, while others gave to the design their leisure, their prayers, or their wealth, Oglethorpe devoted himself to its fulfilment. In November 1732, he embarked with about one hundred and twenty emigrants for America, and in fifty-seven days arrived off the bar of Charleston. Accepting a short welcome, he sailed directly for Port Royal. While the colony was landing at Beaufort, its patron ascended the boundary river of Georgia, and, before the end of January 1733, chose for the site of his chief town the high bluff on which Savannah now stands. At the distance of a half mile dwelt the Yamacraws, a branch of the Muskohgees, who, with Tomochichi, their chieftain, sought security by an alliance with the English. "Here is a little present," said the red man, as he offered a buffalo skin, painted on the inside with the head and feathers of an eagle. "The feathers of the eagle are soft, and signify love; the buffalo skin is warm, and is the emblem of protection. Therefore love and protect our little families." On the twelfth of February, new style, the colonists arrived at the place intended for the town, and before evening encamped on shore near the edge of the river. Four beautiful pines protected the tent of Oglethorpe, who for near a twelve month sought no other shelter. The streets of Savannah were laid out with the greatest regularity; in each quarter, a public square was reserved; the houses were planned and constructed on one model, each a frame of sawed timber, twenty-four feet by sixteen, floored with rough deals, the sides with feather-edged boards unplaned, and the roof shingled. Such a house Oglethorpe afterward hired as his residence, when in Savannah. Ere long a walk, cut through the native woods, led to the large garden on the river-side, destined as a nursery of European fruit and of the products of America. The humane reformer of prison discipline was the father of the commonwealth of Georgia, "the place of refuge for the distressed people of Britain and the persecuted Protestants of Europe."

Bancroft, Hist. of the U.S., vol.2, p.283 - p.284

In May, the chief men of the eight towns of the lower Muskohgees, accepting his invitation, came down to make an alliance. Long King, the tall and aged civil chief of the Oconas, spoke for them all: "The Great Spirit, who dwells everywhere around, and gives breath to all men, sends the English to instruct us." Claiming the country south of the Savannah, he bade the strangers welcome to the lands which his nation did not use; and, in token of sincerity, he laid eight bundles of buckskins at Oglethorpe's feet. "Tomo-chichi," he added, "though banished from his nation, has yet been a great warrior; and, for his wisdom and courage, the exiles chose him their king." Tomo-chichi entered timorously, and, bowing very low, gave thanks that he was still permitted "to look for good land among the tombs of his ancestors." The chief of Coweta stood up and said: "We are come twenty-five days' journey to see you. I was never willing to go down to Charleston, lest I should die on the way; but when I heard you were come, and that you are good men, I came down, that I might bear good things." He then gave leave to the exiles to summon the kindred that loved them out of each of the Creek towns, that they might dwell together. "Recall," he added, "the Yamassees, that they may see the graves of their ancestors before they die, and may be buried in peace among them." On the first of June, a treaty of peace was signed, by which the English claimed sovereignty over the land of the Creeks as far south as the St. John's; and the chieftains departed laden with presents.

Bancroft, Hist. of the U.S., vol.2, p.284

A Cherokee appeared among the English. "Fear nothing," said Oglethorpe, "but speak freely;" and the mountaineer answered: "I always speak freely. Why should I fear? I am now among friends; I never feared even among my enemies." And friendly relations were cherished with the Cherokees. In July of the following year, Red Shoes, a Choctaw chief, proposed commerce. "We came a great way," said he, "and we are a great nation. The French are building forts about us, against our liking. We have long traded with them, lint they are poor in goods; we desire that a trade may lie opened between us and you." The good faith of Oglethorpe in the offers of peace, his noble mien and sweetness of temper, conciliated the confidence of the red men; in his turn, he was pleased with their simplicity, and sought for means to clear the glimmering ray of their minds, to guide their bewildered reason, and teach them to know the God whom they ignorantly adored.

Bancroft, Hist. of the U.S., vol.2, p.284

The province of South Carolina displayed "a universal zeal for assisting its new ally and bulwark" on the south.

Bancroft, Hist. of the U.S., vol.2, p.284 - p.285

When the Roman Catholic archbishop, who was the ruler of Salzburg, with merciless bigotry drove out of his dominions the Lutherans whom horrid tortures and relentless persecution could not force to renounce their Protestant faith, Frederic William I of Prussia planted a part of them on freeholds in his kingdom; others, on the invitation of the Society in England for Propagating the Gospel, prepared to emigrate to the Savannah. A free passage; provisions in Georgia for a whole season; land for themselves and their children, free for ten years, then to be held for a small quit-rent; the privileges of native Englishmen; freedom of worship—these were the promises made, accepted, and honorably fulfilled. On the last day of October 1733, "the evangelical community," well supplied with Bibles and hymn-books, catechisms and books of devotion, conveying in one wagon their few chattels, in two other covered ones their feebler companions, and especially their little ones—after a discourse and prayer and benedictions, cheerfully, and in the name of God, began their pilgrimage. History need not stop to tell what charities cheered them on their journey, what towns were closed against them by Roman Catholic magistrates, or how they entered Frankfort on the Main, two by two in solemn procession, singing spiritual songs. As they floated down the Main, and between the castled crags, the vineyards, and the white-walled towns that adorn the banks of the Rhine, their conversation, amid hymns and prayers, was of justification and of sanctification, and of standing fast in the Lord. At Rotterdam, they were joined by two preachers, Bolzius and Gronau, both disciplined in charity at the Orphan House in Halle. A passage of six days carried them from Rotterdam to Dover, where several of the trustees visited them and provided considerately for their wants. In January 1734, they set sail for their new homes. The majesty of the ocean quickened their sense of God's omnipotence and wisdom; and, as they lost sight of land, they broke out into a hymn to his glory. The setting sun, after a calm, so kindled the sea and the sky that words could not express their rapture, and they cried out: "How lovely the creation! How infinitely lovely the Creator!" When the wind was adverse, they prayed; and, as it changed, one opened his mind to the other on the power of prayer, even the prayer "of a man subject to like passions as we are." A devout listener confessed himself to be an unconverted man; and they reminded him of the promise to him that is poor and of a contrite spirit, and trembleth at the word. As they sailed pleasantly with a favoring breeze, at the hour of evening prayer they made a covenant with each other, like Jacob of old, and resolved by the grace of Christ to cast all the strange gods which were in their hearts into the depths of the sea. In February, a storm grew so high that not a sail could be set; and they raised their voices in prayer and song amid the tempest, for to love the Lord Jesus as a brother gave consolation. At Charleston, Oglethorpe, on the eighteenth of March 1734, bade them welcome; and, in five days more, the wayfarers, whose home was beyond the skies, pitched their tents near Savannah.

Bancroft, Hist. of the U.S., vol.2, p.285 - p.286

It remained to select for them a residence. To cheer their principal men as they toiled through the forest and across brooks, Oglethorpe, having provided horses, joined the party. By the aid of blazed trees and Indian guides, he made his way through morasses; a fallen tree served as a bridge over a stream, which the horses swam; at night he encamped with them abroad round a fire, and shared every fatigue, till the spot for their village was chosen, and, like the rivulet which formed its border, was named Ebenezer. There they built their dwellings, and there they resolved to raise a column of stone in token of gratitude to God, whose providence had brought them safely to the ends of the earth.

Bancroft, Hist. of the U.S., vol.2, p.286

In the same year, the town of Augusta was laid out, soon to become the favorite resort of Indian traders. The good success of Oglethorpe made the colony increase rapidly by volunteer emigrants. "His undertaking will succeed," said Johnson, the governor of South Carolina; "for he nobly devotes all his powers to serve the poor, and rescue them from their wretchedness." "He bears a great love to the servants and children of God," wrote the pastor of Ebenezer. "He has taken care of us to the utmost of his ability." "God has so blessed his presence and his regulations in the land, that others would not in many years have accomplished what he has brought about in one."

Bancroft, Hist. of the U.S., vol.2, p.286

At length, in April 1734, after a residence in America of about fifteen months, Oglethorpe sailed for England, taking with him Tomo-chichi and others of the Creeks to do homage at court, and to invigorate the confidence of England in the destiny of the new colony, which was shown to possess the friendship of the surrounding Indian nations.

Bancroft, Hist. of the U.S., vol.2, p.286

His absence left Georgia to its own development. For its franchises, it had only the system of juries; and, though it could not prosper but by self-reliance, legislation by its own representatives was not begun.

Bancroft, Hist. of the U.S., vol.2, p.286

The laws which the trustees had instituted were irksome. To prevent the monopoly of lands, to insure an estate even to the sons of the unthrifty, to strengthen a frontier colony, the trustees, deceived by reasonings from the system of feudal law and by their own prejudices as members of the landed aristocracy of England, had granted lands only in tail male. Here was a grievance that soon occasioned a just discontent.

Bancroft, Hist. of the U.S., vol.2, p.287

A regulation which prohibited the sale of rum led only to clandestine traffic.

Bancroft, Hist. of the U.S., vol.2, p.287

A third rule forbade the introduction of slaves. The praise of Georgia was uttered in London in 1734: "Let avarice defend it as it will, there is an honest reluctance in humanity against buying and selling, and regarding those of our own species as our wealth and possession. The name of slavery is here unheard, and every inhabitant is free from unchosen masters and oppression." "Slavery," Oglethorpe relates, "is against the gospel, as well as the fundamental law of England. We refused, as trustees, to make a law permitting such a horrid crime." "The purchase of negroes is forbidden," wrote Von Reck, "on account of the vicinity of the Spaniards;" and this was doubtless "the governmental view." The colony was "an asylum to receive the distressed. It was, therefore, necessary not to permit slaves in such a country; for slaves starve the poor laborer." But, after a little more than two years, several of the so-called "better sort of people in Savannah" addressed a petition to the trustees "for the use of negroes."

Bancroft, Hist. of the U.S., vol.2, p.287

In England, Oglethorpe won universal favor for his colony, the youngest child of the colonial enterprise of England. Parliament continued its benefactions; the king expressed interest in a province which bore his name. In May 1735, the first colony of Moravians, nine in number, was led to Savannah by the devoted evangelist, Spangenberg. He has left the best digest of the Moravian faith, of which the leading idea is the worship of the Saviour, the triumphant Lamb of God. A company of Gaelic Highlanders established New Inverness, "where wild Altama murmured to their woe."

Bancroft, Hist. of the U.S., vol.2, p.287 - p.288

On the sixth of February 1736, three hundred persons, conducted by Oglethorpe, landed not far from Tybee island, "where they all knelt and returned thanks to God for having safely arrived in Georgia." Among that group was a re-enforcement of Moravians—men who had a faith above fear; "whose wives and children even were not afraid to die;" whose simplicity and solemnity in their conferences and prayers seemed to revive the primitive "assemblies, where form and state were not, but Paul the tent-maker, or Peter the fisherman, presided with the demonstration of the Spirit." There, too, were John and Charles Wesley—the latter selected as the secretary to Oglethorpe, the former eager to become an apostle to the Indians—fervent enthusiasts, who by their own confession were not yet disciplined to a peaceful possession of their souls. The elder of them, by his intercourse with the Moravians, was aided in forming his system of religions organization. "That they were simple of heart, but yet that their ideas were disturbed," was the judgment of Zinzendorf. "Our end in leaving our native country," said they, "is not to gain riches and honor, but singly this—to live wholly to the glory of God." They desired to make Georgia a religious colony, having no theory but devotion, no ambition but to quicken the sentiment of piety. The reformation of Luther and Calvin had included a political revolution; its advocates went abroad on the whirlwind, and overthrew institutions which time had consecrated and selfishness perverted. But the age in which religious and political excitements were united had passed away; with the period of commercial influence, fanaticism had no sympathy. Mystic piety, more intense by its aversion to the theories of the eighteenth century, appeared as the rainbow; and Wesley was as the sower, who comes after the clouds have been lifted up and the floods have subsided, and scatters his seed in the serene hour of peace. The new devotees, content to remain under the guardianship of the established government, sought to enjoy the exquisite delights of religions sensibility, not to overthrow dynasties or to break the bonds of colonial dependence. By John Wesley, who remained in America less than two years, no share in moulding the political institutions of the colony was exerted or desired. As he strolled through natural avenues of palmettoes and evergreen hollies and woods sombre with hanging moss, his heart gushed forth in addresses to God:

Is there a thing beneath the sun,

That strives with Thee my heart to share?

Ah! tear it thence, and reign alone—

The Lord of every motion there.

Bancroft, Hist. of the U.S., vol.2, p.288 - p.289

The austerity of his maxims involved him in controversies with the mixed settlers of Georgia; and his residence in America preceded his influence on the religious culture of its people. His brother was still less suited to shape events; the privations and hardships of the wilderness among rough associates plunged his gentle nature into the depths of melancholy and homesickness; and, at this time, his journal is not a record of events around him, but rather a chronicle of what passed within himself, the groundless jealousies of a pure mind, rendered suspicious by pining disease. When afterward George Whitefield came, his intrepid nature did not lose its cheerfulness in the encounter with the wilderness; incited by the example of the Lutheran Salzburgers and the fame of the Orphan House at Halle, he founded and sustained an orphan house at Savannah by contributions which his eloquence extorted. He visited all the provinces from Florida to the northern frontier, and made his grave in New England; but he swayed no legislatures, and is chiefly remembered for his power of reviving religions convictions in the multitude.

Bancroft, Hist. of the U.S., vol.2, p.289

Oglethorpe, in February 1736, visited the Salzburgers at Ebenezer, to praise their good husbandry and to select the site of their new settlement; of which the lines were no sooner drawn, and the streets laid out, than huts covered with bark rose up, and the labors of the field were renewed. In a few years, the produce of raw silk by the Germans amounted to ten thousand pounds a year; and indigo became a staple. In earnest memorials, they deprecated the employment of negro slaves, pleading the ability of the white man to toil even under the suns of Georgia. Their religions affections bound them together in the unity of brotherhood; their controversies were decided among themselves; every event of life had its moral; and the fervor of their worship never disturbed their healthy tranquillity of judgment. They were cheerful and at peace.

Bancroft, Hist. of the U.S., vol.2, p.289 - p.290

From the Salzburger towns, Oglethorpe hastened to the southward, passing in a scout boat through the narrow inland channels, which delighted the eye by their sea-green color and stillness, and were sheltered by woods of pines, and evergreen oaks, and cedars, that came close to the water's side. On the second day, aided by the zeal of his own men and by Indians skilful in using the oar, he arrived at St. Simon's island. A fire, kindling the long grass on an old Indian field, cleared a space for the streets of Frederica; and, amid the mirthful carols of the rice, the red, and the mocking bird, a fort was constructed on the centre of the bluff, with four bastions commanding the river and protecting the palmetto bowers, which, each twenty feet by fourteen, were set up on forks and poles in regular rows; a tight and convenient shelter.

Bancroft, Hist. of the U.S., vol.2, p.290

It was but ten miles from Frederica to the Scottish settlement at Darien. To give heart to them by his presence, Oglethorpe, in the Highland costume, sailed up the Alatamaha; and all the Highlanders, as they perceived his approach, assembled with their plaids, broadswords, targets, and fire-arms, to bid him welcome. The brave men were pleased that a town was to be settled, that ships were to come up so near them, and that they now had a communication by land with Savannah. Trees had been blazed all the way for a "horse-road."

Bancroft, Hist. of the U.S., vol.2, p.290

It remained to vindicate the boundaries of Georgia. With the Highlanders as volunteers, he explored the channels south of Frederica; and, on the island which took the name of Cumberland, he marked out a fort to be called St. Andrew's. Then, claiming the St. John's river as the boundary of the territory possessed by the Indian subjects of England at the time of the treaty of Utrecht, on the southern extremity of Amelia island, he planted the Fort St. George for the defence of the British frontier.

Bancroft, Hist. of the U.S., vol.2, p.290

The rumors of his intended expedition had reached the wilderness; and, in May, the Uchees, all brilliantly painted, came down to form an alliance and to grasp the hatchet. Long speeches and the exchange of presents were followed by the war-dance. Tomo-chichi appeared with his warriors, ever ready to hunt the buffalo along the frontiers of Florida, or to engage in warfare with the few planters on that peninsula.

Bancroft, Hist. of the U.S., vol.2, p.290 - p.291

Oglethorpe knew that the Spaniards had been tampering with his allies, and were willing to cut off the settlements in Georgia at a blow; but, regardless of incessant toil; securing domains not to his family, but to emigrants; not even appropriating to himself permanently a cottage or a single lot of fifty acres—he was determined to assert the claims of England, and preserve his colony as the bulwark of English North America. "To me," said he to Charles Wesley, "death is nothing." "If separate spirits," he added, "regard our little concerns, they do it as men regard the follies of their childhood."

Bancroft, Hist. of the U.S., vol.2, p.291

For that season, active hostilities were avoided by negotiation. The Fort St. George was abandoned, but St. Andrew's, commanding the approach to the St. Mary's, was maintained. Hence, the St. Mary's ultimately became the boundary of the colony of Oglethorpe.

Bancroft, Hist. of the U.S., vol.2, p.291

The friendship of the red men insured the safety of the English settlements. In July 1736, the Chicasaws, animated by their victory over the Illinois and Artaguette, came down to narrate how unexpectedly they had been attacked, how victoriously they had resisted, with what exultations they had consumed their prisoners by fire. Ever attached to the English, they now deputed thirty warriors, with their civil sachem and war-chief, to make an alliance with Oglethorpe, whose fame had reached the Mississippi. They brought for him an Indian chaplet, made from the spoils of their enemies, glittering with feathers of many hues, and enriched with the horns of buffaloes. The Creeks, Cherokees, and Chicasaws were his unwavering friends, and even the Choctaws covenanted with him to receive English traders. To hasten preparations for the impending contest with Spain, Oglethorpe embarked for England. Arriving in January 1737, he could report to the trustees "that the colony was doing well; that Indians from seven hundred miles' distance had confederated with him, and acknowledged the authority of his sovereign."

Chapter 17:

War Between Great Britain and Spain,

1739-1748

Bancroft, Hist. of the U.S., vol.2, p.292

RECEIVING a commission as brigadier-general, with a military command extending over South Carolina, Oglethorpe, in Great Britain, raised and disciplined a regiment; and, after an absence of more than a year and a half, in 1738 returned to Frederica. There his soldiers completed the walls of the fortress. Its ivy-mantled ruins are still standing.

Bancroft, Hist. of the U.S., vol.2, p.292

At Savannah, he was welcomed by salutes and bonfires. But he refused any alteration in the tenures of land. In answer to "repeated applications" for the allowance of slaves, he, with the applause of the trustees, "persisted in denying the use of them," and declared that, if they should be introduced into Georgia, "he would have no further concern with the colony."

Bancroft, Hist. of the U.S., vol.2, p.292

By frankness and fidelity Oglethorpe preserved the affection of the natives. The Chicasaws renewed their covenants of friendship. The Muskohgees had, from the first, regarded him as their father; and, as he knew their language, they appealed to him directly in every emergency.

Bancroft, Hist. of the U.S., vol.2, p.292 - p.293

In the summer of 1739, the civil and war chiefs of the Muskohgees held a general council in Cusitas, on the Chattahoochee; and Oglethorpe came into the large square of their council-place, distributed presents, and renewed and explained their covenants. It was then agreed that the lands from the St. John's to the Savannah, from the sea to the mountains, belonged of ancient right to the Muskohgees. Their cession to the English of the land on the Savannah, as far as the Ogeechee, and along the coast to the St. John's as far into the interior as the tide flows, was, with a few reservations, confirmed. The right of pre-emption was reserved for the trustees of Georgia, who agreed never to take land without the consent of its ancient proprietaries.

Bancroft, Hist. of the U.S., vol.2, p.293

In England, Walpole pleaded for peace with Spain in the name of honor, justice, and the true interests of commerce. But the active English mind, eager for sudden gains and soured by disappointment, was resolved on illicit traffic, or on plunder and conquest. A war was desired, not because England insisted on cutting logwood in the bay of Honduras, where Spain claimed a jurisdiction and had founded no settlements; nor because the South Sea company differed with the king of Spain as to the balances of their accounts; nor yet because the boundary between Carolina and Florida was still in dispute—these differences could have been adjusted—but, as all agree, because English "merchants were not permitted to smuggle with impunity." A considerable part of the population of Jamaica was sustained by the profits of the contraband trade with Spanish ports; the annual ship to Porto Bello, which the assiento permitted, was followed at a distance by smaller vessels; and fresh bales of goods were nightly introduced in the place of those that had been discharged during the day. British smuggling vessels, pretending distress, would claim the right by treaty to enter Spanish harbors on the Gulf of Mexico. The colonial commerce of Spain was almost annihilated. In former days, the tonnage of the fleet of Cadiz had amounted to fifteen thousand tons; it was now reduced to two thousand tons, and had no office but to carry the royal revenues from America.

Bancroft, Hist. of the U.S., vol.2, p.293 - p.294

The monarch of Spain, busy in celebrating auto-da-fes and burning heretics, and regarding as an affair of state the question who should be revered as the true patron saint of his kingdom, was at last roused to address complaints to England, but they were turned aside; and when the Spanish officers showed vigor in executing the laws of Spain, the English merchants resented their interference as wanton aggressions. One Jenkins, who to smuggling had joined piratical maraudings, was summoned to the bar of the house of commons to give evidence. The tale which he was disciplined to tell of the loss of one of his ears by Spanish cruelty, of dishonor offered to the British flag and the British crown, was received without distrust. "What were your feelings when in the hands of such barbarians?" was asked by a member, as his mutilated ear was exhibited. "I commended my soul to my God," answered the impudent fabler, "and my cause to my country." "We have no need of allies to enable us to command justice: the story of Jenkins will raise volunteers:" was the cry of Pulteney, in his zeal to overthrow the administration of Walpole. The clamor of orators was seconded by the poets: Pope, in his dying notes, sneered at the timidity which was willing to avoid offence,

And own the Spaniard did a waggish thing,

Who cropped our ears, and sent them to the king;

and Samuel Johnson, in more earnest language, exclaimed:

Has Heaven reserved, in pity to the poor,

No pathless waste or undiscovered shore?

No secret island in the boundless main?

No peaceful desert yet unclaimed by Spain?

Bancroft, Hist. of the U.S., vol.2, p.294

In January 1739, a convention was signed. The mutual claims for damages were balanced and liquidated; and while the king of Spain demanded of the South Sea company sixty-eight thousand pounds, as due to him for his share of their profits, he agreed to pay, as an indemnity to British merchants for losses sustained by unwarranted seizures, the sum of ninety-five thousand pounds. On these questions no dispute remained but the trivial one whether the British government should guarantee to Spain the acknowledged debt of the South Sea company. For Florida it was agreed that each nation was to retain its present possessions till commissioners could mark the boundary. In other words, England was to hold undisturbed jurisdiction over the country as far as the mouth of the St. Mary's.

Bancroft, Hist. of the U.S., vol.2, p.294 - p.295

Walpole resisted the clamor of the mercantile interest, and, opposing the duke of Newcastle, advocated the acceptance of the convention. "It requires no great abilities in a minister," he said, "to pursue such measures as may make a war unavoidable. But how many ministers have known the art of avoiding war by making a safe and honorable peace?" "The convention," said William Pitt in his first speech on American affairs, "is insecure, unsatisfactory, and dishonorable: I think, from my soul, it is nothing but a stipulation for national ignominy. Your despairing merchants and the voice of England have condemned it. Be the guilt of it upon the head of the advisers; God forbid that this committee should share the guilt by approving it." But Pulteney and his associates were in the wrong. The original documents demonstrate "the extreme injustice" of their opposition. "It was my fortune," said Edmund Burke, "to converse with those who principally excited that clamor. None of them, no, not one, did in the least defend the measure, or attempt to justify their conduct."

Bancroft, Hist. of the U.S., vol.2, p.295

In an ill hour for herself, in a happy one for America, England, on the twenty-third of October 1739, declared war against Spain. If the rightfulness of the European colonial system be conceded, her declaration was a wanton invasion of it for immediate selfish purposes; but, in endeavoring to open the ports of Spanish America to the mercantile enterprise of her own people, she was beginning a war on colonial monopoly. Sir Robert Walpole remained chief minister till the end of January 1742. After an unstable period of nineteen months, his friend, Henry Pelham, took the lead and held it till death, but neither Walpole nor Pelham was fitted to conduct a war.

Bancroft, Hist. of the U.S., vol.2, p.295

To acquire possession of the richest portions of Spanish America, Anson, in 1740, was sent with a small squadron into the Pacific; but as he passed Cape Horn, the winds, whose fury made an ordinary gale appear as a gentle breeze, scattered his ships; one after another of them was wrecked or disabled; and at last, with a single vessel, after circumnavigating the globe, he returned to England, laden with spoils and rich in adventures.

Bancroft, Hist. of the U.S., vol.2, p.295 - p.296

In November 1739, Edward Vernon, with six men-of-war, appeared off Porto Bello. The attack on the feeble and ill-supplied garrison began on the twenty-first; and, on the next day, Vernon, losing but seven men, was in possession of the town and the castles. A booty of ten thousand dollars and the demolition of the fortifications were the sole fruits of the enterprise; and, having acquired no rightful claim to glory, Vernon returned to Jamaica. In 1740, he took and demolished Fort Chagre, on this side of the Isthmus of Darien, lint without result, for want of the co-operation of Anson at Panama. Vernon belonged to the opposition; and the enemies of Walpole exalted his praises, till his heroism was made a proverb, his birthday signalized by lights and bonfires, and his head selected as the favorite ornament for sign-posts.

Bancroft, Hist. of the U.S., vol.2, p.296

England prepared to send to the West Indies by far the largest fleet and army that had ever appeared in the Gulf of Mexico, and summoned the colonies north of Carolina to contribute four battalions to the armament. The requisition was generally and zealously complied with; even Pennsylvania, by a vote of money, enabled its governor to enlist troops for the occasion. "It will not be amiss," wrote Sir Charles Wager to Admiral Vernon, "for both French and Spaniards to be a month or two in the West Indies before us, that they may be half-dead and half-roasted before our fleet arrives." So the expedition from England did not begin its voyage till October, and, losing the commander of its land forces on the way, reached Jamaica in the early part of the following year. The inexperienced, irresolute Wentworth succeeded to the command of the army; the naval force was under Vernon, who was impatient of contradiction, and ill disposed to endure even an associate. The enterprise, instead of having one good leader, had two bad ones.

Bancroft, Hist. of the U.S., vol.2, p.296

Wasting at Jamaica the time from the ninth of January 1741, till near the end of the month, at last, with a fleet of twenty-nine ships of the line, beside about eighty smaller vessels, with fifteen thousand sailors, and twelve thousand land troops, all thoroughly equipped, Vernon weighed anchor. Havana lay within three days' sail; its conquest would have made England supreme in the Gulf of Mexico. But he insisted on hunting for the fleet of the French and Spaniards; and the French had already left the fatal clime.

Bancroft, Hist. of the U.S., vol.2, p.296 - p.297

The council of war, yielding to his vehemence, next resolved to attack Carthagena, the strongest place in Spanish America. The fleet appeared before the town on the fourth of March, and lost five days by inactivity. Fifteen days were required to take the fortress near the entrance to the harbor; the Spaniards themselves abandoned Castillo Grande. It remained to storm Fort San Lazaro, which commanded the town. The attack, devised without judgment, was made by twelve hundred men with intrepidity; but the admiral gave no timely aid to the land forces; the assailants were repulsed with the loss of half their number; and discord aggravated defeat. Ere long, rains set in. The fever of the low country in the tropics began its rapid work; battalions were "poisoned by the air and crippled by the dews;" the dead were cast into the sea, sometimes without winding-sheet or sinkers; the hospital ships were crowded in the three days that elapsed between the descent and re-embarkation; the effective land force dwindled from six thousand six hundred to three thousand two hundred. The English could only demolish the fortifications and retire.

Bancroft, Hist. of the U.S., vol.2, p.297

When, late in November, the expedition which was to have prepared the way for conquering Mexico and Peru returned to Jamaica, the total loss of lives was estimated at about twenty thousand, of whom few fell by the enemy. Of the recruits from the colonies, nine out of ten perished.

Bancroft, Hist. of the U.S., vol.2, p.297

In March 1742, Vernon and Wentworth planned an expedition against Panama; but, on reaching Porto Bello, the design was voted impracticable, and they returned. Meantime, the commerce of England with Spain was destroyed; the assiento was interrupted; even the contraband was impaired; while English ships became the plunder of privateers. England had made no acquisitions, and had inflicted on the Spanish West Indies far less evil than she herself had suffered.

Bancroft, Hist. of the U.S., vol.2, p.297 - p.298

On receiving instructions from England of the approaching war with Spain, Oglethorpe, before the close of the year, extended the boundaries of Georgia once more to the St. John's, and in the first week of 1740 he entered Florida. Reinforcements from South Carolina were delayed so long that June had come before he could lead six hundred regular troops, four hundred Carolina militia, and two hundred Indian auxiliaries, to the walls of St. Augustine. The garrison, commanded by Monteano, a man of courage and energy, had already received supplies. For nearly five weeks, Oglethorpe, in defiance of the strength of the place, endeavored to devise measures for victory, but in vain. Threatened with desertion by his troops, he returned to Frederica. The few prisoners whom he made were kindly treated; not a field, nor a garden, nor a house near St. Augustine was injured, unless by the Indians, whom he reproved and restrained.

Bancroft, Hist. of the U.S., vol.2, p.298

To make good its pretensions, the Spanish government resolved on invading Georgia. In 1742, forces from Cuba and a fleet, of which the strength has been greatly exaggerated, sailed toward the mouth of the St. Mary's. Fort William, which Oglethorpe had constructed at the southern extremity of Cumberland island, defended the entrance successfully, till, fighting his way through Spanish vessels, the general re-enforced it. Then returning to St. Simon's, with less than a thousand men, he prepared for defence.

Bancroft, Hist. of the U.S., vol.2, p.298

On the fifth of July, seven days after it first came to anchor off Simon's bar, the Spanish fleet of thirty-six vessels, with the tide of flood and a brisk gale, entered St. Simon's harbor, and succeeded in passing the English batteries on the southern point of the island. Oglethorpe signalled his ships to run up to Frederica, and, spiking the guns of the lower fort, withdrew to the town; while the Spaniards landed at Gascoin's bluff, and took possession of the camps which the English had abandoned. On the seventh of July, a body of the invaders advanced within a mile of the town; they were met by the general with the Highland company, were overcome, pursued, and most of them killed or taken prisoners. A second party marched to the assault; at a spot where the narrow avenue, bending with the edge of the morass, forms a crescent, they fell into an ambuscade, and were driven back with a loss of about two hundred men. The ground, which was strown with the dead, took the name of "the Bloody Marsh." During the night of the fourteenth, the Spaniards re-embarked, leaving ammunition and guns behind them. On the eighteenth, as they proceeded to the south, they once more attacked Fort William, which was bravely defended by Stuart and his garrison of fifty men. On the twenty-fourth of July, Oglethorpe could order a general thanksgiving for the end of the invasion.

Bancroft, Hist. of the U.S., vol.2, p.298 - p.299

In 1743, after a year of tranquillity, he sailed for England, never again to behold the colony to which he consecrated the disinterested toils of ten years. Gentle in nature and affable; hating nothing but papists and Spain; merciful to the prisoner; a father to the emigrant; the unwavering friend of Wesley; the constant benefactor of the Moravians; honestly zealous for the conversion of the Indians; invoking for the negro the panoply of the gospel; the reliever of the poor—his name became another expression for "vast benevolence of soul." In a commercial period, a loyalist in the state, and a friend to the church, he seemed even in youth like the relic of a more chivalrous century. His life was prolonged to near fivescore; and, even in its last year, he was extolled as "the finest figure" ever seen, the impersonation of venerable age; his faculties were bright, his eye undimmed; "heroic, romantic, and full of the old gallantry," he was like the sound of the lyre, as it still vibrates after the spirit that sweeps its strings has passed away. His legislation did not outlive his power. The system of tail male went gradually into oblivion; the importation of rum ceased to be forbidden; slaves from Carolina were hired by the planter, first for a short period, next for life or a hundred years. Then slavers from Africa sailed directly to Savannah, and the laws against them were not enforced. Whitefield, who believed that God's providence would certainly make slavery terminate for the advantage of the African, pleaded before the trustees in its favor, as essential to the prosperity of Georgia. The Salzburgers, in 1751, began to think that negro slaves might be employed in a Christian spirit; and that, if the negroes were treated in a Christian manner, their change of country would prove to them a benefit. A message from Germany assisted to hush their scruples: "If you take slaves in faith and with the intent of conducting them to Christ, the action will not be a sin, but may prove a benediction."

Bancroft, Hist. of the U.S., vol.2, p.299 - p.300

The war for colonial commerce became merged in a European struggle, involving the principles and the designs which had agitated the civilized world for centuries. In France, in 1740, Fleury, like Walpole desiring to adhere to the policy of peace, was, like Walpole, overruled by selfish rivals. As he looked upon the commotions in Europe, it appeared to him that the end of the world was at hand; and it was so with regard to the world of feudalism. He expressed his aversion to all wars; and when the king of Spain—whom natural melancholy, irritated by ill-health and losses, prompted to abdicate the throne—obtained of Louis XV, under his own hand, a promise of fifty ships of the line, the prime minister explained his purposes: "I do not propose to begin a war with England, or to seize or to annoy one British ship, or to take one foot of land possessed by England in any part of the world. Yet I must prevent England from appropriating to itself the entire commerce of the West Indies." "France, though it has no treaty with Spain, cannot consent that the Spanish colonies should fall into English hands." "It is our object," said the statesmen of France, "not to make war on England, but to induce it to consent to a peace."

Bancroft, Hist. of the U.S., vol.2, p.300

By the death of Charles VI, in October 1740, the extinction of the male line of the house of Hapsburg raised a question about the Austrian succession. Treaties to which France was a party, secured the Austrian dominions to Maria Theresa, the eldest daughter of Charles VI; while, from an erudite genealogy or the complication of marriages, the sovereigns of Spain, of Saxony, and of Bavaria, each derived a claim to the undivided heritage. The interest of the French king, his political system, his faith as pledged by a special covenant, the advice of his minister, demanded of him the recognition of the rights of Maria Theresa; and yet, swayed by the intrigues of new advisers and the hereditary hatred of Austria, he constituted himself the centre of an alliance against her. No statesman of that day, except Frederic of Prussia, seemed to perceive the tendency of events. As England, by its encroachments on Spain, enlarged commercial freedom and began the independence of colonies, so France, by its unjustifiable war on Austria, floated from its moorings, and foreboded the wreck of absolute monarchy.

Bancroft, Hist. of the U.S., vol.2, p.300

In the great European contest, England, true to its policy of connecting itself with the second continental power, gave subsidies to Austria. In February 1744, the fleets of England and Spain meet in the Mediterranean; that of England is victorious. In March of the same year, France declares war against England, in April against Austria; and the conflicts in America are lost in the conflagration of Europe.

Bancroft, Hist. of the U.S., vol.2, p.301

Never did history present such a scene of confusion. While the selfishness which had produced the general war was itself without faith, it made use of all the resources that were offered by ancient creeds or ancient animosities, by Protestantism and the Roman church, legitimacy and the mercantile system, the ancient rivalry of France and Austria, the reciprocal jealousies of France and England. The enthusiasm of other centuries in religious strifes was extinct. Europe rocked like the ocean on the lulling of a long storm.

Bancroft, Hist. of the U.S., vol.2, p.301

The absence of purity in public life left an opportunity to the Pretender, in 1746, to invade Great Britain, to conquer Scotland, and to advance within four days' march of London. This invasion had no partisans in America, where the house of Hanover was respected as the representative of Protestantism. In England, the vices of the reigning family had produced disgust and indifference, and renewed the question of a choice of dynasty; America was destined to elect not between kings, but forms of government.

Bancroft, Hist. of the U.S., vol.2, p.301

On the continent, France gained fruitless victories. Her flag waved over Prague only to be struck down. Saxony, Bavaria, her allies on the borders of Austria, one after another, abandoned her. The fields of blood at Fontenoy, in 1745, at Raucoux, in 1746, at Laffeldt, in 1747, were barren of results; for the collision of armies was but an unmeaning collision of brute force. Statesmen scoffed at virtue, and she avenged herself by bringing their counsels to nought. In vain did they marshal all Europe in hostile array; they had no torch of truth to pass from nation to nation; and therefore, though they could besiege cities and burn the granges of the peasant, yet, except as their purposes were overruled, their lavish prodigality of treasure and honor and life was fruitless to humanity.

Bancroft, Hist. of the U.S., vol.2, p.301 - p.302

One result, however, of which the character did not at first appear, was during the conflict achieved in the north. Protestantism was represented on the continent by no great power. Frederic II, a pupil of Leibnitz and Wolf, took advantage of the confusion, and, with the audacity of youth and strength, and an ambition which knew where to set bounds to its own impetuosity, wrested Silesia from Austria. Indifferent to alliances with powers which, having no fixed aims, could have no fixed friendships, he entered into the contest alone and withdrew from it alone. Twice assuming arms and twice concluding a separate peace, after the wars of 1742 and 1745 he retired with a guarantee from England of the acquisitions which, aided by the power of opinion, constituted his monarchy the central point of political interest on the continent of Europe.

Bancroft, Hist. of the U.S., vol.2, p.302

In the East Indies, the commercial companies of France and England struggled for supremacy. The empire of the Great Mogul lay in ruins, inviting a restorer. But who should undertake its reconstruction? An active instinct urged the commercial world of England to seek a nearer connection with Hindostan; again the project of discovering a north-western passage to India was renewed; and, to encourage the spirit of adventurous curiosity, the English parliament promised liberal rewards for success. The French company of the Indies, aided by the king, confirmed its power at Pondicherry: but, as the Sorbonne had published to a credulous nation that dividends on the stock of the commercial company would be usurious and therefore a crime against religion, the corporation was unfortunate, though private merchants were gaining wealth in the Carnatic and on the Ganges. The brave mariner from St. Malo, the enterprising La Bourdonnais, at his government in the isle of France, devised schemes of conquest. But the future was not foreseen; and, limited by instructions from the French ministers to make no acquisitions of territory whatever, though, with the aid of the governor of Pondicherry, he might have gained for France the ascendency in Hindostan, he pledged his word of honor to restore Madras to the English, when, in September 1746, he proudly planted the flag of France On the fortress of the city which, next to Goa and Batavia, was the most opulent of the European establishments in India.

Bancroft, Hist. of the U.S., vol.2, p.302 - p.303

Russia was invited to take part in the contest; and, in her first political associations with our country, she was the stipendiary of England. By her interference, she hastened the return of peace. But, at an earlier period of the war, she had, in the opposite direction, drawn near our present borders. After the empire of the czars had been extended over Kamtschatka, Peter the Great had planned a voyage of discovery along the shores of Asia; and, in 1728, Behring demonstrated the insulation of that continent on the east. In 1741, the same Intrepid navigator, sailing with two vessels from Okhotsk, discovered the narrow straits which divide the continents; caught glimpses of the mountains of north-west America; traced the line of the Aleutian archipelago; and, in the midst of snows and ice, fell a victim to fatigue on a desert island of the group which bears his name. The gallant Danish mariner did not know that he had seen America; but Russia, by right of discovery, thus gained the north-west of our continent.

Bancroft, Hist. of the U.S., vol.2, p.303

While the states of Europe, by means of their wide relations, were fast forming the nations of the whole world into one political system, the few incidents of war in our America could obtain no interest. The true theatre of the war was not there. A proposition was brought forward to form a union of all the colonies, for the purposes of defence; but danger was not so universal or so imminent, as to furnish a sufficient motive for a confederacy. The peace of the central provinces was unbroken; the government of Virginia feared dissenters more than Spaniards.

Bancroft, Hist. of the U.S., vol.2, p.303

At Lancaster, in Pennsylvania, the governor of that state, with commissioners from Maryland and from Virginia, in 1744, met the deputies of the Iroquois, who, since the union with the Tuscaroras, became known as the Six Nations. "We conquered," said they, "the country of the Indians beyond the mountains: if the Virginians ever gain a good right to it, it must be from us." And, for about four hundred pounds, the deputies of the Six Nations made "a deed, recognising the king's right to all the lands that are or shall be, by his majesty's appointment, in the colony of Virginia." The lands in Maryland were in like manner confirmed to Lord Baltimore, but with definite limits; the deed to Virginia extended the claim of that colony indefinitely in the West and North-west.

Bancroft, Hist. of the U.S., vol.2, p.303 - p.304

The events of the war of England with France were then detailed, and the conditions of the former treaties of alliance were called to mind. "The covenant chain between us and Pennsylvania," replied Canassatego, "is an ancient one, and has never contracted rust. We shall have all your country under our eye. Before we came here, we told the French governor there was room enough at sea to fight, where he might do what he pleased; but he should not come upon our land to do any damage to our brethren." After a pause, it was added: "The Six Nations have a great authority over the praying Indians, who stand in the gates of the French: to show our further care, we have engaged these very Indians and other allies of the French to agree with us that they will not join against you." The Virginians proposed to educate the children of the Iroquois at their public school. "Brother Assaragoa," they replied, "we must let you know we love our children too well to send them so great away; and the Indians are not inclined to give their children learning. Your invitation is good, but our customs differ from yours." And then, acknowledging the rich gifts from the three provinces, they continued, as if aware of their doom: "We have provided a small present for you; but, alas! we are poor, and shall ever remain so, as long as there are so many Indian traders among us. Theirs and the white people's cattle eat up all the grass, and make deer scarce." And they presented three bundles of skins. At the close of the conference, on the fourth of July 1744, the Indians gave, in their order, five loud cries; and the English agents, after a health to the king of England and the Six Nations, put an end to the assembly by three huzzas. Great Britain had confirmed its claims to the basin of the Ohio, and protected its northern frontier.

Bancroft, Hist. of the U.S., vol.2, p.304 - p.305

The sense of danger led the Pennsylvanians for the first time to a military organization effected by a voluntary system, under the influence of Franklin. "He was the sole author of two lotteries, that raised above six thousand pounds to pay for the charge of batteries on the river;" and he "found a way to put the country on raising above one hundred and twenty companies of militia, of which Philadelphia raised ten, of about a hundred men each." "The women were so zealous that they furnished ten pairs of silk colors, wrought with various mottoes." Of the Quakers, many admitted the propriety of self-defence. "I principally esteem Benjamin Franklin," wrote Logan, "for saving the country by his contriving the militia. He was the prime actor in all this;" and, when elected to the command of a regiment, he declined the distinction, and, as a volunteer, "himself carried a musket among the common soldiers."

Bancroft, Hist. of the U.S., vol.2, p.305 - p.306

The greatest exploit in America during the war proceeded from New England. On the surrender of Acadia to England, the lakes, the rivulets, the granite ledges of Cape Breton, of which the irregular outline is guarded by reefs of rocks, and notched by the constant action of the sea, were immediately occupied as a province of France; and, in 1714, fugitives from Newfoundland and Acadia built huts along its coasts, wherever safe inlets invited fishermen to spread their flakes, and the soil to plant fields and gardens. In 1720, the fortifications of Louisburg began to rise, the key to the St. Lawrence, the bulwark of the French fisheries, and of French commerce in North America. From Cape Breton, in May 1744, a body of French, before the news of the declaration of war by France had reached New England, surprised the little English garrison at Canso; destroyed the fishery, the fort, and the other buildings there; and removed eighty men, as prisoners of war, to Louisburg. The fortifications of Annapolis, the only remaining defence of Nova Scotia, were in a state of ruin. An attack made upon it by Indians in the service of the French, accompanied by Le Loutre, their missionary, was with difficulty repelled. The inhabitants of the province, from twelve to sixteen thousand, were of French origin; and a revolt of the people, with the aid of Indian allies, might have once more placed France in possession of it. While William Shirley, the governor of Massachusetts, foresaw the danger, and solicited aid from England, the officers and men taken at Canso, after passing the summer in captivity at Louisburg, were sent to Boston on parole. They brought accurate accounts of the condition of that fortress; and Shirley resolved on its reduction. The fishermen, especially of Marblehead, interrupted in their pursuits by the war, disdained an idle summer, and entered readily into the design. The legislature of Massachusetts, after some hesitation, in January 1745, resolved on the expedition by a majority of one vote. Solicited to render assistance, New York sent a small supply of artillery, and Pennsylvania of provisions; New England alone furnished men; of whom Connecticut raised five hundred and sixteen; New Hampshire—to whose troops Whitefield gave, as Charles Wesley had done to Oglethorpe, the motto, "Nothing is to be despaired of, with Christ for the leader" contributed five hundred; while the forces levied for the occasion by Massachusetts exceeded three thousand volunteers. Three hundred men sailed from Rhode Island, but too late for active service. An express-boat requested the cooperation of Commodore Warren at Antigua, with such ships as could be spared from the leeward islands; but, in a consultation with the captains of his squadron, it was unanimously resolved, in the absence of directions from England, not to engage in the scheme.

Bancroft, Hist. of the U.S., vol.2, p.306 - p.307

Relying on themselves, the volunteers of New Hampshire and Massachusetts, with a merchant, William Pepperell, of Maine, for their chief commander, met at Canso. The inventive genius of New England Was active; one proposed a model of a flying bridge, to scale the walls even before a breach should be made; another, who was a minister, presented a plan for encamping the army, opening trenches, and placing batteries. Shirley, wisest of all, gave instructions for the fleet of a hundred vessels to arrive together at a precise hour; heedless of the surf, to land in the dark on the rocky shore; to march forthwith, through thicket and bog, to the city, and beyond it; and to take the fortress and royal battery by surprise before daybreak. Such was the confiding spirit at home. The expedition itself was composed of fishermen, who, with prudent forethought took with them their cod-lines; of mechanics, skilled from childhood in the use of the gun; of lumberers, inured to fatigue and encampments in the woods; of husbandmen from the interior, who, hunters from boyhood, had grown up with arms in their hands; keenest marksmen; all volunteers; all commanded by officers from among themselves; many of them church members; almost all having wives and children. On the first Sabbath, "the very great company of people" came together on shore, to hear a sermon on enlisting as volunteers in the service of the Great Captain of our salvation! As the ice of Cape Breton was drifting in such heaps that a vessel could not enter its harbors, the New England fleet was detained many days at Canso, when, under a clear sky and a bright sun, on the twenty-third of April, the squadron of Commodore Warren happily arrived. Hardly had his council at Antigua declined the enterprise, when instructions from England bade him render every aid to Massachusetts; and, learning at sea the embarkation of the troops, he sailed directly to Canso. The next day brought nine vessels from Connecticut with the forces from that colony in high spirits and good health.

Bancroft, Hist. of the U.S., vol.2, p.307 - p.308

On the last day of April, an hour after sunrise, the armament, in a hundred vessels of New England, entering the bay of Chapeau Rouge, or Gabarus, as the English called it, came in sight of Louisburg. Its walls, raised on a neck of land on the south side of the harbor, forty feet thick at the base, and from twenty to thirty feet high, all within sweep of the bastions, surrounded by a ditch eighty feet wide, were furnished with one hundred and one cannon, seventy-six swivels, and six mortars. The harbor was defended by an island battery of thirty twenty-two pounders, and by the royal battery on the shore, having thirty large cannon, a moat and bastions, all so perfect that it was thought two hundred men could have defended it against five thousand. On the other hand, the New England forces had but eighteen cannon and three mortars; but no sooner did they come in sight of the city than, letting down the whale-boats, "they flew to shore, like eagles to the quarry." The French that came down to prevent the landing were put to flight, and driven into the woods. On the next day, a detachment of four hundred men, led by William Vaughan, a volunteer from New Hampshire, marched by the city, which it greeted with three cheers, and took post near the north-east harbor. The French who held the royal "attery, struck with panic, spiked its guns, and abandoned it in the night. In the morning, boats from the city came to recover it; but Vaughan and thirteen men, standing on the beach, kept them from landing till a reinforcement arrived. To a major in one of the regiments of Massachusetts, Seth Pomeroy, from Northampton, a gunsmith, was assigned the oversight of above twenty smiths in drilling the cannon, which were little injured; and the fire from the city and the island battery was soon returned. "Louisburg," wrote Pomeroy to his family, "is an exceedingly strong place, and seems impregnable. It looks as if our campaign would last long; but I am willing to stay till God's time comes to deliver the city into our hands." "Suffer no anxious thought to rest in your mind about me," replied his wife, from the bosom of New England. "The whole town is much engaged with concern for the expedition, how Providence will order the affair, for which religious meetings every week are maintained. I leave you in the hand of God."

Bancroft, Hist. of the U.S., vol.2, p.308

The troops made a jest of technical military terms; they laughed at proposals for zigzags and epaulements. The light of nature, however, taught them to erect fascine batteries at the west and south-west of the city. Of these, the most effective was commanded by Tidcomb, whose readiness to engage in hazardous enterprises was justly applauded. As it was necessary, for the purposes of attack, to drag the cannon over boggy morasses, impassable for wheels, Meserve, a New Hampshire colonel who was a carpenter, constructed sledges; and on these the men, with straps over their shoulders, sinking to their knees in mud, drew them safely. The siege proceeded in a random manner. The men knew little of strict discipline; they had no fixed encampment; their lodgings were turf and brush houses; their bed was the earth, dangerous resting-place for those "unacquainted with lying in the woods." Yet the weather was fair; and the atmosphere, usually thick With palpable fogs, was during the whole time singularly dry. All day long, the men, if not on duty, were busy with amusements—firing at marks, fishing, fowling, wrestling, racing, or running after balls shot from the enemy's guns. The feebleness of the garrison, which had only six hundred regular soldiers, with about a thousand Breton militia, prevented sallies; the hunting-parties, as vigilant for the trail of an enemy as for game, rendered a surprise by land impossible; while the fleet of Admiral Warren guarded the approaches by sea.

Bancroft, Hist. of the U.S., vol.2, p.308 - p.309

Four or five attempts to take the island battery, which commanded the entrance to the harbor, had failed. The failure is talked of among the troops; a party of volunteers, after the fashion of Indian expeditions, under a chief of their own election, enlist for a vigorous attack in the night of the twenty-sixth of May; "but now Providence seemed remarkably to frown upon the affair." The assailants are discovered; a murderous fire strikes their boats before they land; only a part of them reach the island; a severe contest for near an hour ensues; those who can reach the boats escape, with the loss of sixty killed and one hundred and sixteen taken prisoners.

Bancroft, Hist. of the U.S., vol.2, p.309

To annoy the island battery, the Americans, under the direction of Gridley, of Boston, erected a battery near the north cape of the harbor, on the Light-house cliff; and within two hundred yards of the city, trenches had been thrown up near an advanced post, which with guns from the royal battery played upon the north-west gate of Louisburg.

Bancroft, Hist. of the U.S., vol.2, p.309

Still no breach had been effected, while the labors of the garrison were making the fortifications stronger than ever. The expedition must be abandoned, or the walls of the city scaled. Warren, who had been joined by several ships-of-war ordered from England on the service, agreed to sail into the harbor and bombard the city, while the land forces were to attempt to enter it by storm. But, strong as were the works, the garrison was discontented; and Duchambon, their commander, ignorant of his duties. The Vigilant, a French ship of sixty-four guns, laden with military stores for his supply, had been decoyed by Douglas, of the Mermaid, into the English fleet, and, after an engagement of some hours, had been taken in sight of the besieged town. The desponding governor sent out a flag of truce; terms of capitulation were accepted; on the seventeenth of June, the city, the fort, the batteries, were surrendered; and a New England minister soon preached in the French chapel. As the troops, marching into the place, beheld its strength, their hearts for the first time sunk within them. "God has gone out of the way of his common providence," said they, "in a remarkable and almost miraculous manner, to incline the hearts of the French to give up, and deliver this strong city into our hands." When, on the third of July, the news reached Boston, the bells of the town were rung merrily, and all the people were in transports of joy. The strongest fortress of North America capitulated to New England mechanics and farmers and fishermen. It was the greatest success achieved by England during the war.

Bancroft, Hist. of the U.S., vol.2, p.309 - p.310

France planned the recovery of Louisburg and the desolation of the English colonies; but, in 1746, its large fleet, wasted by storms and shipwrecks and pestilential disease, enfeebled by the sudden death of its commander and his successor, attempted nothing. In the next year, the French fleet, with troops destined for Canada and Nova Scotia, was encountered by Anson and Warren; and all its intrepidity could not save it from striking its colors. The American colonies suffered only on the frontier. Fort Massachusetts, the post nearest to Crown Point, having but twenty-two men for its garrison, capitulated to a large body of French and Indians. In the wars of Queen Anne, Deerfield and Haverhill were the scenes of massacre. It marks the progress of settlements that danger was transferred from them to Concord on the Merrimack, and to the township now called Charlestown on the Connecticut.

Bancroft, Hist. of the U.S., vol.2, p.310 - p.311

Repairing to Louisburg, Shirley, with Warren, had concerted a project for reducing all Canada; and the duke of Newcastle replied to their proposals by directing preparations for the conquest. The colonies north of Virginia voted to raise more than eight thousand men; but no fleet arrived from England; and the French were not even driven from their posts in Nova Scotia. The summer of the next year passed in that inactivity which attends the expectation of peace; and in September the provincial army, by direction of the duke of Newcastle, was disbanded. "There is reason enough for doubting whether the king, if he had the power, would wish to drive the French from their possessions in Canada." Such was public opinion at New York, in 1748, as preserved for us by the Swedish traveller, Peter Kalm. "The English colonies in this part of the world," he continues, "have increased so much in wealth and population that they will vie with European England. But, to maintain the commerce and the power of the metropolis, they are forbid to establish new manufactures which might compete with the English; they may dig for gold and silver only on condition of shipping them immediately to England; they have, with the exception of a few fixed places, no liberty to trade to any parts not belonging to the English dominions; and foreigners are not allowed the least commerce with these American colonies. And there are many similar restrictions. These oppressions have made the inhabitants of the English colonies less tender toward their mother land. This coldness is increased by the many foreigners who are settled among them; for Dutch, Germans, and French are here blended with English, and have no special love for Old England. Besides, some people are always discontented, and love change; and exceeding freedom and prosperity nurse an untamable spirit. I have been told, not only by native Americans, but by English emigrants, publicly, that within thirty or fifty years the English colonies in North America may constitute a separate state, entirely independent of England. But, as this whole country is toward the sea unguarded, and on the frontier is kept uneasy by the French, these dangerous neighbors are the reason why the love of these colonies for their metropolis does not utterly decline. The English government has therefore reason to regard the French in North America as the chief power that urges their colonies to submission."

Bancroft, Hist. of the U.S., vol.2, p.311

The Swede heard but the truth, though that truth lay concealed from British statesmen. Even during the war, the spirit of resistance to tyranny was kindled into a fury at Boston. Sir Charles Knowles, the British naval commander, whom Smollet is thought to have described justly as "an officer without resolution, and a man without veracity," having been deserted by some of his crew, while lying off Nantasket, early one morning, in November 1747, sent his boats up to Boston, and impressed seamen from vessels, mechanics and laborers from the wharfs. "Such a surprise could not be borne here," wrote Hutchinson. "Men would not be contented with fair promises from the governor;" "the seizure of the commanders and other officers who were in town was insisted upon, as the only effectual method to procure the release of the inhabitants aboard the ships." And the mob executed what the governor declined to do. After three days of rage and resentment, through the mediation of the house of representatives, order was restored. The officers were released from their irregular imprisonment; and the impressed citizens of Boston were set free.

Bancroft, Hist. of the U.S., vol.2, p.311 - p.312

The alliance of Austria with Russia hastened negotiations for the pacification of Europe; and in 1748 a congress convened at Aix-la-Chapelle, to restore tranquillity to the civilized world. Between England and Spain, and between France and England, after eight years of reciprocal annoyance, after all immense accumulation of national debt, the condition of peace was a return to the state before the War. Humanity had suffered, without a purpose and without a result. In the colonial world, Madras was restored for Louisburg; the boundaries between the British and the French provinces in America were left unsettled; the frontier of Florida Was not traced. Neither did Spain relinquish the right of searching English vessels suspected of smuggling; and, though it was agreed that the assiento treaty should continue for four years more, the right was soon abandoned, under a new convention, for an inconsiderable pecuniary indemnity. The principle of the freedom of the seas was asserted only by Frederic II. Holland, remaining neutral as long as possible, claimed, under the treaty of 1614, freedom of goods for her ships; but England, disregarding the treaty, captured and condemned her vessels. On occasion of the war between Sweden and Russia, the principle was again urged by the Dutch, and again rejected by the Swedes. Even Prussian ships were seized; but the king of Prussia indemnified the sufferers by reprisals on English property. Of higher questions, in which the interests of civilization were involved, not one was adjusted. To the balance of power, sustained by standing armies of a million of men, the statesmen of that day intrusted the preservation of tranquillity, and, ignorant of the might of principles to mould the relations of states, saw in Austria the certain ally of England, in France the natural ally of Prussia.

Bancroft, Hist. of the U.S., vol.2, p.312 - p.313

Thus, after long years of strife, of repose, and of strife renewed, England and France solemnly agreed to be at peace. The treaties of Aix-la-Chapelle had been negotiated by the ablest statesmen of Europe, in the forms of monarchical diplomacy. They believed themselves the arbiters of mankind, the pacificators of the world; reconstructing the colonial system on a basis which should endure for ages, and confirming the peace of Europe by the nice adjustment of material forces. At the very time of the congress of Aix-la-Chapelle, the woods of Virginia sheltered the youthful George Washington, who had been born by the side of the Potomac, beneath the roof of a Westmoreland planter, and whose lot almost from infancy had been that of an orphan. No academy had welcomed him to its shades, no college crowned him with its honors; to read, to write, to cipher—these had been his degrees in knowledge. And now, at sixteen years of age, in quest of an honest maintenance encountering the severest toil; cheered onward by being able to write to a schoolboy friend, "Dear Richard, a doubloon is my constant gain every day, and sometimes six pistoles;" "himself his own cook, having no spit but a forked stick, no plate but a large chip;" roaming over spurs of the Alleghanies, and along the banks of the Shenandoah; alive to nature, and sometimes "spending the best of the day in admiring the trees and richness of the land;" among skin-clad savages with their scalps and rattles, or uncouth emigrants "that would never speak English;" rarely sleeping in a bed; holding a bear-skin a splendid couch; glad of a resting-place for the night upon a little hay, straw, or fodder, and often camping in the forests, where the place nearest the fire was a happy luxury—this stripling surveyor in the woods, with no companion but his unlettered associates, and no implements of science but his compass and chain, contrasted strangely with the imperial magnificence of the congress of Aix-la-Chapelle. And yet God had selected, not Kaunitz nor Newcastle, not a monarch of the house of Hapsburg nor of Hanover, but the Virginia stripling, to give an impulse to human affairs; and, as far as events can depend on an individual, had placed the rights and the destinies of countless millions in the keeping of the widow's son.

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END OF THE HISTORY OF THE COLONIZATION

OF THE UNITED STATES.

The American Revolution in Five Epochs

HISTORY OF

THE UNITED STATES OF AMERICA

THE AMERICAN REVOLUTION

IN FIVE EPOCHS

Epoch First: The Overthrow of the European Colonial System, 1748-1763

EPOCH FIRST

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The Overthrow of the European Colonial System

From 1748 to 1763

Chapter 1:

America Claims Legislative Independence of England,

Henry Pelham's Administration,

1748

Bancroft, Hist. of the U.S., vol.2, p.319

IN the year of our Lord one thousand seven hundred and forty-eight, Montesquieu, wisest in his age of the reflecting statesmen of France, apprises the cultivated world that England has founded distant colonies more to extend her commerce than her sovereignty; and "as we love to establish elsewhere that which we find established at home, she will give to the people of her colonies the form of her own government, and this government carrying with itself prosperity, a great people will form itself in the forests that she sent them forth to inhabit." The hereditary dynasties of Europe, all unconscious of the rapid growth of the power of the people, which was soon to bring them under its new and prevailing influence, were negotiating treaties among themselves to close their wars of personal ambition. The great maritime powers, weary of hopes of conquest, desired repose. To restore possessions as they had been, or were to have been, was accepted as the condition of peace; and guarantees were devised to keep them safe against vicissitude. But the eternal flow of existence never rests, bearing the human race onward through continuous change. Principles grow into life in the public mind, and, following each other as they are bidden and without a pause, gain the mastery over events. No sooner do the agitated waves begin to subside than, amid the formless tossing of the billows, a new messenger from the Infinite Spirit moves over the waters; and the bark which is freighted with the fortunes of mankind yields to its breath as it first whispers among the shrouds, even while the beholders still doubt if the breeze is springing, and whence it comes, and whither it will go.

Bancroft, Hist. of the U.S., vol.2, p.320

The hour of revolution was at hand, promising freedom to conscience and dominion to intelligence. History, escaping from the dictates of authority and the jars of insulated interests, enters upon new and unthought-of domains of culture and equality, the happier society where power springs freshly from ever-renewed consent; the life and activity of a connected world.

Bancroft, Hist. of the U.S., vol.2, p.320

For Europe, the crisis foreboded the struggles of generations. The faith and affection which once bound together the separate classes of its civil hierarchy had lost their vigor. In the impending chaos of states, the ancient forms of society, after convulsive agonies, were doomed to be broken in pieces. The voice of reform, as it passed over the desolation, would inspire animation afresh; but conflict of the classes whose power was crushed with the oppressed who knew not that they were redeemed, might awaken wild and insatiable desires. In America, the influences of time were moulded by the creative force of reason, sentiment, and nature; its political edifice rose in lovely proportions, as if to the melodies of the lyre. Calmly, and without crime, humanity was to make for itself a new existence.

Bancroft, Hist. of the U.S., vol.2, p.320 - p.321

A few men of Anglo-Saxon descent, scholars, farmers, planters, and mechanics, with their wives and children, had crossed the Atlantic, in search of freedom and fortune. They brought the civilization which the past had bequeathed to Great Britain; they were followed by the slave-ship and the African: their prosperity invited emigrants from every nationality of central and western Europe; the mercantile system to which they were subjected prevailed in the councils of all metropolitan states, and extended its restrictions to every continent that allured to conquest, commerce, or colonization. The accomplishment of their independence would assert the freedom of the oceans as commercial highways, and vindicate power in the commonwealth for the self-directing judgment of its people.

Bancroft, Hist. of the U.S., vol.2, p.321

The authors of the American revolution avowed for their object the welfare of mankind, and believed that they were in the service of their own and of all future generations. Their faith was just; for the world of mankind does not exist in fragments, nor can a country have an insulated existence. All men are brothers; and all are bondsmen for one another. All nations, too, are brothers; and each is responsible for that federative humanity which puts the ban of exclusion on none. New principles of government could not assert themselves in one hemisphere without affecting the other. The very idea of the progress of an individual people, in its relation to universal history, springs from the acknowledged unity of the race.

Bancroft, Hist. of the U.S., vol.2, p.321

From the dawn of social being there has appeared a tendency toward commerce and intercourse between the scattered inhabitants of the earth. That mankind have ever earnestly desired this connection appears from their willing homage to the adventurer, and to every people who greatly enlarge the boundaries of the world, as known to civilization. The traditions of remotest antiquity celebrate the half-divine wanderer who raised pillars on the shores of the Atlantic; and record, as a visitant from the skies, the first traveller from Europe to the rivers of India. It is the glory of Greece that, when she had gathered on her islands and among her hills the scattered beams of human intelligence, her numerous colonies carried the accumulated light to the neighborhood of the ocean and to the shores of the Euxine; her wisdom and her arms connected continents.

Bancroft, Hist. of the U.S., vol.2, p.321

When civilization intrenched herself within the beautiful promontory of Italy, and Rome led the van of European reform, the same movement continued, with still vaster results; for, though the military republic gave dominion to property, and extended her own influence by the sword, yet, heaping up conquests, adding island to continent, absorbing nationalities, offering a shrine to strange gods, and citizenship to every vanquished people, she extended over a larger empire the benefits of fixed principles of law, and prepared the way for a universal religion.

Bancroft, Hist. of the U.S., vol.2, p.322

To have asserted clearly the unity of mankind was the distinctive character of the Christian religion. No more were the nations to be severed by the worship of exclusive deities. They were taught that all men are of one blood; that for all there is but one divine nature and but one moral law; and the renovating faith which made known the singleness of the race, embodied its aspirations, and guided its advancement. The tribes of Northern Europe, emerging freshly from the wild nurseries of nations, opened new regions to culture, commerce, and refinement. The beams of the majestic temple, which antiquity had reared to its many gods, were already falling in; loving invaders, taking to their hearts the regenerating creed, became its intrepid messengers, and bore its symbols even to Iceland and Siberia.

Bancroft, Hist. of the U.S., vol.2, p.322

Still nearer was the period of the connected world, when an enthusiast reformer, glowing with selfish ambition and angry at the hollow forms of idolatry, rose up in the deserts of Arabia, and founded a system of social equality dependent neither on birth nor race nor country. Its emissaries, never diverging widely from the warmer zone, conducted armies from Mecca to the Ganges, where its principle proclaimed the abrogation of castes; and to the Ebro, where it mocked at the worship of images and the superstitions supported by appeals to the senses. How did the two systems animate all the continents of the Old World to combat for the sepulchre of Christ, till Europe, from Spain to Scandinavia, came into conflict and intercourse with the arts as well as the arms of the South and East, from Morocco to Hindostan, leaving the victory to the religion which interposed no indestructible wall of separation between men of differing religious persuasions!

Bancroft, Hist. of the U.S., vol.2, p.322

In due time appeared the mariner from Genoa. To Columbus God gave the keys that unlock the barriers of the ocean; so that he filled Christendom with his glory. As he went forth toward the West, ploughing a wave which no European keel had entered, it was his high purpose not merely to open new paths to islands or to continents, but to bring together the ends of the earth, and join all nations in commerce and spiritual life.

Bancroft, Hist. of the U.S., vol.2, p.322 - p.323

While the world of mankind is accomplishing its nearer connection, it is advancing in the power of its intelligence. The possession of reason is the engagement for that progress of which history keeps the record. The faculties of each individual mind are limited in their development; the reason of the whole strives for perfection, has been restlessly forming itself from the first moment of human existence, and has never met bounds to its capacity for improvement. The generations of men are not like the leaves on the trees, which fall and renew themselves without melioration or change; individuals disappear like the foliage and the flowers; the existence of our kind is continuous, and its ages are reciprocally dependent. Were it not so, there would be no great truths inspiring action, no laws regulating human achievements: the movement of the living world would be as the ebb and flow of the ocean; and the mind would no more be touched by the visible agency of Providence in human affairs. In the lower creation, instinct may more nearly be always equal to itself; yet even there the beaver builds his hut, the bee his cell, with a gradual acquisition of inherited thought and increase of skill. By a more marked prerogative, as Pascal has written, "not only each man advances daily in the sciences, but all men unitedly make a never ceasing progress in them, as the universe grows older; so that the whole succession of human beings, during the course of so many ages, ought to be considered as one identical mall, who subsists always, and who learns without end."

Bancroft, Hist. of the U.S., vol.2, p.323 - p.324

It is this idea of continuity which gives vitality to history. No period of time has a separate being; no public opinion can escape the influence of previous intelligence. We are cheered by rays from former centuries, and live in the sunny reflection of all their light. What though thought is invisible, and, even when effective, seems as transient as the wind that drives the cloud! It is yet free and indestructible; can as little be bound in chains as the aspiring flame; and, when once generated, takes eternity for its guardian. We are the children and the heirs of the past, with which, as with the future, we are indissolubly linked together; and he that truly has sympathy with everything belonging to man will, with his toils for posterity, blend affection for the times that are gone by, and seek to live in the life of the ages. It is by thankfully recognising those ages as a part of the great existence in which we share that history wins power to move the soul; she comes to us with tidings of that which for us still lives, of that which has become the life of our life; she embalms and preserves for us the lifeblood not of master-spirits only, but of generations.

Bancroft, Hist. of the U.S., vol.2, p.324

And because the idea of improvement belongs to that of continuous being, history is, of all pursuits, the most cheering; it throws a halo of delight and hope even over the sorrows of humanity, and finds promises of joy among the ruins of empires and the graves of nations; it sees the footsteps of Providential Intelligence everywhere, and hears the gentle tones of its voice in the hour of tranquillity.

Nor God alone in the still calm we find;

He mounts the storm and walls upon the wind.

Bancroft, Hist. of the U.S., vol.2, p.324

Institutions may crumble and governments fall, but it is only that they may renew a better youth. The petals of the flower wither, that fruit may form. The desire of perfection, springing always from moral power, rules even the sword, and escapes unharmed from the field of carnage; giving to battles all that they can have of lustre, and to warriors their only glory; surviving martyrdoms, and safe amid the wreck of states. On the banks of the stream of time, not a monument has been raised to a hero or a nation but tells the tale and renews the hope of improvement. Each people that has disappeared, every institution that has passed away, has been a step in the ladder by which humanity ascends toward the perfecting of its nature.

Bancroft, Hist. of the U.S., vol.2, p.324 - p.325

And how has it always added to the just judgments of the past the discoveries of successive ages! The generations that hand the torch of truth along the lines of time themselves become dust and ashes; but the light still increases its ever burning flame, and is fed more and more plenteously with consecrated oil. How is progress manifest in religion, from the gross symbols of Egypt and the East to the philosophy of Greece, from the fetichism of the savage to the polytheism of Rome; from the multiplied forms of ancient superstition amid the lovely representations of deities in stone, to the clear conception of the unity of divine power and the idea of the presence of God in the soul! How has mind, in its inquisitive freedom, taught man to employ the elements as mechanics do their tools, and already, in part at least, made him the master and possessor of nature! How has knowledge not only been increased, but diffused! How has morality been constantly tending to subdue the supremacy of brute force, to refine passion, to enrich literature with the varied forms of pure thought and delicate feeling! How has social life been improved, and every variety of toil in the field and in the workshop been ennobled by the willing industry of free men! How has humanity been growing conscious of its unity and watchful of its own development, till public opinion, bursting the bonds of nationality, knows itself to be the combined intelligence of the world, in its movement on the tide of thought from generation to generation!

Bancroft, Hist. of the U.S., vol.2, p.325

From the intelligence that had been slowly ripening in the mind of cultivated humanity sprung the American revolution, which organized social union through the establishment of personal freedom, and emancipated the nations from all authority not flowing from themselves. In the old civilization of Europe, power moved from a superior to inferiors and subjects; a priesthood transmitted a common faith, from which it would tolerate no dissent; the government esteemed itself, by compact or by divine right, invested with sovereignty, dispensing protection and demanding allegiance. But a new principle, far mightier than the church and state of the middle ages, was forcing itself into activity. Successions of increasing culture had conquered for mankind the idea of the freedom of the individual; the creative, but long latent, energy that resides in the collective reason was next to be revealed. From this the state was to emerge, like the fabled spirit of beauty and love out of the foam of the ever troubled ocean. It was the office of America to substitute for hereditary privilege the natural equality of man; for the irresponsible authority of a sovereign, a government emanating from the concord of opinion; and, as she moved forward in her high career, the multitudes of every clime gazed toward her example with hopes of untold happiness, and all the nations of the earth learned the way to be renewed.

Bancroft, Hist. of the U.S., vol.2, p.325 - p.326

The American revolution, essaying to unfold the principles which organized its events, and bound to keep faith with the ashes of its heroes, was most radical in its character, yet achieved with such benign tranquillity that even conservatism hesitated to censure. A civil war armed men of the same ancestry against each other, yet for the advancement of the principles of everlasting peace and universal brotherhood. A new plebeian democracy took its place by the side of the proudest empires. Religion was disenthralled from civil institutions; thought obtained for itself free utterance by speech and by the press; industry was commissioned to follow the bent of its own genius; the system of commercial restrictions between states was reprobated and shattered; and the oceans were enfranchised for every peaceful keel. International law was humanized and softened; and a new, milder, and more just maritime code was concerted and enforced. The trade in slaves was branded and restrained. The language of Bacon and Milton, of Chatham and Washington, became so diffused that, in every zone, and almost in every longitude, childhood lisps the English as its mother tongue. The equality of all men was declared, personal freedom secured in its complete individuality, and common consent recognised as the only just origin of fundamental laws: so that in thirteen separate states, with ample territory for creating more, the inhabitants of each formed their own political institutions. By the side of the principle of the freedom of the individual and the freedom of the separate states, the noblest work of human intellect was consummated in a federal union; and that union put away every motive to its destruction by insuring to each successive generation the right to amend its constitution according to the increasing intelligence of the living people.

Bancroft, Hist. of the U.S., vol.2, p.326 - p.327

Astonishing deeds, throughout the globe, attended these changes: armies fought in the wilderness for rule over the solitudes which were to be the future dwelling-place of millions; navies hunted each other through every sea, engaging in battle now near the region of icebergs, now within the tropics; inventive art was summoned to make war more destructive, and to signalize sieges by new miracles of ability and daring; Africa was, in part, appropriated by rival nations of white men; and, in Asia, an adventurous company of British traders planted themselves as masters in the empire of the Great Mogul.

Bancroft, Hist. of the U.S., vol.2, p.327

For America, the period abounded in new forms of virtue and greatness. Fidelity to principle pervaded the masses; an unorganized people, of their own free will, suspended commerce by universal assent; poverty rejected bribes. Heroism, greater than that of chivalry, burst into action from lowly men; citizens, with their families, fled from their homes and wealth in towns, rather than yield to oppression. Battalions sprung up in a night from spontaneous patriotism; where eminent statesmen hesitated, the instinctive action of the multitude revealed the counsels of magnanimity; youth and genius gave up life freely for the liberties of mankind. A nation without union, without magazines and arsenals, without a treasury, without credit, without government, fought successfully against the whole strength and wealth of Great Britain: an army of veteran soldiers capitulated to insurgent husbandmen.

Bancroft, Hist. of the U.S., vol.2, p.327

Europe could not watch with indifference the spectacle. The oldest aristocracy of France, the proudest nobles of Poland, the bravest hearts of Germany, sent their representatives to act as the peers of plebeians, to die gloriously, or to live beloved, as the champions of humanity and freedom; Russia and the northern nations shielded the young republic by an armed neutrality; while the Catholic and feudal monarchies of France and Spain, children of the middle age, were wonderfully swayed to open the gates of futurity to the new empire of democracy: so that, in human affairs, God never showed more visibly his gracious providence and love.

Bancroft, Hist. of the U.S., vol.2, p.327 - p.328

The thirteen colonies, in which was involved the freedom of our race, were feeble settlements in the wilderness, fringing the coast of a continent, little connected with each other, little heeded by their metropolis, almost unknown to the world. They were bound together only as British America, that part of the western hemisphere which the English mind had appropriated. England was the mother of its language, the home of its traditions, the source of its laws, and the land on which its affections centred. And yet it was an offset from England, rather than an integral part of it; an empire of itself, free from nobility and prelacy; not only Protestant, but by a vast majority dissenting from the church of England; attracting the commoners and plebeian sects of the parent country, and rendered cosmopolitan by recruits from the nations of the European continent. By the benignity of the law, the natives of other lands were received as citizens; and political equality was the talisman that harmoniously blended all their differences, and inspired a new public life, dearer than their mother tongue, their memories, and their kindred. Dutch, French, Scandinavian, and German renounced their nationality, to claim the rights of Englishmen in America.

Bancroft, Hist. of the U.S., vol.2, p.328

The extent of those rights, as held by the colonists, had never been precisely ascertained. Of all the forms of civil government of which they had heard or read, no one appeared to them so well suited to preserve liberty, and to secure the advantages of civil society, as the English; and of this happy constitution of the mother country, which it was usual to represent, and almost to adore, as approaching perfection, they held their own to be a copy, with additional privileges not enjoyed by the common people in the old home. The elective franchise was more equally diffused; there were no decayed boroughs, or unrepresented towns; representation, which was universal, conformed more nearly to population; for more than half the inhabitants, their legislative assemblies were chosen annually and by ballot, and the time for convening their legislatures was fixed by a fundamental law; the civil list in every colony but one was voted annually, and annually subjected to scrutiny; municipal liberties and local self-governments were more independent and more extensive; in none of the colonies was there an ecclesiastical court, and in most of them there was no established church or religious test of capacity for office; the cultivator of the soil was, for the most part, a freeholder; in all the continent the people possessed arms, and the able-bodied men were enrolled and trained to their use.

Bancroft, Hist. of the U.S., vol.2, p.328 - p.329

The relations of the colonies to Great Britain, whether to the king or to the parliament, were still more vague and undefined. They were planted under grants from the crown, and, to the last, the king in council was their highest court of appeal; yet, while the court lawyers of the seventeenth century asserted for the king unlimited legislative authority in the plantations, the colonies set bounds to the royal prerogative, either through charters which the crown had granted, or by the traditionary principles of English liberty, or by the innate energy which, aided by distance, fearlessly assumed self-direction.

Bancroft, Hist. of the U.S., vol.2, p.329

The method adopted in England for superintending American affairs, by means of a board of commissioners for trade and plantations who had neither a voice in the deliberation of the cabinet nor access to the king, involved the colonies in ever-increasing confusion. The board framed instructions, without power to enforce them, or to propose measures for their efficiency; it took cognizance of all events, and might investigate, give information, or advise, but it had no authority to decide any political question whatever. In those days two secretaries of state managed the foreign relations of Great Britain. The executive power with regard to the colonies was reserved to the one who had the care of what was called the southern department, which included the Spanish peninsula and France. The board of trade, framed originally to restore the commerce and encourage the fisheries of the mother land, was compelled to hear complaints from the executive officers in America, to issue instructions to them, and to receive and consider all acts of the colonial legislatures; but it had no final responsibility for the system of American policy that might be adopted. Hence, from their very feebleness, the lords of trade were ever impatient of contradiction, easily grew vexed at disobedience to their orders, and inclined to suggest the harshest methods of coercion, knowing that their counsels would slumber in official papers, unless it should touch the pride or waken the resentment of the responsible minister, the crown, and parliament.

Bancroft, Hist. of the U.S., vol.2, p.329

The effect of their recommendations would depend on the character and influence of the person who might happen to be the secretary of state for the south. A long course of indecision had multiplied the questions on which the demands and the customs of the colonies were at variance with the maxims of the board of trade.

Bancroft, Hist. of the U.S., vol.2, p.329 - p.330

In April 1724, the seals for the southern department and the colonies had been intrusted by Sir Robert Walpole to the duke of Newcastle. For nearly four-and-twenty years he remained minister for British America; yet, to the last, knew little of the continent of which he was the guardian. It used to be said that he addressed letters to "the island of New England," and could not tell but that Jamaica was in the Mediterranean. Heaps of colonial memorials and letters remained unread in his office; and a paper was almost sure of neglect, unless some agent remained with him to see it opened. His frivolous nature could never glow with affection, nor grasp a great idea, nor analyze complex relations. After long research, I cannot find that he ever once attended seriously to an American question.

Bancroft, Hist. of the U.S., vol.2, p.330 - p.331

The power of the house of commons in Great Britain rested on its exclusive right to grant annually the supplies necessary for carrying on the government thus securing an ever-recurring opportunity for demanding the redress of wrongs. In like manner, the strength of the people in America consisted in the exclusive right of its assemblies to levy and to appropriate colonial taxes. In England, the king obtained a civil list for life; in America, the rapacity of the governors made it expedient to keep them dependent for their salaries on annual grants, of which the amount was regulated, from year to year, by a consideration of the merits of the officer, as well as the opulence of the province. It was easy for a governor to obtain instructions to demand peremptorily a large, settled, and permanent support; but the assemblies treated instructions as binding executive officers only, and claimed an uncontrolled freedom of deliberation and decision. To remove the inconsistency, the king must pay his officers from an independent fund, or change his orders. Newcastle did neither; he continued the instructions, and privately consented to their being slighted. Having the patronage of a continent, he would gratify his connections in the aristocratic families of England by intrusting the royal prerogative to men of broken fortunes, dissolute and ignorant, too vile to be employed near home; so that America became the hospital of Great Britain for decayed members of parliament and dissolute courtiers, whose conduct was sure to provoke distrust and to justify opposition. But he was satisfied with distributing to them offices; and, for their salaries, abandoned them to the annual deliberations of the colonial legislatures. Standing between the lords of trade who framed instructions, and the cabinet which alone could propose measures to enforce them, he served as a non-conductor to the angry zeal of the former, whose places, under such a secretary, became more and more nearly sinecures; while America, neglected in England, and rightly resisting her deputed rulers, went on her way rejoicing toward freedom and independence.

Bancroft, Hist. of the U.S., vol.2, p.331

Disputes accumulated with every year; but Newcastle temporized to the last; and, in February 1748, on the resignation of the earl of Chesterfield, he escaped from the embarrassments of American affairs by taking the seals for the northern department. Those of the southern were intrusted to the duke of Bedford.

Bancroft, Hist. of the U.S., vol.2, p.331

The new secretary was "a man of inflexible honesty and good-will to his country," "untainted by duplicity or timidity." His abilities were not brilliant, but his rank and fortune gave him political consideration. In 1744, he had entered the Pelham ministry as first lord of the admiralty, bringing with him to that board George Grenville and the earl of Sandwich. In that station, his orders to Warren contributed to the conquest of Louisburg. In the last war he had cherished "the darling project" of conquering Canada, and "the great and practicable views for America" were said by Pitt to have "sprung from him alone." Proud of his knowledge of trade, and his ability to speak readily, he entered without distrust on the administration of a continent.

Bancroft, Hist. of the U.S., vol.2, p.331 - p.332

Of the two dukes, who, at this epoch of the culminating power of the aristocracy, guided the external policy of England, each hastened the independence of America. Newcastle, who was childless, depended on office for all his pleasure; Bedford, though sometimes fond of place, was too proud to covet it always. Newcastle had no passion but business, which he conducted in a fretful hurry, and never finished; the graver Bedford, though fond of "theatricals and jollity," was yet capable of persevering in a system. Newcastle was of "so fickle a head and so treacherous a heart" that Walpole called his "name Perfidy;" Henry Fox, the first Lord Holland, said "he had no friends, and deserved none;" and Lord Halifax used to revile him as "a knave and a fool;" he was too unstable to be led by others, and, from his own instinct about majorities, shifted his sails as the wind shifted. Bedford, who was bold and unbending and would do nothing but what he himself thought "indisputably right," was "always governed," and was "immeasurably obstinate in an opinion once received," being "the most ungovernable governed man in England," and the most faithful to the "bandits" who formed his political connection. Neither was cruel or revengeful; but, while the one "had no rancor or ill-nature," and no enmities but freaks of petulance, the other carried decision into his attachments and his feuds. Newcastle lavished promises, familiar caresses, tears and kisses and cringing professions of regard, with prodigal hypocrisy; Bedford knew no wiles, was blunt, unabashed, and, without being aware of it, rudely impetuous, even in the presence of his sovereign. Newcastle was jealous of rivals; Bedford was impatient of contradiction. Newcastle, timorous without caution and arbitrary from thoughtlessness, rushed into difficulties which he evaded by indecision; the positive Bedford, energetic without sagacity, and stubborn with but a narrow range of thought, scorned to shun deciding any question that might arise, grew choleric at resistance, could not or would not foresee obstacles, and was known throughout America as ready at all hazards to vindicate authority.

Chapter 2:

The Royal Governor of New York

Appeals to the Paramount Power of Britain,

1748-1749

Bancroft, Hist. of the U.S., vol.2, p.333

IN July 1748; no fortress in the Highlands as yet kept watch over the infrequent bark that spread its sails to the froward summer breeze. The dense forests, which came down the hillsides to the edges of the river, were but rarely broken by openings round the houses of a thinly scattered tenantry, and by the solitary mansions of the few proprietaries, who, under lavish grants, claimed manors of undefined extent, and even whole counties for their inheritance. Through these scenes, George Clinton, an unlettered British admiral, who, being connected with both Newcastle and Bedford, had been sent to America to mend his fortunes as governor of New York, was making his way toward Albany, where the friendship of the Six Nations was to be confirmed by a treaty of their chiefs with commissioners from several colonies, and the encroachments of France were to be circumscribed by a concert for defence.

Bancroft, Hist. of the U.S., vol.2, p.333 - p.334

As his barge emerged from the Highlands, it neared the western bank to receive on board Cadwallader Colden, the oldest member of the royal council. How often had the governor and his advisers joined in deploring "the levelling principles of the people of New York and the neighboring colonies;" "the tendencies of American legislatures to independence;" their unwarrantable presumption in "declaring their own rights and privileges;" their ambitious efforts "to wrest the administration from the king's officers," by refusing fixed salaries and compelling the respective governors to annual capitulations for their support! How had they conspired to dissuade the English government from countenancing the opulent James Delancey, then chief justice of the province and the leader of the opposition! "The inhabitants of the plantations," they reiterated to one another and to the ministry, "are generally educated in republican principles; upon republican principles all is conducted. Little more than a shadow of royal authority remains in the northern colonies." Very recently the importunities of Clinton had offered the duke of Newcastle "the dilemma of supporting the governor's authority, or relinquishing power to a popular faction." "It will be impossible," said one of his letters, which was then before the king, "to secure this province from the enemy, or from a faction within it, without the assistance of regular troops, two thousand men at least. There never was so much silver in the country as at present, and the inhabitants never were so expensive in their habits of life. They, with the southern colonies, can well discharge this expense."

Bancroft, Hist. of the U.S., vol.2, p.334

The party of royalists who had devised the congress, as subsidiary to the war between France and England, were overtaken by the news that in April preliminaries of peace had been signed by the European belligerents; and they eagerly seized the opportunity of returning tranquillity to form plans for governing and taxing the colonies by the supreme authority of Great Britain. A colonial revenue, through British interposition, was desired for the common defence of America, and to defray the civil list in the respective provinces. Could an independent income be obtained for either of these purposes, it might, by degrees, be applied to both.

Bancroft, Hist. of the U.S., vol.2, p.334 - p.335

To the convention in Albany came William Shirley, already for seven years governor of Massachusetts; an English lawyer, artful, needy, and ambitious; a member of the church of England; indifferent to the laws and the faith of the people whom he governed appointed originally to restore or introduce British authority, and more relied upon than any crown officer in America. With him appeared Andrew Oliver and Thomas Hutchinson, both natives and residents of Boston, as commissioners from Massachusetts. Oliver, bred at Harvard college, joined solid learning to a good knowledge of the affairs of the province, and could write well. Distinguished for sobriety of conduct and the forms of piety, he enjoyed public confidence; but at heart he was ruled by the love of money; and, having diminished his patrimony by unsuccessful traffic, was greedy of office.

Bancroft, Hist. of the U.S., vol.2, p.335

The complaisant, cultivated, and truly intelligent Hutchinson was now speaker of the house of assembly in Massachusetts; the most plausible, able, and ambitious man in that colony. Loving praise himself, he soothed with blandishments any one who bade fair to advance his ends. To the Congregational clergy he paid assiduous deference; but his formally pious life, and unfailing attendance "at meeting," were little more than a continuous flattery. He shunned uttering a direct falsehood, but did not scruple to equivocate and to deceive. He courted the people, but, from boyhood, disliked them, and used their favor only as steps to promotion. Though well educated, and of uncommon endowments, and famed at college as of great promise, he became a trader in his native town, and, like others, smuggled goods, which he sold at retail. Failing of profits, he withdrew from mercantile pursuits; but to gain property remained the most ardent desire of his soul. He had been in England as agent of Massachusetts at the time when taxing America by parliament first began to be talked of, and had thus become acquainted with British statesmen, the maxims of the board of trade, and the way in which Englishmen reasoned about the colonies. He loved the land of his nativity, and made a study of its laws and history; but he knew that all considerable emoluments of office sprung not from his frugal countrymen, but from royal favor. He had clear discernment, and, where unbiassed by his own interests, he preferred to do what was right; but his sordid nature led him to worship power; he could stoop to solicit justice as a boon; and a small temptation would easily sway him to become the instrument of oppression. At the same time he excelled in dissimulation, and knew how to veil his selfishness under the appearance of public spirit.

Bancroft, Hist. of the U.S., vol.2, p.335 - p.336

The congress at Albany was thronged beyond example by the chiefs of the Six Nations and their allies. They resolved to have no French within their borders, nor even to send deputies to Canada, but to leave to English mediation the recovery of their brethren from captivity. It was announced that tribes of the far West, dwelling on branches of Erie and the Ohio, inclined to friendship; and, nearly at that moment, envoys from their villages were at Lancaster, solemnizing a treaty of commerce with Pennsylvania. Returning peace was hailed as the happy moment for bringing the Miamis and their neighbors within the covenant chain of the English, and thus extending British jurisdiction to the Wabash.

Bancroft, Hist. of the U.S., vol.2, p.336

The lighted calumet had been passed from mouth to mouth; the graves of the red heroes, slain in war, had been covered with expiating presents; wampum belts of confirmed love had been exchanged—when the commissioners of Massachusetts, adopting the opinions and almost the language of Clinton and Shirley, represented to them, in a memorial, that, as Massachusetts, New Hampshire, and New York were the barrier of America against the French, the charge of defending their frontiers ought as little to rest on those provinces as the charge of defending any counties in Great Britain on such counties alone; that the other governments had been invited to join in concerting measures, but all, excepting Connecticut, had declined; they therefore urged all application to the king, that the remoter colonies, which were not immediately exposed, might be obliged to contribute in a just proportion toward the expense of protecting the inland territories of New England and New York. The two governors, as, in August, they forwarded the paper to the board of trade, subjoined: "We agree with the memorialists."

Bancroft, Hist. of the U.S., vol.2, p.336 - p.337

The haste or the negligence of the British plenipotentiaries at Aix-la-Chapelle had determined their boundary in America along its whole line, only by the vague agreement that it should be as it had been before the war; and for a quarter of a century before the war it had never ceased to be a subject of altercation. In this condition of an accepted treaty of peace and an unsettled limit of jurisdiction, each party hurried to occupy in advance as much territory as possible without too openly compromising their respective governments. Acadia, according to its ancient boundaries, belonged to Great Britain; but France had always, even in times of peace; declared that Acadia included only the peninsula; before the restoration of Cape Breton, an officer from Canada occupied the isthmus between Bay Verte and the Bay of Fundy; a small colony kept possession of the mouth of the St. John's river; and the claim as far west as the Kennebec had never been abandoned.

Bancroft, Hist. of the U.S., vol.2, p.337

At the west, France had uniformly claimed the whole basin of the St. Lawrence and of the Mississippi; and, in proof of its rightful possession, pointed to its castles at Crown Point, at Niagara, among the Miamis, and in Louisiana. Ever regarding the friendship of the Six Nations as a bulwark essential to security, La Galissoniere, the governor-general of Canada, treated them as the allies of the French no less than of the English; and, still further to secure their affections, the self-devoted Abbe Francis Picquet occupied by a mission Oswegatchie, now Ogdensburg, at the head of the rapids, on the southern bank of the St. Lawrence. For the more distant regions, orders were sent, in October, to the commandant at Detroit, to oppose by force every English establishment on the Maumee, the Wabash, and the Ohio; or, if his strength was insufficient, to summon the intruder to depart under highest perils for disobedience.

Bancroft, Hist. of the U.S., vol.2, p.337

Plausible reasons, therefore, existed for the memorial of Hutchinson and Oliver; but the more cherished purpose of those who directed this congress at Albany was the secure enjoyment of the emoluments of office, without responsibility to the respective American provinces. "From past experiments," added Clinton and Shirley, jointly, as they forwarded the ostensibly innocent petition, "we are convinced that the colonies will never agree on quotas, which must therefore be settled by royal instructions; and there has been so little regard paid in several colonies to the royal instructions that it is requisite to think of some method to enforce them."

Bancroft, Hist. of the U.S., vol.2, p.337 - p.338

How to reduce a factious colony had already been settled by the great masters of English jurisprudence. Two systems of government had long been at variance: the one founded on prerogative, the other on the supremacy of parliament. The first opinion had been professed by many of the earlier lawyers, who considered the colonies as dependent on the crown alone. Even after the revolution, the chief justice at New York, in 1702, declared that "in the plantations the king governs by his prerogative;" and Sir John Holt had said, "Virginia being a conquered country, their law is what the king pleases." But when, in 1711, New York, during the administration of Hunter, was left without a revenue, the high powers of parliament were the resource of the ministers; and they prepared a bill, reciting the neglect of the province, and imposing all the taxes which had been discontinued by its legislature. Northey and Raymond, the attorney and the solicitor general, lawyers of the greatest authority, approved the measure. When, in 1724, a similar strife occurred between the crown and Jamaica, and some held that the king and his privy council had a right to levy taxes on the inhabitants of that island, the crown lawyers, Lord Hardwicke, then Sir Philip Yorke, and Sir Clement Wearg, made the memorable reply, that "a colony of English subjects cannot be taxed but by some representative body of their own, or by the parliament of England." That opinion impressed itself early and deeply on the mind of Lord Mansfield, and, in October 1744, when the neglect of Pennsylvania to render aid in the war had engaged the attention of the ministry, Sir Dudley Ryder and Lord Mansfield, then William Murray, declared that "a colonial assembly cannot be compelled to do more toward their own defence than they shall see fit, unless by the force of an act of parliament, which alone can prescribe rules of conduct for them." Away, then, with all attempts to compel by prerogative, to govern by instructions, to obtain a revenue by royal requisitions, to fix quotas by a council of crown officers! No power but that of parliament can overrule the colonial assemblies.

Bancroft, Hist. of the U.S., vol.2, p.338 - p.339

Such was the doctrine of Murray, who was himself able to defend his system, being unrivalled in debate except by William Pitt. The advice of this illustrious jurist was the more authoritative because he "had long known the Americans." "I began life with them," said he, on a later occasion, "and owe much to them, having been much concerned in the plantation causes before the privy council. So I became a good deal acquainted with American affairs and people." During the discussions that are now to be related, he was often consulted by the agents of the American royalists. His opinion, coinciding with that of Hardwicke, was applauded by the board of trade, and became the corner-stone of British policy.

Bancroft, Hist. of the U.S., vol.2, p.339

On this theory of parliamentary supremacy Shirley and his associates placed their reliance. Under his advice it was secretly resolved to bring the disputes between governors and American assemblies to a crisis; the return of peace was selected as the epoch for the experiment; elaborate documents prepared the ministry for the struggle; and Clinton was to extort from the colonial legislature fixed salaries and revenues at the royal disposition, or, by producing extreme disorder, to compel the interposition of the parliament of Great Britain.

Bancroft, Hist. of the U.S., vol.2, p.339 - p.340

To the assembly which met in October 1748, Clinton, faithful to his engagements, and choosing New York as the opening scene in the final contest that led to independence, declared that the methods adopted for colonial supplies "made it his indispensable duty at the first opportunity to put a stop to these innovations;" and he demanded, what had so often been refused, the grant of a revenue to the king for at least five years. The assembly, in reply, insisted on naming in their grants the incumbent of each office. "From recent experience," they continue, "we are fully convinced that the method of an annual support is most wholesome and salutary, and are confirmed in the opinion that the faithful representatives of the people will never depart from it." Warning them of the anger of "parliament," Clinton prorogued the assembly; and, in floods of letters and documents, represented to the secretary of state that its members "had set up the people as the high court of American appeal;" that "they claimed all the powers and privileges of parliament;" that they "virtually assumed all the public money into their own hands, and issued it without warrant from the governor;" that "they took to themselves the sole power of rewarding all services, and, in effect, the nomination to all offices, by granting the salary annually not to the office, but, by name, to the person in the office;" that the system, "if not speedily remedied, would affect the dependency of the colonies on the crown." And he entreated the king to "make a good example for all America by regulating the government of New York." "Till then," he added, "I cannot meet the assembly without danger of exposing the king's authority and myself to contempt."

Bancroft, Hist. of the U.S., vol.2, p.340

Thus issue was joined with a view to involve the British parliament in the administration of the colonies just at the time when Bedford, as the secretary, was resolving to introduce uniformity into their administration by supporting the authority of the central government; and his character was a guarantee for resolute perseverance. "Considering the present situation of things," he had declared to Newcastle, "it would be highly improper to have an inefficient man at the head of the board of trade;" and, at his suggestion, on the first day of November 1748, two months after the peace of America and Europe had been ratified, the earl of Halifax, then just thirty-two years old, entered upon his long period of service as first commissioner for the plantations. He was fond of splendor, profuse, and in debt; passionate, overbearing, and self-willed; "of moderate sense, and ignorant of the world." Familiar with a feeble class of belles-lettres, he loved to declaim long passages from Prior; but his mind had not been trained by severer studies. As a public man, he was without sagacity, yet unwilling to defer to any one. Resolved to elevate himself by enlarging the dignity and power of his employment, he devoted himself to the business of the plantations, confiding in his ability to master their affairs almost by intuition, writing his own despatches, and, with the undoubting self-reliance of a presumptuous novice, ready to advance fixed opinions and plans of action. The condition of the continent, whose affairs he was to superintend, seemed to invite his immediate activity, alike to secure the possessions of Great Britain against France, and to maintain the authority of the central government against the colonies themselves.

Bancroft, Hist. of the U.S., vol.2, p.340 - p.341

As he read the papers which had accumulated in the board of trade, and the despatches which time-serving subordinates were sending in as fast as the change in the spirit of the administration became known, the colonies seemed, from the irresolution of his predecessors, tending to legislative independence and rebellion. "Here," wrote Glen, the governor of South Carolina, "levelling principles prevail; the frame of the civil government is unhinged; a governor, if he would be idolized, must betray his trust; the people have got the whole administration in their hands; the election of members to the assembly is by ballot; not civil posts only, but all ecclesiastical preferments, are in the disposal or election of the people; to preserve the dependence of America in general, the constitution must be new modelled."

Bancroft, Hist. of the U.S., vol.2, p.341

In North Carolina no law for collecting quit-rents had been perfected, and its frugal people, whom their governor reported as "wild and barbarous," paid the servants of the crown scantily and tardily.

Bancroft, Hist. of the U.S., vol.2, p.341

In Virginia—the land of light taxes and freedom from paper money, long famed for its loyalty, where the people had nearly doubled in twenty-one years, and a revenue granted in perpetuity, with a fixed quit-rent, put aside the usual sources of colonial strife—the insurgent spirit of freedom invaded the royal authority in the established church; and, in 1748, just as Sherlock, the new bishop of London, was interceding with the king for an American episcopate which Bedford and Halifax both favored as essential to royal authority, Virginia, with the consent of Gooch, its lieutenant-governor, transferred by law the patronage of all the livings to the vestries. The act was included among the revised laws, and met with the king's approbation; but, from the time that its purpose was perceived, Sherlock became persuaded that "Virginia, formerly an orderly province, had nothing more at heart than to lessen the influence of the crown."

Bancroft, Hist. of the U.S., vol.2, p.341

Letters from Pennsylvania warned the ministers that, as the "obstinate, wrong-headed assembly of Quakers" in that province "pretended not to be accountable to his majesty or his government," they "might in time apply the public money to purposes injurious to the crown and the mother country."

Bancroft, Hist. of the U.S., vol.2, p.341 - p.342

But nowhere did popular power seem so deeply or dangerously seated as in New England, where every village was a self-constituted democracy, whose organization had received the sanction of law and the confirmation of the king. Especially Boston, whose people had liberated its citizen mariners when impressed by a British admiral in their harbor, was accused of "a rebellious insurrection." "The chief cause," said Shirley, "of the mobbish turn of a town inhabited by twenty thousand persons is its constitution, by which the management of it devolves on the populace, assembled in their town-meetings."

Bancroft, Hist. of the U.S., vol.2, p.342

With the assembly which represented the towns of Massachusetts the wary barrister declined a rupture. When, in November, the legislature of that province, jealous from a true instinct, reduced his salary one third on the plea of public distress, he answered, plausibly, that the province had doubled its population within twenty years; had in that time organized within its limits five-and-twenty new towns; and, at the close of the long war, was less in debt than at its beginning. But his hopes of sure emoluments rested in England, and were connected with the success of the applications from New York.

Bancroft, Hist. of the U.S., vol.2, p.342

The conspiracy against the colonies extended to New Jersey. In December, the council of that province found it "their indispensable duty to represent to his majesty the growing rebellion in their province." The conflict for lands in its eastern moiety, where Indian title-deeds, confirmed by long occupation, were pleaded against grants of an English king, led to confusion which the rules of the English law could not remedy. The people of whole counties could not be driven from their homesteads or imprisoned in jails; Belcher, the temporizing governor, confessed that "he could not bring the delegates into measures for suppressing the wicked spirit of rebellion." The proprietors, who had purchased the long-dormant claim to a large part of the province, made common cause with men in office, invoked British interposition, and accused their opponents of treasonably denying the king's title to New Jersey. These appeals were to "tally with and accredit the representation from New York."

Bancroft, Hist. of the U.S., vol.2, p.342 - p.343

From the first moment of his employment, Halifax stood forth the busy champion of the royal authority; and, in December 1748, his earliest official words of any import promised "a very serious consideration on" what he called "the just prerogatives of the crown, and those defects of the constitution" which had "spread themselves over many of the plantations, and were destructive of all order and government;" and he resolved on instantly effecting a thorough change, by the agency of parliament. While awaiting its meeting, the menaced encroachments of France equally claimed his attention; and he determined to secure Nova Scotia and the Ohio valley.

Bancroft, Hist. of the U.S., vol.2, p.343

The region beyond the Alleghanies had as yet no English settlement, except, perhaps, a few scattered cabins in western Virginia. The Indians south of lake Erie and in the Ohio valley were, in the recent war, friendly to the English, and were united to Pennsylvania by a treaty of commerce. The traders, chiefly from Pennsylvania, who strolled from tribe to tribe, were without fixed places of abode, but drew many Indians over the lake to trade in skins and furs. The colony of New York, through the Six Nations, might command the Canadian passes to the Ohio valley; the grant to William Penn actually included a part of it; but Virginia claimed to bound its dominion on the north-west by Lake Erie. To secure Ohio for the English world, Lawrence Washington, of Virginia, Augustus Washington, and their associates, proposed a colony beyond the Alleghanies. "The country west of the great mountains is the centre of the British dominions," wrote Halifax and his colleagues, who were inflamed with the hope of recovering it by some sort of occupation; and the favor of Henry Pelham, the first lord of the treasury, with the renewed instance of the board of trade, obtained, in March 1749, the king's instructions to the governor of Virginia to grant to John Hanbury and his associates in Maryland and Virginia five hundred thousand acres of land between the Monongahela and the Kanawha, or on the northern margin of the Ohio. The company were to pay no quit-rent for ten years, within seven years to colonize at least one hundred families, to select immediately two fifths of their territory, and at their own cost to build and garrison a fort. Thomas Lee, president of the council of Virginia, and Robert Dinwiddie, a native of Scotland, surveyor-general for the southern colonies, were shareholders.

Bancroft, Hist. of the U.S., vol.2, p.343 - p.344

Aware of these designs, France anticipated England. In 1749, La Galissoniere, revolving great designs of French empire in America, sent Celoron de Bienville, with three hundred men, to the valley of the Ohio. On its southern bank, opposite the point of an island, and near the junction of a river, that officer buried, at the foot of a primeval red-oak, a plate of lead with the inscription that the country belonged to France; and he nailed the lilies of the Bourbons to a forest tree, in token of possession. "I am going down the river," said he to Indians at Logstown, "to scourge home our children, the Miamis and the Wyandots;" and he forbade all trading with the English. "The lands are ours," replied the Indians; and they claimed freedom of commerce. The French emissary proceeded to the towns of the Miamis, expelled the English traders, and by letter requested Hamilton, the governor of Pennsylvania, to prevent all further intrusion. But the Indians murmured, as he buried plates at the mouth of every remarkable creek. "We know," they said, "it is done to steal our country from us;" and they resolved to "go to the Onondaga council" for protection.

Bancroft, Hist. of the U.S., vol.2, p.344

On the north-east, the well-informed La Galissoniere took advantage of the gentle and unsuspecting character of the French Acadians, and of the doubt that existed respecting occupancy and ancient titles. In 1710, when Port Royal, now Annapolis, was vacated, the fort near the mouth of the St. John's remained to France. The English had no settlement on that river; and though they had, on appeal to their tribunals, exercised some sort of jurisdiction, it had not been clearly recognised by the few inhabitants, and had always been denied by the French government. It began to be insinuated that the ceded Acadia was but a part of the peninsula lying upon the sea between Cape Fourches and Cape Canso. The Abbe La Loutre, missionary and curate of Messagouche, now Fort Lawrence, which is within the peninsula, formed the plan, with the aid of La Galissoniere and the court of France, to entice the Acadians from their ancient dwelling-places, and plant them on the frontier as a barrier against the English.

Bancroft, Hist. of the U.S., vol.2, p.344 - p.345

But, even before the peace, Shirley had represented that the inhabitants near the isthmus, being French and Catholic should be removed into some other of the British colonies, and that Protestant settlers should occupy their lands. From this atrocious proposal, Newcastle, who was cruel only from frivolity, did not withhold his approbation; but Bedford, his more humane successor, sought to secure the entire obedience of the French inhabitants by intermixing with them colonists of English descent.

Bancroft, Hist. of the U.S., vol.2, p.345

The execution of this design, which the duke of Cumberland, Pelham, and Henry Fox assisted in maturing, devolved on Halifax. Invitations went through Europe to invite Protestants from the continent to emigrate to the British colonies. The good-will of New England was encouraged by care for its fisheries; and American whalemen, stimulated by the promise of an equal bounty with the British, learned to follow their game among the icebergs of the Greenland seas. But the main burden of securing Nova Scotia fell on the British treasury. While the general court of Massachusetts, through their agent in England, sought to prevent the French from possessing any harbor whatever in the Bay of Fundy, or west of it on the Atlantic, proposals were made, in March 1749, to disbanded officers and soldiers and marines, to accept and occupy lands in Acadia; and, before the end of June, more than fourteen hundred persons, under the auspices of the British parliament, were conducted by Colonel Edward Cornwallis into Chebucto harbor. There, on a cold and sterile soil, covered to the water's edge with one continued forest of spruce and pine, whose thick underwood and gloomy shade hid rocks and the rudest wilds, with no clear spot to be seen or heard of, rose the first town of English origin east of the Penobscot. From the minister who imparted efficiency to the enterprise, it took the name of Halifax. Before winter three hundred houses were covered in. At Minas, now Lower Horton, a block-house was raised, and fortified by a trench and a palisade; a fort at Pesaquid, now Windsor, protected the communications with Halifax. These, with Annapolis on the Bay of Fundy, secured the peninsula.

Bancroft, Hist. of the U.S., vol.2, p.345 - p.346

The ancient inhabitants had, in 1730, taken an oath of fidelity to the English king, as sovereign of Acadia; and were promised indulgence in "the exercise of their religion, and exemption from bearing arms against the French or Indians." They were known as the French Neutrals. Their hearts were still with France, and their religion made them a part of the diocese of Quebec. Of a sudden it was proclaimed to their deputies convened at Halifax that English commissioners would repair to their villages, and tender to them, unconditionally, the oath of allegiance. They could not pledge themselves before Heaven to join in war against the land of their origin and their love; and, in a letter signed by a thousand of their men, they pleaded rather for leave to sell their lands and effects, and abandon the peninsula for new homes, which France would provide. But Cornwallis would offer no option but between unconditional allegiance and the confiscation of all their property. "It is for me," said he, "to command and to be obeyed;" and he looked to the board of trade for further instructions.

Bancroft, Hist. of the U.S., vol.2, p.346

With the Micmac Indians, who, at the instigation of La Loutre, the missionary, united with other tribes to harass the infant settlements, the English governor dealt still more summarily. "The land on which you sleep is mine:" such was the message of the implacable tribe; "I sprung out of it, as the grass does; I was born on it from sire to son; it is mine forever." So the council at Halifax voted all the poor red men that dwelt in the peninsula to be "so many banditti, ruffians, or rebels;" and, by its authority, Cornwallis, "to bring the rascals to reason," offered for every one of them, "taken or killed," ten guineas, to be paid on producing the savage or "his scalp." But the source of this disorder was the undefined state of possession between the European competitors for North America.

Bancroft, Hist. of the U.S., vol.2, p.346

Meantime, La Galissoniere, having surrended his government to the more pacific La Jonquiere, repaired to France, to be employed on the commission for adjusting the American boundaries. La Jonquiere saw the imminent danger of a new war, and, like Bedford, would have shunned hostilities; but his instructions from the French ministry, although they did not require advances beyond the isthmus, compelled him to attempt confining the English within the peninsula of Acadia.

Bancroft, Hist. of the U.S., vol.2, p.346 - p.347

Thus, while France, with the unity of a despotic central power, was employing all its strength in Canada to make good its claims to an extended frontier, Halifax signalized his coming into office by planting Protestant emigrants in Nova Scotia, as a barrier against encroachments on the north-east; and by granting lands for a Virginia occupation of both banks of the Ohio. With still greater impetuosity, he rushed toward a solution of the accumulated difficulties in the administration of the colonies.

Bancroft, Hist. of the U.S., vol.2, p.347

The board of trade, so soon as Halifax had become its head, revived and earnestly promoted the scheme of strengthening the authority of the prerogative by a general act of the British parliament. At its instance, on the third day of March 1749, under the pretext of suppressing the flagrant evils of colonial paper money, the disappointed Horatio Walpole, who for nearly thirty years had not always successfully struggled, as auditor-general of the colonies, to gain a sinecure allowance of five per cent on all colonial revenues, reported a bill to overrule charters, and to make all orders by the king, or under his authority, the highest law of America. In the reign of Henry VIII., parliament, surrendering only the liberties of its own constituents, sanctioned "what a king, by his royal power, might do;" and gave the energy of law to his proclamations and ordinances. Halifax and his board invited the British parliament to sequester the liberties of other communities, and transfer them to the British crown.

Bancroft, Hist. of the U.S., vol.2, p.347 - p.348

The people of Connecticut, through their agent. Eliakim Palmer, protested against "the unusual and extraordinary" attempt, "so repugnant to the laws and constitution" of Great Britain, and to their own "inestimable privileges" and charter, "of being governed by laws of their own making." By their birthright, by the perils of their ancestors, by the sanctity of royal faith, by their own affectionate duty and zeal, and devotion of their lives and fortunes to their king and country, they remonstrated against the bill. Pennsylvania and Rhode Island pleaded their patents, and reminded parliament of the tribute already levied on them by the monopoly of their commerce. For Massachusetts, William Bollan, through "the very good-natured Lord Baltimore," represented that the bill virtually included all future orders of all future princes, however repugnant they might be to the constitution of Great Britain, or of the colonies; thus abrogating for the people of Massachusetts their common rights as Englishmen, not less than their charter privileges. The agent of South Carolina cautiously intimated that, as obedience to instructions was already due from the governors, whose commissions depended on the royal pleasure, the deliberative rights of the assemblies were the only colonial safeguard against unlimited authority.

Bancroft, Hist. of the U.S., vol.2, p.348

"Venerating the British constitution, as established at the revolution," Onslow, the speaker of the house of commons, believed that parliament had power to tax America, but not to delegate that power; and, by his order, the objections to the proposed measure were spread at length on the journal. The board of trade wavered, and in April consented, reluctantly, "to drop for the present and reserve" the clauses; but it continued to cherish the spirit that dictated them, till it ceased to exist.

Bancroft, Hist. of the U.S., vol.2, p.348

At the same time Massachusetts was removing every motive to interfere with its currency by abolishing its paper money. That province had demanded, as a right, the reimbursement of its expenses for the capture of Louisburg. Its claim, as of right, was denied; for its people, it was said, were the subjects, and not the allies, of England; but the requisite appropriation was made by the equity of parliament. Massachusetts had already, in January 1749, after an eventful struggle, voted that its public notes should be redeemed with the expected remittances from the royal exchequer. Twice in the preceding year it had invited a convention of the neighboring colonies to suppress jointly the fatal paper currency; but, finding concert impossible, it proceeded alone. As the bills had depreciated, and were no longer in the hands of the first holders, it was insisted that to redeem them at their original value would impose a new tax on the first holders themselves; and, therefore, forty-five shillings of the old tenor, or eleven shillings and threepence of the new emission, were, with the approbation of the king in council, redeemed by a Spanish milled dollar. Thus Massachusetts became the "hard-money colony" of the North.

Bancroft, Hist. of the U.S., vol.2, p.348 - p.349

The plan for enforcing all royal orders in America by the act of the British parliament had hardly been abandoned when the loyalty and vigilance of Massachusetts were perverted to further the intrigues against its liberty. In April 1749, its assembly, which held that Nova Scotia included all the continent east of New England, represented to the king "the insolent intrusions" of France on their territory, advised that "the neighboring provinces should be informed of the common danger," and begged "that no breach might be made in any of the territories of the crown On the" American "continent." On transmitting this address Shirley developed his system. To the duke of Bedford he recommended the erecting and garrisoning of frontier "fortresses, under the direction of the king's engineers and officers." "A tax for their maintenance," he urged, "should be laid by parliament upon the colonies, without which it will not be done." From the prosperous condition of America, he argued that "making the British subjects on this continent contribute toward their common security could not be thought laying a burden;" and he cited the acts of trade, and the duty laid on foreign sugars imported into the northern colonies, as precedents that established the reasonableness of his proposal.

Bancroft, Hist. of the U.S., vol.2, p.349

Shirley's associates in New York were equally persevering. The seventh day of May 1749, brought to them "the agreeable news that all went flowingly on" as they had desired. Knowing that Bedford, Dorset, and Halifax had espoused their cause, they convened the legislature; but it was in vain. "The faithful representatives of the people," thus spoke the assembly of New York in July, "can never recede from the method of an annual support." "I know well," rejoined the governor, "the present sentiments of his majesty's ministers; and you might have guessed at them by the bill lately brought into parliament for enforcing the king's instructions. Consider," he adds, "the great liberties you are indulged with. Consider, likewise, what may be the consequences should our mother country suspect that you design to lessen the prerogative of the crown in the plantations. The Romans did not allow the same privileges to their colonies which the other citizens enjoyed; and you know in what manner the republic of Holland governs her colonies. Endeavor, then, to show your great thankfulness for the great privileges you enjoy."

Bancroft, Hist. of the U.S., vol.2, p.350

The representatives adhered unanimously to their resolutions, pleading that "governors are generally entire strangers to the people they are sent to govern; they seldom regard the welfare of the people otherwise than as they can make it sub servient to their own particular interest; and, as they know the time of their continuance in their governments to be uncertain, all methods are used, and all engines set to work, to raise estates to themselves. Should the public moneys be left to their disposition, what can be expected but the grossest misapplication, under various pretences, which will never be wanting?" To this unanimity the governor could only oppose his determination "most earnestly" to invoke the attention of the ministry and the king to "their proceedings;" and he prorogued and then dissolved the assembly.

Bancroft, Hist. of the U.S., vol.2, p.350

To make the appeal to the ministry more effective, Shirley, who had obtained leave to go to England, and whose success in every point was believed to be certain, before embarking received from Colden an elaborate argument, in which revenue to the crown, independent of the American people, was urged as indispensable; and, to obtain it, "the most prudent method," it was insisted, "would be by application to parliament."

Bancroft, Hist. of the U.S., vol.2, p.350

But, before Shirley arrived in Europe, the ministry was already won to his designs. On the first day of June, the board of trade had been recruited by a young man gifted with "a thousand talents," the daring and indefatigable Charles Townshend. A younger son of Lord Townshend, ambitions, capable of unwearied labor, bold, and somewhat extravagant in his style of eloquence, yet surpassed as a debater only by Murray and Pitt, he was introduced to office through the commission for the colonies. His restless ability obtained sway at the board; Halifax cherished him as a favorite; and the parliament soon looked to him as "the greatest master of American affairs."

Bancroft, Hist. of the U.S., vol.2, p.350 - p.351

How to regulate charters and colonial governments, and provide an American civil list independent of American legislatures, was the earliest as well as the latest political problem which he attempted to solve. At that time, Murray, as crown lawyer, ruled the cabinet on questions of legal right; Dorset, the father of Lord George Germain, was president of the council; Lyttelton and George Grenville were of the treasury board; and Sandwich, raised by his hold on the duke of Bedford, presided at the admiralty; Halifax, Charles Townshend, and their colleagues, were busy with remodelling American constitutions; while Bedford, as secretary of state for the southern department, was the organ of communication between the board of trade and the crown.

Bancroft, Hist. of the U.S., vol.2, p.351

These are the men who proposed to reconcile the discrepancy between the legal pretensions of the metropolis and the actual condition of the colonies. In vain did they resolve to fashion America into new modes of being. The infant republics were not like marble from the quarry, which the artist may shape according to his design; they resembled living plants, which obey an indwelling necessity without consciousness of will, and unfold simultaneously their whole existence and the rudiments of all their parts, harmonious, beautiful, and complete in every period of their growth.

Bancroft, Hist. of the U.S., vol.2, p.351

These British American colonies were the best trophy of modern civilization; on them, for the next forty years, rests the chief interest in the history of man.

Chapter 3:

The Exploration of Ohio,

1749-1751

Bancroft, Hist. of the U.S., vol.2, p.352

ON the twelfth of July 1749, the ministers of state assembled at the board of trade, and deliberated, from seven in the evening till one the next morning, on the political aspect of the plantations. The opinions of Sir Dudley Ryder and William, Murray were before them. They agreed that "all accounts concurred in representing New Jersey as in a state of disobedience to law and government, attended with circumstances which manifested a disposition to revolt from dependence on the crown. While the governor was so absolutely dependent on the assembly, order could not possibly be restored." And they avowed as their "fundamental" rule of American government, that the colonial officers of the king should have "some appointment from home."

Bancroft, Hist. of the U.S., vol.2, p.352

"Drink Lord Halifax in a bumper," were the words of Clinton as he read his letters from England. The duke of Bedford promised vigorous support in maintaining the king's delegated authority; and for the rest of his life remained true to his promise, not knowing that he was the dupe of profligate cupidity.

Bancroft, Hist. of the U.S., vol.2, p.352 - p.353

In a document designed for the eye of Halifax, Colden hastened to confirm the purpose. Of popular sway "the increase in the northern colonies was immeasurable." Royalty would have in New York but "the outward appearance" of authority, till a governor and "proper judges" should receive "independent salaries." "I do not imagine," he wrote, in November 1749, "that any assembly will be induced to give up the power, of which they are all so fond, by granting duties for any number of years. The authority of parliament must be made use of, and the duties on wine and West India commodities be made general for all North America." "The ministry, he added, "are not aware of the number of men in North America able to bear arms, and daily in the use of them. It becomes necessary that the colonies be early looked into, in time of peace, and regulated." Morris, the chief justice of New Jersey, interested in lands in that province, and trained by his father to a zeal for aristocratic ascendency, was much listened to. As a source of revenue, William Douglas, in Boston, a Scottish physician, publicly proposed "a stamp duty upon all instruments used in law affairs;" but the suggestion had nothing of novelty. We have seen that, in 1728, Sir William Keith had advised extending, "by act of parliament, the duties upon parchment and stamps to America;" and, eleven years later, the advice had been repeated by merchants in London, with solicitations that won for it the consideration of the ministry.

Bancroft, Hist. of the U.S., vol.2, p.353 - p.354

The indefatigable Shirley, who had not prevailed with Pelham, became the eulogist and principal adviser of Cumberland, of Bedford, and of Halifax. Should Massachusetts reduce his emoluments, he openly threatened to appeal to "an episcopal interest, and make himself independent of the assembly for any future support." The public mind in that province, especially in Boston, was earnestly inquiring into the active powers of man, to deduce from them the right to uncontrolled inquiry, as the only security against religious and civil bondage. Of that cause the champion was Jonathan Mayhew, offspring of purest ancestors, "sanctified" from childhood, a pupil of New England's Cambridge. "Instructed in youth," thus he spoke of himself, "in the doctrines of civil liberty, as they were taught by such men as Plato, Demosthenes, Cicero, and others, among the ancients; and such as Sidney and Milton, Locke and Hoadly, among the moderns, I liked them; and having learned from the holy scriptures that wise, brave, and virtuous men were always friends to liberty, that God gave the Israelites a king in his anger, because they had not sense and virtue enough to like a free commonwealth, and that where the spirit of the Lord is there is liberty, this made me conclude that freedom is a great blessing." From early life, Mayhew took to his heart the right of private judgment, clinging to it as to his religion; truth and justice he revered as realities which every human being had capacity to discern; the duty of each individual to inquire and judge he deduced from the constitution of man, and held to be as universal as reason itself. At once becoming revolutionary, he scoffed at receiving opinions because his forefathers had embraced them; and, pushing the principle of Protestantism to its universal expression, he sent forth the American mind to do its work, disburdened of prejudices. The ocean which it had crossed had broken the trail of tradition, and it was now to find paths of its own.

Bancroft, Hist. of the U.S., vol.2, p.354

In January 1730, the still youthful Mayhew, alarmed at the menaced encroachments of power, summoned every lover of truth and of mankind to bear a part in the defensive war against 'tyranny and priestcraft." From the pulpit and through the press he reproved the impious bargain "between the sceptre and the surplice;" he preached resistance to "the first small beginnings of civil tyranny, lest it should swell to a torrent and deluge empires." "The doctrines," he cried, "of the divine right of kings and non-resistance are as fabulous and chimerical as the most absurd reveries of ancient or modern visionaries." "If those who bear the title of civil rulers do not perform the duty of civil rulers, if they injure and oppress, they have not the least pretence to be honored or obeyed. If the common safety and utility would not be promoted by submission to the government, there is no motive for submission;" disobedience becomes "lawful and glorious," "not a crime, but duty."

Bancroft, Hist. of the U.S., vol.2, p.354 - p.355

The words of Mayhew were uttered at a time when "the plantations engaged the whole thoughts of the men in power," who were persuaded that all America was struggling to achieve a perfect legislative independence, and that New Jersey at least was in a state of rebellion. At a great council in February 1750, the board of trade was commanded to propose such measures as would restore and establish the prerogative, in its utmost extent, throughout the colonies. "Bedford, the lords of trade, the privy council," all had American affairs "much at heart," and resolved to give ease to colonial governors and "their successors forever." The plea for the interposition of the supreme legislature sprang from the apprehension that a separate empire was forming. "Fools," said the elder proprietary, Penn, "are always telling their fears that the colonies will set up for themselves;" and their alarm was increased by Franklin's plan for an academy at Philadelphia. Fresh importunities succeeded each other from America; and, when Bedford sent assurances of his purpose to support the royal authority, he was referred by the crown officers of New York to the papers in the office of the board of trade relating to Hunter, who, from 1710 to 1714, had struggled in that province for the prerogative. Under the sanction of that precedent, Clinton urged, in March, that "it was absolutely necessary to check the insolence of faction by a powerful interposition;" and he, too, advised imposts on wine and West India produce. "These, if granted by parliament, would be sufficient for supporting the civil list; if made general over all the colonies, they could be in no shape prejudicial to trade." He insisted that the proposition contained its own evidence of being for the service of the king. "This province," he repeated in April, "by its example, greatly affects all the other colonies. Parliament, on a true representation of the state of the plantations, must think it their duty to make the royal officers less dependent on the assemblies, which may be easily done by granting to the king the same duties and imposts that, in the plantations, are usually granted from year to year."

Bancroft, Hist. of the U.S., vol.2, p.355 - p.356

Neither Bedford, nor Halifax, nor Charles Townshend could, of a sudden, overcome the usages and policy of more than a half-century; but new developments were easily given to the commercial and restrictive system. That the colonies might be filled with slaves, who should neither trouble Great Britain with fears of encouraging political independence, nor compete in their industry with British workshops, nor leave their employers the entire security that might prepare a revolt, liberty to trade—saddest concession of freedom—to and from any part of Africa, between Sallee, in South Barbary, and the Cape of Good Hope, was, in 1750, extended to all the subjects of the king of England; but for the labor of free men new shackles were devised.

Bancroft, Hist. of the U.S., vol.2, p.356 - p.357

America abounded in iron ore; its unwrought iron was burdened with a duty in the English market. Its people were rapidly gaining skill at the furnace and the forge; in February 1750, the subject engaged the attention of the house of commons. To check the danger of American rivalry, Charles Townshend was placed at the head of a committee, on which Horatio Walpole, the auditor, and Robert Nugent, afterward Lord Clara man of talents, yet not free from "bombast and absurdities"—were among the associates. After a few days'deliberation, he brought in a bill which permitted American iron, in its rudest forms, to be imported duty free; but, now that the nailers in the colonies could afford spikes and large nails cheaper than the English, it forbade the smiths of America to erect any mill for slitting or rolling iron, or any plating forge to work with a tilt-hammer, or any furnace for making steel. "The restriction," said Penn, "is of most dangerous consequence to prevent our making what we want for our own use. It is an attack on the rights of the king's subjects in America." William Bollan pleaded its inconsistency with the natural rights of the colonists. But, while England applauded the restriction, its owners of iron mines grudged to America a share of the market for the rough material; the tanners, from the threatened inaction of the English furnaces, feared a diminished supply of bark; the clergy and gentry foreboded injury to the price of woodlands. The importation of bar iron from the colonies was therefore limited to the port of London, which already had its supply from abroad. The ironmongers and smiths of Birmingham thought well of importing bars of iron free; but, from "compassion" to the "many thousand families in the kingdom" who otherwise "must be ruined," they prayed that "the American people" might be subject not to the proposed restrictions only, but to such others "as may secure forever the trade to this country." Some would have admitted the raw material from no colony where its minute manufacture was carried on. The house even divided on the proposal that every slitting-mill in America should be demolished. The clause failed by a majority of only twenty-two; but an immediate return was required of every mill already existing, and the number was never to be increased.

Bancroft, Hist. of the U.S., vol.2, p.357

The royalist Kennedy, a member of the council of New York and an advocate for parliamentary taxation, publicly urged on the ministry that "liberty and encouragement are the basis of colonies." "To supply ourselves,' he urged, "with manufactures is practicable; and where people in such circumstances are numerous and free, they will push what they think is for their interest, and all restraining laws will be thought oppression, especially such laws as, according to the conceptions we have of English liberty, they have no hand in controverting or making. They cannot be kept dependent by keeping them poor;" and he quoted to the ministry the counsel of Trenchard in 1722, that the way to prevent them from weaning themselves was to keep it out of their will. But the mother country was more and more inclined to rely on measures of restraint and power. It began to be considered that the guard-ships were stationed in the colonies not so much for their defence as to preserve them in their dependence and prevent their illicit trade.

Bancroft, Hist. of the U.S., vol.2, p.357

In the same year, Turgot, prior of the Sorbonne, and then just three-and-twenty years of age, exclaimed to the assembled clergy of France: "Vast regions of America! Equality keeps from them both luxury and want, and preserves to them purity and simplicity with freedom. Europe herself will find there the perfection of her political societies, and the surest support of her well-being." "Colonies," added the young philosopher, are like fruits which cling to the tree only till they ripen Carthage declared itself free as soon as it could take care of itself; so likewise will America." England's colonial policy was destroying itself. The same motive which prevailed to restrain colonial commerce and pursuits urged England to encroach on the possessions of France, that the future inhabitants of still larger regions might fall under English rule and pay tribute to English industry. In the mercantile system lay the seeds of a war with France for territory, and with America for independence.

Bancroft, Hist. of the U.S., vol.2, p.357 - p.358

But the attempt to establish that system of government, which must have provoked immediate resistance, was delayed by jealousies and divisions in the cabinet. "It goes to my heart," said the duke of Newcastle, "that a new, unknown, factions young party is set up to rival me and nose me everywhere;" and he resolved to drive out of the administration the colleague whom he disliked, envied, and feared. The affairs of Nova Scotia served his purposes of intrigue.

Bancroft, Hist. of the U.S., vol.2, p.358

The French saw with extreme anxiety the settlement at Halifax. To counteract its influence, a large force, under the sanguinary partisan, La Corne, had through the winter held possession of the isthmus of the peninsula, and found shelter among the Acadians south of the Messagouche, in the town of Chiegnecto, now known as Fort Lawrence. The inhabitants of that village, although it lay beyond the limits which La Corne was instructed to defend, were compelled to take the oaths of allegiance to the French king, and, in the name of three chiefs of the Micmac Indians, orders had been sent to the Acadians of the remoter settlements to renounce subjection to England and take refuge with the French.

Bancroft, Hist. of the U.S., vol.2, p.358

Cornwallis, who had received the first notice of the movement from La Jonquiere himself, desired immediately to recover the town. He sought aid from Massachusetts; but received for answer that, by the constitution of that province, the assembly must first be convinced of the necessity of raising supplies; that, to insure co-operation, compulsory measures must be adopted by the British government toward all the colonies. He was therefore able to send from Halifax no more than a party of four hundred men, who, just at sunset on the twentieth of April, arrived at the entrance of what is now called Cumberland basin. The next day the transports sailed near the harbor; the flag of the Bourbons was raised on the dikes to the north of the Messagouche; while, to the south of it, the priest, La Loutre himself, set fire to the church in Chiegnecto; and its despairing inhabitants, attached to their homes which stood on some of the most fertile land in the world, yet bound to France by their religion and their oaths, consumed their houses to ashes, and escaped across the river which marks the limit of the peninsula.

Bancroft, Hist. of the U.S., vol.2, p.358 - p.359

On Sunday, the twenty-second, Lawrence, the English commander, having landed north of Messagouche, had an interview with La Come, who avowed his purpose, under instructions from La Jonquiere, to hold at all hazards every post as far as the river Messagouche till the boundaries between the two countries should be settled by commissaries. He had under his command Indians, Canadians, regular troops, and Acadian refugees, to the number, it was thought, of twenty-five hundred. The English officer was therefore compelled to retire on the very day on which he landed.

Bancroft, Hist. of the U.S., vol.2, p.359

A swift vessel was despatched expressly from Halifax to inform the government that La Come and La Loutre held possession of the isthmus; that a town, which was within the acknowledged British limits, had been set on fire; that its inhabitants had crossed over to the French side; that the refugees, able to bear arms, were organized as a military force; that the French Acadians, remaining within the peninsula, unanimously wished to abandon it, rather than take the oath of allegiance to the English king; that the savages were incited to inroads and threats of a general massacre; that the war was continued on the part of the French by all open and secret means. At the same time, the governments of New Hampshire and the Massachusetts bay were informed of "the audacious proceedings" of the French, and invited to join in punishing La Corne as "a public incendiary."

Bancroft, Hist. of the U.S., vol.2, p.359

In England, the earl of Halifax insisted that the colony should be supported. New settlers were collected to be carried over at the public expense; and an Irish regiment was sent, with orders that Chiegnecto should be taken, fortified, and, if possible, colonized by Protestants. Yet a marked difference of opinion existed between the lords of trade and their superior. Bedford was honorably inclined to a pacific adjustment with France; but Halifax was ready to accept all risks of war. Impatient at his subordinate position, he "heartily hated" his patron, and aspired to a seat in the cabinet, with exclusive authority in the department.

Bancroft, Hist. of the U.S., vol.2, p.359 - p.360

Newcastle was sure to seize the occasion to side against the duke of Bedford, of whose "boyishness" and inattention to business even Pelham began to complain. "His office is a sinecure," said the king, who missed the pedantry of forms. It seemed as if Halifax would at once obtain the seal of the southern department, with the entire charge of the colonies. "Among the young ones, Halifax," wrote Pelham, "has the most efficient talents." "He would be more approved by the public," thought Hardwicke, "than either Holdernesse or Waldegrave." But Newcastle interposed, Saying: "Halifax is the last man, except Sandwich, I should think of for secretary of state. He is so conceited of his parts he would not be in the cabinet one month without thinking he knew as much or more of business than any one man. He is impracticable: the most odious man in the kingdom. A man of his life, spirit, and temper will think he knows better than anybody." Newcastle would have none of "that young fry;" and yet he would be rid of Bedford. "I am, I must be an errant cipher of the worst sort," said he in his distress, "if the duke of Bedford remains coupled with me as secretary of state." To get rid of Bedford was still to him "the great point," "the great point of all," more than the choice of the next emperor of Germany, and more than a war with the Bourbons.

Bancroft, Hist. of the U.S., vol.2, p.360

The two dukes remained at variance, leaving Cornwallis to "get the better in Nova Scotia without previous concert with France." In August, a second expedition left Halifax to take possession of Chiegnecto. A few Indians and Acadian refugees, aided, perhaps, by French in disguise, had intrenched themselves behind the dikes, and opposed its landing; nor were they dislodged without an intrepid assault, in which six of the English were killed and twelve wounded. This was the first shedding of blood after the peace of Aix-la-Chapelle. Fort Lawrence was now built on the south of the Messagouche; but the French had already fortified the opposite bank at Fort Beau Sejour as well as at Bay Verte. Having posts at the mouth of the St. John's river and the alliance of the neighboring Indians, they held the continent from Bay Verte to the borders of the Penobscot.

Bancroft, Hist. of the U.S., vol.2, p.360 - p.361

Such was the state of occupancy when, in September 1750, at Paris, Shirley, who had been placed at the head of the British commission, presented a memorial, claiming for the English all the land east of the Penobscot and south of the St. Lawrence as constituting the ancient Acadia. The claim, in its full latitude, was preposterous. In their reply, the French commissaries, in like manner disregarding the obvious construction of treaties, narrowed Acadia to the strip of land on the Atlantic between Cape St. Mary and Cape Canso.

Bancroft, Hist. of the U.S., vol.2, p.361

There existed in France statesmen who thought Canada itself an encumbrance, entailing expenses more than benefits. But La Galissoniere pleaded to the ministry that honor, glory, and religion forbade the abandonment of faithful and affectionate colonists, and the renunciation of the great work of converting the infidels of the wilderness; that Detroit was the natural centre of a boundless inland commerce; that the country of Illinois, in a delightful climate, was an open prairie, waiting for the plough; that Canada and Louisiana were the bulwarks of France in America against English ambition. Puysieux, the French minister for foreign affairs, like the English secretary, Bedford, was earnestly desirous of avoiding war; but a fresh collision in America touched the honor of the French nation, and made negotiation hopeless.

Bancroft, Hist. of the U.S., vol.2, p.361

A French brigantine with a schooner, laden with provisions and warlike stores, and bound from Quebec to the river St. John's, was met by Rous, in the British ship-of-war Albany, off Cape Sable. He fired a gun to bring her to; she kept on her course: he fired another and a third; and the brigantine prepared for action. The English instantly poured into her a broadside and a volley of small arms, and, after a short action, compelled her to strike. The Albany had a midshipman and two mariners killed; the French lost five men. The brigantine was taken to Halifax, and condemned in the admiralty court. To France it seemed that its flag had been insulted, its maritime rights disregarded, its men wantonly slain in time of peace, its property piratically seized and confiscated.

Bancroft, Hist. of the U.S., vol.2, p.361

The territory which is now Vermont was equally in dispute; New York carried its claims to the Connecticut river; France, which had command of Lake Champlain, extended her pretensions to the crest of the Green Mountains; while Wentworth, the only royal governor in New England, began to convey the soil between the Connecticut and Lake Champlain by grants under the seal of New Hampshire.

Bancroft, Hist. of the U.S., vol.2, p.361 - p.362

A deeper interest hung over the region drained by the Ohio. What language shall be the mother tongue of its future millions? Shall the Latin or the Teutonic nationality form the seed of its people? This year, Thomas Walker, of Virginia, conducted an exploring party into the South-west, and gave the name of Cumberland to a range of mountains, a pass, and a river; on a beech-tree Ambrose Powell carved his name, which is still borne by a river and a valley.

Bancroft, Hist. of the U.S., vol.2, p.362

The Six Nations asked the protection of New York for their friends and allies on the north of the Ohio. After concert with the governor of Pennsylvania, Clinton, in September 1750, appealed to the assembly for means to confirm their Indian alliances, and to assist "in securing the fidelity of the Indians on Ohio river." The assembly refused.

Bancroft, Hist. of the U.S., vol.2, p.362

The French, by their system of administration, insured obedience to "one council and one voice." To counteract their designs, the best minds in New York and other provinces were devising methods for "uniting the colonies on the main." Doubting whether union could be effected "without an immediate application to his majesty for that purpose," the council of New York still determined that the governor" should write to all governors upon the continent having Indian nations in their alliance, to invite commissioners from their respective governments " to meet the savage chiefs at Albany. But, from what Clinton called "the penurious temper of American assemblies," this invitation was not generally accepted, though it forms one important step in the progress of America toward limon.

Bancroft, Hist. of the U.S., vol.2, p.362

While Pennsylvania, in strife with its proprietaries, neglected its western frontier, the Ohio company of Virginia, profiting by the intelligence of Indian hunters who had followed every stream to its head-spring and crossed every gap in the mountain ranges, discovered the path by Will's creek to the Ohio. Their stores of goods, in 1750, were carried no farther than that creek. There they were sold to traders, who, with rivals from Pennsylvania, penetrated the West as far as the Miamis.

Bancroft, Hist. of the U.S., vol.2, p.362 - p.363

To search out and discover the lands westward of "the Great Mountains," the Ohio company summoned the adventurous Christopher Gist from his frontier home on the Yadkin. He was instructed to examine the western country as far as the falls of the Ohio; to look for a large tract of good level land; to mark the passes in the mountains; to trace the courses of the rivers; to count the falls; to observe the strength and numbers of the Indian nations.

Bancroft, Hist. of the U.S., vol.2, p.363

On the last day of October 1750, the bold envoy of civilization parted from the Potomac. He passed through snows over "the stony and broken land" of the Alleghanies; he halted among the twenty Delaware families that composed Shanoppin's town on the south-east side of the Ohio; swimming his horses across the river, he descended through the rich but narrow valley to Logstown. "You are come," said the jealous people, "to settle the Indians' lands: you never shall go home safe." Yet they respected him as a messenger from the English king. From the Great Beaver creek he crossed to the Muskingum, killing deer and wild turkeys. On Elk's Eye creek he found a village of the Ottawas, friends to the French. The hundred families of Wyandots, or Little Mingoes, at Muskingum, were divided, one half adhering to the English. George Croghan, an Indian trader, then the emissary from Pennsylvania, was already there; and traders came with the news that two of his people were taken by a party of French and Indians, and carried to the new fort at Sandusky. "Come and live with us," said the Wyandots to Gist; "bring great guns and make a fort. If the French claim the branches of the lakes, those of the Ohio belong to us and our brothers, the English." In January, 1751, after a delay of more than a month, the Wyandots held a council at Muskingum; but, while they welcomed the English agents, and accepted their strings of wampum, they deferred their decision to a general council of their several nations. The Delawares, who dwelt five miles above the mouth of the Scioto, like the others of their tribe, which counted in all five hundred warriors, promised good-will and love to the English.

Bancroft, Hist. of the U.S., vol.2, p.363

Just below the mouth of the Scioto lay the town of the Shawnees, on each side of the Ohio. They gratefully adhered to the English, who had averted from them the wrath of the Six Nations.

Bancroft, Hist. of the U.S., vol.2, p.363 - p.364

The envoys of the English world next crossed the Little Miami, and journeyed in February toward the Miami river; first of white men on record, they saw that the land beyond the Scioto, except for the first twenty miles, is rich and level, bearing walnut-trees of huge size, the maple, the wild cherry, and the ash; full of little streams and rivulets; variegated by natural prairies, covered with wild rye, blue grass, and white clover. Turkeys abounded, and deer; elks and most sorts of game; of buffaloes, thirty or forty were frequently seen feeding in one meadow. "Nothing," they cried, "is wanting but cultivation to make this a most delightful country." Their horses swam over the swollen current of the Great Miami; on a raft of logs they transported their goods and saddles. Our side of the town of the Picqualennees the warriors came forth to them with the peace-pipe. They entered the village with the English colors, were received as guests into the king's house, and planted the red cross upon its roof.

Bancroft, Hist. of the U.S., vol.2, p.364

The Miamis were the most powerful confederacy of the West, excelling the Six Nations, with whom they were in amity. Each tribe had its own chief; of whom one, at that time the chief of the Piankeshaws, was chosen indifferently to rule the whole nation. They formerly dwelt on the Wabash, but, for the sake of trading with the English, drew nearer the East. Their influence reached to the Mississippi, and they received frequent visits from tribes beyond that river. The town of Picqua contained about four hundred families, and was one of the strongest in that part of the continent.

Bancroft, Hist. of the U.S., vol.2, p.364

On the night of the arrival of the envoys from Virginia and Pennsylvania, two strings of wampum, given at the Long House of the villages, removed trouble from their hearts and cleared their eyes; and four other belts confirmed the message from the Wyandots and Delawares, commending the English to their care.

Bancroft, Hist. of the U.S., vol.2, p.364 - p.365

In the days that followed, the traders' men helped the men of Picqua to repair their fort, and distributed clothes and paint, that they might array themselves for the council. When it was told that deputies from the Wawiachtas, or, as we call them, Weas, and from the Piankeshaws, were coming, deputies from the Picquas went forth to meet them. The English were summoned to the Long House, to sit for a quarter of an hour in the silence of expectation, when two from each tribe, commissioned by their nations to bring the long pipe, entered with their message and their calumet.

Bancroft, Hist. of the U.S., vol.2, p.365

On the twenty-first of February, after a distribution of presents, articles of peace and alliance were drawn up between the English of Pennsylvania on the one side, and the Weas and Piankeshaws on the other; were signed and sealed in duplicate, and delivered on both sides. All the friendly tribes of the West were to meet the next summer at Logstown, for a general treaty with Virginia.

Bancroft, Hist. of the U.S., vol.2, p.365

The indentures had just been exchanged, when four Ottawas drew near, with a present from the governor of Canada; were admitted to the council, and desired a renewal of friendship with their fathers, the French. The king of the Piankeshaws, setting up the English colors, as well as the French, replied: "The path to the French is bloody, and was made so by them. We have cleared a road for our brothers, the English; and your fathers have made it foul and have taken some of our brothers prisoners." They had seized three at the Huron village near Detroit, and one on the Wabash. "This," added the king, "we look upon as done to us;" and, turning suddenly from them, he strode out of the council. At this, the representative of the French, an Ottawa, wept and howled, predicting sorrow for the Miamis.

Bancroft, Hist. of the U.S., vol.2, p.365

The Weas and Piankeshaws, after deliberation, sent a speech to the English by the great orator of the Weas. "You have taken us by the hand," were his words, "into the great chain of friendship. Therefore we present you with these two bundles of skins to make shoes for your people; and this pipe to smoke, to assure you our hearts are good toward you, our brothers."

Bancroft, Hist. of the U.S., vol.2, p.365

In the presence of the Ottawa ambassadors, the great warchief of Picqua stood up, and, summoning in imagination the French to be present, he spoke: "Fathers! you have desired we should go home to you, but I tell you it is not our home; for we have made a path to the sun-rising, and have been taken by the hand by our brothers, the English, the Six Nations, the Delawares, the Shawnees, and the Wyandots; and, we assure you, in that road we will go. That you may know our mind, we send you this string of black wampum.

Bancroft, Hist. of the U.S., vol.2, p.366

"Brothers, the Ottawas, tell that to your fathers, the French; for we speak it from our hearts."

Bancroft, Hist. of the U.S., vol.2, p.366

The French colors are taken down, the Ottawas are dismissed to the French fort at Sandusky. The Long House, late the senate-chamber of the united Miamis, rings with the music and the riotous motions of the feather-dance. A warchief strikes a post: the music ceases, and the dancers, on the instant, are hushed to silent listeners; the brave recounts his deeds in war, and proves the greatness of his mind by throwing presents lavishly to the musicians and the dancers. Then the turmoil of joy is renewed, till another rises to boast his prowess, and scatter gifts in his turn.

Bancroft, Hist. of the U.S., vol.2, p.366

On the first day of March, the agent of the Ohio company took his leave. Extending his tour, he gazed with rapture on the valley of the Great Miami, "the finest meadows that can be." He was told that the land was not less fertile to the very head-springs of the river, and west to the Wabash. He descended to the Ohio by way of the Little Miami, still finding many "clear fields," where herds of forty or fifty buffaloes were feeding together on the wonderfully tall grasses. When within fifteen miles of the falls at Louisville, he checked his perilous course; then ascending the valley of the Kentucky river, he found a pass to the Bluestone, and returned to his employers by way of the Roanoke.

Bancroft, Hist. of the U.S., vol.2, p.366

In April 1751, Croghan again repaired to the Ohio Indians. The half-king, a chief so called because he and his tribe were subordinate to the Iroquois confederacy, reported that the news of the expedition under Celoron had swayed the Onondaga council to allow the English to establish a trading-house; and a belt of wampum invited Hamilton, of Pennsylvania, to build a fort at the forks of Monongahela.

Chapter 4:

America Refuses to be Rules by Arbitrary Instructions,

Henry Pelham's Administration Continued,

1751-1753

Bancroft, Hist. of the U.S., vol.2, p.367

THE British ministry, absorbed by intrigues at home, gave little heed to the glorious country beyond the Alleghanies. Having failed in the attempt to subject the colonies by act of parliament to all future orders of the king, the lords of trade sought to gain the same end in detail. Rhode Island, a charter government, of which the laws were valid without the assent of the king, continued to emit paper currency; and the more freely, because Massachusetts had withdrawn its notes and returned to hard money. In 1742, twenty-eight shillings of Rhode Island currency would have purchased an ounce of silver; seven years afterward it required sixty shillings: compared with sterling money, the depreciation was as ten and a half or eleven to one. From the board of trade, in March 1751, a bill was presented to restrain bills of credit in New England, with an additional clause giving the authority of law to the king's instructions on that subject. In "the dangerous precedent" Bollan discerned the latent purpose of extending the same authority to other articles. He argued, moreover, that "the province had a natural and lawful right to make use of its credit for its defence and preservation." New York urged "the benefit of a paper credit." The obnoxious clause was abandoned; yet there seemed to exist in the minds of "some persons of consequence" a fixed design of getting a parliamentary sanction to the king's instructions.

Bancroft, Hist. of the U.S., vol.2, p.367 - p.368

Meantime, parliament, on the motion of Lord Chesterfield, for all the British dominions, adopted the new style of reckoning time.

Bancroft, Hist. of the U.S., vol.2, p.368

The board of trade was all the while maturing its scheme for controlling America. With Bedford's approbation, they advised a more authoritative commission for the next governor of New York, with more stringent instructions to its legislature to grant a permanent revenue to the royal officers, sufficient for Indian presents and for the civil list. At the same time it was resolved, under the guise of lenity, to obtain an American revenue by aid of parliament. The prohibitory discriminating duties in favor of the British West Indies, "given and granted" by parliament in 1733, on the products of the foreign West India islands imported into the continental colonies, were to be greatly reduced and collected.

Bancroft, Hist. of the U.S., vol.2, p.368

But no energetic system of colonial administration could be adopted without the aid of the friends of Bedford, and an intrigue to drive him from the cabinet had come to maturity. His neglect of the forms of office had vexed the king; his independence of character had offended the king's mistress. Sandwich, his friend, was dismissed from the admiralty. Admitted in June to an audience at court, Bedford inveighed long and vehemently against the treachery of the duke of Newcastle, and resigned. His successor was the earl of Holdernesse, a courtly peer, formal, and of talents which could not disquiet even Newcastle or alarm America.

Bancroft, Hist. of the U.S., vol.2, p.368

Every province shunned the charge of securing the valley of the Ohio. Of the Virginia company the means were limited. The assembly of Pennsylvania, from motives of economy, refused to ratify the treaty which Croghan had negotiated at Picqua, while the proprietaries of that province denied their liability "to contribute to Indian or any other expenses," and sought to cast the burden of a western fort on the equally reluctant "people of Virginia." New York would but remonstrate with the governor of Canada.

Bancroft, Hist. of the U.S., vol.2, p.368 - p.369

At the appointed time in July 1751, the deputies of the Six Nations repaired to Albany to renew their covenant chain, and to chide the inaction of the English. When the congress, which Clinton had invited to meet the Iroquois, assembled at Albany, South Carolina came, for the first time, to join in council with New York, Connecticut, and Massachusetts—its earliest movement toward confederation. From the Catawbas, hereditary foes to the Six Nations, deputies attended to hush the war-song that for so many generations had lured their chiefs along the Blue Ridge to western New York. They approached the grand council, singing words of reconciliation; bearing colored feathers horizontally, as to friends. Their great chief was the first to smoke the peace-pipe which he had lighted; then Hendrick, of the Mohawks; and all the principal sachems in succession. Nor was the council dismissed till a tree of Peace was planted, which was ever to be green, and to spread its shadow from the Great Lakes to the Gulf of Mexico.

Bancroft, Hist. of the U.S., vol.2, p.369

The French, on their side, sent priests to proselyte the Six Nations, and traders to undersell the British; in the summer of 1751, they launched an armed vessel of unusual size on Lake Ontario, and converted their trading-house at Niagara into a fortress; they warned the governor of Pennsylvania that the English never should make a treaty in the basin of the Ohio; they despatched troops to prevent an intended congress of red men; and they resolved to ruin the English interest in the remoter West by taking vengeance on the Miamis.

Bancroft, Hist. of the U.S., vol.2, p.369

Yet Louis XV disclaimed hostile intentions; and to the British minister at Paris he expressed concern that any cause of offence had arisen. But Saint-Contest, who, in September 1751, became minister, though a feeble statesman and fond of peace, aimed at a federative maritime system against England; and Rouille', the minister of the marine department, loved war and prepared for it. Spain wisely kept aloof. "By antipathy, and from interest," said the marquis of Ensenada, the considerate minister of Ferdinand VI., "the French and English will be enemies, for they are rivals for universal commerce;" and he urged on his sovereign seasonable preparations, that he might, by neutrality, recover Gibraltar.

Bancroft, Hist. of the U.S., vol.2, p.369 - p.370

Everything portended a conflict between England and France along their frontiers in America. To be prepared for it, Clinton's advisers recommended to secure the dominion of Lake Ontario by forts and by an armed sloop. It was asked, How is the expense to be defrayed i And the governor of New York proposed anew "a general duty by act of parliament; because it would be a most vain imagination to expect that all the colonies would severally agree to impose it."

Bancroft, Hist. of the U.S., vol.2, p.370

The receiver-general of New York, Archibald Kennedy, urged, through the press, "an annual meeting of commissioners from all the colonies, at New York or Albany;" and advised an increase of the respective quotas, and the enlargement of the union, so as to comprise the Carolinas. "From upward of forty years' observation upon the conduct of provincial assemblies, and the little regard paid by them to instructions," he inferred that "a British parliament must oblige them to contribute, or the whole would end in altercation and words."

Bancroft, Hist. of the U.S., vol.2, p.370

"A voluntary union entered into by the colonies themselves," said a voice from Philadelphia, in March 1752, "would be preferable to one imposed by parliament; for it would be, perhaps, not much more difficult to procure, and more easy to alter and improve, as circumstances should require and experience direct. It would be very strange if six nations of ignorant savages should be capable of forming a union that has subsisted for ages, and appears indissoluble; and yet that a like union should be impracticable for ten or a dozen English colonies, to whom it is more necessary, and must be more advantageous."

Bancroft, Hist. of the U.S., vol.2, p.370

While the people of America were becoming familiar with the thought of one voluntary confederacy, the government of England took a decisive step toward that concentration of power over its remote dominions, which for thirty years had been the avowed object of the board of trade. Halifax, with his colleagues, of whom Charles Townshend was the most enterprising and most rash, was vested with the entire patronage and correspondence belonging to American affairs, except that on important matters governors might still address the secretary of state, through whom nominations to offices were to be laid before the king. Nor did the board of trade delay to exercise its functions, being resolved to attach large emoluments, independent of American acts of assembly, to all the offices, of which they had now acquired the very lucrative patronage.

Bancroft, Hist. of the U.S., vol.2, p.370 - p.371

But, in the moment of experiment, delay arose from the state of relations with France. Danger lowered on the whole American frontier. In the early summer of 1752, John Stark, of New Hampshire, as fearless a young forester as ever bivouacked in the wilderness, of a rugged nature but of the coolest judgment, was trapping beaver along the brooks of his native highlands, when a party of St. Francis Indians stole upon his steps and scalped one of his companions. By courage and good humor, he won the love of his captors, was saluted by their tribe as a young chief, and for a ransom was set free.

Bancroft, Hist. of the U.S., vol.2, p.371

The Ohio company, with the sanction of the legislature of Virginia, were forming a settlement beyond the mountains. Gist had, on a second tour, explored the lands south-east of the Ohio as far as the Kanawha. But the jealous deputy of the Delaware chiefs exclaimed: "Where lie the lands of the Indians? The French claim all on one side of the river, and the English on the other."

Bancroft, Hist. of the U.S., vol.2, p.371

Virginia, under the treaty of Lancaster, of 1744, assumed the right to lands as far west as the Mississippi. In May 1752, her commissioners met chiefs of the Mingoes, Shawnees, and Ohio Indians at Logstown. It was pretended that chiefs of the Six Nations were present; but, at a general meeting at Onondaga, they had resolved that it did not suit their customs "to treat of affairs in the woods and weeds." "Now," said the half-king, "we see and know that the French design to cheat us out of our lands, for they have struck our friends, the Miamis: we therefore desire our brothers of Virginia may build a strong house at the fork of Monongahela."

Bancroft, Hist. of the U.S., vol.2, p.371

In pursuance of the resolve to exclude the English from the valley of the Miami, on the morning of the summer solstice, two Frenchmen, with two hundred and forty French Indians, leaving thirty Frenchmen as a reserve, suddenly appeared before the town of Picqua, when most of the people were hunting, and demanded the surrender of the English traders and their effects. The king of the Piankeshaws replied: "They are here at our invitation; we will not do so base a thing as to deliver them up." The French party assaulted the fort; the Piankeshaws bravely defended themselves and their guests, but were overwhelmed by numbers. One white man was killed, and five were taken prisoners; of the Miamis, fourteen were killed; the king of the Piankeshaws, the chief of the confederacy, was sacrificed and eaten.

Bancroft, Hist. of the U.S., vol.2, p.371 - p.372

When William Trent, of Virginia, proceeded from the council-fires at Logstown to the Picqua, he found the French colors flying over its deserted ruins. Having substituted the English flag, he returned to the Shawnee town, at the month of the Scioto, where the messengers of the allied tribes met to concert revenge.

Bancroft, Hist. of the U.S., vol.2, p.372

"Brothers," said the Delawares to the Miamis, "we desire the English and the Six Nations to put their hands upon your heads, and keep the French from hurting you. Stand fast in the chain of friendship with the government of Virginia."

Bancroft, Hist. of the U.S., vol.2, p.372

"Brothers," said the Miamis to the English, "the dwellings of your governors are like the spring in its bloom."

Bancroft, Hist. of the U.S., vol.2, p.372

"Brothers," they added to the Six Nations, holding aloft a calumet ornamented with feathers, "the French and their Indians have struck us, yet we kept this pipe unhurt;" and they delivered it to the Six Nations, in token of friendship with them and with their allies.

Bancroft, Hist. of the U.S., vol.2, p.372

A shell and a string of black wampum were given to signify the unity of heart; and that, though it was darkness to the westward, yet toward the sun-rising it was bright and clear. Another string of black wampum announced that the Miamis held the hatchet in their hand, ready to strike the French. The widowed queen of the Piankeshaws sent a belt of black shells intermixed with white. "Brothers," such were her words, "I am left a poor, lonely woman, with one son; I pray the English, the Six Nations, the Shawnees, and the Delawares to take care of him."

Bancroft, Hist. of the U.S., vol.2, p.372

The Weas produced a calumet. "We have had this feathered pipe," said they, "from the beginning of the world; so that, when it becomes cloudy, we can sweep the clouds away. It is dark in the west; yet we sweep all clouds away toward the sun-rising, and leave a clear and serene sky."

Bancroft, Hist. of the U.S., vol.2, p.372 - p.373

All the speeches were repeated to the deputies of the nations represented at Logstown, that they might be pronounced correctly before the council at Onondaga. A messenger from the Miamis hurried across the mountains, bearing to Dinwid die, the able lieutenant-governor of Virginia, a belt of wampum, the scalp of a French Indian, and a feathered pipe, with letters from the dwellers on the Maumee and on the Wabash. "Our good brothers of Virginia," said the former, "we must look upon ourselves as lost, if our brothers, the English, do not stand by us and give us arms." "Eldest brother," pleaded the Picts and Windaws, "this string of wampum assures you that the French king's servants have spilled our blood, and eaten the flesh of three of our men. Look upon us, and pity us; for we are in great distress. Our chiefs have taken up the hatchet of war. We have killed and eaten ten of the French and two of their negroes. We are your brothers."

Bancroft, Hist. of the U.S., vol.2, p.373

In December 1752, Dinwiddie made an elaborate report to the board of trade, and asked instructions as to his conduct in resisting the French. The Ohio valley he foresaw would fall to the Americans from the gradual extension of their settlements, for whose security he recommended a barrier of western forts and an alliance with the Miamis.

Bancroft, Hist. of the U.S., vol.2, p.373

The aged and undiscerning German prince who still sat on the British throne, methodically narrow, meanly avaricious and spiritless, cared more for Hanover than for America. His ministers were intent only on keeping in power. "To be well together with Lady Yarmouth," Pelham wrote, "is the best ground to stand on." "If the good-will of the king's mistress shakes," continued England's prime minister to its principal secretary of state, "we have no resource." The whig aristocracy had ruled for nearly forty years, and it had nothing better to offer the British people than an administration which openly spoke of seats in parliament as "a marketable commodity," and governed the king by paying court to his vices.

Bancroft, Hist. of the U.S., vol.2, p.373 - p.374

The heir to the throne was a boy of fourteen, of whose education royalists and the more liberal aristocracy were disputing the charge. His birth occurred within less than ten months of that of his eldest sister; and his organization was marked by a nervous irritability, which increased with years. He shows no disposition to any great excess," said Dodington to his mother. "He is a very honest boy," answered the princess, who still wished him "more forward and less childish." "The young people of quality," she added, "are so ill-educated and so very vicious that they frighten me;" and she secluded her son from their society. The prince, from his own serious nature, favored this retirement; when angry, he would hide his passion in the solitude of his chamber; and, as he grew up, his strict sobriety and fondness for domestic life were alike observable. He never loved study. "I am afraid," said his mother, "his preceptors teach him not much." "I do not much regard books," rejoined her adviser, Dodington; "but his royal highness should be informed of the general frame of this government and constitution, and the general course of business." "I am of your opinion," answered the princess. "I know nothing," she added, "of the Jacobitism attempted to be instilled into the child; I cannot conceive what they mean." But Lord Harcourt, the governor, "complained strongly to the king that arbitrary principles were instilled into the prince;" and the earl of Waldegrave, Harcourt's successor, "found Prince George uncommonly full of princely prejudices, contracted in the nursery, and improved by the society of bed-chamber women and pages of the back stairs. A right system of education seemed impracticable."

Bancroft, Hist. of the U.S., vol.2, p.374

In January 1753, the communication of Dinwiddie found the lords of trade bent on sustaining the extended limits of America. In the study of the western world, no one of them was so indefatigable as Charles Townshend. The elaborate memorial on the limits of Acadia, delivered in Paris by the English commissioners that mouth, was entirely his work, and, though unsound in its foundation, won for him great praise for research and ability. He now joined his colleagues in advising the immediate occupation of the eastern bank of the Ohio.

Bancroft, Hist. of the U.S., vol.2, p.374

Many proposals were "made for laying taxes on North America." The board of trade still urged "a revenue with which to fix settled salaries on the northern governors, and defray the cost of Indian alliances." "Persons of consequence repeatedly, and without concealment, expressed undigested notions of raising revenues out of the colonies." Some proposed to obtain them from the post-office, a modification of the acts of trade, and a general stamp act for America. With Pelham's concurrence, the board of trade, on the eighth day of March 1753, announced to the house of commons the want of a colonial revenue; and, as the first expedient, proposed imposts on all West Indian produce brought into the northern colonies. The project was delayed only for the adjustment of its details.

Bancroft, Hist. of the U.S., vol.2, p.374 - p.375

Meantime, at Winchester, in 1753, a hundred Indians of Ohio renewed to Virginia the proposal for an English fort on the Ohio, and promised aid in repelling the French. They repaired to Pennsylvania with the same message, and were met by evasions. The ministry, which had, from the first, endeavored to put upon America the expenses of Indian treaties and of colonial defence, continued to receive early and accurate intelligence from Dinwiddie. The king in council, swayed by the representations of the board, decided that the valley of the Ohio was in the western part of the colony of Virginia; and that "the march of certain Europeans to erect a fort in parts" of his dominions was to be resisted; but the cabinet, with Holdernesse and Newcastle for its guides, took no effective measures to support the decree. It only instructed Virginia, at its own cost and with its own militia, to build forts on the Ohio, to keep the Indians in subjection, and to repel the French by force. France was defied and attacked, with no preparation beyond a secretary's letters and the king's instructions. A circular was sent to every one of the colonies, vaguely requiring them to aid each other in repelling all encroachments of France on "the undoubted" territory of England.

Bancroft, Hist. of the U.S., vol.2, p.375

This is the time chosen by the board of trade for the one last great effort to govern America by the prerogative. New York remained the scene of the experiment; and Sir Danvers Osborne, brother-in-law to the earl of Halifax, having Thomas Pownall for his secretary, was commissioned as its governor, with instructions which were "advised" by Halifax and Charles Townshend, and were confirmed by the king in council.

Bancroft, Hist. of the U.S., vol.2, p.375

The new governor, just as he was embarking, was charged "to apply his thoughts very closely to Indian affairs;" and, in September, the lords of trade directed commissioners from the northern colonies to meet the next summer at Albany and make a common treaty with the Six Nations.

Bancroft, Hist. of the U.S., vol.2, p.375 - p.376

During the voyage, Osborne, reeling with private grief, brooded despondingly over the task he had assumed. On the tenth of October 1753, he took the oaths of office at New York; and the people, who welcomed him with acclamations, hooted his predecessor. "I expect the like treatment," said he to Clinton, "before I leave the government." On the same day he was startled by an address from the city council, who declared they would not "brook any infringement of their inestimable liberties, civil and religious." On the next, he communicated to the council his instructions, which required the assembly "to recede from all encroachments on the prerogative," and "to consider, without delay, of a proper law for a permanent revenue, solid, definite, and without limitation." All public money was to be applied by the governor's warrant, with the consent of council, and the assembly was never to be allowed to examine accounts. With a distressed countenance and a plaintive voice, he asked if these instructions would be obeyed. All agreed that the assembly never would comply. He sighed, turned about, reclined against the window-frame, and exclaimed: "Then why am I come here?"

Bancroft, Hist. of the U.S., vol.2, p.376

Being of morbid sensitiveness, honest, and scrupulous of his word, the unhappy man spent the night in arranging his private affairs, and toward morning hanged himself against the fence in the garden. His death left the government in the hands of James Delancey, whose neutrality Newcastle had endeavored to conciliate by a commission as lieutenant-governor. "Dissolve us as often as you will," said his old associates in opposition, "we will never give up" the custom of annual grants. But they consented that all disbursements of public money should require the warrant of the governor and council, except only for the payment of their own clerk and their agent in England. The instructions given to Osborne, Charles Townshend defended to the last; but the younger Horace Walpole judged them "better calculated for the latitude of Mexico and for a Spanish tribunal than for free, rich British settlements, in such opulence and haughtiness that suspicions had long been conceived of their meditating to throw off their dependence on the mother country."

Bancroft, Hist. of the U.S., vol.2, p.376

While Great Britain was thus marching toward the loss of her colonies, the earl of Chesterfield wrote: "This I foresee in France, that, before the end of this century, the trade of both king and priest will not be half so good a one as it has been." "All the symptoms which I have ever met with in history, previous to great changes and revolutions in government, now exist and daily increase in France."

Chapter 5:

Franklin Plans Union for the American People,

1753-1754

Bancroft, Hist. of the U.S., vol.2, p.377

FROM Virginia, the Ohio company, in 1753, opened a road by Will's creek into the western valley; and Gist established a plantation near the Youghiogeny, just beyond Laurel Hill. Eleven families settled in his vicinity; a town and fort were marked out on Shurtee's creek, but the British government left the feeble company exposed to the red men and to the French.

Bancroft, Hist. of the U.S., vol.2, p.377

The young men of the Six Nations had been hunting near the rapids of the St. Lawrence. Suddenly they beheld a large body of French and Indians, equipped for war, marching toward Lake Ontario; and their two fleetest messengers hurried to the grand council at Onondaga. In eight-and-forty hours the decision of the council was borne by fresh posts to the nearest English station; and on the nineteenth of April, at midnight, the two Indians from Canajoharie, escorted by Mohawk warriors, that filled the air with their whoops and halloos, presented to Johnson the belt summoning the English to protect the Ohio Indians and the Miamis. In May, more than thirty canoes were counted as they passed Oswego; part of an army going to "the Beautiful River" of the French. The Six Nations foamed with eagerness to take up the hatchet; for, said they, "Ohio is ours."

Bancroft, Hist. of the U.S., vol.2, p.377 - p.378

On the report that twelve hundred men had been detached from Montreal, by Duquesne, the successor of La Jonquiere, to occupy the Ohio valley, the Indians on the banks of that river—promiscuous bands of Delawares, Shawnees, and Mingoes, or emigrant Iroquois—after a council at Logstown, resolved to protest against the invasion. Their envoy met the French, in April, at Niagara, and gave them the first warning to turn back.

Bancroft, Hist. of the U.S., vol.2, p.378

As the message sent from the council-fires of the tribes was unheeded, Tanacharisson, the half-king, repaired to them at the newly discovered harbor of Erie, and, undismayed by a rude reception, delivered his speech: "Fathers! you are disturbers in this land, by taking it away unknown to us and by force. This is our land, and not yours. Fathers! both you and the English are white; the land belongs to neither the one nor the other of you; but the Great Being above allowed it to be a dwelling-place for us: so, fathers, I desire you to withdraw, as I have desired our brothers, the English;" and he gave the belt of wampum.

Bancroft, Hist. of the U.S., vol.2, p.378

"Child," replied the French officer, "you talk foolishly; you say this land belongs to you; but not so much of it as the black of your nail is yours. It is my land; and I will have it, let who will stand up against it;" and he threw back the wampum. His words dismayed the half-king.

Bancroft, Hist. of the U.S., vol.2, p.378

In September, the mightiest men of the Mingo clan, of the Delawares, the Shawnees, the Wyandots, and the Miamis, met Franklin, of Pennsylvania, and his two colleagues, at Carlisle. They wished neither French nor English to settle in their country; if the English would lend aid, they would repel the French. The calm statesman distributed presents to all, but especially gifts of condolence to the tribe that dwelt at Picqua; and, returning to Philadelphia, he made known that the French had established posts at Erie, Waterford, and Venango, and were preparing to occupy the banks of the Monongahela.

Bancroft, Hist. of the U.S., vol.2, p.378

Sanctioned by orders from the king, Dinwiddie, of Virginia, resolved to send "a person of distinction to the commander of the French forces on the Ohio river, to know his reasons for invading the British dominions, while a solid peace subsisted." The envoy whom he selected was George Washington. The young man, then just twenty-one, familiar with the wilderness, entered with alacrity on the perilous winter's journey from Williamsburg to the streams of Lake Erie.

Bancroft, Hist. of the U.S., vol.2, p.378 - p.379

In the middle of November, with an interpreter and four attendants, and Christopher Gist as a guide, he left Will's creek; and following the Indian trace through gloomy solitudes, crossing mountains, rocky ravines, and streams, through sleet and snows, he rode in nine days to the fork of the Ohio. How lonely was the Spot, where, so long unheeded of men, the rapid Alleghany met nearly at right angles "the deep and still" Monongahela! "I spent some time," said Washington, in viewing the rivers;" "the land in the fork has the absolute command of both." "The flat, well-timbered land all around the point lies very convenient for building." After creating in imagination a fortress and a city, he and his party, on the twenty-third of November 1753, swam their horses across the Alleghany, and wrapped their blankets around them for the night on its north-west bank.

Bancroft, Hist. of the U.S., vol.2, p.379

From the fork, the chief of the Delawares conducted Washington through rich alluvial fields to the valley at Logstown. There deserters from Louisiana discoursed of the route from New Orleans to Quebec, along the Wabash and the Maumee, and of a detachment from the lower province on its way to meet the French troops from Lake Erie, while Washington held close colloquy with the half-king; the one anxious to gain the West as a part of Virginia, the other to preserve it for the red men. "We are brothers," said the half-king, in council; "we are one people; I will send back the French speech-belt, and will make the Shawnees and the Delawares do the same."

Bancroft, Hist. of the U.S., vol.2, p.379

On the night of the twenty-ninth, the council-fire was kindled; an aged orator was selected to address the French; the speech which he was to deliver was debated and rehearsed; it was agreed that, unless the French would heed this third warning to quit the land, the Delawares would be their enemies; and a very large string of black and white wampum was sent to the Six Nations as a prayer for aid.

Bancroft, Hist. of the U.S., vol.2, p.379 - p.380

After these preparations, the party of Washington, attended by the half-king and envoys of the Delawares, moved onward to the French at Venango. The officers there avowed the purpose of taking possession of the Ohio; and they mingled the praises of La Salle with boasts of their forts at Le Boeuf and Erie, at Niagara, Toronto, and Frontenac. "The English," said they, "can raise two men to our one; but they are too dilatory to prevent any enterprise of ours." The Delawares were intimidated; but the half-king clung to Washington like a brother, and delivered up his belt as he had promised.

Bancroft, Hist. of the U.S., vol.2, p.380

The creeks were swollen; the messengers could pass them only by felling trees for bridges. Thus they proceeded, now killing a buck and now a bear, delayed by rains and snows, by mire and swamps, while Washington's quick eye discerned all the richness of the meadows.

Bancroft, Hist. of the U.S., vol.2, p.380

At Waterford, the limit of his journey, he found Fort Le Boeuf defended by cannon. Around it stood the barracks of the soldiers, rude log cabins, roofed with bark. Fifty birchbark canoes, and one hundred and seventy boats of pine, were already constructed for the descent of the river, and materials were collected for building more. The commander, Gardeur de Saint-Pierre, an officer of integrity and experience, and for his dauntless courage both feared and beloved by the red men, refused to discuss questions of right. "I am here," said he, "by the orders of my general, to which I shall conform with exactness." And he avowed his purpose of seizing every Englishman within the Ohio valley.

Bancroft, Hist. of the U.S., vol.2, p.380 - p.381

Breaking away from courtesies, Washington hastened homeward. The rapid current of French creek dashed his party against rocks; in shallow places they waded, the water congealing on their clothes; where the ice had lodged on the bend of the rivers, they carried their canoe across the neck. At Venango, they found their horses, but so weak that they went still on foot, heedless of the storm. The cold increased very fast; the paths grew "worse by a deep snow continually freezing." Impatient to get back with his despatches, the young envoy, wrapping himself in an Indian dress, with gun in hand and pack on his back, the day after Christmas quitted the usual path, and, with Gist for his sole companion, steered by the compass for the fork. An Indian, who had lain in wait for him, fired at him from not fifteen steps' distance, but, missing him, became his prisoner. "I would have killed him," wrote Gist, "but Washington forbade." Dismissing their captive at night, they walked about half a mile, then kindled a fire, fixed their course by the compass, and continued travelling all night, and all the next day, till quite dark. Only then did they "think themselves safe enough to sleep;" and they took their rest, with no shelter but the leafless forest-tree.

Bancroft, Hist. of the U.S., vol.2, p.381

On reaching the Alleghany, with one poor hatchet and a whole day's work, a raft was constructed and launched. But, before they were half over the river, they were caught in the running ice. Putting out the setting-pole to stop the raft, Washington was jerked into the deep water, and saved himself only by grasping at the raft-logs. They were obliged to make for an island. There lay Washington imprisoned by the elements; but the December night was intensely cold, and in the morning he found the river frozen. Not till he reached Gist's settlement, in January 1754, were his toils lightened.

Bancroft, Hist. of the U.S., vol.2, p.381

His report was followed by immediate activity. An officer, appointed by Dinwiddie, having enlisted about seventy men west of the mountains, to the great joy of the Indians, began building a fort at the mouth of the Monongahela, on ground which had already been occupied by the Ohio company. A French officer, appearing at Logstown, threatened death to the subordinates of the Six Nations, and to their English allies: and the speaker of the Indians retorted words of defiance. The Virginia house of burgesses, relying on the king to protect the boundary of his dominions, applied to that purpose a loan of ten thousand pounds, taking care to place the disbursement of the money under the superintendence of their own committee. Washington, who for a time had been stationed at Alexandria to enlist recruits, received from Dinwiddie a commission as lieutenant-colonel and orders, with one hundred and fifty men, to take command at the fork of the Ohio; "to finish the fort already begun there by the Ohio company, and "to make prisoners, kill, or destroy all who interrupted the English settlements." Officers and men were promised two hundred thousand acres on the Ohio, to be divided among them.

Bancroft, Hist. of the U.S., vol.2, p.381 - p.382

North Carolina voted for the service twelve thousand pounds of its paper money, most of which was expended uselessly. Maryland accomplished nothing, for a diminution of the privileges of its proprietary was the condition on which alone it was willing to give aid. Massachusetts, with the French on its eastern frontier and at Crown Point, voted neither Honey nor troops. Pennsylvania, like Maryland, fell into strife with its proprietaries, and, incensed at their parsimony, at that time perfected no grant, although the French were within its borders. In April, the assembly of New York voted a thousand pounds to Virginia, but declined assisting to repel the French from a post which lay within Pennsylvania. The assembly of New Jersey would not even send commissioners to a congress at Albany.

Bancroft, Hist. of the U.S., vol.2, p.382

In England it was the "opinion of the greatest Hen" that the colonies should contribute jointly toward their defence. How to unite them occupied many minds on each side of the water. Glen, the governor of South Carolina, proposed a meeting, in Virginia, of all the continental governors, to adjust a quota from each colony for defence on the Ohio. "The assembly of this Dominion," observed Dinwiddie, "will not be directed what supplies to grant, and will always be guided by their own free determinations; they would think any restraint or direction an insult on their privileges, that they are so very fond of." "The house of burgesses," he complained, "were in a republican way of thinking;" no power within the colony could "bring them to order."

Bancroft, Hist. of the U.S., vol.2, p.382 - p.383

The province of Massachusetts had never intrusted its affairs to a set of men of so little wariness and foresight as the council and assembly of 1754. In an address to Shirley, their governor, they adopted recommendations of Hutchinson and Oliver. Soliciting the king, that the French forts within his territories might be removed, they said: "The French have but one interest; the English governments are disunited; some of them have their frontiers covered by their neighboring governments, and, not being immediately affected, seem unconcerned." "We are very sensible of the necessity of the colonies affording each other mutual assistance; and we make no doubt but this province will, at all times, with great cheerfulness, furnish their just and reasonable quota toward it." Shirley made use of these words to renew the advice which he had urged six years before. His counsels, which were now, in some sense, the echo of the thoughts of his superiors, were cited as conclusive; and he repeatedly assured the ministry that, unless the king should himself determine for each colony its quota of men or money, and unless the colonies should be obliged, in some effectual manner, to conform to that determination, there could be no general plan for the defence of America.

Bancroft, Hist. of the U.S., vol.2, p.383

"A gentle land-tax, being the most equitable, must be our last resort," said Kennedy, through the press of New York and of London. He looked to the congress at Albany with hope, but his dependence was on parliament; for "with parliament there would be no contending. And when their hands are in," he added, "they may lay the foundation of a regular government among us, by fixing a support for the officers of the crown, independent of an assembly?"

Bancroft, Hist. of the U.S., vol.2, p.383

James Alexander, of New York, the same who, with the elder William Smith, had introduced the custom of granting but an annual support, thought that the British parliament should establish the duties for a colonial revenue, which the future American grand council, to be composed of deputies from all the provinces, should have no power to diminish. The members of the grand council may themselves become dangerous, reasoned the royalist Colden, who saw no mode of obtaining the necessary funds but by parliamentary taxation. But Franklin having for his motto, "Join or die," sketched to his friends the outline of a confederacy which should truly represent the whole American people.

Bancroft, Hist. of the U.S., vol.2, p.383

The British ministry as yet did nothing but order the independent companies, stationed at New York and at Charleston, to take part in defence of western Virginia. But as soon as spring opened the western rivers, and before Washington could reach Will's creek, the French, led by Contrecoeur, came down from Venango and summoned the English at the fork to surrender. Only thirty-three in number, they, on the seventeenth of April, capitulated and withdrew. Contrecoeur occupied the post, which he fortified, and, from the governor of New France, named Duquesne. The near forest-trees were felled and burned; cabins of bark, for barracks, were built round the fort; and among the charred stumps wheat and maize sprung up where now is Pittsburg.

Bancroft, Hist. of the U.S., vol.2, p.383 - p.384

"Come to our assistance as soon as you can," was the message sent by the half-king's wampum to Washington; "come soon, or we are lost, and shall never meet again. I speak it in the grief of my heart." And a belt in reply announced the approach of the half-king's "brother and friend." The raw recruits could advance but slowly, fording deep streams, and dragging their few cannon. In the cold and wet season, they were without tents, without a supply of clothes, often in want of provisions. On the twenty-fifth of May 1754, the half-king sent word: "Be on your guard; the French army intend to strike the first English whom they shall see."

Bancroft, Hist. of the U.S., vol.2, p.384

The same day another report came, that the French were but eighteen miles distant, at the crossing of the Youghiogeny. Washington hurried to the Great Meadows, where, "with nature's assistance, he made a good intrenchment, and prepared" what he called "a charming field for an encounter." A small, light detachment, sent out on wagon-horses to reconnoitre, returned without being able to find any one. By the rules of wilderness warfare, a party that skulks and hides is an enemy. At night the little army was alarmed, and remained under arms from two o'clock till near sunrise. On the morning of the twenty-seventh, Gist arrived. He had seen the trail of the French within five miles of the American camp.

Bancroft, Hist. of the U.S., vol.2, p.384

In the evening of that day, about nine o'clock, an express came from the half-king, that the armed body of the French was not far off. Through a heavy rain, in a night as dark as can be conceived, with but forty men, marching in single file along a most narrow trace, Washington groped his way to the camp of the half-king. After council, it was agreed to go hand in hand and strike the invaders. Two Indians, following the trail of the French, discovered their lodgement, away from the path, concealed among rocks. With the Mingo chiefs Washington made arrangements to come upon them by surprise. Perceiving the English approach, they ran to seize their arms. "Fire!" said Washington; and that word of command kindled the first great war of revolution.

Bancroft, Hist. of the U.S., vol.2, p.384 - p.385

An action of about a quarter of an hour ensued. The right wing, where Washington stood, received all the enemy's fire. One man was killed near him, and three others wounded. "I fortunately escaped without any wound," wrote Washington to his brother; and in a postscript these words escaped him: "I heard the bullets whistle, and, believe me, there is something charming in the sound." Ten of the French were killed, among them Jumonville, the commander of the party; and twenty-one were made prisoners. The dead were scalped by the Indians; and the chieftain, Monacawache, bore a scalp and a hatchet to each of the tribes of the Miamis, inviting them to go hand in hand with the Six Nations and the English.

Bancroft, Hist. of the U.S., vol.2, p.385

While Washington was looking wistfully for aid from the banks of the Muskingum, the Miami, and the Wabash, from Maryland and Pennsylvania, from all the six provinces to which appeals had been made, no relief arrived. An independent company came, indeed, from South Carolina; but its captain, proud of his commission from the king, wrangled for precedence over the lieutenant-colonel of the Virginia regiment, and remained in idleness at Great Meadows "from one full moon to the other."

Bancroft, Hist. of the U.S., vol.2, p.385

As the numbers of the French were constantly increasing, Washington, on the first day of July, fell back upon Fort Necessity, the rude stockade at Great Meadows. On the third, about noon, six hundred French, with one hundred Indians, came in sight, and from sheltered positions fired on the Virginians. For nine hours, in a heavy rain, the fire was returned. After thirty of the English and but three of the French had been killed, De Villiers, fearing his ammunition would give out, proposed a parley. Terms for the cessation of hostilities were interpreted to Washington, who did not understand French; and, as interpreted, were accepted. On the fourth, the English garrison, retaining all its effects, but leaving hostages, withdrew from the basin of the Ohio. In the valley of the Mississippi no standard floated but that of France.

Bancroft, Hist. of the U.S., vol.2, p.385 - p.386

Hope might dawn from Albany. There, on the nineteenth day of June 1754, assembled the memorable congress of commissioners from every colony north of the Potomac. The Virginia government was represented by the presiding officer, Delancey, the lieutenant-governor of New York. They met to concert measures of defence, and to treat with the Six Nations and the tribes in their alliance. America had never seen an assembly so venerable for the states that were represented, or for the great and able men who composed it. Every voice declared a union of all the colonies to be absolutely necessary; and the experienced Hutchinson, of Massachusetts, proud of having rescued that colony from thraldom to paper money; Hopkins, a patriot of Rhode Island; the wise and faithful Pitkin, of Connecticut; Tasker, of Maryland; the liberal Smith, of New York; and Franklin, the most benignant of statesmen—were deputed to prepare a constitution for a perpetual confederacy of the continent; but Franklin had already "projected" a plan, and had brought the heads of it with him.

Bancroft, Hist. of the U.S., vol.2, p.386

The representatives of the Six Nations assembled tardily, but urged union and action. They accepted the tokens of peace; they agreed to look upon "Virginia and Carolina" as Present. "You desired us to open our minds and hearts to you," said Hendrick, the great Mohawk chief. "Look at the French; they are men; they are fortifying everywhere. But, we are ashamed to say it, you are like women, without any fortifications. It is but one step from Canada hither, and the French may easily come and turn you out of doors."

Bancroft, Hist. of the U.S., vol.2, p.386

The distrust of the Six Nations was still stronger than was expressed. Though presents in unusual abundance had been provided, and a general invitation had been given, but one hundred and fifty warriors appeared. Half of the Onondagas had withdrawn, and joined the settlement formed at Oswegatchie under French auspices. Even Mohawks went to the delegates from Massachusetts to complain that the ground on which they slept, and where burned the fires by which they sat, had never been sold, but had yet been surveyed and stolen from them in the night. The lands on the Ohio they called their own; and, as Connecticut, whose jurisdiction, by its charter, extended west to the Pacific, was claiming a part of Pennsylvania, they advised the respective claimants to remain at peace.

Bancroft, Hist. of the U.S., vol.2, p.386

The red men having held their last council, and the congress, by its president, having spoken to them farewell, the discussion of the federative compact was renewed; and, the project of Franklin being accepted, he was deputed alone to make a draught of it. On the tenth day of July, he produced the finished plan of perpetual union, which was read paragraph by paragraph, and debated all day long.

Bancroft, Hist. of the U.S., vol.2, p.387

The seat of the proposed federal government was to be Philadelphia, a central city, which it was thought could be reached even from New Hampshire or South Carolina in fifteen or twenty days. The constitution was a compromise between the prerogative and popular power. The king was to name and to support a governor-general, who should have a negative on all laws; the people of the colonies, through their legislatures, were to elect triennially a grand council, which alone could originate bills. Each colony was to send a number of members in proportion to its contributions, yet not less than two, nor more than seven. The governor-general was to nominate military officers, subject to the advice of the council, which, in turn, was to nominate all civil officers. No money was to be issued but by their joint order. Each colony was to retain its domestic constitution; the federal government was to regulate all relations of peace or war with the Indians, affairs of trade, and purchases of lands not within the bounds of particular colonies; to establish, organize, and temporarily to govern new settlements; to raise soldiers, and equip vessels of force on the seas, rivers, or lakes; to make laws, and levy just and equal taxes. The grand council were to meet once a year, to choose their own speaker, and neither to be dissolved nor prorogued, nor to continue sitting longer than six weeks at any one time, but by their own consent.

Bancroft, Hist. of the U.S., vol.2, p.387 - p.388

The most sedulous friend of union, and "the principal hand in forming the plan," was Benjamin Franklin. Almost every article was contested by one or another. His warmest supporters were the delegates from New England, yet Connecticut feared the negative power of the governor-general. On the royalist side, none opposed but Delancey. He would have reserved to the colonial governors a negative on all elections to the grand council; but it was answered that the colonies would then be virtually taxed by a congress of governors. The sources of revenue suggested in debate were a duty on spirits and a general stamp-tax. At length, after much debate, in which Franklin manifested consummate address, the commissioners agreed on the proposed confederacy "pretty unanimously." "It is not altogether to my mind," said Franklin, giving an account of the result, "but it is as I could get it;" and copies were ordered, that every member might "lay the plan of union before his constituents for consideration;" and a copy be transmitted to the governor of each colony not represented in the congress.

Bancroft, Hist. of the U.S., vol.2, p.388

New England colonies in their infancy had given birth to a confederacy. William Penn, in 1697, had proposed an annual congress of all the provinces on the continent of America, with power to regulate commerce. Franklin breathed life into the great idea. The people of New York thronged about him to welcome him as the mover of American union.

Bancroft, Hist. of the U.S., vol.2, p.388

Yet the system was not altogether acceptable either to Great Britain or to America. The fervid attachment of each colony to its own individual liberties repelled the overruling influence of a central power. Connecticut rejected it; even New York showed it little favor, and Pennsylvania disliked it; Massachusetts charged her agent to oppose it. The board of trade, on receiving the minutes of the congress, were astonished at a plan of general government "complete in itself." Reflecting men in England dreaded American union as the key-stone of independence.

Bancroft, Hist. of the U.S., vol.2, p.388

But, in the mind of Franklin, the union assumed still more majestic proportions, and comprehended "the great country back of the Appalachian Mountains." He directed attention to the extreme richness of its land, the healthy temperature of its air, the mildness of its climate, and the vast convenience of inland navigation by the lakes and rivers. "In less than a century," said he, "it must become a populous and powerful dominion." And through Thomas Pownall, who had been present at Albany during the deliberations of the congress, he advised the immediate organization of two new colonies in the West, with powers of self direction and government like those of Connecticut and Rhode Island: the one on Lake Erie, the other with its capital on the banks of the Scioto.

Bancroft, Hist. of the U.S., vol.2, p.388

The freedom of the American colonies, their union, and their extension through the West, became the three objects of the remaining years of Franklin. Heaven, in its mercy, gave the illustrious statesman length of days, so that he witnessed the fulfilment of his designs.

Chapter 6:

The Old Thirteen Colonies,

1754

Bancroft, Hist. of the U.S., vol.2, p.389

IN 1754, David Hume, who had discovered the hollowness of the prevailing systems of thought in Europe, yet without offering any better philosophy than a selfish ideal skepticism, or hoping for any other euthanasia to the British constitution than its absorption in monarchy, said of America, in words which he never need have erased, and in a spirit which he never disavowed: "The seeds of many a noble state have been sown in climates kept desolate by the wild manners of the ancient inhabitants, and an asylum is secured in that solitary world for liberty and science." The thirteen American colonies, of which the union was projected, contained, at that day, about one million one hundred and sixty-five thousand white inhabitants, and two hundred and sixty-three thousand negroes: in all, one million four hundred and twenty-eight thousand souls. The board of trade reckoned a few thousands more, and revisers of their judgment less.

Bancroft, Hist. of the U.S., vol.2, p.389

Of persons of European ancestry, perhaps fifty thousand dwelt in New Hampshire, two hundred and seven thousand in Massachusetts, thirty-five thousand in Rhode Island, and one hundred and thirty-three thousand in Connecticut; in New England, therefore, four hundred and twenty-five thousand souls.

Bancroft, Hist. of the U.S., vol.2, p.389

Of the middle colonies, New York may have had eighty-five thousand; New Jersey, seventy-three thousand; Pennsylvania, with Delaware, one hundred and ninety-five thousand Maryland, one hundred and four thousand: in all, not far from four hundred and fifty-seven thousand.

Bancroft, Hist. of the U.S., vol.2, p.390

In the southern provinces, where the mild climate invited emigrants into the interior, and where the crown lands were often occupied on mere warrants of surveys. Or even without warrants, there was room for glaring mistakes in the enumerations. To Virginia may be assigned one hundred and sixty eight thousand white inhabitants; to North Carolina, scarcely less than seventy thousand; to South Carolina, forty thousand; to Georgia, not more than five thousand; to the whole country south of the Potomac, two hundred and eighty-three thousand.

Bancroft, Hist. of the U.S., vol.2, p.391

The white population of any one of five, or perhaps even of six, of the American provinces, was greater, singly, than that of all Canada; and the aggregate in America exceeded that in Canada fourteen-fold.

Bancroft, Hist. of the U.S., vol.2, p.391

Of persons of African lineage the home was chiefly determined by climate. New Hampshire, Massachusetts, and Maine may have had six thousand negroes; Rhode Island, four thousand five hundred; Connecticut, three thousand five hundred: all New England, therefore, about fourteen thousand.

Bancroft, Hist. of the U.S., vol.2, p.391

New York alone had not far from eleven thousand; New Jersey, about half that number; Pennsylvania, with Delaware, eleven thousand; Maryland, forty-four thousand: the central colonies, collectively, seventy-one thousand.

Bancroft, Hist. of the U.S., vol.2, p.391

In Virginia, there were not less than one hundred and sixteen thousand; in North Carolina, perhaps more than twenty thousand; in South Carolina, full forty thousand; in Georgia, about two thousand: so that the country south of the Potomac may have had one hundred and seventy-eight thousand.

Bancroft, Hist. of the U.S., vol.2, p.391 - p.392

Of the southern group, Georgia, the asylum of misfortune, had been languishing under a corporation whose action had not equalled the benevolence of its designs. The council of its trustees had granted no legislative rights to those whom they assumed to protect, but, meeting at a London tavern, by their own power imposed taxes on its Indian trade. Industry was disheartened by the entail of freeholds; summer, extending through months not its own, engendered pestilent vapors from the lowlands, as they were first opened to the sun; American silk was admitted into London duty free, but the wants of the wilderness left no leisure to feed the silk-worm and reel its thread; nor was the down of the cotton-plant as yet a staple; the indigent, for whom charity had proposed a refuge, murmured at an exile that had its sorrows; the few men of substance withdrew to Carolina. In December 1751, the trustees unanimously desired to surrender their charter; and, with the approbation of the great lawyer Murray, all authority for two years emanated from the king alone. In 1754, when the first royal governor with a royal council entered upon office, a legislative assembly convened under the sanction of his commission. The crown instituted the courts, and appointed executive officers and judges, with fixed salaries paid by England; but the people, through its representative body, and the precedents of older colonies, gained vigor in its infancy to restrain every form of delegated power.

Bancroft, Hist. of the U.S., vol.2, p.392

The people of South Carolina had used every method of encroaching on the executive, but they did not excite English jealousy by manufactures or large illicit trade; and British legislation was ever lenient to their interests. In favor of rice, the laws of navigation were mitigated; the planting of indigo, like the production of naval stores, was cherished by a bounty from the British exchequer; and they thought it in return no hardship to receive through England even foreign manufactures, which, by the system of partial drawbacks, came to them burdened with a tax, yet at a less cost than to the consumer in the metropolis. They had desired and had obtained the presence of troops to intimidate the wild tribes on their frontiers, and to overawe their slaves. The people were yeomen, owing the king small quit-rents, which could never be rigorously exacted; the royal domain was granted on easy terms; and who would disturb the adventurer that, at his own will, built his cabin and pastured his herds in savannas and forests which had never been owned in severalty? The slave-merchant supplied laborers on credit. Free from excessive taxation, protected by soldiers in British pay, the frugal planter enjoyed the undivided returns of his enterprise, and might double his capital in three or four years. The love for rural life prevailed universally; the thrifty mechanic abandoned his workshop, the merchant the risks of the sea, to plant estates of their own.

Bancroft, Hist. of the U.S., vol.2, p.392 - p.393

North Carolina, with nearly twice as many white inhabitants as its southern neighbor, had not one considerable village. Its swamps near the sea produced rice; its alluvial lands teemed with maize; free labor, little aided by negroes, drew turpentine and tar from the pines of its white, sandy plains; a rapidly increasing people lay scattered among its fertile uplands. There, through the boundless wilderness, emigrants, careless of the strifes of Europe, ignorant of deceit, free from tithes, answerable to no master, fearlessly occupied lands that seemed without an owner. Their swine had the range of the forest; the greenwood was the pasture of their untold herds. Their young men trolled along the brooks that abounded in fish, and took their sleep under the forest-tree; or trapped the beaver; or, with gun and pouch, lay in wait for the deer, as it slaked its thirst at the running stream; or, in small parties, roved the spurs of the Alleghanies, in quest of marketable skins. When Arthur Dobbs, the royal governor, an author of some repute, insisted on introducing the king's prerogative, the legislature did not scruple to leave the government unprovided for. When he attempted to establish the Anglican church, they were ready to welcome the institution of public worship, if their own vestries might choose their ministers. When he sought to collect quit-rents from a people who were nearly all tenants of the king, they deferred indefinitely the adjustment of the rent roll.

Bancroft, Hist. of the U.S., vol.2, p.393 - p.394

For the Carolinas and for Virginia, as well as other royal governments, the king, under his sign manual, appointed the governor and the council; these constituted a court of chancery; the provincial judges, selected by the king or the royal governor, held office at the royal pleasure; for the courts of vice-admiralty, the lords of the admiralty named a judge, register, and marshal; the commissioners of the customs apointed the comptrollers and the collectors, of whom one was stationed at each considerable harbor; the justices and the militia officers were named by the governor in council. The freeholders elected but one branch of the legislature; and here, as in every royal government, the council formed another. In Virginia there was less strife than elsewhere between the executive and the assembly: partly because the king had a permanent revenue from quit-rents and perpetual grants; partly because the governor resided in England, and was careful that his deputy should not hazard his sinecure by controversy. In consequence, the council, by its weight of personal character, gained unusual influence. The church of England was supported by legislative authority, and the plebeian sects were as yet proscribed; but the great extent of the parishes prevented unity of public worship. Bedford, when in office, had favored the appointment of an Anglican bishop in America; but, as his decisive opinion and the importunities of Sherlock and Secker had not prevailed, the benefices were filled by priests ordained in England, and for the most part of English birth. The province had not one large town; the scattered mode of life made the system of free schools not easily practicable. Sometimes the sons of wealthy planters repaired to Europe; here and there a man of great learning, some Scottish loyalist, some exile around whom misfortune spread a mystery, sought safety and gave instruction in Virginia. The country within tide-water was divided among planters, who, in the culture of tobacco, were favored by British legislation. Insulated on their large estates, they were cordially hospitable. In the quiet of their solitary life, unaided by an active press, they learned from nature what others caught from philosophy—to reason boldly. The horse was their pride; the county courts, their holidays; the race-course, their delight. On permitting the increase of negro slavery, opinions were nearly equally divided; but England kept slave-marts open at every courthouse, as far, at least, as the South-west Mountain: partly to enrich her slave-merchants; partly, by balancing the races, to weaken the power Of colonial resistance. The industry of the Virginians did not compete with that of the mother country; they had few mariners, took no part in the fisheries, and built no ships for sale. British factors purchased their products and furnished their supplies, and fixed the price of both. Their connection with the metropolis was more intimate than with the northern colonies. England was their market and their storehouse, and was still called their home.

Bancroft, Hist. of the U.S., vol.2, p.394 - p.395

Yet the prerogative had little support in Virginia. Its assembly sent, when it would, its own special agent to England, elected the colonial treasurer, and conducted its deliberations with dignity. Among the inhabitants, the pride of individual freedom paralyzed royal influence. They were the more independent because they were the oldest colony, the most numerous, the most opulent, and, in territory, by far the most extensive. The property of the crown in its unascertained domain was admitted, yet they easily framed theories that invested the rightful ownership in the colony itself. Its people spread more and more widely over the mild, productive, and enchanting interior. They ascended rivers to the valleys of its mountain ranges, where the red soil bore wheat luxuriantly. Among the half-opened forests of Orange county, in a home of plenty, there sported on the lawn the child Madison, round whom clustered the hopes of American union. On the highlands of Albemarle, Thomas Jefferson, son of a surveyor, dwelt on the skirt of forest life, with no intercepting range of hills between his dwelling-place and the far distant ocean. Beyond the Blue Ridge, men came from the glades of Pennsylvania; of most various nations, Irish, Scottish, and German; ever in strife with the royal officers; occupying lands without allotment, or on mere warrants of survey, without patents or payment of quit-rents. Everywhere in Virginia the sentiment of individuality was the parent of its republicanism.

Bancroft, Hist. of the U.S., vol.2, p.395

North of the Potomac, at the centre of America, were the proprietary governments of Maryland and of Pennsylvania, with Delaware. There the king had no officers but in the customs and the admiralty courts; his name was scarcely known in the acts of government.

Bancroft, Hist. of the U.S., vol.2, p.395 - p.396

During the last war, Maryland enjoyed unbroken quiet, furnishing no levies of men for the army, and very small contributions of money. Its legislature hardly looked beyond its own internal affairs, and its growth in numbers proved its prosperity. The youthful Frederic, Lord Baltimore, sixth of that title, dissolute and riotous, fond of wine to madness and of women to folly, as a prince zealous for prerogative, though negligent of business, was the sole landlord of the province. On acts of legislation, to him belonged a triple veto, by his council, by his deputy, and by himself. He established courts and appointed all their officers; punished convicted offenders, or pardoned them; appointed at pleasure councillors, all officers of the colony, and all the considerable county officers; and possessed exclusively the unappropriated domain. Reserving choice lands for his own manors, he had the whole people for his tenants on quit-rents, which, in 1754, exceeded twenty-five thousand dollars a year, and were rapidly increasing. On every new grant from the wild domain he received caution money; his were all escheats, wardships, and fruits of the feudal tenures. Fines of alienation, though abolished in England, were paid for his benefit on every transfer, and fines upon devises were still exacted. He enjoyed a perpetual port duty of fourteen-pence a ton, on vessels not owned in the province, yielding not far from five thousand dollars a year; and he exacted a tribute for licenses to hawkers and pedlers, and to ordinaries.

Bancroft, Hist. of the U.S., vol.2, p.396

These were the private income of Lord Baltimore. For the public service he needed no annual grants. By an act of 1704, which was held to be permanent, an export tax of a shilling on every hogshead of tobacco gave an annually increasing income of already not much less than seven thousand dollars, more than enough for the salary of his lieutenant-governor; while other officers were paid by fees and perquisites. Thus the assembly scarcely had occasion to impose taxes, except for the wages of its own members.

Bancroft, Hist. of the U.S., vol.2, p.396

Besides the untrammelled power of appointing colonial officers, Lord Baltimore, as prince palatine, could raise his liegemen to defend his province. His was also the power to pass ordinances for the preservation of order, to erect towns and cities, to grant titles of honor, and his the advowson of every benefice. The colonial act of 1702 had divided Maryland into parishes, and established the Anglican church by an annual tax of forty pounds of tobacco on every poll. The parishes were about forty in number, increasing in value, some of them promising a thousand pounds sterling a year. Thus the lewd Lord Baltimore had more church patronage than any landholder in England; and, as there was no bishop in America, ruffians, fugitives from justice, men stained by intemperance and lust (I write with cantion, the distinct allegations being before me), nestled themselves, through his corrupt and easy nature, in the parishes of Maryland.

Bancroft, Hist. of the U.S., vol.2, p.396 - p.397

The king had reserved no right of revising the laws of Maryland; nor could he invalidate them, except as they should be found repugnant to those of England. The royal power was by charter restrained "from imposing, or causing to be imposed, any customs or other taxations, quotas, or contributions whatsoever, within the province, or upon any merchandise, while being laden or unladen in its ports." Of its people, about one twelfth were Roman Catholics; and these suffered the burden of double taxation.

Bancroft, Hist. of the U.S., vol.2, p.397

In Pennsylvania, with the counties on Delaware, the people, whose numbers appeared to double in sixteen years, were already the masters, and to dispute their authority was but to introduce an apparent anarchy. Of the noble territory, the joint proprietors were Thomas and Richard Penn, the former holding three quarters of the whole. Inheritance might subdivide it indefinitely. The political power that had been bequeathed to them brought little personal dignity or benefit.

Bancroft, Hist. of the U.S., vol.2, p.397

The lieutenant-governor had a negative on legislation; but he depended on the assembly for his annual support, and had often to choose between compliance and poverty. To the council, whom the proprietaries appointed, and to the proprietaries themselves, the right to revise legislative acts was denied; and long usage confirmed the denial. The legislature had but one branch, and of that branch Benjamin Franklin was the soul. It had an existence of its own; could meet on its own adjournments, and no power could prorogue or dissolve it; but a swift responsibility brought its members annually before their constituents. The assembly would not allow the proprietaries in England to name judges; they were to be named by the lieutenant-governor on the spot, and, like him, depended for their salaries on the yearly vote of the assembly. All sheriffs and coroners were chosen by the people. Moneys were raised by an excise, and were kept and were disbursed by provincial commissioners. The land-office was under proprietary control; and, to balance its political influence, the assembly kept the loan-office of paper money under their own supervision.

Bancroft, Hist. of the U.S., vol.2, p.397 - p.398

The laws established for Pennsylvania complete enfranchisement in the domain of thought. Its able press developed the principles of civil rights; its chief city cherished science; and, by private munificence, a ship, at the instance of Franklin, had attempted to discover the north-western passage. A library, too, was endowed, and an academy chartered. No oaths or tests barred the avenue to public posts. The church of England, unaided by law, competed with all forms of dissent. The Presbyterians, who were willing to fight for their liberties, began to balance the men who were prepared to suffer for them. Yet the Quakers, humblest among plebeian sects, and boldest of them all—disjoined from the middle age without even a shred or a mark of its bonds; abolishing not the aristocracy of the sword only, but all war; not prelacy and priestcraft only, but outward symbols and ordinances, external sacraments and forms—pure spiritualists, and apostles of the power and the freedom of mind, still swayed legislation and public opinion. Ever restless under authority, they were jealous of the new generation of proprietaries who had fallen off from their society, regulated the government with a view to their own personal profit, and shunned taxation of their colonial estates.

Bancroft, Hist. of the U.S., vol.2, p.398

New Jersey, now a royal government, enjoyed, with the aged Belcher, comparative tranquillity. He parried for them the oppressive disposition of the board of trade, and the rapacity of the great claimants of lands who held seats in the council. "I have to steer," he would say, "between Scylla and Charybdis; to please the king's ministers at home, and a touchy people here; to luff for one, and bear away for another." Sheltered by its position, New Jersey refused to share the expense of Indian alliances, often left its own annual expenses unprovided for, and its obstinate enthusiasts awaited the completion of the prophecies that "nation shall not lift up sword against nation."

Bancroft, Hist. of the U.S., vol.2, p.398

There, too, on the banks of the Delaware, John Woolman, a tailor by trade, "stood up like a trumpet, through which the Lord speaks to his people," to make the negro masters sensible of the evil of holding the people of Africa in slavery; and, by his testimony at the meetings of Friends, recommended that oppressed part of the creation to the notice of each individual and of the society.

Bancroft, Hist. of the U.S., vol.2, p.398 - p.399

"Though we make slaves of the negroes, and the Turks make slaves of the Christians," so he persistently taught, "liberty is the natural right of all men equally." "The slaves look to me like a burdensome stone to such who burden themselves with them. The burden will brow heavier and heavier till times change in a way disagreeable to us." "It may be just," observed one of his hearers, "for the Almighty so to order it." It was a matter fixed in his mind, that this trade of importing slaves, and way of life in keeping them, were dark gloominess hanging over the land. "The consequences would be grievous to posterity." Therefore he went about persuading men that "the practice of continuing slavery was not right;" and he endeavored "to raise an idea of a general brotherhood." Masters of negroes on both banks of the Delaware began the work of setting them free, "because they had no contract for their labor, and liberty was their right." A general epistle from the yearly meeting of Friends, in 1754, declared it to be their "concern" to bear testimony against the iniquitous practice of slave-dealing, and to warn their members against making any purchase of slaves.

Bancroft, Hist. of the U.S., vol.2, p.399

New York was at this time the central point of political interest. Its position invited it to foster American union. Having the most convenient harbor on the Atlantic, with bays expanding on either hand, and a navigable river penetrating the interior, it held the keys of Canada and the lakes. The forts at Crown Point and Niagara were encroachments upon its limits. Its unsurveyed inland frontier, sweeping round on the north, disputed with New Hampshire the land between Lake Champlain and the Connecticut, and extended into unmeasured distances in the west. Within its bosom, at Onondaga, burned the council-fire of the Six Nations, whose irregular bands had seated themselves near Montreal, on the northern shore of Ontario, and on the Ohio; whose hunters roamed over the North-west and the West. Here were concentrated by far the most important Indian relations, round which the idea of a general union was shaping itself into a reality. It was to still the hereditary warfare of the Six Nations with the southern Indians that South Carolina and Massachusetts first met at Albany; it was to confirm friendship with them and their allies that New England and all the central states but New Jersey had assembled in congress.

Bancroft, Hist. of the U.S., vol.2, p.399 - p.400

England never possessed the affection of the country which it had acquired by conquest. British officials sent home complaints of "the Dutch republicans" as disloyal. The descendants of the Huguenot refugees were taunted with their origin, and invited to accept English liberties as a boon. Nowhere was the collision between the royal governor and the colonial assembly so violent or so inveterate; nowhere had the legislature, by its method of granting money, so nearly exhausted and appropriated to itself all executive authority; nowhere had the relations of the province to Great Britain been more sharply controverted. The board of trade esteemed the provincial legislature to rest for its existence on acts of the royal prerogative, while the people looked upon their representatives as existing by an inherent right, and co-ordinate with the British house of commons.

Bancroft, Hist. of the U.S., vol.2, p.400

The laws of trade excited still more resistance. Why should a people, of whom one half were of foreign ancestry, be cut off from all the world but England? Why must the children of Holland be debarred from the ports of the Netherlands? Why must their ships seek the produce of Europe, and, by a later law, the produce of Asia, in English harbors alone? Why were negro slaves the only considerable object of foreign commerce which England did not compel to be first landed on its shores? The British restrictive system was transgressed by all America, but most of all by New York, the child of the Netherlands. Especially the British ministry had been invited, in 1752, to observe that, while the consumption of tea was annually increasing in America, the export from England was decreasing; and, meantime, the little island of St. Eustatius, a heap of rocks but two leagues in length by one in breadth, without a rivulet or a spring, gathered in its storehouses the products of Holland, of the Orient, of the world; and its harbor was more and more filled with fleets of colonial trading-vessels, which, if need were, completed their cargoes by entering the French islands with Dutch papers. Under the British statutes, which made the commercial relations of America to England not a union, but a bondage, America bought of England hardly more than she would have done on the system of freedom; and this small advantage was dearly purchased by the ever-increasing cost of cruisers, custom-house officers, and vice-admiralty courts, and the discontent of the merchants.

Bancroft, Hist. of the U.S., vol.2, p.400 - p.401

The large landholders were jealous of British authority, which threatened to bound their pretensions, or question their titles, or, through parliament, to burden them with a land-tax. The lawyers of the colony, chiefly Presbyterians, and educated in Connecticut, joined heartily with the merchants and the great proprietors to resist every encroachment from England. In no province was the near approach of independence discerned so clearly, or so openly predicted.

Bancroft, Hist. of the U.S., vol.2, p.401 - p.402

New York had been settled under large patents of lands to individuals; New England, under grants to towns; and the institution of towns was its glory and its strength. The inhabited part of Massachusetts was recognised as divided into little territories, each of which, for its internal purposes, constituted all integral government, free from supervision; having power to choose annually its own officers; to hold meetings of all freemen at its pleasure; to discuss in those meetings any subject of public interest; to see that every able-bodied man within its precincts was enrolled in the militia and provided with arms, ready for immediate use; to elect and to instruct its representatives; to raise and appropriate money for the support of the ministry, of schools, of highways, of the poor, and for defraying other necessary expenses within the town. It was incessantly deplored, by royalists of later days, that the law which confirmed these liberties had received the unreflecting sanction of William III., and the most extensive interpretation in practice. Boston, on more than one occasion, ventured in town-meeting to appoint its own agent to present a remonstrance to the board of trade. New Hampshire, Connecticut, Rhode Island, and Maine which was a part of Massachusetts, had similar regulations; so that all New England was an aggregate of organized democracies. But the complete development of the institution was to be found in Connecticut and the Massachusetts bay. There each township was substantially a territorial parish; the town was the religious congregation; the independent church was established by law; the minister was elected by the people, who annually made grants for his support. There the system of free schools was carried to such perfection that an adult born in New England and unable to write and read could not be found. He that will understand the political character of New England in the eighteenth century must study the constitution of its towns, its congregations, its schools, and its militia.

Bancroft, Hist. of the U.S., vol.2, p.402

Yet in these democracies the hope of independence, as a near event, had not dawned; the inhabitants still clung with persevering affection to the land of their ancestry, and their language. They were of homogeneous origin, nearly all tracing their descent to English emigrants of the reigns of Charles I. and Charles II. They were frugal and industrious. Along the sea-side, wherever there was a good harbor, fishermen, familiar with the ocean, gathered in hamlets; and each returning season saw them, with an ever-increasing number of mariners and vessels, taking the cod and mackerel, and sometimes pursuing the whale into the northern seas. At Boston a society was formed for promoting domestic manufactures: on one of its anniversaries, three hundred young women appeared on the common, clad in homespun, seated in a triple row, each with a spinning-wheel, and each busily transferring the flax from the distaff to the spool. The town built "a manufacturing house," and there were bounties to encourage the workers in linen. How the board of trade were alarmed at the news! How they censured Shirley for not having frowned on the business! How committees of the house of commons examined witnesses, and made proposals for prohibitory laws, till the Boston manufacturing house, designed to foster home industry, fell into decay! Of slavery there was not enough to affect the character of the people, except in the south-east of Rhode Island, where Newport was conspicuous for engaging in the slave-trade; and where, in two or three towns, negroes composed even a third of the inhabitants.

Bancroft, Hist. of the U.S., vol.2, p.402

In the settlements which grew up in the interior, on the margin of the greenwood, the plain meeting-house of the congregation for public worship was everywhere the central point; near it stood the public school. The snug farm-houses, owned as freeholds, without quit-rents, were dotted along the way. In every hand was the Bible; every home was a house of prayer; all had been taught, many had comprehended, a methodical theory of the divine purpose in creation, and of the destiny of man.

Bancroft, Hist. of the U.S., vol.2, p.402 - p.403

Child of the reformation, closely connected with the past centuries and with the greatest intellectual struggles of mankind, New England had been planted by enthusiasts who feared no sovereign but God. In the universal degeneracy and ruin of the Roman world, Augustine, the African bishop, with a heart of fire, confident that, though Rome tottered, the hope of man would endure, rescued from the wreck of the Old World the truths that would renew humanity, and sheltered them in the cloister.

Bancroft, Hist. of the U.S., vol.2, p.403

After the sorrows of a thousand years, rose up an Augur tine monk, he too having a heart of flame. At his bidding, truth leaped over the cloister walls, and challenged every man to make her his guest; aroused every intelligence to acts of private judgment; changed a dependent, recipient people into a reflecting, inquiring people; lifted each human being out of the castes of the middle age, to endow him with individuality; and summoned man to stand forth as man. The world heaved with the fervent conflict of opinion. The people and their guides recognised the dignity of labor; the oppressed peasantry took up arms for liberty; men reverenced and exercised the freedom of the soul. The breath of the new spirit revived Poland, animated Germany, swayed the North; and the inquisition of Spain could not silence its whispers among the mountains of the peninsula. It invaded France; and, though bonfires of heretics, by way of warning, were lighted at the gates of Paris, it infused itself into the French mind, and led to unwonted free discussions. Exile could not quench it. On the banks of the Lake of Geneva, Calvin stood forth the boldest reformer of his day; not personally engaging in political intrigues, yet, by promulgating great ideas, forming the seed-plot of revolution; acknowledging no sacrament of ordination but the choice of the laity, no patent of nobility but that of the elect of God, with its seals of eternity.

Bancroft, Hist. of the U.S., vol.2, p.403 - p.404

Luther's was still a Catholic religion: it sought to instruct all, to confirm all, to sanctify all; and so, under the shelter of princes, it gave established forms to Protestant Germany, and Sweden, and Denmark, and England. But Calvin taught an exclusive doctrine, which, though it addressed itself to all, rested only on the chosen. Lutheranism was, therefore, not a political party; it included prince and noble and peasant. Calvinism was revolutionary; wherever it came, it created division; its symbol, as set upon the "Institutes" of its teacher, was a flaming sword. By the side of the eternal mountains and perennial snows and arrowy rivers of Switzerland it was faithful to a religion without a prelate, a government without a king. Fortified by its faith in fixed decrees, it kept possession of its homes among the Alps. It grew powerful in France, and, between the feudal nobility and the crown, invigorated the long contest, which did not end till the subjection of the nobility, through the central despotism, prepared the ruin of that despotism, by promoting the equality of the commons. It entered Holland, inspiring an industrious nation with heroic enthusiasm, enfranchising and uniting provinces, and making burghers, and weavers, and artisans, victors over Spanish chivalry, the power of the inquisition, and the pretended majesty of kings. It penetrated Scotland, and, while its whirlwind bore persuasion among glens and mountains, it shrunk from no danger, and hesitated at no ambition; it nerved its tugged but hearty envoy to resist the Batteries of Queen Mary; it assumed the education of her only son; it divided the nobility; it penetrated the masses, overturned the ancient ecclesiastical establishment, planted the free parochial school, and gave a living energy to the principle of liberty in a people. It infused itself into England, and placed its plebeian sympathies in daring resistance to the courtly hierarchy; dissenting from dissent, longing to introduce the reign of righteousness, it invited every man to read the Bible, and made itself dear to the common mind, by teaching, as a divine revelation, the unity of the race and the natural equality of man; it claimed for itself freedom of utterance, and through the pulpit, in eloquence imbued with the authoritative words of prophets and apostles, spoke to the whole congregation; it sought new truth, denying the sanctity of the continuity of tradition it stood up against the middle age and its forms in church and state, hating them with a fierce and unquenchable hatred.

Bancroft, Hist. of the U.S., vol.2, p.404 - p.405

Imprisoned, maimed, oppressed at home, its independent converts in Great Britain looked beyond the Atlantic for a better world. Their energetic passion was nurtured by trust in the divine protection, their power of will was safely intrenched in their own vigorous creed; and under the banner of the gospel, with the fervid and enduring love of the myriads who in Europe adopted the stern simplicity of the discipline of Calvin, they sailed for the wilderness, far away from "popery and prelacy," from the traditions of the church, from hereditary power, from the sovereignty of an earthly kingdom all dominion but the Bible, and "what arose from natural reason and the principles of equity."

Bancroft, Hist. of the U.S., vol.2, p.405

The ideas which had borne the New England emigrants to this transatlantic world were polemic and republican in their origin and their tendency. Against the authority of the church of the middle ages Calvin arrayed the authority of the Bible; the time was come to connect religion and philosophy, and show the harmony between faith and reason. Against the feudal aristocracy, the plebeian reformer summoned the spotless nobility of the elect, foreordained from the beginning of the world; but New England, which had no hereditary caste to beat down, ceased to make predestination its ruling idea, and, maturing a character of its own, "Saw love attractive every system bind." The transition had taken place from the haughtiness of self-assertion against the pride of feudalism, to the adoption of love as the benign spirit which was to animate the new teachings in politics and religion.

Bancroft, Hist. of the U.S., vol.2, p.405

From God were derived its theories of ontology, of ethics, of science, of happiness, of human perfectibility, and of human liberty.

Bancroft, Hist. of the U.S., vol.2, p.405

God himself, wrote Jonathan Edwards, is, "in effect, universal Being." Nature in its amplitude is but "an emanation of his own infinite fulness;" a flowing forth and expression of himself in objects of his benevolence. In everything there is a calm, sweet cast of divine glory. He comprehends "all entity and all excellence in his own essence." Creation proceeded from a disposition in the fulness of Divinity to flow out and diffuse its existence. The infinite Being is Being in general. His existence, as it is infinite, comprehends universal existence. There are and there can be no beings distinct and independent. God is "All and alone."

Bancroft, Hist. of the U.S., vol.2, p.405 - p.406

The glory of God is the ultimate end of moral goodness, which in the creature is love to the Creator. Virtue consists in public affection or general benevolence. But as in the New England mind God included universal being, so to love God included love to all that exists; and was, therefore, in opposition to selfishness, the sum of all morality, the universal benevolence comprehending all righteousness.

Bancroft, Hist. of the U.S., vol.2, p.406

God is the fountain of light and knowledge, so that truth in man is but a conformity to God; knowledge in man, but "the image of God's own knowledge of himself." Nor is there a motive to repress speculative inquiry. "There is no need," said Edwards, "that the strict philosophic truth should be at all concealed from men." "The more clearly and fully the true system of the universe is known, the better." Nor can any outward authority rule the mind; the revelations of God, being emanations from the infinite fountain of knowledge, have certainty and reality; they accord with reason and common sense; and give direct, intuitive, and all-conquering evidence of their divinity.

Bancroft, Hist. of the U.S., vol.2, p.406

God is the source of happiness. His angels minister to his servants; the vast multitudes of his enemies are as great heaps of light chaff before the whirlwind. Against his enemies the bow of God's wrath is bent, and the arrow made ready on the string; and justice bends the arrow at their heart and strains the bow. God includes all being and all holiness. Enmity with him is enmity with all true life and power; an infinite evil, fraught with infinite and endless woe. To exist in union with him is the highest well-being, that shall increase in glory and joy throughout eternity.

Bancroft, Hist. of the U.S., vol.2, p.406

God is his own chief end in creation. But, as he includes all being, his glory includes the glory and the perfecting of the universe. The whole human race, throughout its entire career of existence, hath oneness and identity, and "constitutes one complex person," "one moral whole." The glory of God includes the redemption and glory of humanity. From the moment of creation to the final judgment, it is all one work. Every event which has swayed "the state of the world of mankind," "all its revolutions," proceed, as it was determined, toward "the glorious time that shall be in the latter days," when the new shall be more excellent than the old.

Bancroft, Hist. of the U.S., vol.2, p.407

God is the absolute sovereign, doing according to his will in the armies of heaven, and among the inhabitants on earth. Scorning the thought of free agency as breaking the universe of action into countless fragments, the greatest number in New England held that every volition, even of the humblest of the people, is obedient to the fixed decrees of Providence, and participates in eternity.

Bancroft, Hist. of the U.S., vol.2, p.407

Yet, while the common mind of New England was inspired by the great thought of the sole sovereignty of God, it did not lose personality and human freedom in pantheistic fatalism. Like Augustine, who made war both on Manicheans and Pelagians; like the Stoics, whose morals it most nearly resembled, it asserted by just dialectics, or, as some would say, by a sublime inconsistency, the power of the individual will. In every action it beheld the union of the motive and volition. The action, it saw, was according to the strongest motive; and it knew that what proves the strongest motive depends on the character of the will. The Calvinist of New England, who longed to be "morally good and excellent," had, therefore, no other object of moral effort than to make "the will truly lovely and right."

Bancroft, Hist. of the U.S., vol.2, p.407

Action, therefore, as flowing from an energetic, right, and lovely will, was the ideal of New England. It rejected the asceticism of one-sided spiritualists, and fostered the whole man, seeking to perfect his intelligence and improve his outward condition. It saw in every one the divine and the human nature. It subjected but did not extirpate the inferior principles. It placed no merit in vows of poverty or celibacy, and spurned the thought of non-resistance. In a good cause its people were ready to take up arms and fight, cheered by the conviction that God was working in them both to will and to do.

Chapter 7:

The Ministers are Advised to

Tax America by Act of Parliament,

1754-1755

Bancroft, Hist. of the U.S., vol.2, p.408

SUCH was America, where the people were rapidly becoming sovereign. It was the moment when the aristocracy of England, availing itself of the formulas of the revolution of 1688, controlled the election of the house of commons and held possession of the government. To gain a seat in parliament, the great commoner himself was forced to ask it of Newcastle.

Bancroft, Hist. of the U.S., vol.2, p.408

On the sixth of March 1754, a fever terminated the life of Henry Pelham. He was a statesman of caution and moderation, fidelity and integrity, unassuming and conciliatory; but with nothing heroic in his nature. He had enforced frugality, reduced the interest on the national debt, and consolidated the public funds; had resisted every temptation to unnecessary war, or to the indulgence of extreme party spirit; and, holding high office for about thirty years, had lived without ostentation and died poor. He alone was able to control the waywardness of his elder brother, and was the balance-wheel of the administration. His praise may be read in the poems of Garrick and Thompson and Pope. George II., when he was informed of his death, could not but exclaim: "Now I shall have no more peace." To the astonishment of all men, Newcastle, declaring he had been second minister long enough, placed himself at the head of the treasury, and desired Henry Fox to accept the office of secretary of state, with the conduct of the public business in the lower house.

Bancroft, Hist. of the U.S., vol.2, p.408 - p.409

Fox declining the promotion offered him, the inefficient Holdernesse was transferred to the northern department; and Sir Thomas Robinson, a dull pedant, lately a subordinate at the board of trade, was selected for the southern, with the management of the new house of commons. "The duke," said Pitt, "might as well send his jackboot to lead us." The house abounded in noted men. Besides Pitt and Fox and Murray, the heroes of a hundred magnificent debates, there was "the universally able" George Grenville; the solemn Sir George Lyttelton, known as a poet, historian, and orator; Hillsborough, industrious, precise, well-meaning, but without sagacity; the arrogant, unstable Sackville, proud of his birth, ambitious of the highest stations; the amiable, candid, irresolute Conway; Charles Townshend, flushed with confidence in his own ability. Then, too, the young Lord North, well educated, abounding in good-humor, made his entrance into public life with such universal favor that every company resounded with the praises of his parts and merit. But Newcastle had computed what he might dare; at the elections, corruption had returned a majority devoted to the minister who was incapable of settled purposes or consistent conduct. The period when the English aristocracy ruled with the least admixture of royalty or popularity was the period when the British empire was the worst governed. "We are brought to the very brink of the precipice," said Pitt to the house of commons, "where, if ever, a stand must be made, unless you will degenerate into a little assembly, serving no other purpose than to register the arbitrary edicts of one too powerful subject." "We are designed to be an appendix " to the house of lords.

Bancroft, Hist. of the U.S., vol.2, p.409 - p.410

Sir Thomas Robinson called on his majority to show spirit. "Can gentlemen," he demanded, "can merchants, can the house bear, if eloquence alone is to carry it? I hope words alone will not prevail;" and the majority came to his aid. George II. was impatient of this thraldom to the aristocracy, but was too old to resist. The first political lesson which his grandson, Prince George, received at Leicester house, was such a use of the forms of the British constitution as should emancipate the royal authority from its dependence on a few great families. In this way Pitt and Prince George became allies, moving from most opposite points against the same influence; Pitt wishing to increase the force of popular representation, and Prince George to recover independence for the prerogative.

Bancroft, Hist. of the U.S., vol.2, p.410

These tendencies foreshadowed a change in the whig party of England. It must be renovated or dissolved. With cold and unimpassioned judgment, they had seated the house of Hanover on the English throne, and had defended their deliberate act till even the wounded hereditary propensities of the rural districts of the nation and the whole aristocracy had accepted their choice. Murray called himself a whig; and, after Hardwicke, was their oracle on questions of law. Cumberland, Newcastle, Devonshire, Bedford, Halifax, and the marquis of Rockingham were all reputed whigs. So were George and Charles Townshend, the young Lord North, Grenville, Conway, and Sackville. On the vital elements of civil liberty, the noble families which led the several factions had no systematic opinions. They knew not that America, which demanded their attention, would create parties in England on questions unknown to the revolution of 1688.

Bancroft, Hist. of the U.S., vol.2, p.410 - p.411

The province of New York had replied to the condemnation of its policy, contained in Sir Danvers Osborne's instructions, by a well-founded impeachment of Clinton for embezzling public funds and concealing it by false accounts; for gaining undue profits from extravagant grants of lands, and grants to himself under fictitious names; and for selling civil and military offices. These grave accusations were neglected; but the province further complained that its legislature had been directed to obey the king's instructions. They insisted that his instructions, though a rule of conduct to his governor, were not to the people the measure of obedience; that the rule of obedience was positive law; that a command to grant money was neither constitutional nor legal, being inconsistent with the freedom of debate and the rights of the assembly, whose power to prepare and pass the bills granting money was admitted by the crown. The Newcastle administration did not venture to enforce its orders, while it yet applauded the conduct of the board of trade, and summarily condemned New York by rejecting its loyal justificatory address to the king. The best English lawyers questioned more and more the legality of a government by royal instructions.

Bancroft, Hist. of the U.S., vol.2, p.411

As a security against French encroachments, the king, listening to the house of burgesses of Virginia, instructed the earl of Albemarle, then governor-in-chief of that dominion, to grant lands west of the great ridge of mountains which separates the rivers Roanoke, James, and Potomac from the Mississippi, to persons desirous of settling them, in quantities of not more than a thousand acres for any one person.

Bancroft, Hist. of the U.S., vol.2, p.411

As a further measure, Halifax, by the royal command, in July and August, proposed an American union. "A certain and permanent revenue," with a proper adjustment of quotas, was to be determined by a meeting of one commissioner from each colony. In electing the commissioners, the council, though appointed by the king, was to have a negative on the assembly, and the royal governor to have a negative on both. The colony that failed of being represented was yet to be bound by the result. Seven were to be a quorum, and of these a majority, with the king's approbation, were to bind the continent. The executive department was to be intrusted to one commander-in-chief, who should, at the same time, be the commissary-general for Indian affairs. To meet his expenses, he was "to be empowered to draw" on the treasuries of the colonies for sums proportionate to their respective quotas. A disobedient or neglectful province was to be reduced by "the authority of parliament," whose interposition was equally to be applied for, if the plan of union should fail. No earnest effort was ever made to carry this despotic, complicated, and impracticable plan into effect. It does but mark, in the mind of Halifax and his associates, the moment of that pause which preceded the definitive purpose of settling all questions of an American revenue, government, and union by what seemed the effective, simple, and uniform system of a general taxation of America by the British legislature.

Bancroft, Hist. of the U.S., vol.2, p.411 - p.412

"If the several assemblies," wrote Thomas Penn from England," will not make provision for the general service, an act of parliament may oblige them here." "The assemblies," said Dinwiddie, of Virginia, "are obstinate, self-opinionated, a stubborn generation," and he advised a universal poll-tax "to bring the provinces to a sense of their duty." Sharpe, of Maryland, held it "possible, if not probable, that parliament, at its very next session, would raise a fund in the several provinces by a poll-tax," or imposts, "or a stamp duty," which last method he at that time favored.

Bancroft, Hist. of the U.S., vol.2, p.412

Charles Townshend would have shipped three thousand regulars, with three hundred thousand pounds, to New England, to train its inhabitants, and, through them, to conquer Canada. But the administration confessed its indecision, and in October, while it sent pacific messages "to the French administration, particularly to Madame de Pompadour and the Duke de Mirepoix," the conduct of American affairs was abandoned to the duke of Cumberland, captain-general of the British army, a man without capacity for action or counsel.

Bancroft, Hist. of the U.S., vol.2, p.412

The French ministry desired to trust the assurances of England. Giving discretionary power in case of a rupture, they instructed Duquesne to act only on the defensive; but Cumberland entered on his American career with eager ostentation.

Bancroft, Hist. of the U.S., vol.2, p.412

For the American major-general and commander-in-chief. Edward Braddock was selected, a man in fortunes desperate, in manners brutal, in temper despotic; obstinate and intrepid; expert in the niceties of a review; harsh in discipline. As the duke had confidence only in regular troops, he repelled all assistance from the colonies by ordering that the general and field-officers of the provincial forces should have no rank when Serving with the general and field-officers commissioned by the king. Disgusted at this order, Washington retired from the service, and his regiment was broken up.

Bancroft, Hist. of the U.S., vol.2, p.412 - p.413

The active participation in affairs by Cumberland again connected Henry Fox with their direction. This unscrupulous man, having "privately forsworn all connection with Pitt" entered the cabinet without office, and undertook the conduct of the house of commons. Cumberland had caused the English mutiny bill to be revised, and its rigor doubled. On a sudden, at a most unusual period in the session, Fox showed Lord Egmont a clause for extending the mutiny bill to America, and subjecting the colonial militia, when in actual service, to its terrible severity. Egmont interceded to protect America from this new grievance of military law; but Charles Towns hend defended the measure, and, turning to Lord Egmont, exclaimed: "Take the poor American by the hand and point out his grievances. I defy you, I beseech you, to point out one grievance. I know not of one." He pronounced a panegyric on the board of trade, and defended all their acts, in particular the instructions to Sir Danvers Osborne. The petition of the agent of Massachusetts was not allowed to be brought up; that to the house of lords no one would offer; and the bill, with the clause for America, was hurried through parliament.

Bancroft, Hist. of the U.S., vol.2, p.413

It is confidently stated, by the agent of Massachusetts, that a noble lord had then a bill in his pocket, ready to be brought in, to ascertain and regulate the colonial quotas. All England was persuaded of "the perverseness of the assemblies," and inquiries were instituted relating to the easiest method of taxation by parliament. But, for the moment, the prerogative was employed; Braddock was ordered to exact a common revenue; and all the governors received the king's pleasure "that a fund be established for the benefit of all the colonies collectively in North America."

Bancroft, Hist. of the U.S., vol.2, p.413

Men in England expected obedience; but, in December, Delancey referred to "the general opinion of the congress at Albany, that the colonies would differ in their measures and disagree about their quotas; without the interposition of the British parliament to oblige them," nothing would be done.

Bancroft, Hist. of the U.S., vol.2, p.413

In the same moment, Shirley, at Boston, was planning how the common fund could be made efficient; and to Franklin, who, in December 1754, revisited the town, he submitted a new scheme of union. A congress of governors and delegates from the councils was to be invested with power at their meetings to adopt measures of defence, and to draw for all necessary moneys on the treasury of Great Britain, which was to be reimbursed by parliamentary taxes on America.

Bancroft, Hist. of the U.S., vol.2, p.413 - p.414

"The people in the colonies," replied Franklin, "are better judges of the necessary preparations for defence, and their own abilities to bear them. Governors often come to the colonies merely to make fortunes, with which they intend to return to Britain; are not always men of the best abilities or integrity; and have no natural connection with us, that should make them heartily concerned for our welfare. The councillors in most of the colonies are appointed by the crown, on the recommendation of governors; frequently depend on the governors for office, and are, therefore, too much under influence. There is reason to be jealous of a power in such governors. They might abuse it merely to create employments, gratify dependents, and divide profits." Besides, the mercantile system of England already extorted a secondary tribute from America. In addition to the benefit to England from the increasing demand for English manufactures, the wealth of the colonies, by the British acts of trade, centred finally among the merchants and inhabitants of the metropolis.

Bancroft, Hist. of the U.S., vol.2, p.414

Against taxation of the colonies by parliament, Franklin urged that it would lead to dangerous feuds and inevitable confusion; that parliament, being at a great distance, was subject to be misinformed and misled, and was, therefore, unsuited to the exercise of this power; that it was the undoubted right of Englishmen not to be taxed but by their own consent, through their representatives; that to propose taxation by parliament, rather than by a colonial representative body, implied a distrust of the loyalty or the patriotism or the understanding of the colonies; that to compel them to pay money without their consent would be rather like raising contributions in an enemy's country than taxing Englishmen for their own benefit; and, finally, that the principle involved in the measure would, if carried out, lead to a tax upon them all by act of parliament for support of government, and to the disuse of colonial assemblies, as a needless part of the constitution.

Bancroft, Hist. of the U.S., vol.2, p.414

Shirley next proposed the plan of uniting the colonies more intimately with Great Britain by allowing them representatives in parliament; and Franklin replied that unity of government should be followed by a real unity of country; that it would not be acceptable, unless a reasonable number of representatives were allowed, all laws restraining the trade or the manufactures of the colonies were repealed, and England, ceasing to regard the colonies as tributary to its industry, were to foster the merchant, the smith, the hatter in America equally with those on her own soil.

Bancroft, Hist. of the U.S., vol.2, p.414 - p.415

Unable to move Franklin, Shirley renewed to the secretary of state his representations of the necessity of a union of the colonies, to be formed in England and enforced by act of parliament. At the same time, he warned against Franklin's Albany plan, which he described as the application of the old republican charter system, such as prevailed in Rhode Island and Connecticut, to the formation of an American confederacy. The system, said he, is unfit for a particular colony; and much more unfit for a general government over a union of them all.

Bancroft, Hist. of the U.S., vol.2, p.415

Early in 1755, Shirley enforced to the secretary of state "the necessity not only of a parliamentary union, but taxation." During the winter, Sharpe, who had been appointed temporarily to the chief command in America, vainly solicited aid from every province. New Hampshire, although weak and young, "took every opportunity to force acts contrary to the king's instructions and prerogative." The character of the Rhode Island government gave "no great prospect of assistance." New York hesitated in providing quarters for British soldiers, and would contribute to a general fund only when others did. New Jersey showed "the greatest contempt" for the repeated solicitations of its aged governor. In Pennsylvania, in Maryland, in South Carolina, the grants of money by the assemblies were negatived, because they were connected with the encroachments of popular power on the prerogative, "schemes of future independency," "the grasping at the disposition of all public money and filling all offices;" and in each instance the veto excited a great flame. The assembly of Pennsylvania, in March, borrowed money and issued bilk of credit by their own resolves, without the assent of the governor. "They are the more dangerous," said Morris, "because a future assembly may use those powers against the government by which they are now protected;" and he constantly solicited the interference of England. The provincial press engaged in the strife. "Redress," said the Pennsylvania royalists, "if it comes, must come from his majesty and the British parliament." The Quakers looked to the same authority, not for taxation, but for the abolition of the proprietary rule.

Bancroft, Hist. of the U.S., vol.2, p.415 - p.416

The contest along the American frontier was raging fiercely, when, in January 1755, France proposed to England to leave the Ohio valley as it was before the last war, and at the same time inquired the motive of the armament which was making in Ireland. Braddock, with two regiments, was already on the way to America, when Newcastle gave assurances that defence only was intended, that the general peace should not be broken; and offered to leave the Ohio valley as it had been at the treaty of Utrecht. Mirepoix, in reply, was willing that both the French and English should retire from the country between the Ohio and the Alleghanies, and leave that territory neutral, which would have secured to his sovereign all the country north and west of the Ohio; England, on the contrary, demanded that France should destroy all her forts as far as the Wabash, raze Niagara and Crown Point, surrender the peninsula of Nova Scotia, with a strip of land twenty leagues wide along the Bay of Fundy and the Atlantic, and leave the intermediate country to the St. Lawrence a neutral desert. These proposals met with no acceptance; yet both parties professed a desire to invest'gate and arrange all disputed points; and Louis XV., while he sent three thousand men to America, held himself ready to sacrifice for peace all but honor and the protection due to his subjects; consenting that New England should reach on the east to the Penobscot, on the north to the watershed of the highlands.

Bancroft, Hist. of the U.S., vol.2, p.416 - p.417

While the negotiations were pending, Braddock arrived in the Chesapeake. In March, he reached Williamsburg, and visited Annapolis; on the fourteenth of April, he, with Commodore Keppel, held a congress at Alexandria. There were present, of the American governors, Shirley, next to Braddock in military rank; Delancey, of New York; Morris, of Pennsylvania; Sharpe, of Maryland; and Dinwiddie, of Virginia. Braddock directed their attention, first of all, to the subject of a colonial revenue, on which his instructions commanded him to insist, and his anger kindled "that no such fund was already established." The governors present, recapitulating their strifes with their assemblies, made answer: "Such a fund can never be established in the colonies without the aid of parliament. Having found it impracticable to obtain in their respective governments the proportion expected by his majesty toward defraying the expense of his service in North America, they are unanimously of opinion that it should be proposed to his majesty's ministers to find out some method of compelling them to do it, and of assessing the several governments in proportion to their respective abilities." This imposing document Braddock sent forthwith to the ministry, himself urging the necessity of laying some tax throughout his majesty's dominions in North America. Dinwiddie reiterated his old advice. Sharpe recommended that the governor and council, without the assembly, should have power to levy money "after any manner that may be deemed most ready and convenient." "A common fund," so Shirley assured his colleagues, on the authority of the British secretary of state, "must be either voluntarily raised, or assessed in some other way."

Bancroft, Hist. of the U.S., vol.2, p.417

I have had in my hands vast masses of correspondence, including letters from servants of the crown in every royal colony in America; from civilians, as well as from Braddock and Dunbar and Gage; from Delancey and Sharpe, as well as from Dinwiddie and Shirley; and all were of the same tenor. The British ministry heard one general clamor from men in office for taxation by act of parliament. "In an act of parliament for a general fund," wrote Shirley, "I have great reason to think the people will readily acquiesce."

Bancroft, Hist. of the U.S., vol.2, p.417 - p.418

In England, the government was more and more inclined to enforce the permanent authority of Great Britain. No assembly had with more energy assumed the management of the provincial treasury than that of South Carolina; and Richard Lyttelton, brother of Sir George Lyttelton, who, in November 1755, became chancellor of the exchequer, was sent to recover the authority which had been impaired by "the unmanly facilities of former rulers." Pennsylvania had, in January 1756, professed its loyalty, and explained the danger to chartered liberties from proprietary instructions; but, after a hearing before the board of trade, the address of the colonial legislature to their sovereign, like that of New York in the former year, was disdainfully rejected. Petitions for reimbursements and aids were received with displeasure; the people of New England were treated as desiring to be paid for protecting themselves. The reimbursement of Massachusetts for taking Louisburg was now condemned, as a subsidy to subjects who had only done their duty. "You must fight for your own altars and firesides," was Sir Thomas Robinson's answer to the American agents, as they were bandied to him from Newcastle, and from both to Halifax. Halifax alone had decision and a plan. In July 1755, he insisted with the ministry on a "general system to ease the mother country of the great and heavy expenses with which it of late years was burdened." The administration resolved "to raise funds for American affairs by a stamp duty, and a duty" on products of the foreign West Indies imported into the continental colonies. The English press advocated an impost in the northern colonies on West India products, "and likewise that, by act of parliament, there be a further fund established" from "stamped paper." This tax, it was conceived, would yield "a very large sum." Huske, an American, writing under the patronage of Charles Townshend, urged a reform in the colonial administration, and moderate taxation by parliament. Delancey, in August, had hinted to the New York assembly that a "stamp duty would be so diffused as to be in a manner insensible." That province objected to a stamp tax as Oppressive, though not to a moderate impost on West India products; and the voice of Massachusetts was unheeded, when, in November, it instructed its agent "to oppose everything that should have the remotest tendency to raise a revenue in the plantations." Those who once promised opposition to an American revenue that should come under the direction of the government in England, resolved rather to sustain it, and the next winter was to intro duce the new policy.

Bancroft, Hist. of the U.S., vol.2, p.418

The civilized world was just beginning to give attention to the colonies. Hutcheson, the able Irish writer on ethics—who, without the power of thoroughly reforming the theory of morals, knew that it needed a reform, and was certain that truth and right have a foundation within us, though, swayed by the material philosophy of his times, he sought that foundation not in pure reason, but in a moral sense—saw no wrong in the coming independence of America. "When," he inquired, "have colonies a right to be released from the dominion of the parent state?" And this year his opinion saw the light: "Whenever they are so increased in numbers and strength as to be sufficient by themselves for all the good ends of a political union."

Chapter 8:

England and France Contend for the

Ohio Valley and for Acadia,

1755

Bancroft, Hist. of the U.S., vol.2, p.419

THE events of the summer strengthened the purpose, but delayed the period, of taxation by parliament. Between England and France peace existed under ratified treaties; it was proposed not to invade Canada, but to repel encroachments on the frontier. For this end, four expeditions were concerted by Braddock at Alexandria. Lawrence, the lieutenant-governor of Nova Scotia, was to reduce that province according to the English interpretation of its boundaries; Johnson, from his long acquaintance with the Six Nations, was selected to enroll Mohawk warriors in British pay, and lead them with provincial militia against Crown Point; Shirley proposed to drive the French from Niagara; the commander-in-chief was to recover the Ohio valley.

Bancroft, Hist. of the U.S., vol.2, p.419 - p.420

Soon after Braddock sailed from Europe, the French sent re-enforcements to Canada under the veteran Dieskau. Boscawen, with English ships, followed in their track; and when the French ambassador, who was still at London, expressed some uneasiness on the occasion, he had been assured that the English would not begin hostilities. At six o'clock, on the evening of the seventh of June, the Alcide, the Lys, and the Dauphin, that had for several days been separated from their squadron, fell in with the British fleet off Cape Race. Between ten and eleven in the morning of the eighth, the Alcide, under Hocquart, was within hearing of the Dunkirk, a vessel of sixty guns, commanded by Howe. "Are we at peace or war?" asked Hocquart. The French affirm that the answer to them was, "Peace! Peace!" till Boscawen gave the signal to engage. Howe, who was as brave as he was taciturn, obeyed the order promptly; and the Alcide and Lys yielded to superior force. The Dauphin, being a good sailer, scud safely for Louisburg. Nine more of the French squadron came in sight of the British, but were not intercepted; and, before June was gone, Dieskau and his troops, with Vandreuil, who superseded Duquesne as governor of Canada, landed at Quebec. Vaudreuil was a Canadian by birth, had served in Canada, and been governor of Louisiana; his countrymen flocked about him to bid him welcome.

Bancroft, Hist. of the U.S., vol.2, p.420

From Williamsburg, Braddock sent word to Newcastle that he would be "beyond the mountains of Alleghany by the end of April;" at Alexandria, in April, he promised tidings of his successes by an express to be sent in June. At Fredericktown, where he halted for carriages, he said to Franklin: "After taking Fort Duquesne, I am to proceed to Niagara, and, having taken that, to Frontenac. Duquesne can hardly detain me above three or four days, and then I see nothing that can obstruct my march to Niagara." "The Indians are dexterous in laying and executing ambuscades," replied Franklin, who called to mind the French invasion of the Chicasas, and the death of Artaguette and Vincennes. "The savages," answered Braddock, "may be formidable to your raw American militia; upon the king's regulars and disciplined troops, it is impossible they should make any impression." The little army was "unable to move, for want of horses and carriages;" but Franklin, by his "great influence in Pennsylvania," supplied both with a "promptitude and probity" which extorted praise from Braddock and unanimous thanks from the assembly of his province. Among the wagoners was Daniel Morgan, famed in village groups as a wrestler, skilful in the use of the musket, who emigrated as a day-laborer from New Jersey to Virginia, and, husbanding his wages, became the owner of a team. At Will's creek, which took the name of Cumberland, Washington, in May, joined the expedition as one of the general's aids.

Bancroft, Hist. of the U.S., vol.2, p.420 - p.421

Seven-and-twenty days passed in the march from Alexandria to Cumberland, where two thousand effective men were assembled; among them, two independent companies from New York, under the command of Horatio Gates. "The American troops," wrote Braddock, "have little courage or good-will; I expect from them almost no military service, though I have employed the best officers to drill them;" and he insulted the country as void of ability, honor, and integrity. "The general is brave," said his secretary, young Shirley, "and in pecuniary matters honest, but disqualified for the service he is employed in;" and Washington found him "incapable of arguing without warmth, or giving up any point he had asserted, be it ever so incompatible with common sense."

Bancroft, Hist. of the U.S., vol.2, p.421

From Cumberland to the fork of the Ohio the distance is less than one hundred and thirty miles. On the last day of May, five hundred men were sent forward to open the roads, and store provisions at Little Meadows. Sir Peter Halket followed with the first brigade, and June was advancing before the general was in motion with the second. Meantime, Fort Duquesne was receiving re-enforcements. "We shall have more to do," said Washington, "than to go up the hills and come down."

Bancroft, Hist. of the U.S., vol.2, p.421

The military road was carried, not through the gorge in the mountain, which was then impassable, but, with infinite toil, over the hills. The army followed in a slender line, nearly four miles long.

Bancroft, Hist. of the U.S., vol.2, p.421

On the nineteenth of June, Braddock, by Washington's advice, leaving Dunbar to follow with the residue of the army, pushed forward with twelve hundred chosen men. Yet still they stopped to level every molehill, and erect bridges over every creek. On the eighth of July, they arrived at the fork Of the Monongahela and Youghiogeny rivers. The distance to Fort Duquesne was but twelve miles, and the governor of New France gave it up as lost.

Bancroft, Hist. of the U.S., vol.2, p.421 - p.422

Early in the morning of the ninth, the troops of Braddock forded the tranquil Monongahela just below the mouth of Turtle creek, and marched on its southern bank. At noon they forded the Monongahela again, and stood between the rivers that form the Ohio, only ten miles distant from the fork. A detachment of three hundred and fifty men, led by Lieutenant-Colonel Thomas Gage, and closely attended by a working party of two hundred and fifty under St. Clair, advanced cautiously, with guides and flanking parties, along a path but twelve feet wide, toward the uneven woody country that was between them and Fort Duquesne. Braddock "was too sure of victory, and had not scouts out before the army to discover the enemy in their lurking-places." The party with Gage ascended the hill till they gained the point where they turned the ravine. The ground then on their left sloped downward toward the river bank; on their right, it rose, first gradually, then suddenly, to a high ridge. The main body of the army was following, when "the general was surprised" by a very heavy and quick fire in the front.

Bancroft, Hist. of the U.S., vol.2, p.422

Aware of his movements by the fidelity of their scouts, the French had resolved on an ambuscade. Twice in council the Indians declined the enterprise. "I shall go," said Beaujeu, the commandant at Fort Duquesne, "and will you suffer your father to go alone? I am sure we shall conquer." Recovering confidence, they pledged themselves to be his companions. At an early hour, Contrecoeur detached Beaujeu, Dumas, and Lignery, with less than two hundred and thirty French and Canadians, and six hundred and thirty-seven savages, under orders to repair to a favorable spot selected the preceding evening. Before reaching it, they found themselves in the presence of the English, who were advancing in good order, and Beaujeu instantly attacked them with the utmost vivacity. Gage should, on the moment, have sent support to his flanking parties, but, from natural indecision, failed to do so. The flanking guards were driven in, and the advanced party, leaving their two six-pounders in the hands of the enemy, were thrown back upon the vanguard which the general had sent as a re-enforcement, and which was attempting to form in face of the rising ground on the right. The men of both regiments were crowded together in promiscuous confusion. The general hurried forward with his artillery, which, though it could do little harm, as it played against an enemy whom the woods concealed, yet made the savages waver. At this time, Beaujeu fell, when the brave and humane Dumas, taking the command, sent the savages to attack the English in flank, while he, with the French and Canadians, continued the combat in front.

Bancroft, Hist. of the U.S., vol.2, p.422 - p.423

But Braddock "did not allow his men to go to trees, and fight the Indians in their own way." The savages, "protected by the trees, on their seeing" the British "forces march in a body, spread themselves in a crescent, or half-moon, by which they had the advantage on every side." Posted behind large trees "in the front of the troops, and on the hills which overhung the right flank," invisible, yet making the woods re-echo their war-whoop, they fired with deadiy aim at "the fair mark" offered by the "compact body of men beneath them." None of the English that were engaged would say they saw a hnndred of the enemy, and "many of the officers, who were in the heat of the action the whole time, would not assert that they saw one;" and they could only return the fire at random in the direction from which it came.

Bancroft, Hist. of the U.S., vol.2, p.423

The combat continued for two hours, with scarcely any change in the disposition of either side. The regulars, terrified by the yells of the Indians, and dispirited by a manner of fighting such as they had never imagined, contrary to orders, gathered themselves into a body ten or twelve deep, and would then level, fire, and shoot down men before them. The officers bravely advanced, sometimes at the head of small bodies, sometimes separately, but were sacrificed by the soldiers, who declined to follow them, and even fired upon them from the rear. Of eighty-six officers, twenty-six were killed, among them Sir Peter Halket, and thirty-seven were wounded, including Gage and other field-officers. Of the men, one half were killed or wounded. Braddock braved every danger. His secretary was shot dead; both his English aids were disabled early in the engagement, leaving Washington alone to distribute his orders. "I expected every moment," said one whose eye was on him, "to see him fall." He had two horses shot under him, and four bullets through his coat, yet escaped without a wound. "Death," wrote Washington, "was levelling my companions on every side of me; but, by the all-powerful dispensation of Providence, I have been protected." "To the public," said Samuel Davies, a learned Virginia divine, in the following month, "I point out that heroic youth, Colonel Washington, whom I cannot but hope Providence has preserved in so signal a manner for some important service to his country." "Who is Mr. Washington?" asked Lord Halifax, a few months later. "I know nothing of him," he added, "but that they say he behaved in Braddock's action as bravely as if he really loved the whistling of bullets." The Virginia troops showed great valor, and, of three companies, scarcely thirty men were left alive. Captain Peyronney and all his officers, down to a corporal, were killed; of Polson's, whose courage was honored by the legislature of the Old Dominion, only one officer was left. But "those they call regulars, having wasted their ammunition, broke and ran, as sheep before hounds, leaving the artillery, provisions, baggage, and even the private papers of the general, a prey to the enemy. The attempt to rally them was as vain as to attempt to stop the wild bears of the mountain." Of privates, seven hundred and fourteen were killed or wounded, while of the French and Indians, only three officers and thirty men fell, and but as many more were wounded.

Bancroft, Hist. of the U.S., vol.2, p.424

Braddock had five horses disabled under him; at last a bullet entered his right side, and he fell mortally wounded. He was with difficulty brought off the field, and borne in the train of the fugitives; the meeting at Dunbar's camp made a day of confusion. On the twelfth of July, Dunbar destroyed the remaining artillery, and burned the public stores and the heavy baggage, to the value of a hundred thousand pounds, pretending that he had the orders of the dying general, and being himself resolved, in midsummer, to evacuate Fort Cumberland, and hurry to Philadelphia for winter quarters. Accordingly, the next day they all retreated. At night, Braddock roused from his lethargy to say: "We shall better know how to deal with them another time;" and died. His grave may still be seen, near the national road, about a mile west of Fort Necessity.

Bancroft, Hist. of the U.S., vol.2, p.424 - p.425

The forest battle-field was left thickly strewn with the wounded and the dead. Never had there been such a harvest of scalps and spoils. As evening approached, the woods round Fort Duquesne rung with the halloos of the red men, the firing of small arms, mingled with a peal from the cannon at the fort. The next day the British artillery was brought in; and the Indian warriors, painting their skin a shining vermilion, with patches of black and brown and blue, tricked themselves out in the laced hats and bright apparel of the English officers. "This whole transaction," writes Franklin, "gave us Americans the first suspicion that our exalted ideas of the prowess of British regular troops had not been well founded."

Bancroft, Hist. of the U.S., vol.2, p.425

The news of Braddock's defeat and the shameful evacuation of Fort Cumberland threw the central provinces into the greatest consternation. The assembly of Pennsylvania resolved to grant fifty thousand pounds to the king's use, in part by a tax on all estates, real and personal, within the province. Morris, the governor, obeying the orders of the proprietaries, claimed exemption for their estates. The assembly rejected the demand with disdain; for the annual income of the proprietaries from quit-rents, ground-rents, rents of manors, and other appropriated and settled lands, was nearly thirty thousand pounds. Sharpe would not convene the assembly of Maryland, because it was "fond of imitating the precedents of Pennsylvania." And the governors, proprietary as well as royal, reciprocally assured each other that nothing could be done in their colonies without an act of parliament.

Bancroft, Hist. of the U.S., vol.2, p.425

Happily, the Catawbas at the south remained faithful; and in July, at a council of five hundred Cherokees assembled under a tree in the highlands of western Carolina, Glen renewed the covenant of peace, obtained a cession of lands, and was incited to erect Fort Prince George near the villages of Conasatchee and Keowee.

Bancroft, Hist. of the U.S., vol.2, p.425 - p.426

At the north, New England was extending British dominion. Massachusetts cheerfully levied about seven thousand nine hundred men, or nearly one fifth of the able-bodied men in the colony. Of these, a detachment took part in establishing the sovereignty of England in Acadia That peninsula—abounding in harbors and in forests, rich in its ocean fisheries and in the product of its rivers, near to a region that invited to the chase and the fur trade, having in its interior large tracts of alluvial soil—had become dear to its inhabitants, who beheld around them the graves of their ancestors for several generations. It was the oldest French colony in North America. There the Bretons had built their dwellings, sixteen years before the pilgrims reached the shores of New England. With the progress of the respective settlements, sectional jealousies and religious bigotry had renewed their warfare; the offspring of the Massachusetts husbandmen were taught to abhor "popish cruelties" and "popish superstitions;" while Roman Catholic missionaries were propagating their faith among the villages of the Abenakis.

Bancroft, Hist. of the U.S., vol.2, p.426

After repeated conquest and restorations, the treaty of Utrecht conceded Acadia, or Nova Scotia, to Great Britain Yet the name of Annapolis, a feeble English garrison, and five or six immigrant families, were nearly all that marked the supremacy of England. The old inhabitants remained on the soil. They still loved the language and the usages of their forefathers, and their religion was graven upon their souls. They promised submission to England; but such was the love with which France had inspired them, they would not fight against its standard or renounce its name. Though conquered, they were French neutrals.

Bancroft, Hist. of the U.S., vol.2, p.426

For nearly forty years from the peace of Utrecht they had been forgotten or neglected, and had prospered in their seclusion. No tax-gatherer counted their folds, no magistrate dwelt in their hamlets. The parish priest made their records and regulated their successions. Their little disputes were settled among themselves, with scarcely one appeal to English authority at Annapolis. The pastures were covered with their herds and flocks; and dikes, raised by extraordinary efforts of social industry, shut out the rivers and the tide from alluvial marshes of exuberant fertility. The meadows, thus reclaimed, were covered by grasses, or fields of wheat. Their houses were built in clusters, neatly constructed and comfortably furnished; and around them all kinds of domestic fowls abounded. With the spinning-wheel and the loom, their women made, of flax from their own fields, of fleeces from their own flocks, coarse but sufficient clothing. The few foreign luxuries that were coveted could be obtained from Annapolis or Louisburg, in return for furs or wheat or cattle.

Bancroft, Hist. of the U.S., vol.2, p.426 - p.427

Happy in their neutrality, the Acadians formed, as it were, one great family. Their morals were of unaffected purity; the custom of early marriages was universal. The neighbors of the community would assist the new couple to raise their cottage on fertile land, which the wilderness freely offered. Their numbers increased, and the colony, which had begun as the trading station of a company, with a monopoly of the fur trade, counted, perhaps, sixteen thousand inhabitants.

Bancroft, Hist. of the U.S., vol.2, p.427

When England began vigorously to colonize Nova Scotia, the native inhabitants might fear the loss of their independence. The enthusiasm of their priests was kindled at the thought that heretics, of a land which had disfranchised Catholics, were to surround, and perhaps to overwhelm, the ancient Acadians. "Better," said the priests, "surrender your meadows to the sea and your houses to the flames, than, at the peril of your souls, take the oath of allegiance to the British government." And they, from their anxious sincerity, were uncertain in their resolves; now gathering courage to flee beyond the isthmus for other homes in New France, and now yearning for their Own houses and fields, their herds and pastures.

Bancroft, Hist. of the U.S., vol.2, p.427 - p.428

The haughtiness of the British officers aided the priests in their attempts to foment disaffection. The English regarded colonies, even when settled by men from their own land, only as sources of emolument to the mother country; colonists as an inferior caste. The Acadians were despised because they were helpless. Ignorant of the laws of their conquerors, they were not educated to the knowledge, the defence, and the love of English liberties; they knew not the way to the throne, and, given up to military masters, had no redress in civil tribunals. Their papers and records, the titles to their estates and inheritances, were taken away from them. Was their property demanded for the public service, "they were not to be bargained with for the payment." The words may still be read on the council records at Halifax. They must comply, it was written, without making any terms, "immediately," or "the next courier would bring an order for military execution upon the delinquents;" and, when they delayed in fetching firewood for their oppressors, it was told them from the governor: "If they do not do it in proper time, the soldiers shall absolutely take their houses for fuel." The unoffending sufferers submitted meekly to the tyranny. Under pretence of fearing that they might rise in behalf of France, or seek shelter in Canada, or convey provisions to the French garrisons, they were directed to surrender their boats and their fire-arms; and, conscious of innocence, they gave them up, leaving themselves without the means of flight, and defenceless. Further orders were afterward given to the English officers, if the Acadians behaved amiss, to punish them at discretion; if the troops were annoyed, to inflict vengeance on the nearest, whether the guilty one or not, "taking an eye for an eye, and a tooth for a tooth."

Bancroft, Hist. of the U.S., vol.2, p.428

The French, who had yielded the sovereignty over no more than the peninsula, established themselves on the isthmus, in two forts: one, a stockade at the mouth of the little river Gaspereaux, near Bay Verte; the other, the more considerable fortress of Beau Sejour, built and supplied at great expense, upon an eminence on the north side of the Messagouche, on the Bay of Fundy. The isthmus is here hardly fifteen miles wide, and formed the natural boundary between New France and Acadia.

Bancroft, Hist. of the U.S., vol.2, p.428

The French at Beau Sejour had passed the previous winter in unsuspecting tranquillity, ignorant of the preparations of the two crowns for war. As spring approached, suspicions were aroused; but Vergor, the inefficient commander, took no vigorous measures for strengthening his works; nor was he fully roused to his danger till, from the walls of his fort, he beheld the fleet of the English sailing fearlessly into the bay, and anchoring before his eyes.

Bancroft, Hist. of the U.S., vol.2, p.428

The provincial troops, about fifteen hundred in number, strengthened by a detachment of three hundred regulars and a train of artillery, were disembarked without difficulty. A day was given to repose and parade; on the fourth of June, they forced the passage of the Messagouche, the intervening river. No sally was attempted: no earnest defence was undertaken. On the twelfth, the fort at Beau Sejour, weakened by fear, discord, and confusion, was invested; and in four days it surrendered. By the terms of the capitulation, the garrison was to be sent to Louisburg; for the Acadian fugitives, inasmuch as they had been forced into the service, amnesty was stipulated. The place received an English garrison, and, from the brother of the king, then the soul of the regency, was named Cumberland.

Bancroft, Hist. of the U.S., vol.2, p.428 - p.429

The petty fortress near the river Gaspereaux, on Bay Verte, a mere palisade, flanked by four block-houses, without mound or trenches, and tenanted by no more than twenty soldiers, though commanded by the brave Villerai, could do nothing but capitulate on the same terms. Meantime, Captain Rous sailed, with three frigates and a sloop, to reduce the French fort on the St. John's. But, before he arrived there, the fort and dwellings of the French had been abandoned and burned, and he took possession of a deserted country. Thus was the region east of the St. Croix annexed to England, with a loss of but twenty men killed and as many more wounded.

Bancroft, Hist. of the U.S., vol.2, p.429

No further resistance was to be feared. The Acadians cowered before their masters, willing to take an oath of fealty to England, refusing to pledge themselves to bear arms against France. The English were masters of the sea, were undisputed lords of the country, and could exercise clemency without apprehension. Not a whisper gave a warning of their purpose till it was ripe for execution.

Bancroft, Hist. of the U.S., vol.2, p.429

It had been "determined upon," after the ancient device of Oriental despotism, that the French inhabitants of Acadia should be carried away into captivity to other parts of the British dominions. "They have laid aside all thought of taking the oaths of allegiance voluntarily:" thus, in August 1754, Lawrence, the lieutenant-governor of Nova Scotia, had written of them to Lord Halifax. "They possess the best and largest tract of land in this province; if they refuse the oaths, it would be much better that they were away." The lords of trade, in reply, veiled their wishes under the decorous form of suggestions. "By the treaty of Utrecht," said they of the French Acadians, "their becoming subjects of Great Britain is made an express condition of their continuance after the expiration of a year; they cannot become subjects but by taking the oaths required of subjects; and, therefore, it may be a question whether their refusal to take such oaths will not operate to invalidate their titles to their lands. Consult the chief justice of Nova Scotia upon that point; his opinion may serve as a foundation for future measures."

Bancroft, Hist. of the U.S., vol.2, p.429 - p.430

France remembered the descendants of her sons in the hour of their affliction, and asked that they might have time to remove from the peninsula with their effects, leaving their lands to the English; but the answer of the British minister claimed them as useful subjects, and refused the request.

Bancroft, Hist. of the U.S., vol.2, p.430

The inhabitants of Minas and the adjacent country pleaded with the British officers for the restitution of their boats and their guns, promising fidelity, if they could but retain their liberties; and declaring that not the want of arms, but their conscience, should engage them not to revolt. "The memorial," said Lawrence in council, "is highly arrogant, insidious, and insulting." The memorialists, at his summons, came submissively to Halifax. "You want your canoes for carrying provisions to the enemy," said he to them, though he knew no enemy was left in their vicinity. "Guns are no part of your goods," he continued, "as by the laws of England all Roman Catholics are restrained from having arms, and are subject to penalties if arms are found in their houses. It is not the language of British subjects to talk of terms with the crown, or capitulate about their fidelity and allegiance. What excuse can you make for treating this government with such indignity as to expound to them the nature of fidelity? Manifest your obedience by immediately taking the oaths of allegiance in the common form before the council."

Bancroft, Hist. of the U.S., vol.2, p.430

The deputies replied that they would do as the generality of the inhabitants should determine; and they merely entreated leave to return home and consult the body of their people.

Bancroft, Hist. of the U.S., vol.2, p.430

The next day the unhappy men offered to swear allegiance unconditionally; but they were told that, by a clause in a British statute, persons who have once refused the oaths cannot be afterward permitted to take them, but are to be considered as popish recusants; and as such they were imprisoned.

Bancroft, Hist. of the U.S., vol.2, p.430 - p.431

The chief justice, Belcher, on whose opinion hung the fate of so many hundreds of innocent families, insisted that the French inhabitants were to be looked upon as confirmed "rebels," who had now collectively and without exception become "recusants." Besides, they still counted in their villages "eight thousand" souls, and the English not more than "three thousand;" they stood in the way of "the progress of the settlement;" "by their noncompliance with the conditions of the treaty of Utrecht, they had forfeited their possessions to the crown;" after the departure "of the fleet and troops, the province would not be in a condition to drive them out." "Such a juncture as the present might never occur;" so he advised "against receiving any of the French inhabitants to take the oath," and for the removal of "all" of them from the province.

Bancroft, Hist. of the U.S., vol.2, p.431

That the cruelty might have no palliation, letters arrived, leaving no doubt that the shores of the Bay of Fundy were entirely in the possession of the British; and yet at a council, at which Vice-Admiral Boscawen and Rear-Admiral Mostyn were present by invitation, it was unanimously determined to send the French inhabitants out of the province; and, after mature consideration, it was further unanimously agreed that, to prevent their attempting to return and molest the settlers that were to be set down on their lands, it would be most proper to distribute them among the several colonies on the continent.

Bancroft, Hist. of the U.S., vol.2, p.431

To hunt them into the net was impracticable; artifice was therefore resorted to. By a general proclamation, on one and the same day, the scarcely conscious victims, "both old men and young men, as well as all the lads of ten years of age," were peremptorily ordered to assemble at their respective posts. On the appointed fifth of September they obeyed. At Grand Pre, for example, four hundred and eighteen unarmed men came together. They were marched into the church and its avenues were closed, when Winslow, the American commander, placed himself in their centre, and spoke:

Bancroft, Hist. of the U.S., vol.2, p.431 - p.432

"You are convened together to manifest to you his majesty's final resolution to the French inhabitants of this his province. Your lands and tenements, cattle of all kinds, and live stock of all sorts, are forfeited to the crown, and you yourselves are to be removed from this his province. I am, through his majesty's goodness, directed to allow you liberty to carry off your money and household goods, as many as you can, without discommoding the vessels you go in." And he then declared them the king's prisoners. Their wives and families shared their lot; their sons, five hundred and twenty-seven in number; their daughters, five hundred and seventy-six; in the whole, women and babes and old men and children all included, nineteen hundred and twenty-three souls. The blow was sudden; they had left home but for the morning, and they never were to return. Their cattle were to stay unfed in the stalls, their fires to die out on their hearths. They had for that first day even no food for themselves or their children.

Bancroft, Hist. of the U.S., vol.2, p.432 - p.433

The tenth of September was the day for the embarkation of a part of the exiles. They were drawn up six deep; and the young men, one hundred and sixty-one in number, were ordered to march first on board the vessel. They could leave their farms and cottages, the shady rocks on which they had reclined, their herds, and their garners; but nature yearned within them, and they would not be separated from their parents. Yet of what avail was the frenzied despair of the unarmed youth? They had not one weapon; the bayonet drove them to obey; and they marched slowly and heavily from the chapel to the shore, between women and children, who, kneeling, prayed for blessings on their heads, they themselves weeping and praying and singing hymns. The seniors went next; the wives and children must wait till other transport vessels arrive. The delay had its horrors. The wretched people left behind were kept together near the sea, without proper food, or raiment, or shelter, till other ships came to take them away; and December, with its appalling cold, had struck the shivering, half-clad, broken-hearted sufferers, before the last of them were removed. "The embarkation of the inhabitants goes on but slowly," wrote Monckton, from Fort Cumberland, near which he had burned three hamlets; "the most part of the wives of the men we have prisoners are gone off with their children, in hopes I would not send off their husbands without them." Their hope was vain. Near Annapolis, a hundred heads of families fled to the woodsy, and a party was detached on the hunt to bring them in. "Our soldiers hate them," wrote an officer on this occasion; "and, if they can but find a pretext to kill them, they will." Did a prisoner seek to escape, he was shot down by the sentinel. Yet some fled to Quebec more than three thousand had withdrawn to Miramachi and the region south of the Ristigouche: some found rest on the banks of the St. John's and its branches; some found a lair in their native forests; some were charitably sheltered from the English in the wigwams of the savages. But seven thousand of these banished people were driven on board ships, and scattered among the English colonies, from New Hampshire to Georgia; one thousand and twenty to South Carolina alone. They were cast ashore without resources, hating the poor-house as a shelter for their offspring, and abhorring the thought of selling themselves as laborers. Households, too, were separated; the colonial newspapers contained advertisements of members of families seeking their companions, of sons anxious to reach and relieve their parents, of mothers moaning for their children.

Bancroft, Hist. of the U.S., vol.2, p.433

The wanderers sighed for their native country; but, to prevent their return, their villages, from Annapolis to the isthmus, were laid waste. Their old homes were but ruins. In the district of Minas, for instance, two hundred and fifty of their houses, and more than as many barns, were consumed. The live stock which belonged to them, consisting of great numbers of horned cattle, hogs, sheep, and horses, were seized as spoils and disposed of by the English officials. A beautiful and fertile tract of country was reduced to a solitude. There was none left round the ashes of the cottages of the Acadians but the faithful watch-dog, vainly seeking the hands that fed him. Thickets of forest-trees choked their orchards; the ocean broke over their neglected dikes, and desolated their meadows.

Bancroft, Hist. of the U.S., vol.2, p.433 - p.434

Relentless misfortune pursued the exiles wherever they fled. Those sent to Georgia, drawn by a love for the spot where they were born, as strong as that of the captive Jews who wept by the rivers of Babylon for their own temple and land, escaped to sea in boats, and went coasting from harbor to harbor; but when they had reached New England, just as they would have set sail for their native fields, they were stopped by orders from Nova Scotia. Those who dwelt on the St. John's were torn from their new homes. When Canada surrendered, hatred with its worst venom pursued the fifteen hundred who remained south of the Ristigouche. Once those who dwelt in Pennsylvania presented a humble petition to the earl of Londoun, then the British commander-in-chief in America; and the cold-hearted peer, offended that the prayer was made in French, seized their five principal men, who in their own land had been persons of dignity and substance, and shipped them to England, with the request that they might be kept from ever again becoming troublesome by being consigned to service as common sailors on board ships-of-war. No doubt existed of the king's approbation. The lords of trade, more merciless than the savages and than the wilderness in winter, wished very much that every one of the Acadians should be driven out; and, when it seemed that the work was done, congratulated the king that "the zealous endeavors of Lawrence had been crowned with an entire success." "We did," said Edmund Burke, "in my opinion, most inhumanly, and upon pretences that, in the eye of an honest man, are not worth a farthing, root out this poor, innocent, deserving people, whom our utter inability to govern, or to reconcile, gave us no sort of right to extirpate." I know not if the annals of the human race keep the record of sorrows so wantonly inflicted, so bitter, and so lasting, as fell upon the French inhabitants of Acadia. "We have been true," they said of themselves, "to our religion, and true to ourselves; yet nature appears to consider us only as the objects of public vengeance." The hand of the English official seemed under a spell with regard to them, and was never uplifted but to curse them.

Chapter 9:

Great Britain Unites America Under Military Rule,

1755-1756

Bancroft, Hist. of the U.S., vol.2, p.435

WHILE the British interpretation of the boundaries of Acadia was made good by occupation, the troops for the central expeditions had assembled at Albany. The army with which Johnson was to reduce Crown Point consisted of New England militia, chiefly from Connecticut and Massachusetts, with five hundred New Hampshire foresters, among whom was John Stark, then a lieutenant. The French, on the other hand, called every able-bodied man in the district of Montreal into active service for the defence of Crown Point, so that reapers had to be sent up from Three Rivers and Quebec to gather in the harvest.

Bancroft, Hist. of the U.S., vol.2, p.435 - p.436

Early in August 1755, the New England men, having for their major-general Phinehas Lyman, "a man of uncommon martial endowments," were finishing Fort Edward, at the portage between the Hudson and the headsprings of the Sorel. Toward the end of August, the untrained forces, which, with Indians, amounted to thirty-four hundred men, were led by William Johnson across the portage of twelve miles, to the southern shore of the lake, which the French called the lake of the Holy Sacrament. "I found," said Johnson, "a mere wilderness; never was house or fort erected here before;" and, naming the waters Lake George, he cleared space for a camp of five thousand men. The lake protects him on the north; his flanks are covered by a thick wood and a swamp. The tents of the husbandmen and mechanics, who form his Summer army, are spread on a rising ground; but no fortifications are raised, no entrenchment thrown up. On week days, the men saunter to and fro in idleness; some, weary of inaction, are ready to mutiny and go home. On Sunday, all collect in the groves for public worship; even three hundred regularly enlisted red men seat themselves on the hillock, and listen gravely to the interpretation of a long sermon. Mean while, wagon after wagon brought artillery and stores and boats for the troops that were idling away the season. The enemy was more adventurous.

Bancroft, Hist. of the U.S., vol.2, p.436

"Boldness wins," was Dieskau's maxim. Abandoning the well-concerted plan of an attack on Oswego, Vaudreuil sent him to oppose the army of Johnson. For the defence of the crumbling fortress at Crown Point, seven hundred regulars, sixteen hundred Canadians, and seven hundred savages had assembled. Of these, three hundred or more were Iroquois, domiciled in Canada. Dieskau, taking with him six hundred savages, as many Canadians, and two hundred regular troops, ascended Lake Champlain to its head, designing to go against Fort Edward. The guides took a false route; and, as evening of the fourth day's march came on, the party found itself on the road to Lake George. The red men refused to attack the fort, but they agreed to go against the army at the lake, which was thought to have neither artillery nor defences.

Bancroft, Hist. of the U.S., vol.2, p.436 - p.437

Late in the eight following the seventh of September, it was told in the camp at Lake George that Dieskau's party was on its way to the Hudson. On the next morning, after a council of war, Ephraim Williams, a Massachusetts colonel, who, in passing through Albany, had made a bequest of his estate by will to found a free school, was sent with a thousand men to relieve Fort Edward. Among them was Israel Putnam, to whom, at the age of thirty-seven, the assembly at Connecticut had just given the rank of a second lieutenant. Two hundred warriors of the Six Nations were led by Hendrick, the gray-haired chieftain, famed for his clear voice and flashing eye. They marched with rash confidence, a little less than three miles, to a defile where the French and Indians lay in wait for them. Before the American party were entirely within the ambush, the French Indians showed themselves to the Mohawks, but without firing on their kindred, leaving the Abenakis and Canadians to make the attack. Hendrick, who alone was on horseback, was killed on the spot; Williams fell; but Nathan Whiting, of New Raven, conducted the retreat in good order, often rallying and turning to fire.

Bancroft, Hist. of the U.S., vol.2, p.437

When the noise of musketry was heard, two or three can non were hastily brought up from the margin of the lake, and trees were felled for a breastwork. These, with the wagons and baggage, formed some protection to the New England militia, whose arms were but their fowling-pieces, without a bayonet among them all. It had been Dieskau's purpose to rush forward suddenly, and to enter the camp with the fugitives; but the Iroquois occupied a rising ground, and stood inactive. At this the Abenakis halted, and the Canadians faltered. Dieskau advanced with the regular troops to attack the centre, vainly hoping to be sustained. "Are these the so much vaunted troops?" cried Dieskau, bitterly. The battle, of which the conduct fell chiefly to Lyman, began between eleven and twelve; Johnson, slightly wounded, left the field at the beginning of the action; and for five hours the New England people, under the command of Lyman and their own officers, kept up the most violent fire that had as yet been known in America. Almost all the French regulars perished; Saint-Pierre was killed; Dieskau was wounded thrice, but remained on the field. At last, as the Americans drove the French to flight, he was severely wounded.

Bancroft, Hist. of the U.S., vol.2, p.437

Of the Americans, there fell on that day about two hundred and sixteen, and ninety-six were wounded; of the French, the loss was not much greater. Toward sunset a party of three hundred French, who had rallied and were retreating in a body, at two miles from the lake were attacked by Macginnes, of New Hampshire, who, with two hundred men of that colony, was marching across the portage from Fort Edward. Panic-stricken by the well-concerted movement, the French fled, leaving their baggage; but the victory cost the life of the brave Macginnes.

Bancroft, Hist. of the U.S., vol.2, p.437 - p.438

The disasters of the year led the English ministry to exalt the repulse of Dieskau. The house of lords, in an address, praised the colonists as "brave and faithful." Johnson became a baronet, and received a gratuity of five thousand pounds; but the victory was due to the enthusiasm of the New England men, and "to Major-General Lyman, the second officer in the army and the first in activity in the time of the engagement." "Our all," they cried, "depends on the success of this expedition." "Come," wrote Pomeroy, of Massachusetts, to his friends at home, "come to the help of the Lord against the mighty; you that value our holy religion and our liberties will spare nothing, even to the one half of your estate." And in all the villages "the prayers of God's people" went up, that "they might be crowned with victory to the glory of God;" for the war with France seemed a war for Protestantism and freedom.

Bancroft, Hist. of the U.S., vol.2, p.438

But Johnson knew not how to profit by success; he kept the men all day on their arms, and at night "half of the whole were on guard." Shirley and the New England provinces and his own council of war urged him to advance; but while the ever active French took post at Ticonderoga, as Duquesne had advised, he loitered away the autumn, "expecting very shortly a more formidable attack with artillery," and building Fort William Henry near Lake George. When winter approached, he left six hundred men as a garrison, and dismissed the New England militia.

Bancroft, Hist. of the U.S., vol.2, p.438

Of the enterprise against western New York, Shirley assumed the conduct. The fort at Niagara was but a house, almost in ruins, surrounded by a small ditch and a rotten palisade of seven or eight feet high. The garrison was but of thirty men, most of them scarcely provided with muskets. There Shirley, with two thousand men, was to have welcomed the victor of the Ohio. But the news of Braddock's defeat disheartened them. On the twenty-first of August, Shirley reached Oswego. Weeks passed in building boats; on the eighteenth of September, six hundred men were to embark on Lake Ontario, when a storm prevented; afterward head winds raged then a tempest; then sickness; then the Indians deserted; and then the season was too late for action. So, on the twenty-fourth of October, having constructed and garrisoned a new fort at Oswego, Shirley, with these many excuses, withdrew.

Bancroft, Hist. of the U.S., vol.2, p.438 - p.439

At this time, a paper by Franklin, published in Boston and reprinted in London, had drawn the attention of all observers to the rapid increase of the population in the colonies. "Upon the best inquiry I can make," wrote Shirley, "I have found the calculations right. The number of the inhabitants is doubled every twenty years;" and the demand for British manufactures, with a corresponding employment of shipping, increased with even greater rapidity. "Apprehensions," added Shirley, "have been entertained that they will in time unite to throw off their dependency upon their mother country, and set up one general government among themselves. But, if it is considered how different the present constitutions of their respective governments are from each other, how much the interests of some of them clash, and how opposed their tempers are, such a coalition among them will seem highly improbable. At all events, they could not maintain such an independency without a strong naval force, which it must forever be in the power of Great Britain to hinder them from having. And while his majesty hath seven thousand troops kept up within them, with the Indians at command, it seems easy, provided his governors and principal officers are independent of the assemblies for their subsistence and commonly vigilant, to prevent any step of that kind from being taken."

Bancroft, Hist. of the U.S., vol.2, p.439 - p.440

The topic which Shirley discussed with the ministry engaged the thoughts of the Americans. At Worcester, a thriving village of a little more than a thousand people, the interests of nations and the horrors of war made the subject of every conversation. The master of the town school, where the highest wages were sixty dollars for the season, the son of a small freeholder, a young man of hardly twenty, just from Harvard college, and at that time meditating to become a preacher, would sit and bear, and, escaping from a maze of observations, would sometimes retire, and, by "laying things together, form some reflections pleasing"to himself. "All creation," be would say in his musings, "is liable to change; mighty states are not exempted. Soon after the reformation, a few people came over into this new world for conscience'sake. This apparently trivial incident may transfer the great seat of empire into America. If we can remove the turbulent Gallics, our people, according to the exactest calculations, will, in another century, become more numerous than England itself. All Europe will not be able to subdue us. The only way to keep us from setting up for ourselves is to disunite us." Such were the dreams of John Adams, while "pinched and starved" as the teacher of a "stingy" New England free school. Within twenty-one years, he shall assist in declaring his country's independence; in less than thirty, he shall stand before the king of Great Britain, the acknowledged envoy of the free and United States of America.

Bancroft, Hist. of the U.S., vol.2, p.440 - p.441

After the capture of the Alcide and the Lys by Boscawen, it was considered what instructions should be given to the British marine. The mother of George III. inveighed most bitterly "against not pushing the French everywhere; the parliament would fever bear the suffering the French to bring home their trade and sailor;" she wished Hanover in the sea, as the cause of all misfortunes. Newcastle suggested trifles, to delay a decision. "If we are convinced it must be war," said Cumberland, "I have no notion of not making the most of the strength and opportunity in our hands." The earl of Granville was against meddling with trade: "It is vexing your neighbors for a little muck." "I," said Newcastle, the prime minister, "think some middle way may be found out." He was asked what way. "To be sure," he replied, "Hawke must go out; but he may be ordered not to attack the enemy, unless he thinks it worth while." He was answered, that Hawke was too wise to do anything at all, which others, when done, were to pronounce he ought to be hanged for. "What," replied the duke, "if he had orders not to fall upon the French, unless they were more in number together than ten?" The Brest squadron, it was replied, is but nine. "I mean that," resumed Newcastle, "of the merchant-men only." Thus he proceeded with inconceivable absurdity. France and England were still at peace, and their commerce was mutually protected by the sanctity of treaties. Of a sudden, orders were issued to all British vessels of war to take all French vessels, private as well as public; and, without warning, ships from the French colonies, the ships carrying from Martinique to Marseilles the rich products of plantations tilled by the slaves of Jesuits, the fishing-smacks in which the humble Breton mariners ventured to Newfoundland, whale-ships returning from their adventures, the scanty fortunes with which poor men freighted the little barks engaged in the coasting trade, were within one month, by violence and by artifices, seized by the British marine, and carried into English ports, to the value of thirty millions of livres. "What has taken place," wrote Rouille, under the eye of Louis XV., "is nothing but a system of piracy on a grand scale, unworthy of a civilized people." As there had been no declaration of war, the British courts of admiralty could not then warrant the outrage. The sum afterward paid into the British exchequer, as the king's share of the spoils, was about seven hundred thousand pounds. Eight thousand French seamen were held in captivity. "Never," said Louis XV., "will I forgive the piracies of this insolent nation;" and, in a letter to George II., he demanded ample reparation for the insult to the flag of France by Boscawen, and for the seizures by English men-of-war, committed in defiance of international law, the faith of treaties, the usages of civilized nations, and the reciprocal duties of kings. The wound thus inflicted on France would not heal, and for a whole generation was ready to bleed afresh. At the time, the capture of so many thousand French seamen was a subject of boast in the British Parliament; and the people were almost unanimous for war, in which Success would require the united activity of the colonies and allies in Europe.

Bancroft, Hist. of the U.S., vol.2, p.441

The incompetent ministry turned to Russia. "Seize the opportunity," such was the substance of their instructions to their boastful and credulous envoy, "to convince the Russians that they will remain only an Asiatic power, if they allow the king of Prussia to carry through his plans of aggrandizement;" and full authority was given to effect an alliance with Russia, to overawe Prussia and control the politics of Germany. Yet at that time Frederic manifested no purpose of making conquests.

Bancroft, Hist. of the U.S., vol.2, p.441 - p.442

In this manner a treaty was concluded by which England, on the point of incurring the hostility of the Catholic princes, bound itself to pay to Russia at least half a million of dollars annually, and contingently two and a half million of dollars, in order to balance and paralyze the influence of the only considerable Protestant monarchy on the continent. The English king was so eagerly bent on this shameful negotiation that Bestuchef, the Russian minister, obtained a gratuity of fifty thousand dollars, and one or two others received payments in cash and annuities. "A little increase of the money to be paid," said Bestuchef, "would be extremely agreeable. Fifty thousand pounds for the private purse of the empress would put her and her court at his majesty's management." At the same time, an extravagant treaty for subsidies was framed with Hesse, whose elector bargained at high rates for the use of his troops for the defence of Hanover, or, if needed, of the British dominions. Newcastle was sure of his majority in the house of commons; but William Pitt, though poor, and recently married, and holding the lucrative office of paymaster, declared his purpose of opposing the treaty with Russia. New castle sent for Pitt, offered him kind words from his sovereign, influence, preferment, confidence. Expressing devotion to the king, Pitt was inexorable: he would support the Hessian treaty, which was only a waste of money, but not a system of treaties dangerous to the liberties of Germany and of Europe. New castle grew nervous from fright, and did not recover courage till, in November, Fox consented to accept the seals and defend the treaties. At the great debate, Pitt taunted the majority, which was as three to one, with corruption and readiness "to follow their leader;" and, indirectly attacking the subjection of the throne to aristocratic influence, declared that "the king owes a supreme service to his people." Pitt was dismissed from office, and George Grenville and Charles Townshend retired with him.

Bancroft, Hist. of the U.S., vol.2, p.442 - p.443

The treaty with Russia was hardly confirmed when the ministry yielded to the impulse given by Pitt, and, after subsidizing Russia to obtain the use of her troops against Frederic, it negotiated an alliance with Frederic himself not to permit the entrance of Russian or any other foreign troops into Germany. The British aristocracy Newcastle sought to unite by a distribution of pensions and places. This is the moment when Hillsborough first obtained an employment, when the family of Yorke named Soame Jenyns for a lord of trade, and when Bedford was propitiated by the appointment of Richard Rigby, one of his followers, to a seat at the same board. The administration proceeded, possessing the vote, but not the respect of parliament.

Bancroft, Hist. of the U.S., vol.2, p.443

At the head of the American forces it had placed Shirley, a worn-out barrister, who knew nothing of war, yet, in December, at a congress of governors at New York, planned a campaign for the following year. Quebec was to be menaced by way of the Kennebec and the Chandiere; Froutenac and Toronto and Niagara were to be taken; and then Fort Duquesne and Detroit and Mackinaw, deprived of their communications, were, of course, to surrender. Sharpe, of Maryland, thought all efforts vain unless parliament should interfere, and this opinion he enforced in many letters. His colleagues and the officers of the army were equally importunate. "If they expect success at home," wrote Gage, in January 1756, echoing the common opinion of those around him, "acts of parliament must be made to tax the provinces in proportion to what each is able to bear, to make one common fund and pursue one uniform plan for America." "You," said Sir Charles Hardy, the new governor of New York, to the lords of trade, "will be much more able to settle it for 'Is than we can ourselves."

Bancroft, Hist. of the U.S., vol.2, p.443

From the Old Dominion, Dinwiddie continued to urge a general land-tax and poll-tax for all the colonies. "Our people," said he, "will be inflamed, if they hear of my making this proposal;" but he reiterated the hopelessness of obtaining joint efforts of the colonies by appeals to American assemblies. He urged also the subversion of charter governments; "for," said he to the secretary of state, "I am full of opinion we shall continue in a most disunited and distracted condition till his majesty takes the proprietary governments into his own hands. Till these governments are under his majesty's immediate direction, all expeditions will prove unsuccessful. These dominions, if properly protected, will be the western and best empire in the world."

Bancroft, Hist. of the U.S., vol.2, p.443 - p.444

With more elaborateness and authority, Shirley, still pleading for "a general fund," assured the ministers that the several assemblies would not agree among themselves upon such a fund; that, consequently, it must be done in England, and that the only effectual way of doing it there would be by an act of parliament, in which he professed to have great reason to think the people would readily acquiesce. The success of any other measure would be doubtful; and, suggesting a "stamp duty" as well as an excise and a poll-tax, he advised, "for the general satisfaction of the people in each colony, to leave it to their choice to raise the sum assessed upon them according to their own discretion;" but in case of failure, "proper officers" were to collect the revenue "by warrants of distress and imprisonment of persons." Shirley was a civilian, versed in English law, for many years a crown officer in the colonies, and now having precedence of all the governors. His opinion carried great weight, and it became henceforward a firm persuasion among the lords of trade, especially Halifax, Soame Jenyms, and Rigby, as well as with all who busied themselves with schemes of government for America, that the British parliament must take upon itself the establishment and collection of an American revenue.

Bancroft, Hist. of the U.S., vol.2, p.444 - p.445

While the officers of the crown were thus conspiring against American liberty, the tomahawk was uplifted along the ranges of the Alleghanies. The governor of Virginia pressed upon Washington the rank of colonel and the command of the volunteer companies, which were to guard its frontier from Cumberland through the whole valley of the Shenandoah. Difficulties of all kinds gathered in his path: the humblest captain that held a royal commission claimed to be his superior, and, for the purpose of a personal appeal to Shirley, he made a winter's journey to Boston. How different was to be his next entry into that town! Shirley, who wished to make him second in command in an expedition against Fort Duquesne, sustained his claim. When his authority was established, his own officers still needed training and instruction, tents, arms, and ammunition. He visited in person the outposts from the Potomac to Fort Dinwiddie, on Jackson's river; but had not force enough to protect the region. The low countries could not spare their white men, for these must watch their negro slaves. From the western valley every settler had already been driven; from the valley of the Shenandoah they were beginning to retreat, in droves of fifties, till the Blue Ridge became the frontier of Virginia. "The supplicating tears of the women and moving petitions of the men," wrote Washington, "melt me into such deadly sorrow that, for the people's ease, I could offer myself a willing sacrifice to the butchering enemy."

Bancroft, Hist. of the U.S., vol.2, p.445

In Pennsylvania, measures of defence were impeded by the proprietaries, who, in concert with the board of trade, sought to take into their own hands the management of the revenue from excise; to restrain and regulate the emissions of paper money; to make their own will, rather than good behavior, the tenure of office. But the assembly was inflexible in connecting their grants for the public service with the preservation of their executive influence and the taxation of "all estates, real and personal, those of the proprietaries not excepted."

Bancroft, Hist. of the U.S., vol.2, p.445

While these passionate disputes were raging, it was represented in England that the frontier of the province was desolate and defenceless; that the Shawnees had scaled the mountains, and prowled with horrible ferocity along the branches of the Susquehannah and the Delaware; that, in the time of a yearly meeting of Quakers, the bodies of a German family, murdered and mangled by the savages, had been brought down to Philadelphia; that men had even surrounded the assembly, demanding protection, which was withheld.

Bancroft, Hist. of the U.S., vol.2, p.445 - p.446

But provincial laws had already provided quarters for the British soldiers; had established a voluntary militia; and, when the proprietaries consented to pay five thousand pounds toward the public defence, had granted fifty-five thousand more. Franklin, who was one of the commissioners to apply the money, yielded to the wish of the governor, and took charge of the north-western border. Men came readily under his command; and he led them, through dangerous defiles, to build a fort at Gnadenhutten on the Lehigh. The Indians had made the village a scene of silence and desolation; the mangled inhabitants lay near the ashes of their houses unburied, exposed to birds and beasts. With Franklin came everything that could restore security; and he succeeded in establishing the intended line of forts. Recalled to Philadelphia, he found that the voluntary association for defence under the militia law went on with great success. Almost all the inhabitants, who were not Quakers, joined together to form companies, which themselves elected their officers. The officers of the companies chose Franklin colonel of their regiment of twelve hundred men, and he accepted the post.

Bancroft, Hist. of the U.S., vol.2, p.446

Here again was a new increase of popular power. In the house of commons, Lord George Sackville charged the situation of affairs in America "on the defects of the constitution of the colonies." He would have "one power established there." "The militia law of Pennsylvania," he said, "was de signed to be ineffectual; it offered no compulsion, and, moreover, gave the nomination of officers to the people." The administration hearkened to a scheme for dissolving the assembly of that province by act of parliament, and disfranchising "the Quakers for a limited time," till laws for armed defence and for diminishing the power of the people could be framed by others.

Bancroft, Hist. of the U.S., vol.2, p.446

After the long councils of indecision, the ministry of New castle, shunning altercations with colonial assemblies, gave a military character to the interference of Great Britain in American affairs. To New York instructions were sent "not to press the establishment of a perpetual revenue for the present." The northern colonies, whose successes at Lake George had mitigated the disgraces of the previous year, were encouraged by a remuneration; and, as a measure of temporary expediency, not of permanent policy or right, as a gratuity to stimulate exertions, and not to subsidize subjects, one hundred and fifteen thousand pounds were granted to them in proportion to their efforts. Of this sum, fifty-four thousand pounds fell to Massachusetts, twenty-six thousand to Connecticut, fifteen thou sand to New York. For the further conduct of the war and regulation of colonial governments, opinions and precedents as old as the reign of William III. were recalled to mind.

Bancroft, Hist. of the U.S., vol.2, p.446

The board of trade had hardly been constituted before it was summoned to devise unity in the military efforts of the provinces. In 1721, this method of governing by a military dictatorship had been revived, and most elaborately developed. The plan was now to be partially carried into effect. On the instance of Cumberland and Fox, Shirley was superseded and ordered to return to England; and the earl of Londoun, a friend of Halifax, passionately zealous for the subordination and inferiority of the colonies, utterly wanting in the qualities of a military officer or of a statesman, or a man in any sort of business, was appointed commander-in-chief of the army throughout the British continental provinces in America. His dignity was enhanced by a commission as governor of the central, ancient, and populous dominion of Virginia. This commission, which was prepared by the chancellor Hardwicke, established a power throughout the continent, independent of the colonial governors and Superior to them. They, in right of their office, might claim to be the civil and military representatives of the king, though they could not give the word within their own respective provinces, except in the absence of the continental commander and his representatives; and this commission, so contrary to the spirit of the British constitution, was renewed successively and without change till the period of independence. With these powers Londoun was sent forth to unite America by military rule, to sway its magistrates by his authority, and to make its assemblies "distinctly and precisely understand" that the king "required" of them "a general fund, to be issued and applied as the commander-in-chief should direct," and to provide "for all such charges as might arise from furnishing quarters."

Bancroft, Hist. of the U.S., vol.2, p.447 - p.448

The administration was confirmed in its purpose by the authority of Murray. The legislature of Pennsylvania, adopting the act of the British parliament to punish mutiny, had regulated the providing of quarters. Murray, in reporting against the colonial statute, drew a distinction between Englishmen and Americans, Saying: "The law assumes propositions true in the mother country, and rightly asserted in the reign of Charles I and Charles II, in times of peace, and when soldiers were kept up without the consent of parliament; but the application of such positions, in time of war, in case of troops raised for protection by the authority of parliament—made the first time by an assembly, many of whom plead what they call conscience for not joining in the military operations to resist the enemy—should not be allowed to stand as law." This act, therefore, was repealed by the king in council; and the rule was established, without limitation, that troops might be kept up in the colonies and quartered on them at pleasure, without the consent of their American parliaments.

Bancroft, Hist. of the U.S., vol.2, p.448

After sixty years of advice from the board of trade, a permanent army was established in America; nothing seemed wanting but an American revenue by acts of parliament. The obstinacy of Pennsylvania was pleaded as requiring it. On the questions affecting that province, the board of trade listened to Charles Yorke on the side of prerogative, while Charles Pratt spoke for colonial liberty; and, after a long hearing, Halifax, and Soame Jenyns, and Richard Rigby, and Talbot joined in advising an immediate act of the British legislature to overrule the charter of the province. But the ministry was rent by factions, and their fluctuating tenure of office made it difficult to mature novel or daring measures of legislation. There existed no central will Strong enough to conquer Canada or subvert the liberties of America.

Bancroft, Hist. of the U.S., vol.2, p.448

A majority of the treasury board, as well as the board of trade, favored American taxation by act of parliament; none scrupled as to the power; but the execution of the purpose was deferred to a quieter period.

Bancroft, Hist. of the U.S., vol.2, p.448 - p.449

Still, parliament, in the session of 1756, exerted its authority signally over America. There foreign Protestants might be employed as engineers and officers to enlist a regiment of aliens. Indented servants might be accepted, and their masters were referred for compensation to the respective assemblies; and the naval code of England was extended to all persons employed in the king's service on the lakes, great waters, or rivers of North America. The militia law of Pennsylvania was repealed by the king in council; the commissions of all officers elected under it were cancelled; the companies themselves were broken up and dispersed. And, while volunteers were not allowed to organize themselves for defence, the humble intercession of the Quakers with the tribe of the Delawares, covenants resting on confidence and ratified by presents, peaceful stipulations for the security of the frontier fireside and the cradle, were censured by Lord Halifax as the most daring violation of the royal prerogative. Each northern province was forbidden to negotiate with the Indians; and their relations were intrusted to Sir William Johnson, with no subordination but to Londoun.

Bancroft, Hist. of the U.S., vol.2, p.449

Yet all fears could not be allayed. "In a few years"' said one, who, after a long settlement in New England, had just returned home, the colonies of "America will be independent of Britain;" and at least one voice was raised to advise the sending out of Duke William of Cumberland to be their Sovereign and emancipating them at once.

Bancroft, Hist. of the U.S., vol.2, p.449

William Smith, the semi-republican historian of New York, insisted that "the board of trade did not know the state of America;" and he urged a law for an American union with an American parliament. "The defects of the first plan," said he, "will be supplied by experience. The British constitution ought to be the model; and, from our knowledge of its faults, the American one may rise with more health and soundness in its first contexture than Great Britain will ever enjoy."

Chapter 10:

The Aristocracy Without the

People Cannot Govern England,

1756-1757

Bancroft, Hist. of the U.S., vol.2, p.450

WAR was not declared by England till May 1756, though her navy was all the while despoiling the commerce of France. On the avowal of hostilities, she forbade neutral vessels to carry merchandise belonging to her antagonist. Frederic of Prussia had insisted that, "by the law of nations, the goods of an enemy cannot be taken from on board the ships of a friend;" that free ships make free goods. Against this interpretation of public law, Murray, citing ancient usage against the lessons of wiser times, gave the elaborate Opinion which formed the basis of English policy and admiralty law, that the effects of an enemy can be seized on board the vessel of a friend. This may be proved by authority, said the illustrious jurist, not knowing that humanity appeals from the despotic and cruel precedents of the past to the more intelligent and more humane spirit of advancing civilization. War is a trial of force, not a system of spoliation. Neutral nations believed in their right "to carry in their vessels, unmolested, the property" of belligerents; but Britain, to give efficacy to her naval power, "seized on the enemy's property which she found on board neutral ships." With the same view, she arbitrarily invaded the sovereignty of Holland, capturing its vessels whose cargoes might be useful for her navy. The treaties between England and Holland stipulated that free ships should make free goods; that the neutral should enter safely and unmolested all the harbors of the belligerents, unless they were blockaded or besieged; that the contraband of war should be strictly limited to arms, artillery, and horses, and should not include materials for ship-building. But Great Britain, in the exercise of its superior strength, prohibited the commerce of the Netherlands in naval stores; denied them the right to become the carriers of French colonial products; and declared all the harbors of France in a state of blockade, and all vessels bound to them lawful prizes. Such was the rule of 1756. "To charge England with ambition," said Charles Jenkinson, an Oxford scholar who had exchanged the thought of entering the church for aspirations in public life, and was afterward known as Lord Liverpool, "must appear so absurd to all who understand the nature of her government, that at the bar of reason it ought to be treated rather as calumny than accusation."

Bancroft, Hist. of the U.S., vol.2, p.451

April was almost gone before Abercrombie, who was to be next in command to the earl of Londoun, with Webb and two battalions, left Plymouth for New York. Londoun waited for his transports, that were to carry tents, ammunition, artillery, and intrenching tools; and at last, near the end of May, sailed without them. The man-of-war, which bore one hundred thousand pounds to reimburse the colonies for the expenses of 1755 and stimulate their activity for 1756, was delayed till the middle of June. The cannon for ships on Lake Ontario did not reach America till August. "We shall have good reason to sing Te Deum at the conclusion of this campaign," wrote the lieutenant-governor of Maryland, "if matters are not then in a worse situation than at present."

Bancroft, Hist. of the U.S., vol.2, p.451

On the fifteenth of June, Abercrombie arrived. Letters awaited him in praise of Washington. Shirley, while still first in command of the army in America, wrote to the governor of Maryland, "I shall appoint Colonel Washington to the second command in the proposed expedition upon the Ohio, if there is nothing in the king's orders, which I am in continual expectation of, that interferes with it." "He is a very deserving gentleman," wrote Dinwiddie, "and has from the beginning commanded the forces of this dominion. He is much beloved, has gone through many hardships in the service, has great merit, and can raise more men here than any one." Dinwiddie urged his promotion on the British establishment.

Bancroft, Hist. of the U.S., vol.2, p.451 - p.452

On the twenty-fifth, Abercrombie reached Albany, intent that the regular officers should command the provincials, and that the troops should be quartered on private houses. The next day Shirley acquainted him with the state of Oswego, advising that two battalions should be sent forward for its protection. The boats were ready, every magazine along the passage plentifully supplied; but the general could meditate only on triumphs of authority. "The great, the important day for Albany dawned." On the twenty-seventh, "in spite of every subterfuge, the soldiers were billeted upon the town." After this, Abercrombie still loitered, ordering a survey of Albany, that it might be ditched and stockaded round.

Bancroft, Hist. of the U.S., vol.2, p.452

On the twelfth of July, the brave Bradstreet returned from Oswego, having thrown into the fort six months' provision for five thousand men and a great quantity of stores. He brought intelligence that a French army was in motion to attack the place; and Webb, with the forty-fourth regiment, was ordered to hold himself in readiness to march to its defence. But nothing was done. The regiments of New England, with the provincials from New York and New Jersey, amounted to more than seven thousand men; with the British regular regiments, to more than ten thousand men, besides the garrison at Oswego. In the previous year the road had been opened, the forts erected. But Abercrombie was still at Albany, when, on the twenty-ninth, the earl of Londoun arrived. There "the viceroy" wasted time, with ten or twelve thousand men at his disposition doing nothing.

Bancroft, Hist. of the U.S., vol.2, p.452

The French had been more active. While the savages made inroads to the borders of Ulster and Orange counties, De Lery, leaving Montreal in March with more than three hundred men, penetrated to Fort Bull, at the Oneida portage, destroyed its stores, and returned with thirty prisoners to Montreal. Near the end of May, eight hundred men, led by the intrepid and prudent Villiers, made their palisaded camp near the mouth of Sandy Creek, whence little parties intercepted supplies for Oswego.

Bancroft, Hist. of the U.S., vol.2, p.452 - p.453

Of the Six Nations, the four lower ones—the Onondagas, Oneidas, Cayugas, and Mohawks—sent thirty of their chiefs to Montreal to solicit neutrality. They received for answer, "If you do not join the English, you shall not be harmed;" and the envoys of the neutral tribes returned laden with presents.

Bancroft, Hist. of the U.S., vol.2, p.453

Just then, the field-marshal Marquis de Montcalm arrived at Quebec; a man of a strong and well-stored memory, of a quick and highly cultivated mind, small in stature, rapid in thought and in conversation, and of restless mobility. He was accompanied by the Chevalier de Levis Leran, and by Bourlamarque, colonel of infantry. Travelling day and night, he hurried to Fort Carillon, at Ticonderoga, and took measures for improving its defences. He next resolved by secrecy and celerity to take Oswego. Collecting at Montreal three regiments from Quebec, and a large body of Canadians and Indians, on the fifth of August he reviewed his troops at Frontenac, and on the evening of the same day anchored in Sackett's Harbor.

Bancroft, Hist. of the U.S., vol.2, p.453 - p.454

Fort Oswego, on the right of the river, was a large stone building surrounded by a wall flanked with four small bastions, and commanded from adjacent heights. For its defence, Shirley had crowned a summit on the opposite bank with Fort Ontario. Against this outpost, Montcalm, on the twelfth of August, at midnight, opened his trenches. The next evening, the garrison having expended their ammunition, spiked their cannon, and retreated to Fort Oswego. Immediately he occupied the height, and turned such of the guns as were serviceable against the remaining fortress. His fire killed Mercer, the commander, and soon made a breach in the wall. On the fourteenth, just as he was preparing to storm the intrenchments, the garrison, about sixteen hundred in number, capitulated. The prisoners of war descended the St. Lawrence; their colors were sent as trophies to decorate the churches of Montreal, Three Rivers, and Quebec; one hundred and twenty cannon, six vessels of war, three hundred boats, stores of ammunition and provisions, and three chests of money, fell to the conquerors. The missionaries planted a cross bearing the words: "This is the banner of victory;" by its side rose a pillar with the arms of France, and the inscription: "Bring lilies with full hands." Expressions of triumphant ecstasy broke from Montcalm; but, to allay all jealousy of the red men, he razed the forts and left Oswego a solitude. Webb, after felling trees at the Oneida portage to obstruct any inroad of the French, fled in terror to Albany.

Bancroft, Hist. of the U.S., vol.2, p.454

Londoun approved placing obstacles between his army and the enemy; for he "was extremely anxious about an attack" from the French while "flushed with success." "If it had been made on the provincials alone, it would," he complacently asserted, "have been followed With very fatal consequences." Provincials had saved the remnant of Braddock's army; provincials had conquered Acadia; provincials had defeated Dieskau: but Abercrombie and his chief sheltered their own imbecility under complaints of America. After wasting a few more weeks in busy inactivity, Londoun, whose forces could have penetrated to the heart of Canada, left the French to construct a fort at Ticonderoga, and dismissed the provincials to their homes, the regulars to winter quarters. Of the latter, a thousand were sent to New York, where free quarters for the officers were demanded of the city. The demand was resisted by the mayor, as contrary to the laws of England and the liberties of America. "Free quarters are everywhere usual," answered the commander-in-chief; "I assert it on my honor, which is the highest evidence you can require." The citizens pleaded in reply their privileges as Englishmen, by the common law, by the petition of right, and by acts of parliament. Furious at the remonstrance, the "viceroy," with an oath, answered the mayor: "If you do not billet my officers upon free quarters this day, I'll order here all the troops in North America under my command, and billet them myself upon the city." So the magistrates got up a subscription for the winter support of officers who had done nothing for the country but burden its resources. In Philadelphia, Londoun uttered the same menace; and the storm was averted by a compromise. The frontier had been left open to the French; this quartering of troops in the principal towns at the expense of the inhabitants, by the illegal authority of a military chief, was the great result of the campaign.

Bancroft, Hist. of the U.S., vol.2, p.454 - p.455

Yet native courage flashed up in every part of the colonies The false Delawares, from their village at Kittaning, within forty-five miles of Fort Duquesne, stained all the border of Pennsylvania with blood. To destroy them, three hundred Pennsylvanians, conducted by John Armstrong, of Cumberland county, crossed the Alleghanies. On the seventh of September 1756, they marched thirty miles through unbroken forests, and at night were guided to the village by the beating of a drum and the whooping of warriors at a festival. On the margin of the river, they saw the fires near which the Indians, with no dreams of danger, took their rest. At daybreak, the attack on the Delawares began. Jacobs raised the war-whoop, crying: "The white men are come; we shall have scalps enough." The squaws and children fled to the woods; the warriors fought with desperate bravery and skill as marksmen. "We are men," they shouted; "we will not be made prisoners." The town being set on fire, some of them sang their death-song in the flames. Their store of powder, which was enough for a long war, scattered destruction as it exploded. Jacobs and others, attempting flight, were shot and scalped; the town was burnt to ashes, never to be rebuilt by savages. But the Americans lost sixteen men; and Armstrong was among the wounded. Hugh Mercer, captain of the company which suffered most, was hit by a musket-ball in the arm, and, with five others, separated from the main body; but, guided by the stars and rivulets, they found their way back. Pennsylvania has given the name of Armstrong to the county that includes the battle-field.

Bancroft, Hist. of the U.S., vol.2, p.455

At the same time, two hundred men, three fifths of whom were provincials, under the command of Captain Demere, were engaged in completing the new Fort Londoun, near the junction of the Tellico and the Tennessee. The Cherokees were much divided in sentiment; "Use all means you think proper," wrote Lyttelton, "to induce our Indians to take up the hatchet; promise a reward to every man who shall bring in the scalp of a Frenchman or of a French Indian."

Bancroft, Hist. of the U.S., vol.2, p.455

In December, the Six Nations sent a hundred and eighty delegates to meet the Nipisings, the Algonkins, the Pottawatomies, and the Ottawas at Montreal. All promised neutrality; though the young braves wished to join the French, and trod the English medals under foot.

Bancroft, Hist. of the U.S., vol.2, p.455 - p.456

In England, the cabinet commanded a subservient majority, and yet was crumbling in pieces from its incapacity and the weariness of the people of England at the unmixed government of the aristocracy. The great commoner, a poor and now a private man, "prepared to take the reins out of such hands;" and the influence of popular opinion came in aid of his just ambition. In June 1756, Prince George, being eighteen, became of age; and Newcastle, with the concurrence of the king, would have separated his establishment from that of his mother. They both were opposed to the separation; and Pitt exerted his influence against it with a zeal and activity of which they were most sensible.

Bancroft, Hist. of the U.S., vol.2, p.456

The earl of Bute had been one of the lords of the bedchamber to the late prince of Wales, who used to call him "a fine, showy man, such as Would make an excellent ambassador in a court where there was no business." He was ambitious, yet his personal timidity loved to lean on a nature firmer than his own. Though his learning was small, he was willing to be thought a man who could quote Horace, and find pleasure in Virgil and Columella. He had an air of the greatest importance, and in look and manner assumed an extraordinary appearance of wisdom. As a consistent and obsequious royalist, he retained the confidence of the princess dowager, and was the instructor of the future sovereign of England in the theory of the British constitution. On the organization of his household, Prince George desired to have him about his person.

Bancroft, Hist. of the U.S., vol.2, p.456

The request of the prince, which Pitt supported, was resisted by Newcastle and by Hardwicke. To embroil the royal family, the latter did not hesitate to assail the reputation of the mother of the heir apparent by tales of malicious scandal. In the first public act of Prince George, he displayed the persistency of his character. Heedless of the prime minister and the chancellor, but with many professions of duty to the king, he expressed "his desires, nay, his fixed resolutions," to have "the free choice of his servants." Having trifled with the resentment of the successor and his mother, Newcastle became terrified and yielded.

Bancroft, Hist. of the U.S., vol.2, p.456 - p.457

Restless at sharing the disgrace of an administration which met everywhere with defeat except in the venal house of commons, Fox declared "his situation impracticable," and left the cabinet. At the same time, Murray, refusing to serve longer as attorney-general, would be lord chief justice with a peerage, or retire to private life. The place had been vacant a term and a circuit; Newcastle dared not make more delay; and the influence of Bute and Prince George prevailed to bring Murray as Lord Mansfield upon the bench. No one was left in the house who, even with a sure majority, dared attempt to cope with Pitt. Newcastle sought to negotiate with him. "A plain man," he answered, "unpracticed in the policy of a court, must never presume to be the associate of so experienced a minister." "Write to him yourself," said Newcastle to Hardwicke; "don't boggle at it; you see the king wishes it; Lady Yarmouth advises it;" and Hardwicke saw him. But Pitt, after a three hours' interview, gave him a totally negative answer, unless there should be a change both of "the duke of Newcastle and his measures;" and at last, unable to gain recruits, the leader of the whig aristocracy, having still an undoubted majority in the house of commons, was compelled to recognise the power of opinion in England as greater than his own, and most reluctantly resigned. The exclusive whig party, which had ruled since the accession of the house of Hanover, had never possessed the affection of the people of England, and no longer enjoyed its confidence.

Bancroft, Hist. of the U.S., vol.2, p.457

At this time Pitt found the earl of Bute "transcendingly obliging;" and, from the young heir to the throne, "expressions" were repeated "so decisive of determined purposes" of favor "in the present or any future day," that "his own lively imagination could not have suggested a wish beyond them." In December 1756, the man of the people, the sincere lover of liberty, having on his side the English nation, of which he was the noblest type, formed a ministry.

Bancroft, Hist. of the U.S., vol.2, p.457 - p.458

But the transition in England from the rule of the aristocracy to a greater degree of popular influence could not as yet take place. If there was an end of the old aristocratic rule, it was not clear what would come in its stead. The condition of the new minister was seen to be precarious. On entering office, Pitt's health was so infirm that he took the oath at his own house, though the record bears date at St. James's. The house of commons, which he was to lead, had been chosen under the direction of Newcastle whom he superseded. George II., spiritless and undiscerning, liked subjection to genius still less than to aristocracy. On the other hand, Prince George, in March 1757, sent assurances to Pitt of "the firm support and countenance" of the heir to the throne. "Go on, my dear Pitt," said Bute; "make every bad subject your declared enemy, every honest man your real friend. How much we think alike! I, for my part, am unalterably your most affectionate friend." But in the house of commons, the friends of Newcastle were too powerful; in the council, the king encouraged opposition.

Bancroft, Hist. of the U.S., vol.2, p.458

America was become the great object of European attention; Pitt, disregarding the churlish cavils of the lords of trade, pursued toward the colonies the generous policy which afterward called forth all their strength. He respected their liberties and relied on their willing cooperation. Halifax was planning taxation by parliament; in January 1757, the British press defended the scheme, and the project of an American stamp act was pressed upon Pitt. "With the enemy at their backs, with English bayonets at their breast, in the day of their distress, perhaps the Americans," thought he, "would submit to the imposition;" but he scorned "to take an unjust and ungenerous advantage" of them. To uproot disloyalty from the mountains of Scotland, he sought in them defenders of America; and two battalions, each of a thousand Highlanders, were soon after raised for the service.

Bancroft, Hist. of the U.S., vol.2, p.458

As yet he was thwarted at every step. Without a change in the cabinet, the duke of Cumberland was unwilling to take the command in Germany. Temple was therefore dismissed; and, as Pitt did not resign, the king, in the first week in April, discarded him. England was in a state of anarchy, to which affairs in America corresponded.

Chapter 11:

The Whig Aristocracy Cannot Conquer Canada,

1757

Bancroft, Hist. of the U.S., vol.2, p.459

THE rangers at Fort William Henry defy the winter. The forests, pathless with snows; the frozen lake; the wilderness, which has no shelter against cold and storms; the perilous ambush, where defeat may be followed by the scalping-knife, or tortures, or captivity among remotest tribes—all cannot chill their daring. On skates they glide over the lakes; on snowshoes they pass through the woods. In January 1757, the gallant Stark, with seventy-four rangers, goes down Lake George, and turns the strong post of Carillon. A French party of ten or eleven sledges is driving merrily from Ticonderoga to Crown Point. Stark sallies forth to attack them; three are taken, with twice as many horses, and seven prisoners. But, before he can reach the water's edge, he is intercepted by a party of two hundred and fifty French and Indians. Sheltered by trees and a rising ground, he renews and sustains the unequal fight till evening. In the night, the survivors retreat; a sleigh, sent over the lake, brings home the wounded. Fourteen rangers had fallen, six were missing. Those who remained alive were applauded, and Stark received promotion.

Bancroft, Hist. of the U.S., vol.2, p.459 - p.460

The French are still more adventurous. A detachment of fifteen hundred men, part regulars and part Canadians, are to follow the younger Vaudreuil in a winter's expedition against Fort William Henry. They must travel sixty leagues; snowshoes on their feet; their provisions on sledges drawn by dogs; their couch at night, a bear-skin; thus they go over Champlain, over Lake George. On St. Patrick's night, a man in front tries the strength of the ice with an axe; the ice-spurs ring as the party advance over the crystal highway, with scaling ladders, to surprise the English fort. But the garrison was on the watch; and the enemy could only burn the English batteaux and sloops, the storehouses and huts within the pickets.

Bancroft, Hist. of the U.S., vol.2, p.460

For the campaign of 1757, the northern colonies, still eager to extend the English limits, at a congress of governors in Boston, in January, agreed to raise four thousand men. The governors of North Carolina, Virginia, Maryland, and Pennsylvania, meeting at Philadelphia, settled the quotas for their governments, but only as the groundwork for compulsory measures.

Bancroft, Hist. of the U.S., vol.2, p.460 - p.461

Of Pennsylvania, the people had never been numbered; yet, with the counties on Delaware, were believed to be not less than two hundred thousand, of whom thirty thousand were able to bear arms. It had no militia established by law; but forts and garrisons protected the frontier, at the annual cost to the province of seventy thousand pounds currency. To the grant in the former year of sixty thousand pounds, the assembly had added a supplement of one hundred thousand more, taxing the property of the proprietaries in its fair proportion; but they refused to contribute anything to a general fund. The salary of the governor was either not paid at all, or not till the close of the year. When any office was created, the names of those who were to execute it were inserted in the bill, with a clause reserving to the assembly the right of nomination in case of death. Sheriffs, coroners, and all persons connected with the treasury, Were thus named by the people annually, and were responsible only to their constituents. The assembly could not be prorogued or dissolved, and adjourned itself at its Own pleasure. It assumed almost all executive power, and scarce a bill came up without an attempt to encroach on the little residue. "In the Jerseys and in Pennsylvania," wrote Londoun, thinking to influence the mind of Pitt, "the majority of the assembly is composed of Quakers; while that is the case, they will always oppose every measure of government, and support that independence which is deep-rooted everywhere in this country. If some method is not found out of laying on a tax for the support of a war in America by a British act of parliament, you will continue to have no assistance from them in money, and will have very little in men, if they are wanted." The deadlock sprung from the unreasonable and obstinate selfishness of the proprietaries. The people of Pennsylvania looked to parliament for relief from their obstructive rule; and, in February 1757, Benjamin Franklin was chosen agent "to represent in England the unhappy situation of the province, that all occasion of dispute hereafter might be removed by an act of the British legislature."

Bancroft, Hist. of the U.S., vol.2, p.461

While Franklin was at New York to take passage, and there was no ministry in England to restrain the lords of trade, the house of commons adopted the memorable resolve, that "the claim of right in a colonial assembly to raise and apply public money, by its own act alone, is derogatory to the crown and to the rights of the people of Great Britain;" and this resolve was authoritatively communicated to every American assembly. "The people of Pennsylvania," said Thomas Penn, "will soon be convinced by the house of commons, as well as by the ministers, that they have not a right to the powers of government they claim." "Your American assemblies," said Granville, president of the privy council, to Franklin, soon after his arrival, "slight the king's instructions. They are drawn up by grave men, learned in the laws and constitution of the realm; they are brought into council, thoroughly weighed, well considered, and amended, if necessary, by the wisdom of that body; and, when received by the governors, they are the laws of the land; for the king is the legislator of the colonies." This doctrine fell on Franklin as new, and was never effaced from his memory. In its preceding session, parliament had laid grievous restrictions on the export of provisions from the British colonies. The act produced a remonstrance from their agents. "America," answered Granville, "must not do anything to interfere with Great Britain in the European markets." "If we plant and reap, and must not ship," retorted Franklin, "your lordship should apply to parliament for transports to bring us all back again."

Bancroft, Hist. of the U.S., vol.2, p.461 - p.462

In America, the summer passed as might have been expected from "detachments under commanders whom a child might outwit or terrify with a popgun." To Bouquet was assigned the watch on the frontiers of Carolina; Stanwix, with about two thousand men, had charge of the West; while Webb was left, with nearly six thousand men, to defend the avenue to Lake George; and, on the twentieth day of June, the earl of Londoun, having first incensed all America by a useless embargo, and having in New York, at one sweep, impressed four hundred men, weighed anchor for Halifax. Four British regiments, two battalions of royal Americans, and five companies of rangers, accompanied him. "His sailing," said the Canadians, "is a hint for us to project something on this frontier." Londoun reached Halifax on the last day of June, and found detachments from England already there; on the ninth of July the entire armament was assembled.

Bancroft, Hist. of the U.S., vol.2, p.462

At that time, Newcastle was "reading Londoun's letters with attention and satisfaction," and praising his "great diligence and ability." "My lord," said he, "mentions an act of parliament to be passed here; I don't well understand what he means by it." Prince George was specially thoughtful to guard America against free-thinkers, and sent over a hundred pounds' worth of answers to deistical writers.

Bancroft, Hist. of the U.S., vol.2, p.462

Londoun found himself in Halifax at the head of an admirable army of ten thousand men, with a fleet of sixteen ships of the line besides frigates. There he landed, levelled the uneven ground for a parade, planted a vegetable garden as a precaution against the scurvy, exercised the men in mock battles and sieges and stormings of fortresses, and, when August came, and the spirit of the army was broken, and Hay, a major-general, expressed contempt so loudly as to be arrested, the troops were embarked, as if for Louisburg. But, ere the ships sailed, the reconnoitring vessels came with news that the French at Cape Breton had one ship more than the English; and the plan of the campaign was changed. Part of the soldiers landed again at Halifax; and the earl of Londoun, leaving his garden and place of anus to weeds and briers, sailed for New York. He had been but two days out when he was met by an express, with such tidings as were to have been expected.

Bancroft, Hist. of the U.S., vol.2, p.462 - p.463

How peacefully rest the waters of Lake George between their rampart of highlands! In their pellucid depths the cliffs and the hills and the trees trace their image; and the beautiful region speaks to the heart, teaching affection for nature. As yet not a hamlet rose on its margin; not a straggler had thatched a log hut in its neighborhood; only at its head, near the centre of a wider opening between its mountains, Fort William Henry stood on its bank, almost on a level with the lake. Lofty hills overhung and commanded the wild scene, but heavy artillery had not as yet accompanied warparties into the wilderness.

Bancroft, Hist. of the U.S., vol.2, p.463

The Oneidas danced the war-dance with Vaudreuil. "We will try the hatchet of our father on the English, to see if it cuts well," said the Senecas of Niagara; and when Johnson complained of depredations on his cattle, "You begin crying quite early," they answered; "you will soon see other things."

Bancroft, Hist. of the U.S., vol.2, p.463

"The English have built a fort on the lands of Onondio," spoke Vaudreuil, governor of New France, to a congress at Montreal of the warriors of three-and-thirty nations, who had come together, some from the rivers of Maine and Acadia, some from the wilderness round Lake Huron and Lake Superior. "I am ordered," he continued, "to destroy it. Go, witness what I shall do, that, when you return to your mats, you may recount what you have seen." They took his belt of wampum, and answered: "Father, we are come to do your will." Day after day, at Montreal, Montcalm sung the war-song with the several tribes. They rallied at Fort St. John, on the Sorel, their missionaries with them; and hymns were chanted in almost as many dialects as there were nations. On the sixth day, as they discerned the battlements of Ticonderoga, the fleet arranged itself in order; and two hundred canoes, filled with braves, each nation with its own pennons, swept over the water to the landing-place. The martial airs of France, and shouts in the many tongues of the red men, resounded among the rocks and forests and mountains. The mass, too, was solemnly said; and to the Abenaki converts, seated reverently, in decorous silence, on the ground, the priest urged the duty of honoring Christianity by their example, in the presence of so many infidel braves.

Bancroft, Hist. of the U.S., vol.2, p.463 - p.464

It was a season of scarcity in Canada. None had been left unmolested to plough and plant; the miserable inhabitants had no bread. But small stores were collected for the army. They must conquer speedily or disband. "On such an expedition," said Montcalm to his officers, "a blanket and a bear-skin are the warrior's conch. Do like me with cheerful good-will. The soldier's allowance is enough for us."

Bancroft, Hist. of the U.S., vol.2, p.464

During the short period of preparation, Marin brought back his two hundred men from the skirts of Fort Edward. "He did not amuse himself with making prisoners," said Montcalm, on seeing but one captive; and the red men yelled for joy as they counted in the canoes two-and-forty scalps of Englishmen.

Bancroft, Hist. of the U.S., vol.2, p.464

The Ottawas watched in ambuscades all the twenty-third of July, and all the following night, for the American boatmen. At daybreak of the twenty-fourth, Palmer was seen on the lake in command of two-and-twenty barges. The Indians rushed on his party suddenly, terrified them by their yells, and, after killing many, took one hundred and sixty prisoners. "Tomorrow or next day," said the captives, "General Webb will be at the fort with fresh troops." "No matter," said Montcalm; "in less than twelve days I will have a good story to tell about them." The timid Webb went, it is true, to Fort William Henry, but took care to leave it with a large escort, just in season to escape from its siege.

Bancroft, Hist. of the U.S., vol.2, p.464

It is the custom of the red man, after success, to avoid the further chances of war and hurry home. "To remain now," said the Ottawas, "would be to tempt the master of life." But Montcalm, after the boats and canoes had, without oxen or horses, been borne up to Lake George, held on the plain above the portage one general council of union. The many tribes were seated on the ground according to their rank; and, in the name of Louis XV., Montcalm produced the mighty belt of six thousand shells, which, being solemnly accepted, bound all by the holiest ties to remain together till the end of the expedition. The belt was given to the Iroquois, as the most numerous; but they courteously transferred it to the upper nations, who came, though strangers, to their aid. In the scarcity of boats, the Iroquois agreed to guide Levi, with twenty-five hundred men, through the rugged country which they called their Own.

Bancroft, Hist. of the U.S., vol.2, p.465

The Christian savages employed their short leisure at the confessional; the tribes from above, restlessly weary, dreamed dreams, consulted the great medicine men, and, hanging up the complete equipment of a war-chief as an offering to their manitou, embarked on the last day of July in their decorated canoes.

Bancroft, Hist. of the U.S., vol.2, p.465

The next day, two hours after noon, Montcalm followed with the main body of the army, in two hundred and fifty boats. Rain fell in torrents; yet they rowed nearly all the night, till they came in sight of the three triangular fires that, from a mountain ridge, Pointed to the encampment of Levi. There, in Ganousky, or, as some call it, North-west bay, they held a council of war; and then, with the artillery, they moved slowly to a bay, of which the point could not be turned without exposure to the enemy. An hour before midnight, a couple of English boats were descried on the lake, when some of the upper Indians paddled two canoes to attack them, and with such celerity that one of the boats was seized and overpowered. Two prisoners being reserved, the rest were massacred. The Indians lost one warrior, a great chieftain of the nation of the Nipisings.

Bancroft, Hist. of the U.S., vol.2, p.465 - p.466

On the morning of the second day of August, the savages dashed openly upon the water, and, forming across the lake a chain of their bark canoes, they made the bay resound with their war-cry. The English were taken almost by surprise. Their tents still covered the plains. Montcalm disembarked without interruption, about a mile and a half below the fort, and advanced in three columns. The Indians hurried to burn the barracks of the English, to chase their cattle and horses, to scalp their stragglers. During the day they occupied, with Canadians under La Corne, the road leading to the Hudson, and cut off the communication. At the north was the encampment of Levi, with regulars and Canadians; while Montcalm, with the main body of the army, occupied the skirt of the wood, on the west side of the lake. His force consisted of six thousand French and Canadians, and about seventeen hundred Indians. Fort William Henry was defended by the brave Lieutenant-Colonel Monro, with less than five hundred men, while seventeen hundred men lay intrenched on the eminence to the south-east, now marked by the ruins of Fort George.

Bancroft, Hist. of the U.S., vol.2, p.466

Meantime, the braves of the Nipisings, faithful to the rites of their fathers, celebrated the funeral of their departed warrior. The lifeless frame, dressed as became a war-chief, glittered with belts and ear-rings and brilliant vermilion; a ribbon, fiery red, supported a gorget on his breast; the tomahawk was in his girdle, the pipe at his lips, the lance in his hand, at his side the well-filled bowl; and thus he sat upright on the green turf. The speech for the dead was pronounced; the dances and chants followed; human voices mingled with the sound of drums and tinkling bells. Thus seated and arrayed, he was consigned to the grave.

Bancroft, Hist. of the U.S., vol.2, p.466

On the fourth of August, the French summoned Monro to surrender; but he sent an answer of defiance. Montcalm hastened his works; the troops dragged the artillery over rocks and through the forests, and with alacrity brought fascines and gabions. Soon the first battery, of nine cannon and two mortars, was finished; and, amid the loud screams of the savages, it began to play, with a thousand echoes from the mountains. In two days more, a second was established, and, by means of the zigzags, the Indians could stand within gun-shot of the fortress. Just then arrived letters from France, conferring on Montcalm the red ribbon, with rank as knight commander of the order of St. Louis. "We are glad," said the red men, "of the favor done you by the great Onondio; but we neither love you nor esteem you the more for it; we love the man, and not what hangs on his outside." Webb, at Fort Edward, had an army of four thousand, and might have summoned the militia from all the near villages to the rescue. He sent nothing but a letter, with an exaggerated account of the French force, and advice to capitulate. Montcalm intercepted the letter, and immediately forwarded it to Monro. Yet not till the eve of the festival of St. Lawrence, when half his guns were burst and his ammunition was almost exhausted, did the dauntless veteran hang out a flag of truce.

Bancroft, Hist. of the U.S., vol.2, p.466 - p.467

To make the capitulation inviolably binding on the Indians, Montcalm summoned their war-chiefs to council. The English were to depart under an escort with the honors of war, on a pledge not to serve against the French for eighteen mouths they were to abandon all but their private effects; every Canadian or French Indian captive was to be liberated. The Indians applauded; the capitulation was signed. Late on the ninth, the French entered the fort, and the English retired to their intrenched camp.

Bancroft, Hist. of the U.S., vol.2, p.467

Montcalm had kept from the savages all intoxicating drinks; but they obtained them of the English, and all night long were wild with dances and songs and revelry. The Abenakis of Acadia inflamed other tribes by recalling their sufferings from English perfidy and power. At daybreak, they gathered round the intrenchments, and, as the terrified English soldiers filed off, began to plunder them, and incited one another to use the tomahawk. Twenty, perhaps even thirty, persons were massacred, while very many were made prisoners. Officers and soldiers, stripped of everything, fled to the woods, to the fort, to the tents of the French. To arrest the disorder, Levi plunged into the tumult, daring death a thousand times. French officers received wounds in rescuing the captives, and stood at their tents as sentries over those they had recovered. "Kill me," cried Montcalm, using prayers and menaces and promises; "but spare the English, who are under my protection;" and he urged the troops to defend themselves. The march to Fort Edward was a flight; not more than six hundred reached there in a body. From the French camp, Montcalm collected together more than four hundred, who were dismissed with a great escort; and he sent Vaudreuil to ransom those whom the Indians had carried away.

Bancroft, Hist. of the U.S., vol.2, p.467

After the surrender of Fort William Henry, the savages retired. Twelve hundred men were employed to demolish the fort, and nearly a thousand to lade the vast stores that had been given up. As Montcalm withdrew, he praised his happy fortune, that his victory was, on his own side, almost bloodless, his loss in killed and wounded being but fifty-three. The Canadian peasants returned to gather their harvests, and the lake resumed its solitude. Nothing told that civilized man had reposed upon its margin but the charred rafters of ruins, and here and there, on the side-hill, a crucifix among the pines to mark a grave.

Bancroft, Hist. of the U.S., vol.2, p.468

Pusillanimity pervaded the English camp. Webb at Fort Edward, with six thousand men, was expecting to be attacked every minute. He sent off his own baggage, and wished to retreat to the highlands on the Hudson. "For God's sake," wrote the officer in command at Albany to the governor of Massachusetts, "exert yourselves to save a province; New York itself may fall; save a country; prevent the downfall of the British government." Pownall ordered the inhabitants west of Connecticut river to destroy their wheel-carriages and drive in their cattle. Londoun proposed to encamp on Long Island, for the defence of the continent. Every day it was rumored: "My Lord Londoun goes soon to Albany;" and still each day found him at New York. "We have a great number of troops," said even royalists; "but the inhabitants on the frontier will not be one jot the safer for them."

Bancroft, Hist. of the U.S., vol.2, p.468

The English had been driven from the basin of the Ohio; Montcalm had destroyed every vestige of their power within that of the St. Lawrence; and the claim of France to the valleys of the Mississippi and the St. Lawrence seemed established by possession. France had her posts on each side of the lakes, and at Detroit, at Mackinaw, at Kaskaskia, and at New Orleans. Of the North American continent, the French claimed, and seemed to possess, twenty parts in twenty-five, leaving four only to Spain, and but one to Britain. In Europe, Russia had been evoked to be the arbiter of Germany; Minorca was lost; for Hanover, Cumberland had acceded to a shameful treaty of neutrality. The government of the English aristocracy paralyzed the immense energies of the British empire.

Bancroft, Hist. of the U.S., vol.2, p.468 - p.469

And yet sentence had been passed upon feudal monarchy, whose day of judgment the enthusiast Swedenborg had foretold. The English aristocracy, being defeated, summoned to their aid not, indeed, the rule of the people, but at least the favor of the people. The first English minister named by parliamentary influence was Shaftesbury; the first named by popular influence was the elder William Pitt. A private man, in middle life, with no fortune, with no party, with no strong family connections, having few votes under his sway in the house of commons, and perhaps not one in the house of lords; a feeble valetudinarian, shunning pleasure and society, haughty and retired, and half his time disabled by hereditary gout—was now the hope of the English world. Assuming the direction of the war, he roused the states of Protestantism to wage a war for mastery against the despotic monarchy and the institutions of the middle ages, and to secure to humanity its futurity of freedom. Protestantism is not humanity; its name implies a party struggling to throw off burdens of the past, and ceasing to be a renovating principle when its protest shall have succeeded. It was now for the last time, as a political element, summoned to appear upon the theatre of the nations, to control their alliances, and to perfect its triumph by leaving no occasion for its reappearance in arms. Its final, victorious struggle was the forerunner of a new civilization; its last war was first in the series of the wars of revolution that founded for the world of mankind the life of the nation and the power of the people.

Chapter 12:

The Catholic Powers of the Middle Age

Against the New Protestant Powers,

1757

Bancroft, Hist. of the U.S., vol.2, p.470

"THE orator is vastly well provided for," thought Bedford, In 1746, on the appointment of William Pitt to a subordinate office of no political influence. "I assure your grace of my warmest gratitude," wrote Pitt himself, in 1750, to Newcastle, who falsely pretended to have spoken favorably of him to the king; and now, in defiance of Bedford and Newcastle, and the antipathy of the king, he is become the foremost man in England, received into the ministry as its "guide," because he was the choice of the people, and alone by his greatness of soul and commanding eloquence could restore the state.

Bancroft, Hist. of the U.S., vol.2, p.470 - p.471

On his dismissal in April, no man had the hardihood to accept his place. A storm of indignation burst from the nation. To Pitt, and to Legge, who with Pitt had opposed the Russian treaty, London and other cities voted its freedom; unexampled discontent pervaded the country. Newcastle, whose pusillanimity exceeded his vanity, dared not attempt forming a ministry; and, by declining to do so, renewed his confession that the government of Great Britain could no longer be administered by a party which had for its principle to fight up alike against the king and against the people: Granville would have infused his jovial intrepidity into the junto of Fox; but Fox was desponding. Bedford had his scheme, which he employed Rigby to establish; and, when it proved impracticable, grew angry, and withdrew to Woburn Abbey. In the midst of war, the country was left to anarchy. "We are undone," said Chesterfield: "at home, by our in creasing expenses; abroad, by ill-luck and incapacity." The elector of Hesse-Cassel and the duke of Brunswick, destitute of the common honesty of hirelings, invited bids from the enemies of their lavish employer; the king of Prussia, Britain's only ally, seemed overwhelmed, Hanover reduced, and the French masters in America. So dark an hour England had not known during the century.

Bancroft, Hist. of the U.S., vol.2, p.471 - p.472

But the mind of Pitt always inclined to hope. "I am sure," said he to the duke of Devonshire, "I can save this country, and nobody else can." For eleven weeks England was without a ministry, so long was the agony, so desperate the resistance, so reluctant the surrender. At last, the king and the aristocracy were compelled to accept the man whom the nation trusted and loved. Made wise by experience, and relying on his own vigor of will for a controlling influence, he formed a ministry from many factions. Again Lord Anson, Hardwicke's son-in-law, took the highest seat at the board of the admiralty. Fox, who had children, and had wasted his fortune, accepted the place of paymaster, which the war made enormously lucrative. Newcastle had promised Halifax a new office as third secretary of state for the colonies. "I did not speak about it," was the duke's apology to him; "Pitt looked so much out of humor, I dared not." The disappointed man railed without measure at the knavery and cowardice of Newcastle; but Pitt reconciled him by leaving him his old post in the board of trade, with all its patronage, adding the dignity of a cabinet councillor. Henley, afterward Lord Northington, became lord chancellor, opening the way for Sir Charles Pratt to be made attorney-general; and George Grenville, though with rankling hatred of his brother-in-law for not bestowing on him the still more lucrative place of paymaster, took the treasuryship of the navy. The illustrious statesman himself, the ablest his country had seen since Cromwell, being resolved on making England the greatest nation in the world and himself its greatest minister, took the seals of the southern department with the conduct of the war in all parts of the globe, leaving to Newcastle the first seat at the treasury board with the disposition of bishoprics, petty offices, and contracts, and the management of "all the classes of venality." At that day, the good-will of the people was, in England, the most uncertain tenure of office, for they had no strength in parliament; their favorite held power at the sufferance of the aristocracy. "I borrow," said Pitt, "the duke of Newcastle's majority to carry on the public business."

Bancroft, Hist. of the U.S., vol.2, p.472

The new ministry kissed hands early in July 1757. "Sire," said the secretary, "give me your confidence, and I will deserve it." "Deserve my confidence," replied the king, "and you shall have it;" and kept his word. All England applauded the great commoner's elevation. John Wilkes, then just elected member of parliament, promised "steady support to the ablest minister, as well as the first character, of the age." Bearing a message from Leicester house, "Thank God," wrote Bute, "I see you in office. If even the wreck of this crown can be preserved to our amiable young prince, it is to your abilities he must owe it."

Bancroft, Hist. of the U.S., vol.2, p.472 - p.473

But Pitt knew himself called to the ministry neither by the king, nor by the parliament of the aristocracy, nor by Leicester house, but "by the voice of the people;" and the affairs of the empire were now directed by a man who had demanded for his countrymen an uncorrupted representation, a prevailing influence in designating ministers, and "a supreme service " from the king. Assuming power, he bent all factions to his authoritative will, and made "a venal age unanimous." The energy of his mind was the spring of his eloquence. His presence was inspiration; he himself was greater than his speeches. Others have uttered thoughts of beauty and passion, of patriotism and courage: none by words accomplished deeds like him. His voice resounded throughout the world, impelling the servants of the British state to achievements of glory on the St. Lawrence and along the Ganges. Animated by his genius, a corporation for trade did what Rome had not dreamed of; and a British merchant's clerk achieved conquests as rapidly as other men make journeys, resting his foot in permanent triumph where Alexander of Macedon had faltered. Ruling with unbounded authority the millions of free minds whose native tongue was his own, with but one considerable ally on the European continent, with no resources in America but from the good-will of the colonies, he led forth the England which had planted popular freedom along the western shore of the Atlantic, the England which was still the model of liberty, to encounter the despotisms of Catholic Europe, and defend "the common cause" against what he called "the most powerful and malignant confederacy that ever threatened the independence of mankind."

Bancroft, Hist. of the U.S., vol.2, p.473

The contest raged in both hemispheres. The American question was: Shall the continued colonization of North America be made under the auspices of English Protestantism and popular liberty, or of the legitimacy of France in its connection with Roman Catholic Christianity? The question of the European continent was: Shall a Protestant revolutionary kingdom, like Prussia, be permitted to grow strong within its heart? Considered in its unity, as interesting mankind, the question was: Shall the reformation, developed to the fulness of free inquiry, succeed in its protest against the middle age?

Bancroft, Hist. of the U.S., vol.2, p.473

The war that closed in 1748 had been a mere scramble for advantages, and was sterile of results; the present conflict, which was to prove a seven years' war, was an encounter of reform against the unreformed; and all the predilections or personal antipathies of sovereigns and ministers could not prevent the alliances, collisions, and results necessary to make it so. George II., who was sovereign of Hanover, in September 1755, contracted with Russia for the defence of that electorate; but Russia, which was neither Catholic nor Protestant, tolerant in religion, though favoring absolutism in government, passed alternately from one camp to the other. England, the most liberal Protestant kingdom, had cherished intimate relations with Austria, the most legitimate Catholic power; and, to strengthen the connection, had scattered bribes with open hands to Mayence, Cologne, Bavaria, and the count palatine, to elect Joseph II. king of the Romans. Yet Austria was separating itself from its old ally, and forming a confederacy of the Catholic powers; while George II. was driven to lean on his nephew, Frederic, whom he disliked.

Bancroft, Hist. of the U.S., vol.2, p.473 - p.474

A deep, but perhaps unconscious conviction of approaching decrepitude bound together the legitimate Catholic sovereigns. In all Europe there was a striving after reform. Men were grown weary of the superstitions of the middle age; of idlers and beggars, sheltering themselves in sanctuaries; of hopes of present improvement suppressed by the terrors of hell and purgatory; the countless monks and priests, whose vows of celibacy tempted to licentiousness. The lovers and upholders of the past desired a union among the governments that rested upon mediaeval traditions. For years had it been whispered that the house of Austria should unite itself firmly with the house of Bourbon; and now the Empress Maria Theresa, herself a hereditary queen, a wife and a mother, religious even to bigotry, courted by a gift the Marchioness de Pompadour, who, under the guidance of Jesuits, gladly took up the office of mediating the alliance. Kaunitz, the minister who concealed political sagacity and an inflexible will under the semblance of luxurious ease, won favor as Austria's ambassador at the court of Versailles by his affectations and his prodigal expense. And in May 1756, that is, in the two hundred and eightieth year of the jealous strife between the houses of Hapsburg and of Capet, France and Austria put aside their ancient rivalry, and as exclusive Catholics joined to support the Europe of the middle age with its legitimate despotisms, its aristocracies, and its church, to the ruin of the kingdom of Prussia and the dismemberment of Germany.

Bancroft, Hist. of the U.S., vol.2, p.474 - p.475

Among the rulers of the European continent, Frederic, with but four millions of subjects, stood forth alone, "the unshaken bulwark of Protestantism and freedom of thought." His kingdom itself was the offspring of the reformation, in its origin revolutionary and Protestant. His father—whose palace life was conducted with the economy and simplicity of the German middle class; at whose evening entertainments a wooden chair, a pipe, and a mug of beer were placed for each of the guests that assembled to discuss politics with their prince; harsh as a parent, severe as a master, despotic as a sovereign—received with scrupulous piety every article of the reformed creed. His son, who inherited an accumulated treasure and the best army in Europe, publicly declared his opinion that, "politically considered, Protestantism was the most desirable religion;" that "his royal electoral house, without one example of apostasy, had professed it for centuries." As the contest advanced, Clement XIII commemorated an Austrian victory over Prussia by the present of a consecrated cap and sword; while, in the weekly concerts for prayer in New England, petitions went up for the Prussian hero "who had drawn his sword in the cause of religious liberty, of the Protestant interest, and the liberties of Europe." "His victories," said Mayhew, of Boston, "are our own."

Bancroft, Hist. of the U.S., vol.2, p.475

The reformation was an expression of the right of the human intellect to freedom. The same principle was active in France, where philosophy panted for liberty; where Massillon had hinted that kings are chosen for the welfare of the people, and Voltaire had marshalled the men of letters against priestcraft. Monarchy itself was losing its sanctity. The Bourbons had risen to the throne through the frank and generous Henry IV., who, in the sports of childhood, played barefoot and bareheaded with the peasant boys on the mountains of Beam. The cradle of Louis XV. was rocked in the pestilent atmosphere of the regency; his tutor, when from the palace-windows he pointed out the multitudes, had said to the royal child: "Sire, this people is yours;" and, as he grew old in profligate sensuality, he joined the mechanism of superstition with the maxims of absolutism, mitigating his dread of hell by the belief that Heaven is indulgent to the licentiousness of kings who maintain the church by the sword. In France, therefore, there was no alliance between the government and liberal opinion; and that opinion migrated from Versailles to the court of Prussia. The renovating intelligence of France declared against Louis XV., and, awaiting a better summons for its perfect sympathy, saw in Frederic the present hero of light and reason. Thus the subtle and pervading influence of the inquisitive mind of France was arrayed with England, Prussia, and America—that is, with Protestantism, philosophic freedom, and the nascent democracy, in their struggle with the conspiracy of European prejudice and legitimacy, of priestcraft and despotism.

Bancroft, Hist. of the U.S., vol.2, p.475 - p.476

The centre of that conspiracy was the empress of Austria with the apostate elector of Saxony, who was king of Poland Aware of the forming combination, Frederic resolved to attack his enemies before they were prepared; and, in August 1756, be invaded Saxony, took Dresden, blockaded the elector's army at Pirna, gained a victory over the imperial forces that were advancing for its relief, and closed the campaign in the middle of October, by compelling it to capitulate. In the following winter, the alliances against him were completed; and not Saxony only, and Austria, with Hungary, but the German empire, half the German states; Russia, not from motives of public policy, but from a woman's caprice; Sweden, subservient to the Catholic powers through the degrading ascendency of its nobility; France, as the ally of Austria—more than half the continent—took up arms against Frederic, who had no allies in the South or East or North, and in the West none but Hanover, with Hesse-Cassel and Brunswick. And, as for Spain, not even the offer from Pitt of the conditional restitution of Gibraltar and the evacuation of all English establishments on the Mosquito Shore and in the Bay of Honduras, nor any consideration whatever, could move the Catholic monarch "to draw the sword in favor of heretics."

Bancroft, Hist. of the U.S., vol.2, p.476

As spring opened, Frederic hastened to meet the Austrian forces in Bohemia. They retired, under the command of Charles of Lorraine, abandoning well-stored magazines; and, in May 1757, for the preservation of Prague, risked a battle under its walls. After terrible carnage, the victory remained with Frederic, who at once framed the most colossal design that ever entered the mind of a soldier; to execute against Austria a series of measures like those against Saxony at Pirna, to besiege Prague and compel Charles of Lorraine to surrender. But the cautious Daun, a man of high birth, esteemed by the empress queen and beloved by the Catholic church, pressed slowly forward to raise the siege. Leaving a part of his army before Prague, Frederic went forth with the rest to attack the Austrian commander; and, on the eighteenth of June, attempted to storm his intrenchments on the heights of Colin. The brave Prussian battalions were repelled with disastrous loss, and left Frederic almost unattended. "Will you carry the battery alone?" demanded one of his lieutenants; on which the hero rode calmly toward the left wing and ordered a retreat.

Bancroft, Hist. of the U.S., vol.2, p.476 - p.477

The refined but feeble August William, prince of Prussia, had remained at Prague. "All men are children of one father:" thus Frederic had once reproved his pride of birth; "all are members of one family, and, for all your pride, are of equal birth and of the same blood. Would you stand above them? Then excel them in humanity, gentleness, and virtue." At heart opposed to the cause of mankind, the prince had from the first urged his brother to avoid the war; and at this time, when drops of bitterness were falling thickly into the hero's cup, he broke out into pusillanimous complaints, advising a shameful peace by concession to Austria. But Frederic's power was now first to appear: as victory fell away from him, he stood alone before his fellow-men, in unconquerable greatness.

Bancroft, Hist. of the U.S., vol.2, p.477

Raising the siege of Prague, he conducted the retreat of one division of his army into Saxony, without loss; the other the prince of Prussia led in a manner contrary to the rules of war and to common sense, and more disastrous than the loss of a pitched battle. Frederic censured the dereliction harshly; in that day of disaster he would not tolerate a failure of duty, even in the heir to the throne.

Bancroft, Hist. of the U.S., vol.2, p.477

The increasing dangers became terrible. "I am resolved," wrote Frederic, in July, "to save my country or perish." Colin became the war-cry of French and Russians, of Swedes and imperialists; Russians invaded his dominions on the east; Swedes from the North threatened Pomerania and Berlin; a vast army of the French was concentrating itself at Erfurt for the recovery of Saxony; while Austria, recruited by Bavaria and Wurtemburg, was conquering Silesia. "The Prussians will win no more victories," wrote the queen of Poland. Death at this moment took from Frederic his mother, whom he loved most tenderly. A few friends remained faithful to him, cheering him by their correspondence. "Oh, that Heaven had heaped all ills on me alone!" said his affectionate sister; "I would have borne them with firmness." To the king of England he confessed his difficulties, and that he had nearly all Europe in arms against him. "I can furnish you no help," answered George II., and sought neutrality for Hanover.

Bancroft, Hist. of the U.S., vol.2, p.477 - p.478

In August, having vainly attempted to engage the enemy in Silesia in a pitched battle, Frederic repaired to the West, to encounter the united army of the imperialists and French. "I can leave you no larger garrison," was his message to Fink at Dresden; "but be of good cheer; to keep the city will do you vast honor." On his way he learns that the Austrians have won a victory over Winterfeld and Bevern, his generals in Silesia; that Winterfeld had fallen; that Bevern had retreated to the lake near Breslau, and was opposed by the Austrians at Lissa. On the eighth of September, the day after the great disaster in Silesia, the duke of Cumberland, having been defeated and compelled to retire, signed for his army and for Hanover a convention of neutrality. Voltaire advised Frederic to imitate Cumberland. "If every string breaks," wrote Frederic to Ferdinand of Brunswick, "throw yourself into Magdeburg. Situated as we are, we must persuade ourselves that one of us is worth four others." Morning dawned on new miseries; night came without a respite to his cares. He spoke serenely of the path to eternal rest, and his own resolve to live and die free. "O my beloved people!" he exclaimed, "my wishes live but for you; to you belongs every drop of my blood, and from my heart I would gladly give my life for my country." And, reproving the meanness of spirit of Voltaire, I am a man," he wrote, in October, in the moment of intensest danger; "born, therefore, to suffer; to the rigor of destiny I oppose my own constancy; menaced with shipwreck, I will breast the tempest, and think and live and die as a sovereign." In a week Berlin was in the hands of his enemies.

Bancroft, Hist. of the U.S., vol.2, p.478 - p.479

When, on the fourth of November, after various changes of position, the king of Prussia, with but twenty-one thousand six hundred men, resumed his encampment on the heights of Rossbach, the Prince de Rohan Soubise, who commanded the French and imperial army of more than sixty-four thousand, was sure of compelling him to surrender. On the morning of the fifth, the combined forces marched in flank to cut off his retreat. From the battlements of the old castle of Rossbach, Frederic gazed on their movement, at a glance penetrated their design, and, obeying the flush of his exulting mind, he on the instant made his dispositions for an attack. "Forward!" he cried, at half-past two; at three, not a Prussian remained in the village. He seemed to retreat toward Merseburg; but, concealed by the high land of Reichertswerben, the chivalrous Seidlitz, with the Prussian cavalry, having turned the right of the enemy, planted his cannon on an eminence. Through the low ground beneath him they were marching in columns, in eager haste, their cavalry in front and at a distance from their infantry. A moment's delay, an inch of ground gained, and they would have come into line. But Seidlitz and his cavalry on their right, eight battalions of infantry on their left, with orders precise and exactly executed, bore down impetuously on the cumbrous columns, and routed them before they could form, and even before the larger part of the Prussian infantry could fire a shot. That victory at Rossbach gave to Prussia the consciousness of being a nation.

Bancroft, Hist. of the U.S., vol.2, p.479

To his minister Frederic sent word of this beginning of success; but far "more was necessary." He had but obtained freedom to seek new dangers; and, hastening to relieve Schweidnitz, he wrote to a friend: "This, for me, has been a year of horror; to save the state, I dare the impossible." But already Schweidnitz had surrendered. On the twenty-second of November, Prince Bevern was surprised and taken prisoner, with a loss of eight thousand men. His successor in the command retreated to Glogau. On the twenty-fourth, Breslau was basely given up, and nearly all its garrison entered the Austrian service. Silesia seemed restored to Maria Theresa. "Does hope expire," said Frederic, "the strong man must stand forth in his strength."

Bancroft, Hist. of the U.S., vol.2, p.479

Not till the second day of December did the drooping army from Glogau join the king. Every power was exerted to revive their confidence. By degrees they catch something of his inspiring resoluteness; they share the spirit and the daring of the victors of Rossbach; they burn to efface their own ignominy. Yet the Austrian army of sixty thousand men, under Charles of Lorraine and Marshal Daun, veteran troops and more than double in number to the Prussians, were advancing, as if to crush them and end the war. "The marquis of Brandenburg," said Voltaire, "will lose his hereditary estates, as well as those which he has won by conquest."

Bancroft, Hist. of the U.S., vol.2, p.479 - p.480

Assembling his principal officers beneath a beech-tree, between Neumarkt and Leuthen, Frederic addressed them with a gush of eloquence: "While I was restraining the French and imperialists, Charles of Lorraine has succeeded in conquering Schweidnitz, repulsing Prince Bevern, mastering Breslau. A part of Silesia, my capital, my stores of war, are lost; my disasters would be extreme had I not a boundless trust in your courage, firmness, and love of country. There is not one of you but has distinguished himself by some great and honorable deed. The moment for courage has come. Listen, then: I am resolved, against all rules of the art of war, to attack the nearly threefold stronger army of Charles of Lorraine, wherever I may find it. There is no question of the number of the enemy, nor of the strength of their position; we must beat them or all of us find our graves before their batteries. Thus I think, thus I mean to act; announce my decision to all the officers of my army; prepare the privates for the scenes which are at hand; let them know I demand unqualified obedience. They are Prussians; they will not show themselves unworthy of the name. Does any one of you fear to share all dangers with me, he can this day retire; I never will reproach him." Then, as the enthusiasm kindled around him, he continued, with a serene smile: "I know that not one of you will leave me. I rely on your true aid, and am assured of victory. If I fall, the country must reward you. Go, tell your regiments what you have heard from me." And he added: "The regiment of cavalry which shall not instantly, at the order, charge, shall be dismounted and sent into garrisons; the battalion of infantry that shall but falter shall lose its colors and its swords. Now farewell, friends; soon we shall have vanquished, or we shall see each other no more."

Bancroft, Hist. of the U.S., vol.2, p.480

On the morning of December fifth, at half-past four, the army was in motion, the king in front, the troops to warlike strains singing—

Grant, Lord, that we may do with might

That which our hands shall find to do!

"With men like these," said Frederic, "God will give me the victory."

Bancroft, Hist. of the U.S., vol.2, p.480 - p.481

The Austrians were animated by no common kindling impulse. The Prussians, on that day, moved as one being, endowed with intelligence, and swayed by one will. Never had daring so combined with prudence as in the arrangements of Frederic. His eye seized every advantage of place, and his manoeuvres were inspired by the state of his force and the character of the ground. The hills and the valleys, the copses and the fallow land, the mists of morning and the clear light of noon, came to meet his dispositions, so that nature seemed instinct with the resolve to conspire with his genius. Never had orders been so executed as his on that day; and never did military genius, in its necessity, so summon invention to its rescue from despair. His line was formed to make an acute angle with that of the Austrians; as he moved forward, his left wing was kept disengaged; his right came in contact with the enemy's left, outwinged it, and attacked it in front and flank; the bodies which Lorraine sent to its support were defeated successively, before they could form, and were rolled back in confused masses. Lorraine was compelled to change his front for the defence of Leuthen; the victorious Prussian army advanced to continue the attack, now bringing its left wing into action. Leuthen was carried by storm, and the Austrians were driven to retreat, losing more than six thousand in killed and wounded, more than twenty-one thousand in prisoners. The battle, which began at half-past one, was finished at five. It was the masterpiece of motion and decision, of moral firmness and warlike genius; the greatest military deed, thus far, of the century. That victory confirmed existence to the country where Kant and Lessing were carrying free inquiry to the sources of human knowledge. The soldiers knew how the rescue of their nation hung on that battle; and, as a grenadier on the field of carnage began to sing, "Thanks be to God," the whole army, in the darkness of evening, standing amid thousands of the dead, uplifted the hymn of praise.

Bancroft, Hist. of the U.S., vol.2, p.481

Daun fled into Bohemia, leaving in Breslau a garrison of twenty thousand men. Frederic astonished Europe by gaining possession of that city, reducing Schweidnitz, and recovering all Silesia. The Russian army, which, under Apraxin, had won a victory on the north-east, was arrested in its movements by intrigues at home. Prussia was saved. In this terrible campaign, two hundred and sixty thousand men stood against seven hundred thousand, and had not been conquered.

Chapter 13:

Conquest of Louisburg and the Valley of the Ohio,

1757-1758

Bancroft, Hist. of the U.S., vol.2, p.482

THE Protestant nations compared Frederic to Gustavus Adolphus, as the defender of the reformation and of freedom. With a vigor of hope like his own, Pitt, who always supported the Prussian king with fidelity and eight days before the battle of Rossbach had authorized him to place Ferdinand of Brunswick at the head of the English army on the continent, planned the conquest of the colonies of France. Through the under-secretaries, Franklin gave him advice on the conduct of the American war, criticised the measures proposed by others, and enforced the conquest of Canada.

Bancroft, Hist. of the U.S., vol.2, p.482

In the house of commons, Lord George Sackville made the apology of Londoun. "Nothing is done, nothing attempted," said Pitt, with vehement asperity. "We have lost all the waters; we have not a boat on the lakes. Every door is open to France." Londoun was recalled, and added one more to the military officers who advised the magisterial exercise of British authority and voted in parliament to sustain it by fire and sword.

Bancroft, Hist. of the U.S., vol.2, p.482 - p.483

Rejecting the coercive policy of his predecessors, Pitt invited the New England colonies and New York and New Jersey, each without limit, to raise as many men as possible, believing them "well able to furnish at least twenty thousand," for the expedition against Montreal and Quebec; while Pennsylvania and the southern colonies were to aid in conquering the West. He assumed that England should provide arms, ammunition, and tents; he "expected and required" nothing of the colonists but "the levying, clothing, and pay of the men;" and for these expenses he promised that the king should "strongly recommend to parliament to grant a proper compensation." Moreover, in December 1757, he obtained the king's order that every provincial officer of no higher rank than colonel should have equal command with the British, according to the date of their respective commissions.

Bancroft, Hist. of the U.S., vol.2, p.483

In the midst of all his cares, Pitt sought new security for freedom in England. A bill was carried through the house of commons extending the provisions for awarding the writ of habeas corpus to all cases of commitment; and, when the law lords obtained its rejection by the peers, he was but the more confirmed in his maxim, that "the lawyers are not to be regarded in questions of liberty."

Bancroft, Hist. of the U.S., vol.2, p.483

His genius and his respect for the rights of the colonies roused their utmost activity for the conquest of Canada and the West. The contributions of New England exceeded a just estimate of their ability. The thrifty people of Massachusetts disliked a funded debt, and avoided it by taxation. Their tax in one year of the war was, on personal estate, thirteen shillings and fourpence on the pound of income, and on two hundred pounds income from real estate was seventy-two pounds, besides various excises and a poll-tax of nineteen shillings on every male over sixteen. Once, in 1759, a colonial stamp-tax was imposed by their legislature. Connecticut bore as heavy burdens.

Bancroft, Hist. of the U.S., vol.2, p.483 - p.484

The Canadians, who had not enjoyed repose enough to cultivate their lands, were cut off from regular intercourse with France by the maritime superiority of England. "I shudder," said Montcalm, in February 1758, "when I think of provisions. The famine is very great." "For all our success," thus he appealed to the minister, "New France needs peace, or sooner or later it must fall, such are the numbers of the English, such the difficulty of our receiving supplies." The Canadian war-parties were on the alert; but what availed their small successes? In the general dearth, the soldiers could receive but a half pound of bread daily; the inhabitants of Quebec, but two ounces daily. The country was almost bare of vegetables, poultry, sheep, and cattle. In the want of bread and beef and other necessaries, twelve or fifteen hundred horses were distributed for food. Artisans and day-laborers became too weak for labor.

Bancroft, Hist. of the U.S., vol.2, p.484

On the recall of Londoun, three several expeditions were set in motion. Jeffrey Amherst, with James Wolfe, was to join the fleet under Boscawen for the recapture of Louisburg; the conquest of the Ohio valley was intrusted to Forbes; and against Ticonderoga and Crown Point, Abercrombie, a friend of Bute, was commander-in-chief, though Pitt selected the young Lord Howe to be the soul of the enterprise.

Bancroft, Hist. of the U.S., vol.2, p.484

To high rank and great connections Lord Howe added a capacity to discern ability, judgment to employ it, and readiness to adapt himself to the hardships of forest warfare. Wolfe, then thirty-one years old, had been eighteen years in the army; was at Dettingen and Fontenoy, and won laurels at Laffeldt. Merit made him at two-and-twenty a lieutenant-colonel. He was at once authoritative and humane; severe, yet indefatigably kind; modest, but ambitions and conscious of ability. The brave soldier dutifully loved and obeyed his widowed mother; and he aspired to happiness in domestic life, even while he kindled at the prospect of glory as "gunpowder at fire."

Bancroft, Hist. of the U.S., vol.2, p.484

On the twenty-eighth day of May 1758, Amherst, after a most unusually long passage, reached Halifax. The fleet had twenty-two ships of the line and fifteen frigates; the army, at least ten thousand effective men. Isaac Barre, who had lingered a subaltern eleven years till Wolfe rescued him from hopeless obscurity, served as a major of brigade.

Bancroft, Hist. of the U.S., vol.2, p.484 - p.485

For six days after the British forces, on their way from Halifax to Louisburg, had entered Chapeau Rouge bay, the surf, under a high wind, made the rugged shore inaccessible, and gave the French time to strengthen and extend their lines. The sea still dashed heavily when, before daybreak, on the eighth of June, the troops disembarked under cover of a random fire from the frigates. Wolfe, the third brigadier, who led the first division, would not allow a gun to be fired, cheered the rowers, and, on coming to shoal water, jumped into the sea; and, in spite of the surf which broke several boats and upset more, in spite of the well-directed fire of the French, in spite of their breastwork and rampart of felled trees whose interwoven branches made a wall of green, the English reached the land, took the batteries, drove in the French, and on the same day invested Louisburg. At that landing, none was more gallant than Richard Montgomery, just one-and-twenty, Irish by birth, an officer in Wolfe's brigade. His commander honored him with well-deserved praise and promotion to a lieutenancy.

Bancroft, Hist. of the U.S., vol.2, p.485

On the morning of the twelfth, an hour before dawn, Wolfe, with light infantry and Highlanders, took by surprise the lighthouse battery on the north-east side of the entrance to the harbor; the smaller works were successively carried. Science, sufficient force, union among the officers, heroism pervading mariners and soldiers, carried forward the siege, during which Barre by his conduct secured the approbation of Amherst and the friendship of Wolfe. Boscawen was prepared to send six English ships into the harbor. The town of Louisburg was already a heap of ruins; for eight days the French officers and men had had no safe place for rest; of their fifty-two cannon, forty were disabled. They had now but five ships of the line and four frigates. It was time for the Chevalier de Drucour to capitulate. On the twenty-seventh of July, the English took possession of Louisburg, and, as a consequence, of Cape Breton and Prince Edward's island. The garrison, with the sailors and marines, in all five thousand six hundred and thirty-seven, were sent to England. Halifax being the English naval station, Louisburg was deserted. The harbor still offers shelter from storms; but only a few hovels mark the spot which so much treasure was lavished to fortify, so much effort to conquer. Wolfe, whose heart was in England, bore home the love and esteem of the army. The trophies were deposited in the cathedral of St. Paul's; the churches gave thanks; Boscawen, himself a member of parliament, was honored by a unanimous tribute from the house of commons. New England, too, triumphed; for the praises awarded to Amherst and Wolfe recalled the deeds of her own sons.

Bancroft, Hist. of the U.S., vol.2, p.485

The season was too far advanced to attempt Quebec. Besides, a sudden message drew Amherst to Lake George.

Bancroft, Hist. of the U.S., vol.2, p.486

The summons of Pitt had called into being a numerous and well-equipped provincial army. Massachusetts, which had upon its alarm list more than thirty-seven thousand men who were by law obliged in case of an invasion to take the field, had ten thou sand of its citizens employed in the public service; but it kept its disbursements for the war under the control of its own commissioners. Pownall, its governor, complained of the reservation as an infringement of the prerogative, predicted confidently the nearness of American independence, and, after vain appeals to the local legislature, repeated his griefs to the lords of trade. The board answered: "Unless some effectual remedy be applied at a proper time, the dependence which the colony of Massachusetts bay ought to have upon the sovereignty of the crown will be in great danger of being totally lost." The letter was sent without the knowledge of Pitt, who never invited a province to the utmost employment of its resources, with the secret purpose of subverting its liberties as soon as victory over a foreign foe should have been achieved with its co-operation.

Bancroft, Hist. of the U.S., vol.2, p.486

Meantime, nine thousand and twenty-four provincials from New England, New York, and New Jersey assembled on the shore of Lake George. There were the six hundred New England rangers, dressed like woodmen, armed with a firelock and a hatchet, under their right arm a powder-horn, a leather bag for bullets at their waist, and to each officer a pocket compass as a guide in the forests. There was Stark, of New Hampshire, already promoted to be a captain. There was the generous, open-hearted Israel Putnam, now a major, leaving his good farm round which his own hands had helped to build the walls. There were the chaplains, who preached to the regiments of citizen soldiers a renewal of the days when doses with the rod of God in his hand sent Joshua against Amalek. By the side of the provincials rose the tents of the regular army, six thousand three hundred and sixty-seven in number. Abercrombie was commander-in-chief; but confidence rested solely on Lord Howe.

Bancroft, Hist. of the U.S., vol.2, p.486 - p.487

On the fifth day of July, the armament of more than fifteen thousand men, the largest body of European origin that had ever been assembled in America, struck their tents at daybreak, and in nine hundred small boats and one hundred and thirty-five whale-boats, with artillery mounted on rafts, embarked on Lake George; and, in the evening light, halted at Sabbath-day Point. Long afterward, Stark remembered that on that night Lord Howe, reclining in his tent on a bear-skin, and bent on winning a hero's name, questioned him closely as to the position of Ticonderoga and the fittest mode of attacking it.

Bancroft, Hist. of the U.S., vol.2, p.487

On the promontory, where the lake through an outlet less than four miles long, falling in that distance about one hundred and fifty-seven feet, enters the Champlain, the French had placed Fort Carillon, having that lake on its east, and on the south and south-west the bay formed by the junction. On the north wet meadows obstructed access; so that the only approach by land was from the north-west. On that side, about a half mile in front of the fort, Montcalm marked out his lines, which began near the meadows and followed the sinuosities of the ground till they approached the outlet. This the road from Lake George to Ticonderoga crossed twice by bridges, between which the path was as a chord to the large arc made by the course of the water. Near the bridge at the lower falls, less than two miles from the fort, the French had built saw-mills, on ground which offered a strong military position. On the first of July, Montcalm sent three regiments to occupy the head of the portage, but soon recalled them. On the morning of the fifth, when a white flag on the mountains gave warning that the English were embarked, a guard of three pickets was stationed at the landing-place; and Trepezee, with three hundred men, was sent still farther forward, to watch the movements of the enemy.

Bancroft, Hist. of the U.S., vol.2, p.487

An hour before midnight the English army was again in motion, and by nine the next morning disembarked on the west side of the lake, in a cove sheltered by a point which still keeps the name of Lord Howe. The three French pickets precipitately retired.

Bancroft, Hist. of the U.S., vol.2, p.487 - p.488

As the French had burnt the bridges, the army, forming in four columns, began its march round the bend along the west side of the outlet, over ground uneven and densely wooded. "If these people," said Montcalm, "do but give me time to gain the position I have chosen on the heights of Carillon, I shall beat them." The columns, led by bewildered guides, broke and jostled each other; they had proceeded about two miles when the right centre, where Lord Howe had command, suddenly came upon the party of Trepezee, who had lost his way and for twelve hours had been wandering in the forest. The worn-out stragglers, less than three hundred in number, fought bravely. They were soon overwhelmed; but Lord Howe, foremost in the skirmish, was the first to fall, expiring immediately. The grief of his fellow-soldiers and the confusion that followed his death spoke his eulogy; Massachusetts raised his monument in Westminster Abbey.

Bancroft, Hist. of the U.S., vol.2, p.488

The English passed the following night under arms in the forest. On the morning of the seventh, Abercrombie had no better plan than to draw back to the landing-place.

Bancroft, Hist. of the U.S., vol.2, p.488

Early the next day, he sent Clark, the chief engineer, across the outlet to reconnoitre the French lines, which he reported to be of flimsy construction, strong in appearance only. Stark, of New Hampshire, as well as some English officers, with a keener eye and sounder judgment, saw well-finished preparations of defence; but the general, apprehending that Montcalm already commanded six thousand men, and that Levi was hastening to join him with three thousand more, gave orders, without waiting for cannon to be brought up, with gun in hand, to storm the breastworks that very day. For that end a triple line was formed, out of reach of cannon-shot; the first consisted, on the left, of the rangers; in the centre, of the boatmen; on the right, of the light infantry; the second, of provincials, with wide openings between their regiments; the third, of the regulars. Troops of Connecticut and New Jersey formed a rear-guard. During these arrangements, Sir William Johnson arrived with four hundred and forty warriors of the Six Nations, who gazed with inactive apathy on the white men that had come so far to shed each other's blood.

Bancroft, Hist. of the U.S., vol.2, p.488 - p.489

On the sixth of July, Montcalm called in all his parties, which amounted to no more than two thousand eight hundred French and four hundred and fifty Canadians. That day, he employed the second battalion of Berry in strengthening his post. The next day, his whole army toiled incredibly, the officers giving the example, and planting the flags on the breast work. In the evening, Levi returned from an intended expedition against the Mohawks, bringing four hundred chosen men; and at night all bivouacked along the intrenchment. On the morning of the eighth, the drums of the French beat to arms, that the troops, now thirty-six hundred and fifty in number, might know their stations; and then, without pausing to return the fire of musketry from English light troops on the declivities of the mountain, they resumed their work. The right of their defences rested on a hillock, from which the plain between the lines and the lake was to have been flanked by four pieces of cannon, but the battery could not be finished; the left extended to a scarp surmounted by an abattis. For a hundred yards in front of the intermediate breastwork, which consisted of piles of logs, the approach was obstructed by felled trees with their branches pointing outward, stumps, and rubbish of all sorts.

Bancroft, Hist. of the U.S., vol.2, p.489 - p.490

The English army, obeying the orders of a commander who remained out of sight and far behind during the action, rushed forward with fixed bayonets to carry the lines, the regulars advancing through the openings between the provincial regiments, and taking the lead. Montcalm, who stood just within the trenches, threw off his coat for the sunny work of the July afternoon, and forbade a musket to be fired till he commanded; then, as the English drew very near in three principal columns to attack simultaneously the left, the centre, and the right, and became entangled among the rubbish and broken into disorder by clambering over logs and projecting limbs, at his word a sudden and incessant fire from swivels and small-arms mowed down brave officers and men. Their intrepidity made the carnage terrible. The attacks were continued all the afternoon, generally with the greatest vivacity. When the English endeavored to turn the left, Bourlamarque opposed them till he was dangerously wounded; and Montcalm, who watched every movement, sent re-enforcements at the moment of crisis. On the right, the grenadiers and Scottish Highlanders charged for three hours, without faltering and without confusion; many fell within fifteen steps of the trench; some, it was said, upon it. About five o'clock, the columns which had attacked the French centre and right concentrated them selves on a salient point between the two; but Levi flew from the right, and Montcalm himself brought up a reserve. At six, the two parties nearest the water turned desperately against the centre, and, being repulsed, made a last effort on the left. Thus were life and courage prodigally wasted, till the bewildered English fired on an advanced party of their own, producing hopeless dejection; and, after losing, in killed and wounded, nineteen hundred and sixty-seven, chiefly regulars, they fled promiscuously.

Bancroft, Hist. of the U.S., vol.2, p.490

The British general, during the battle, cowered safely at the saw-mills; and, when his presence was needed to rally the fugitives, was nowhere to be found. The second in command gave no orders; while Montcalm, careful of every duty, distributed refreshments among his exhausted soldiers, cheered them by thanks to each regiment for their valor, and employed the coming night in strengthening his lines.

Bancroft, Hist. of the U.S., vol.2, p.490

The English still exceeded the French fourfold. Their artillery was near, and could easily force a passage. The mountain over against Ticonderoga was in their possession. But Abercrombie, a victim to the "extremest fright and consternation," hurried the army that same evening to the boats, embarked the next morning, and did not rest till he had placed the lake between himself and Montcalm.

Bancroft, Hist. of the U.S., vol.2, p.490

The news overwhelmed Pitt with sadness. Bute, who insisted that "Abercrombie and the troops had done their duty," comforted himself in "the numbers lost" as proof of "the greatest intrepidity," thinking it better to have cause for "tears" than "blushes;" and reserved his sympathy for the "broken-hearted commander." Prince George expressed his hope, one day, by "superior help," to "restore the love of virtue and religion."

Bancroft, Hist. of the U.S., vol.2, p.490 - p.491

While Abercrombie wearied his army with lining out a useless fort, the partisans of Montcalm were present everywhere. Just after the retreat of the English, they fell upon a regiment at the Half-way Brook between Fort Edward and Lake George. A fortnight later, they seized a convoy of wagoners at the one place. To intercept the French on their return, some hundred rangers scoured the forests near Woodcreek, marching in Indian file, Putnam in the rear, in front the commander Rogers, who, with a British officer, beguiled the way by firing at marks. The noise attracted hostile Indians to an ambuscade. A skirmish ensued, and Putnam, with twelve or fourteen more, was separated from the party. His comrades were scalped: in after-life, he used to relate how one of the savages gashed his cheek with a tomahawk, bound him to a forest-tree, and kindled about him a crackling fire; how his thoughts glanced aside to the wife of his youth and his children; when the brave French officer, Marin, happening to descry his danger, rescued him from death, to be exchanged in the autumn.

Bancroft, Hist. of the U.S., vol.2, p.491

Better success awaited Bradstreet. From the majority in a council of war, he extorted a reluctant leave to proceed against Fort Frontenac. At the Oneida carrying-place, Brigadier Stanwix placed under his command twenty-seven hundred men, all Americans, nearly seven hundred from Massachusetts, and more than eleven hundred New Yorkers, among whom were the brothers James and George Clinton. There, too, were assembled one hundred and fifty warriors of the Six Nations; among them, Red Head, the renowned war-chief of Onondaga. Inspired by his eloquence in council, two-and-forty of them took Bradstreet for their friend, and grasped the hatchet as his companions. At Oswego, toward which they moved with celerity, there remained scarce a vestige of the English fort; of the French there was no memorial but "a large wooden cross." As the Americans gazed with extreme pleasure on the scene around them, they were told that farther west, in "Genesee and Canasadaga, there were lands as fertile, rich, and luxuriant as any in the universe." Crossing Lake Ontario in open boats, they landed, on the twenty-fifth of August, within a mile of Fort Frontenac. It was a quadrangle, mounted with thirty pieces of cannon and sixteen small mortars. On the second day, such of the garrison as had not fled surrendered. Here were the military stores for Fort Duquesne and the interior dependencies, with nine armed vessels, each caring from eight to eighteen guns; of these, two were sent to Oswego. After razing the fortress, and destroying such vessels and stores as could not be brought off, the Americans returned to Lake George.

Bancroft, Hist. of the U.S., vol.2, p.492

There the main army was wasting the season in Supine inactivity. The news of the disastrous day at Ticonderoga induced Amherst, without orders, to conduct four regiments and a battalion from Louisburg. They landed in September at Boston, and at once entered on the march through the greenwood. In one of the regiments was Lieutenant Richard Montgomery, who remained near the northern lakes till 1760. When near Albany, Amherst hastened in advance, and on the fifth of October came upon the English camp. Early in November, despatches arrived, appointing him commander-in-chief. Returning to England, Abercrombie was screened from censure, maligned the Americans, and afterward assisted in parliament to tax the witnesses of his pusillanimity.

Bancroft, Hist. of the U.S., vol.2, p.492

Canada was exhausted. "Peace! peace!" was the cry; "no matter with what boundaries." "I have not lost courage," wrote Montcalm, "nor have my troops; we are resolved to find our graves under the ruins of the colony."

Bancroft, Hist. of the U.S., vol.2, p.492 - p.493

Pitt, who had carefully studied the geography of North America, knew that the success of Bradstreet had gained the dominion of Lake Ontario and opened the avenue to Niagara; and he turned his mind from the defeat at Ticonderoga, to see if the banner of England was already waving over Fort Duquesne. For the conquest of the Ohio valley be relied mainly on the central provinces. The assembly of Maryland had insisted on an equitable assessment of taxes on all property, not omitting the estates of the proprietaries: this Londoun reported "as a most violent attack on his majesty's prerogative." "I am persuaded," urged Sharpe on his official correspondent in England, "if the parliament of Great Britain was to compel us by an act to raise thirty thousand pounds a year, the upper class of people among us, and, indeed, all but a very few, would be well satisfied;" and he sent "a sketch of an act" for "a poll-tax on the taxable inhabitants." But that form of raising a revenue throughout America, being specially unpalatable to English owners of slaves in the West Indies, was disapproved "by all" in England. While the officers of Lord Baltimore were thus concerting with the board of trade a tax by parliament, Pitt, though entreated to interpose, regarded the bickerings between the proprietary and the people with calm impartiality, blaming both Parties for the disputes which withheld Maryland from contributing her full share to the conquest of Fort Duquesne.

Bancroft, Hist. of the U.S., vol.2, p.493

After long delays, Joseph Forbes, who had the command as brigadier, saw twelve hundred and fifty Highlanders arrive from South Carolina. They were joined by three hundred and fifty royal Americans. Pennsylvania, animated by an unusual military spirit—which seized even Benjamin West, known afterward as a painter, and Anthony Wayne, then a boy of thirteen—raised for the expedition twenty-seven hundred men. Their senior officer was John Armstrong. With Washington as their leader, Virginia sent two regiments of about nineteen hundred, whom their beloved commander praised as "really fine corps." Yet, vast as were the preparations, Forbes would never, but for Washington, have seen the Ohio.

Bancroft, Hist. of the U.S., vol.2, p.493

The Virginia chief, who at first was stationed at Fort Cumberland, clothed a part of his force in the hunting-shirt and Indian blanket, which least impeded the progress of the soldier through the forest; and he entreated that the army might advance promptly along Braddock's road. But the expedition was not merely a military enterprise: it was also the march of civilization toward the West, and was made memorable by the construction of a better avenue to the Ohio. This required long-continued labor. September had come before Forbes, whose life was slowly ebbing, was borne in a litter as far as Raystown. But he preserved a clear head and a firm will, or, as he himself expressed it, was "actuated by the spirits" of William Pitt; and he decided to keep up the direct connection with Philadelphia, as essential to present success and future security.

Bancroft, Hist. of the U.S., vol.2, p.493 - p.494

While Washington, with most of the Virginians, joined the main army, Bouquet was sent forward, with two thousand men, to Loyal Hanna. There he received intelligence that the French post was defended by but eight hundred men, of whom three hundred were Indians. Bouquet, without the knowledge of his superior officer, intrusted to Major Grant, of Montgomery's battalion, a party of eight hundred, chiefly Highlanders and Virginians, of Washington's command, with orders to reconnoitre the enemy's position. The men easily scaled the successive ridges, and took post on a hill near Fort Duquesne. Not knowing that Aubry had arrived with a re-enforcement of four hundred men from Illinois, Grant divided his troops, in order to tempt the enemy into an ambuscade; and, at daybreak of the fourteenth of September, discovered himself by beating his drums. A large body of French and Indians, commanded by the gallant Aubry, immediately poured out of the fort, and with surprising celerity attacked his troops in detail, never allowing him time to get them together. They gave way and ran, leaving two hundred and ninety-five killed or prisoners. Even Grant, who in the folly of his vanity had but a few moments before been confident of an easy victory, gave himself up as a captive; but a small party of Virginians, under the command of Thomas Bullitt, arrested the precipitate flight, and saved the detachment from utter ruin. On their return to the camp, their coolness and courage were publicly extolled by Forbes; and, in the opinion of the whole army, regulars as well as provincials, their superiority of discipline reflected honor on Washington.

Bancroft, Hist. of the U.S., vol.2, p.494

Not till the fifth of November did Forbes himself reach Loyal Hanna; and there a council of war determined for that season to advance no farther. But, on the twelfth, Washington gained from three prisoners exact information of the weakness of the French garrison on the Ohio, and it was resolved to proceed. Two thousand five hundred men were picked for the service. For the sake of speed, they left behind every convenience except a blanket and a knapsack, and of the artillery took only a light train.

Bancroft, Hist. of the U.S., vol.2, p.494 - p.495

Washington, who, pleading a "long intimacy with these woods" and familiarity "with all the passes and difficulties," had solicited the responsibility of leading the party, was appointed to command the advance brigade. His troops were provincials. Forbes, now sinking into the grave, had consumed fifty days in marching as many miles from Bedford to Loyal Hanna. Fifty miles of the wilderness still remained to be opened in the late season, through a soil of deep clay, or over rocky hills white with snow, by troops poorly fed and poorly clad; but Washington infused his own spirit into the men whom he commanded, and who thought light of hard ships and dangers while "under the particular directions" of "the man they knew and loved." Every encampment was so planned as to hasten the issue. On the thirteenth, the veteran Armstrong, who had proved his skill in moving troops rapidly and secretly through the wilderness, pushed forward with one thousand men, and in five days threw up defences within seventeen miles of Fort Duquesne. On the fifteenth, Washington, who followed, was on Chestnut Ridge; on the seventeenth, at Bushy Run. "All," he reported, "are in fine spirits and anxious to go on." On the nineteenth, Washington left Armstrong to wait for the Highlanders, and, taking the lead, dispelled by his vigilance every "apprehension of the enemy's approach." When, on the twenty-fourth, the general encamped his whole party among the hills of Turkey creek, within ten miles of Fort Duquesne, the disheartened garrison, then about five hundred in number, set fire to the fort in the night-time, and by the light of its flames went down the Ohio. On Saturday, the twenty-fifth of November, the little army moved on in one body; and at evening the youthful hero could point out to Armstrong and the hardy provincials, who marched in front, to the Highlanders and royal Americans, to Forbes himself, the meeting of the rivers. Armstrong's own hand raised the British flag over the ruined bastions of the fortress. As the banners of England floated over the waters, the place, at the suggestion of Forbes, was with one voice called Pittsburg. It is the most enduring monument to William Pitt. America raised to his name statues that have been wrongfully broken, and granite piles of which not one stone remains upon another; but, long as the Monongahela and the Alleghany shall flow to form the Ohio, long as the English tongue shall be the language of freedom in the boundless valley which their waters traverse, his name shall stand inscribed on the gateway of the West.

Bancroft, Hist. of the U.S., vol.2, p.495 - p.496

The twenty-sixth was observed as a day of public thanksgiving for success; and when was success of greater importance? The connection between the sea-side and the world beyond the mountains was established forever; a vast territory was secured; the civilization of liberty and commerce and religion was henceforth "to maintain the undisputed possession of the Ohio." "These dreary deserts," wrote Forbes, "will soon be the richest and most fertile of any possessed by the British in North America."

Bancroft, Hist. of the U.S., vol.2, p.496

On the twenty-eighth, a numerous detachment went to Braddock's field, where their slaughtered comrades, after more than three years, lay yet unburied in the forest. Here and there a skeleton was found resting on the trunk of a fallen tree, as if a wounded man had sunk down in the attempt to fly. In some places, wolves and crows had left Signs of their ravages; in others, the blackness of ashes marked the scene of the revelry of cannibals. The trees still showed branches rent by cannon, trunks dotted with musket-balls. Where the havoc had been the fiercest, bones lay whitening in confusion. None could be recognised, except that the son of Sir Peter Halket was called by the shrill whistle of a savage to the great tree near which his father and his brother had been seen to fall together; and, while Benjamin West and a company of Pennsylvanians formed a circle around, the Indians removed the leaves till they bared the relics of the youth, lying across those of the elder officer. The remains of the two, thus united in death, were wrapped in a Highland plaid, and consigned to one grave, with the ceremonies that belong to the burial of the brave. The bones of the undistinguishable multitude, more than four hundred and fifty in number, were indiscriminately cast into the ground, no one knowing for whom specially to weep. The chilling gloom of the forest at the coming of winter, the religions awe that mastered the savages, the groups of soldiers sorrowing over the ghastly ruins of an army, formed a sombre scene of desolation. How is all changed! The banks of the broad and placid Monongahela smile with gardens, orchards, and teeming harvests; with workshops and villas; the victories of peace have effaced the memorials of war; railroads send their cars over the Alleghanies in fewer hours than the army had taken weeks for its unresisted march; and in all that region no sounds now prevail but of life and activity.

Bancroft, Hist. of the U.S., vol.2, p.496 - p.497

Two regiments, composed of Pennsylvanians, Marylanders, and Virginians, remained as a garrison, under the command of Mercer; and for Washington, who at twenty-six retired from the army, after having done so much to advance the limits of his country, the next few weeks were filled with happiness and honor. The people of Fredericktown had chosen him their representative. On the last day of the year, "the affectionate officers" who had been under him expressed, with "sincerity and openness of soul," their grief at "the loss of such an excellent commander, such a sincere friend, and so affable a companion," "a man so experienced in military affairs, one so renowned for patriotism, conduct, and courage." They publicly acknowledged to have found in him a leader who had "a quick discernment and invariable regard for merit, an earnestness to inculcate genuine sentiments of true honor and passion for glory;" whose "example inspired alacrity and cheerfulness in encountering severest toils;" whose zeal for "strict discipline and order gave to his troops a superiority which even the regulars and provincials publicly acknowledged." On the sixth of the following January, the woman of his choice was bound with him in wedlock. The first month of union was hardly over when, in the house of burgesses, the speaker, obeying the resolve of the house, publicly gave him the thanks of Virginia for his services to his country; and as the young man, taken by surprise, hesitated for words in his attempt to reply, "Sit down," interposed the speaker; "your modesty is equal to your valor, and that surpasses the power of any language I possess." After these crowded weeks, Washington, no more a soldier, retired to Mount Vernon, with the experience of five years of assiduous service. Yet not the quiet of rural life by the side of the Potomac, not the sweets of conjugal love, could turn his fixed mind from the love of glory; and he revealed his passion by adorning his rooms with busts of Eugene and Marlborough, of Alexander, of Caesar, of Charles XII.; and of one only among living men, the king of Prussia, whose struggles he watched with painful sympathy. Washington had ever before his eyes the image of Frederic. Both were eminently founders of nations, childless heroes, fathers only to their countries: the one beat down the dominion of the aristocracy of the middle ages by a military monarchy; the Providence which rifles the world had elected the other to guide the fiery coursers of revolution along nobler paths, and to check them firmly at the goal.

Chapter 14:

The Conquest of Canada,

1759

Bancroft, Hist. of the U.S., vol.2, p.498

THE first object of Pitt on obtaining real power was the acquisition of the boundless dominions of France in America. With astonishing unanimity, parliament voted for the year twelve millions sterling, and such forces, by sea and land, as till those days had been unimagined in England.

Bancroft, Hist. of the U.S., vol.2, p.498

In the arrangements for the campaign, the secretary disregarded seniority of rank. Stanwix was to complete the occupation of the posts at the West, from Pittsburg to Lake Erie; Prideaux to reduce Fort Niagara; and Amherst, now commander-in-chief and the sinecure governor of Virginia, to advance with the main army to Lake Champlain. For the conquest of Quebec, Pitt confided the fleet to Saunders, an officer who to unaffected modesty and steady courage joined the love of civil freedom. For the command of the army in the river St. Lawrence Wolfe was selected. "I feel called upon," he had written, on occasion of his early promotion, "to justify the notice taken of me by such exertions and exposure of myself as will probably lead to my fall." And the day before departing for his command, in the inspiring presence of Pitt, he forgot danger, glory, everything but the overmastering purpose to consecrate himself to his country.

Bancroft, Hist. of the U.S., vol.2, p.498 - p.499

All the while, ships from every part of the world were bringing messages of the success of British arms. In the proceding April, a small English squadron made a conquest of Senegal; in December, negroes crowded on the heights of the island of Goree to witness the surrender of its forts to Commodore Augustus Keppel. In the Indian seas, Pococke maintained the superiority of England. In the West Indies, in January 1759, a fleet of ten line-of-battle ships, with six thousand effective troops, made a fruitless attack on Martinique; but in May it gained, by capitulation, the well-watered island of Guadaloupe, whose harbor can screen whole navies from hurricanes, and by its position commands the neighboring seas.

Bancroft, Hist. of the U.S., vol.2, p.499 - p.500

From the continent of Europe came the assurance that a victory at Minden had protected Hanover. The French, having repulsed Prince Ferdinand of Brunswick at Frankfort, pursued their advantage, occupied Cassel, compelled Munster to capitulate, and took Minden by assault; so that Hanover could be saved only by a victory. Contades and Broglie, the French generals, with their superior force, were allured from their strong position, and accepted battle on narrow and inconvenient ground, on which their horse occupied the centre, their foot the wings. The French cavalry charged, but, swept by artillery and the rolling fire of the English and Hanoverian infantry, they were repulsed. At this moment, Ferdinand, who had detached the hereditary prince of Brunswick with ten thousand men to cut off the retreat, sent a message to the commander of the British cavalry, Lord George Sackville, by a German aide-de-camp, whom Lord George affected not to understand. Ligonier came next, with express directions that he bring up the cavalry and attack the French, who were faltering. "See the confusion he is in!" cried Sloper to Ligonier; "for God's sake repeat your orders!" Fitzroy arrived with a third order from Ferdinand. "This cannot be so," said Lord George; "would he have me break the line?" Fitzroy urged the command. "Do not be in a hurry," said Lord George. "I am out of breath with galloping," replied young Fitzroy, "which makes me speak quick; but my orders are positive; the French are in confusion; here is a glorious opportunity for the English to distinguish themselves." "It is impossible," repeated Lord George, "that the prince could mean to break the line." "I give you his orders," rejoined Fitzroy, "word for word." "Who will be the guide to the cavalry?" asked Lord George. "I," said the brave boy, and led the way. Lord George, pretending to be puzzled, was reminded by Smith, one of his aids, of the necessity of immediate obedience; on which he sent Smith to lead on the British cavalry, while he himself rode to the prince for explanation. Ferdinand, in scorn, renewed his orders to the marquis of Granby, the second in command, and was obeyed with alacrity; but the decisive moment was lost. "Lord George's fall was prodigious; nobody stood higher; nobody had more ambition." George II. dismissed him from all his posts. A court-martial the next year found him guilty of disobeying orders, and unfit for employment in any military capacity; on which the king struck his name out of the council-book and forbade his appearance at court.

Bancroft, Hist. of the U.S., vol.2, p.500

In America, every colony north of Maryland seconded William Pitt. In New York and New England there was not one village but grew familiar with war from the experience of its own inhabitants. Massachusetts sent into the service more than seven thousand men, or nearly one sixth part of all who were able to bear arms. Connecticut raised, as in the previous year, five thousand men; incurred debts, and appointed heavy taxes to discharge them. New Jersey, which had lost one thousand men, yet voted to raise one thousand more; and expended yearly for the war an amount equal to about five dollars for each inhabitant. Such was the free service of loyal colonies under an administration which respected their liberty.

Bancroft, Hist. of the U.S., vol.2, p.500

To encounter the preparations of England and America, Canada received scanty supplies of provisions from France. "The king," wrote the minister of war to Montcalm, "relies on your zeal and obstinacy of courage;" but Montcalm informed Belle-Isle that, without unexpected good fortune, or great fault in the enemy, Canada must be taken this campaign, or certainly the next. Its census showed but a population of about eighty-two thousand, of whom not more than seven thousand men could serve as soldiers; the eight French battalions counted but thirty-two hundred, while the English were thought to have almost fifty thousand men in arms. There was a dearth in the land; the fields were hardly cultivated; domestic animals were failing; the soldiers were unpaid; paper money had increased to thirty millions of livres, and would that year be increased twelve millions more; while the civil officers were making haste to enrich themselves before the surrender, which was to screen their frauds.

Bancroft, Hist. of the U.S., vol.2, p.501

The western brigade, under Prideaux, composed of two battalions from New York, a battalion of royal Americans, and two British regiments, with a detachment of royal artillery, and Indian auxiliaries under Sir William Johnson, was the first to engage actively. Fort Niagara stood, as its ruins yet stand, on the fiat and narrow promontory round which the deep and rapid Niagara sweeps into the lower lake. There La Salle, first of Europeans, had raised a light palisade. There Denonville had constructed a fortress and left a garrison for a winter. It commanded the portage between Ontario and Erie, and gave the dominion of the western fur trade. Leaving a detachment with Colonel Haldimand to build a tenable post at the mouth of the Oswego, the united American, British, and Indian forces embarked, on the first day of July, on Lake Ontario, and landed without opposition at one of its inlets, six miles east of the junction of the Niagara. The fortress on the peninsula was easily invested.

Bancroft, Hist. of the U.S., vol.2, p.501

Aware of the importance of the station, D'Aubry collected from Detroit and Erie, Le Boeuf and Venango, an army of twelve hundred men, and marched to the rescue. Prideaux made the best dispositions to frustrate the design; but, on the fifteenth of July, he was killed by the bursting of a cohorn. Sir William Johnson, who succeeded him, commemorated his abilities, and executed his plans. On the morning of the twenty-fourth of July, the French made their appearance. The Mohawks gave a sign for a parley with the French Indians; but, as it was not returned, they raised the war-whoop. While the regulars advanced to meet the French in front, the English Indians gained their flanks and threw them into disorder, on which the English rushed to the charge with irresistible fury. The French broke, retreated, and were pursued, suffering great loss. On the next day, the garrison, of about six hundred men, capitulated. New York extended its limits to the Niagara river and Lake Erie. The officer and troops sent by Stanwix from Pittsburg took possession of the French posts as far as Erie without resistance.

Bancroft, Hist. of the U.S., vol.2, p.501 - p.502

The success of the English on Lake Ontario drew Levi, the second in military command in New France, from before Quebec. He ascended beyond the rapids, and endeavored to guard against a descent to Montreal by occupying the passes of the river near Ogdensburg. The men at his disposal were too few to accomplish the object; and Amherst directed Gage, whom be detached as successor to Prideaux, to take possession of the post. But Gage made excuses for neglecting the order, and whiled away his harvest-time of honor.

Bancroft, Hist. of the U.S., vol.2, p.502

Meantime, the commander-in-chief assembled the main army at Lake George. The temper of Amherst was never ruffled by collisions with the Americans; his displeasure was concealed under apparent apathy or impenetrable self-command. His judgment was slow and cautious; his mind solid, but never inventive. Taciturn and stoical, he displayed respectable abilities as a commander, without fertility of resources or daring enterprise. In five British regiments, with the royal Americans, he had fifty-seven hundred and forty-three regulars; of provincials and Gage's light infantry he had nearly as many more. On the longest day in June, he reached the lake, and the next day, with useless precaution, traced out the ground for a fort. On the twenty-first of July, the invincible flotilla moved in four columns down the water, with artillery and more than eleven thousand men. On the twenty-second, the army disembarked on the eastern shore, nearly opposite the landing-place of Abercrombie; and that night, after a skirmish of the advanced guard, they lay under arms at the saw-mills. Conscious of their inability to resist the British artillery and army, the French, on the next day, deserted their lines; on the twenty-sixth, abandoned Ticonderoga; and, five days afterward, retreated from Crown Point to Isle-aux-Noix.

Bancroft, Hist. of the U.S., vol.2, p.502 - p.503

The whole mass of the people of Canada had been called to arms; the noblesse piqued themselves on the military prowess of their ancestors, and their own great courage and loyalty. So general had been the levy that there were not men enough left to reap the fields round Montreal; and, to prevent starvation, women, old men, and children were ordered to gather in the harvest alike for rich and poor. The army that opposed Amherst had but one fourth of his numbers, and could not be recruited. An immediate descent on Montreal was universally expected. Amherst must advance, or Wolfe may perish. But, after repairing Ticonderoga, he wasted labor in building fortifications at Crown Point, which the conquest of Canada would render useless. Thus he let all August, all September, and ten days of October go by; and when at last he embarked, and victory, not without honor, might still have been within his grasp, he received messengers from Quebec, and turned back, having done nothing but occupy and repair deserted forts. Sending a detachment against the St. Francis Indians, he went into winter-quarters, leaving his unfinished work for another costly campaign. Amherst was a brave and faithful officer, but his intellect was dull. He gained a great position, because New France was acquired during his chief command; but, had Wolfe resembled him, Quebec would not have fallen.

Bancroft, Hist. of the U.S., vol.2, p.503

As soon as the floating masses of ice permitted, the forces for the expedition against Quebec had repaired to Louisburg; and Wolfe, by his zeal, good judgment and the clearness of his orders, inspired unbounded confidence. His army consisted of eight regiments, two battalions of royal Americans, three companies of rangers, artillery, and a brigade of engineers—in all, about eight thousand men; the fleet under Saunders had two-and-twenty ships of the line, and as many frigates and armed vessels. On board of one of the ships was Jervis, after ward Earl Saint-Vincent; another bore as master James Cook the navigator, destined to reveal the paths and thousand isles of the Pacific. The brigades had for their commanders the brave, open-hearted, and liberal Robert Monckton, afterward governor of New York and conqueror of Martinique; George Townshend, elder brother of Charles Townshend, soon to succeed his father in the peerage and become known as a legislator for America, a man of quick perception, but unsafe judgment; and the rash and inconsiderate James Murray. For adjutant-general, Wolfe selected Isaac Barre, his old associate at Louisburg. The grenadiers of the army were formed into a corps, commanded by Colonel Guy Carleton; a detachment of light infants was to receive orders from Lieutenant-Colonel, afterward Sir William, Howe.

Bancroft, Hist. of the U.S., vol.2, p.503 - p.504

On the twenty-sixth of June, the armament arrived, without accident, off the isle of Orleans, on which, the next day, they disembarked. The British fleet, with the numerous transports, lay at anchor on the left; the tents of the army stretched across the island; the intrenched troops of France, having their centre at the village of Beauport, extended from the Montmorenci to the St. Charles; a little south of west, the seemingly impregnable cliff of Quebec completed one of the grandest scenes in nature. To protect this guardian citadel of New France, Montcalm had of regular troops no more than six wasted battalions; of Indian warriors few appeared, the wary savages preferring the security of neutrals; the Canadian militia gave him the superiority in numbers; but he put his chief confidence in the natural strength of the country. Above Quebec, the high promontory on which the upper town is built expands into an elevated plain, having toward the river the steepest acclivities. For nine miles or more above the city, as far as Cape Rouge, every landing-place was intrenched and protected. The river St. Charles, after meandering through a fertile valley, sweeps the rocky base of the town, which it covers by expanding into sedgy marshes. Nine miles below Quebec, the Montmorenci, after fretting itself a whirlpool route and dropping for miles down steps worn in its rocky bed, rushes to the ledge, over which, falling two hundred and fifty feet, it pours its fleecy cataract into the chasm.

Bancroft, Hist. of the U.S., vol.2, p.504

At midnight, on the twenty-eighth, the short darkness was lighted up by a fleet of well-directed fire-ships, that came down with the tide; but the British sailors towed them free of the shipping.

Bancroft, Hist. of the U.S., vol.2, p.504

The men-of-war assured to Wolfe the dominion of the water, and with it the superiority on the south shore of the St. Lawrence. In the night of the twenty-ninth, Monckton, with four battalions, having crossed the south channel, occupied Point Levi; and where the mighty current, which below the town expands as a bay, flows in a deep stream of but a mile in width, batteries of mortar and cannon were constructed. Early in July, the citizens of Quebec, foreseeing the ruin of their houses, volunteered to pass over the river and destroy the works; but, at the trial, their courage failed them. The English, by the discharge of red-hot balls and shells, demolished the lower town, and injured the upper; but the citadel was beyond their reach.

Bancroft, Hist. of the U.S., vol.2, p.504 - p.505

Wolfe was eager for battle, being willing to risk all his hopes on the issue. He saw that the eastern bank of the Montmorenci was higher than the ground occupied by Mona calm, and, on the ninth, he crossed the north channel and encamped there; but the armies and their chiefs were still divided by the river precipitating itself down its rocky way in impassable eddies and rapids. Three miles in the interior, a ford was found; but the opposite bank was steep, woody, and well intrenched. Not an approach on the line of the Montmorenci, for miles into the interior, was left unprotected.

Bancroft, Hist. of the U.S., vol.2, p.505

The general proceeded to reconnoitre the shore above the town. In concert with Saunders, on the eighteenth he sailed along the well-fortified bank from Montmorenci to the St. Charles; he passed the deep and spacious harbor, which, at four hundred miles from the sea, can shelter a hundred ships of the line; he neared the high cliff of Cape Diamond, towering like a bastion over the waters and surmounted by the banner of the Bourbons; he coasted along the craggy wall of rock that extends beyond the citadel; he marked the outline of the precipitous hill that forms the north bank of the river: and everywhere he beheld a natural fastness, vigilantly defended; intrenchments, cannon, boats, and floating batteries guarding every access.

Bancroft, Hist. of the U.S., vol.2, p.505

Meantime, at midnight on the twenty-eighth, the French sent down a raft of fire-stages, consisting of nearly a hundred pieces; but these, like the fire-ships a month before, did but light up the river, without injuring the British fleet. Scarcely a day passed but there were skirmishes of the English with the Indians and Canadians, who trod stealthily in the footsteps of every exploring party.

Bancroft, Hist. of the U.S., vol.2, p.505 - p.506

Wolfe returned to Montmorenci. July was almost gone and he had made no effective advances. He resolved on an engagement. The Montmorenci, after falling over a perpendicular rock, flows for three hundred yards, amid clouds of spray and rainbows, in a gentle stream to the St. Lawrence. Near the junction, the river may, for a few hours of the tide, be passed on foot. It was planned that two brigades should ford the Montmorenci at the proper time of the tide, while Monckton's regiments should cross the St. Lawrence in boats from Point Levi. The signal was made, but some of the boats grounded on a ledge of rocks that runs out into the river. While the seamen were getting them off, and the enemy were firing a vast number of shot and shells, Wolfe, with some of the navy officers as companions, selected a landing-place; and his desperate courage thought it not yet too late to begin the attack. Thirteen companies of grenadiers, and two hundred of the second battalion of the royal Americans, who got first on shore, not waiting for support, ran hastily toward the intrenchments, and were repulsed in such disorder that they could not again come into line, though Monckton's regiments arrived and formed with self-possession. But hours hurried by; night was near; the clouds gathered heavily, as if for a storm; the tide was rising; Wolfe ordered a timely retreat. A strand of deep mud; a hillside, steep, and in many places impracticable; the heavy fire of a brave, numerous, and well-protected enemy were obstacles which intrepidity and discipline could not overcome. In general orders, Wolfe censured the impetuosity of the grenadiers; he praised the coolness of Monckton's regiments, as able alone to beat back the whole Canadian army.

Bancroft, Hist. of the U.S., vol.2, p.506 - p.507

This severe check, in which four hundred lives were lost, happened on the last day of July. Murray was next sent, with twelve hundred men, above the town to destroy the French ships and open a communication with Amherst. Twice he attempted a landing on the north shore, without success; at Deschambault, a place of refuge for women and children, he learned that Niagara had surrendered, that the French had abandoned Ticonderoga and Crown Point. The eyes of Wolfe were strained to see Amherst approach. Vain hope! The commander-in-chief, though opposed by no more than three thousand men, was loitering at Crown Point; nor did even a messenger from him arrive. Wolfe was to struggle alone with difficulties which every hour made more appalling. The numerous body of armed men under Moutcalm "could not," he said, "be called an army," but the French had the strongest country, perhaps, in the world on which to rest the defence of the town. Their boats were numerous, and weak points were guarded by floating batteries; the keen eye of the Indian prevented surprise; the vigilance and hardihood of the Canadians made intrenchments everywhere necessary. The peasantry were zealous to defend their homes, language, and religion; old men of seventy and boys of fifteen fired at the English detachments from the edges of the wood; every one able to bear arms was in the field. Little quarter was given on either side. Thus for two months the British fleet rode idly at anchor; the army lay in their tents. The feeble frame of Wolfe sunk under the restlessness of anxious inactivity.

Bancroft, Hist. of the U.S., vol.2, p.507

While disabled by fever, he laid before the brigadiers three several and equally desperate methods of attacking Montcalm in his intrenchments at Beauport. Meeting at Monckton's quarters, they wisely and unanimously gave their opinions against them all, and advised to convey four or five thousand men above the town, and thus draw Montcalm from his impregnable situation to an open action. Attended by the admiral, Wolfe examined once more the citadel, with a view to a general assault. Although every one of the five passages from the lower to the upper town was carefully intrenched, Saunders was willing to join in any hazard for the public service; "but I could not propose to him," said Wolfe, "an undertaking of so dangerous a nature and promising so little success." He had the whole force of Canada to oppose, and, by the nature of the river, the fleet could take no part in an engagement. "In this situation," wrote Wolfe to Pitt, on the second of September, "there is such a choice of difficulties that I am myself at a loss how to determine. The affairs of Great Britain require most vigorous measures; but then the courage of a handful of brave men should be exerted only where there is some hope." England read the despatch with dismay, and feared to hear further tidings.

Bancroft, Hist. of the U.S., vol.2, p.507 - p.508

Wolfe acquiesced in the proposal of the brigadiers. Securing the posts on the isle of Orleans and opposite Quebec, he marched with the army, on the fifth and sixth of September, from Point Levi, to which place he had transferred all the troops from Montmorenci, and embarked them in transports that had passed the town for the purpose. On the three following days, Admiral Holmes, with the ships, ascended the river to amuse De Bougainville, who had been sent up the north shore to watch the movements of the British army and prevent a landing. New France began to believe the worst dangers of the campaign over. Levi, the second officer in command, was sent to protect Montreal, with a detachment, it was said, of three thousand men. Summer was over, and the British fleet must soon withdraw from the river. "My constitution," wrote the general to Holdernesse, just four days before his death, "is entirely ruined, without the consolation of having done any considerable service to the state, and without any prospect of it."

Bancroft, Hist. of the U.S., vol.2, p.508

But, in the mean time, Wolfe applied himself intently to reconnoitring the north shore above Quebec. Nature had given him good eyes, as well as a warmth of temper to follow first impressions. He himself discovered the cove which now bears his name, where the bending promontories almost form a basin, with a very narrow margin, over which the hill rises precipitously. He saw the path that wound up the steep, though so narrow that two men could hardly march in it abreast; and he knew, by the number of tents which he counted on the summit, that the Canadian post which guarded it could not exceed a hundred. Here he resolved to land his army by a surprise. To mislead the enemy, his troops were kept far above the town; while Saunders, as if an attack was intended at Beauport, set Cook, the great mariner, with others, to sound the water and plant buoys along that shore.

Bancroft, Hist. of the U.S., vol.2, p.508

The day and night of the twelfth were employed in preparations. The autumn evening was bright; and the general, under the clear starlight, visited his stations, to make his final inspection and utter his, last words of encouragement. As he passed from ship to ship, he spoke to those in the boat with him of the poet Gray, and his "Elegy in a Country Churchyard," saying, "I would prefer being the author of that poem to the glory of beating the French to-morrow;" and, while the oars struck the river as it rippled under the flowing tide, he repeated:

The boast of heraldry, the pomp of power,

And all that beauty, all that wealth e'er gave,

Await alike the inevitable hour.

The paths of glory lead but to the grave.

Bancroft, Hist. of the U.S., vol.2, p.508 - p.509

Every officer knew his appointed duty, when, at one o'clock in the morning of the thirteenth of September, Wolfe, Monckton, and Murray, and about half the forces, set off in boats, and, using neither sail nor oars, glided down with the tide. In three quarters of an hour the ships followed; and, though the night had become dark, aided by the rapid current, they reached the cove just in time to cover the landing. Wolfe and the troops with him leaped on shore; the light infantry, who found themselves borne by the current a little below the intrenched path, clambered up the steep hill, staying themselves by the roots and boughs of the maple and spruce and ash trees that covered the precipitous declivity, and, after a little firing, dispersed the picket which guarded the height; the rest ascended safely by the pathway. A battery of four guns on the left was abandoned to Colonel Howe. When Townshend's division disembarked, the English had already gained one of the roads to Quebec; and, advancing in front of the forest, Wolfe stood at daybreak with his battalions on the Plains of Abraham, the battlefield of the Celtic and Saxon races for half a continent.

Bancroft, Hist. of the U.S., vol.2, p.509 - p.510

"It can be but a small party, come to burn a few houses and retire," said Montcalm, in amazement, as the news reached him in his intrenchments the other side of the St. Charles; but, obtaining better information, "Then," he cried, "they have at last got to the weak side of this miserable garrison; we must give battle and crush them before mid-day." And, before ten, the two armies, equal in numbers, each being composed of less than five thousand men, were ranged in presence of one another for battle. The English, not easily accessible from intervening shallow ravines and rail-fences, were all regulars, perfect in discipline, terrible in their fearless enthusiasm, thrilling with pride at their morning's success, commanded by a man whom they obeyed with confidence and love. Montcalm had what Wolfe had called but "five weak French battalions," of less than two thousand men, "mingled with disorderly peasantry," formed on commanding ground. The French had three little pieces of artillery; the English, one or two. The two armies cannonaded each other for nearly an hour; when Montcalm, having summoned Bougainville to his aid, and despatched messenger after messenger for Vaudreuil, who had fifteen hundred men at the camp, to come up before he should be driven from the ground, endeavored to flank the British and crowd them down the high bank of the river. Wolfe counteracted the movement by detaching Townshend with Amherst's regiment, and afterward a part of the royal Americans, who formed on the left with a double front.

Bancroft, Hist. of the U.S., vol.2, p.510

Waiting no longer for more troops, Montcalm led the French army impetuously to the attack. The ill-disciplined companies broke by their precipitation and the unevenness of the ground, and fired by platoons, without unity. Their adversaries, especially the forty-third and the forty-seventh, of which Monckton stood at the head and three men out of four were Americans, received the shock with calmness; and after having, at Wolfe's command, reserved their fire till their enemy was within forty yards, their line began a regular, rapid, and exact discharge of musketry. Montcalm was present everywhere, braving danger, wounded, but cheering by his example. Sennezergues, the second in command, his associate in glory at Ticonderoga, was killed. The brave but untried Canadians, flinching from a hot fire in the open field, began to waver; and, so soon as Wolfe, placing himself at the head of the twenty-eighth and the Louisburg grenadiers, charged with bayonets, they everywhere gave way. Of the English officers, Carleton was wounded; Barre, who fought near Wolfe, received in the head a ball which made him blind of one eye, and ultimately of both. Wolfe, as he led the charge, was wounded in the wrist; but, still pressing forward, he received a second ball; and, having decided the day, was struck a third time, and mortally, in the breast. "Support me," he cried to an officer near him; "let not my brave fellows see me drop." He was carried to the rear, and they brought him water to quench his thirst. "They run! they run!" spoke the officer on whom he leaned. "Who run?" asked Wolfe, as his life was fast ebbing. "The French," replied the officer, "give way everywhere." "Go, one of you, to Colonel Burton," cried the expiring hero; "bid him march Webb's regiment with all speed to Charles river to cut off the fugitives from the bridge." Four days before, he had looked forward to early death with dismay. "Now, God be praised, I die in peace: "these were his words as his spirit escaped in the moment of his glory. Night, silence, the rushing tide, veteran discipline, the sure inspiration of genius, had been his allies; his battle-field, high over the ocean river, was the grandest theatre for illustrious deeds; his victory, one of the most momentous in the annals of mankind, gave to the English tongue and the institutions of the Germanic race the unexplored and seemingly infinite West and North. He crowded into a few hours actions that would have given lustre to length of life, and, filling his day with greatness, completed it before its noon.

Bancroft, Hist. of the U.S., vol.2, p.511

Monckton, the first brigadier, after greatly distinguishing himself, was shot through the lungs. Townshend, the next in command, recalled the troops from the pursuit; and, when Bougainville appeared in view, declined a contest with a fresh enemy. But already the hope of New France was gone. Born and educated in camps, Montcalm had been carefully instructed, so that he was skilled in the language of Homer as well as in the art of war. Laborious, just, disinterested, hopeful even to rashness, sagacious in council, swift in action, his mind was a wellspring of bold designs; his career in Canada, a wonderful struggle against inexorable destiny. Sustaining hunger and cold, vigils and incessant toil, anxious for his soldiers, unmindful of himself, he set, even to the forest-trained red men, an example of self-denial and endurance; and, in the midst of corruption, made the public good his aim. Struck by a musket ball, as he fought opposite Monckton, he continued in the engagement till, in attempting to rally a body of fugitive Canadians in a copse near St. John's gate, he was mortally wounded.

Bancroft, Hist. of the U.S., vol.2, p.511 - p.512

On hearing from the surgeon that death was certain, "I am glad of it," he cried; "how long shall I survive?" "Ten or twelve hours, perhaps less." "So much the better; I shall not live to see the surrender of Quebec." To the council of war he showed that in twelve hours all the troops near at hand might be concentrated and renew the attack before the English were intrenched. When Ramsay, who commanded the garrison, asked his advice about defending the city, "To your keeping," he replied, "I commend the honor of France. As for me, I shall pass the night with God, and prepare myself for death." Having written a letter recommending the French prisoners to the generosity of the English, his last hours were given to the offices of his religion, and at five the next morning he expired.

Bancroft, Hist. of the U.S., vol.2, p.512

The day of the battle had not passed when Vaudreuil, who had no capacity for war, wrote to Ramsay at Quebec not to wait for an assault, but, as soon as his Provisions were exhausted, to raise the white flag of surrender. "We have cheerfully sacrificed our fortunes and our houses," said the citizens, "but we cannot expose our wives and children to a massacre." At a council of war, Fiedmont, a captain of artillery, was the only one who wished to hold out to the last extremity; and on the seventeenth of September, before the English had constructed batteries, Ramsay capitulated.

Bancroft, Hist. of the U.S., vol.2, p.512

America rung with joy; the towns were bright with illuminations, the hills with bonfires; legislatures, the pulpit, the press, echoed the general gladness; provinces and families gave thanks to God. England, too, which had shared the despondency of Wolfe, triumphed at his victory and wept for his death. Joy, grief, curiosity, amazement, were on every countenance. When the parliament assembled, Pitt modestly put aside the praises that were showered on him. "The more a man is versed in business," said he, "the more he finds the hand of Providence everywhere." "I will own I have a zeal to serve my country beyond what the weakness of my frail body admits of;" and he foretold new successes at sea. November fulfilled his predictions. In that month, Sir Edward Hawke attacked the fleet of Constans off the northern coast of France; and, though it retired to the shelter of shoals and rocks, he gained the battle during a storm at night-fall.

Chapter 15:

Invasion of the Valley of the Tennessee, 1759-1760

Bancroft, Hist. of the U.S., vol.2, p.513

THE capitulation of Quebec was received by Townshend as though the achievement had been his own; and his official report of the battle left out the name of Wolfe, whom he indirectly censured. Hurrying away from the citadel, which he believed untenable, he returned home, like Abercrombie, Londoun, Amherst, Gage, and so many more of his profession, to support taxation of the colonies by the metropolis as a necessary duty.

Bancroft, Hist. of the U.S., vol.2, p.513

In Georgia, Ellis, the able governor, who had great influence in the public offices, was studying how the colonies could be administered by the central authority. Of South Carolina, Lyttelton broke the repose by a contest "to regain the powers of government which his predecessors," as he said, "had unfaithfully given away;" and he awakened a war with the Cherokees by bringing the maxims of civilized society into conflict with their unwritten code.

Bancroft, Hist. of the U.S., vol.2, p.513

The Cherokees had heretofore been in friendship with the English, as Virginia acknowledged, in 1755, by a deputation to them and a present. In 1757, their warriors volunteered to protect the frontier south of the Potomac; yet, after they had won trophies in the general service, they would have been left to return without reward, or even supplies of food, but for the generosity of Washington and his officers.

Bancroft, Hist. of the U.S., vol.2, p.513 - p.514

The parties which in the following year joined the expedition to the Ohio were neglected, so that their hearts told them to return to their highlands. In July 1758, the back woodsmen of Virginia, finding that their half-starved allies on their way home took what they needed, seized arms, and, in three skirmishes, several of the "beloved men" of the Cherokees were slain and scalped.

Bancroft, Hist. of the U.S., vol.2, p.514

The wailing of the women, at the dawn of each day and at the gray of the evening, for their deceased relatives, provoked the nation to retaliate; and the chiefs of the Cherokees sent out their young men to take only just and equal revenge. This and no more was done.

Bancroft, Hist. of the U.S., vol.2, p.514

The legislators of South Carolina, meeting at Charleston, in March 1759, refused to consider hostilities with the Cherokees as existing or to be apprehended; but Lyttelton set aside their decision as an invasion of the prerogative, which alone could treat of peace or war; and he demanded that these public avengers "should be delivered up or be put to death in their nation," as guilty of murders. "This would only make bad worse," answered the red men; "the great warrior will never consent to it;" at the same time they entreated peace. "We live at present in great harmony," wrote Demere from Fort Londoun; "and there are no bad talks."

Bancroft, Hist. of the U.S., vol.2, p.514

Tranquillity and confidence were returning; but, in obedience to orders, Demere insisted on the surrender or execution of the offending chiefs of Settico and Tellico, while Coytmore, at Fort Prince George, intercepted all ammunition and merchandise on their way to the upper nation. Consternation spread along the mountain-sides; the hand of the young men grasped at the tomahawk; the warriors spoke much together concerning Settico and Tellico, and hostile speeches were sent round. Still they despatched to Charleston a letter with friendly strings of wampum, while the middle and the lower settlements, which had taken no part in the expedition complained of, sent their belts of white shells.

Bancroft, Hist. of the U.S., vol.2, p.514

Lyttelton rigorously enforced the interruption of trade as a chastisement; and added: "If you desire peace with us, and will send deputies to me as the mouth of your nation, I promise you, you shall come and return in safety."

Bancroft, Hist. of the U.S., vol.2, p.514 - p.515

The Indians had grown dependent on civilization; and to withhold supplies was like disarming them. The English, said they, would leave us defenceless, that they may utterly destroy us. Belts circulated more and more among the villages. They narrowly watched the roads, that no white man might pass. "We have nothing to do," said some among them, wild with rage, "but to kill the white people here, and carry their scalps to the French, who will supply us with plenty of ammunition and everything else." The nation was, however, far from being united against the English; but a general distrust prevailed.

Bancroft, Hist. of the U.S., vol.2, p.515

Lyttelton instantly gave orders to the colonels of three regiments of militia nearest the frontier to fire an alarm and assemble their corps; called out all the regulars and provincials in Charleston; asked aid of the governors of Georgia and North Carolina; invited Virginia to send re-enforcements and supplies to Fort Londoun by the road from that province; sought the active alliance of the Chicasas as ancient enemies to the French; of the Catawbas, the Tuscaroras, and even the Creeks, whose hostility he pretended to have feared; and then convening the legislature, on the fifth of October sent a message to the assembly for supplies. They replied by an address, "unanimously desiring him to defer a declaration of war." He readily consented, promising that "he would do nothing to prevent an accommodation;" on which the assembly made grants of money, and provided for calling fifteen hundred men into service, if necessary. The perfidious governor reproved them for the scantiness of the supply; and, breaking his promise, not yet a day old, he announced that "he should persevere in his intended measures."

Bancroft, Hist. of the U.S., vol.2, p.515

On the twelfth of October, he ordered the alarm to be extended to all parts of the province where it had not been before; and "one half of the militia was drafted to be in readiness to repel any invasion or suppress any insurrection that might happen during his absence."

Bancroft, Hist. of the U.S., vol.2, p.515

But hardly had the word been spoken when, on the seventeenth, Oconostata, the great warrior himself, with thirty other of the most honored men from the upper and lower towns, relying on their safe conduct from the governor, arrived in Charleston to deplore all deeds of violence, and to say that their nation truly loved peace. Bull, the lieutenant-governor, urged the wisdom of making an agreement before more blood should be spilt.

Bancroft, Hist. of the U.S., vol.2, p.516

"I am come," said Oconostata in council, on the eighteenth, "to hearken to what you have to say, and to deliver words of friendship." But Lyttelton would not speak to them, saying: "I did not invite you to come down; I only permitted you to do so; therefore, you are to expect no talk from me till I hear what you have to say."

Bancroft, Hist. of the U.S., vol.2, p.516

The next day, the proud Oconostata condescended to recount what had been ill done, explained its causes, declared that the great civil chief of the Cherokees loved and respected the English, and, making an offering of deer-skins, and pleading for a renewal of trade, he added for himself: "I love the white people; they and the Indians shall not hurt one another I reckon myself as one with you."

Bancroft, Hist. of the U.S., vol.2, p.516

Tiftoe of Keowee complained of Coytmore, the officer in command at Fort Prince George, as intemperate and licentious; but still he would hold the English fast by the hand. The head warrior of Estatoe would have "the trade go on, and no more blood spilt." Killianaca, the Black Dog of Hiwassie, was able to say that no English blood had ever been spilt by the young men of his village; and he gave assurances of peace from all the towns in his region. But the governor, in spite of the opposition of the lieutenant-governor, four of his council, and the express request of a unanimous assembly, answered them: "I am now going with a great many of my warriors to your nation to demand satisfaction. If you will not give it when I come, I shall take it."

Bancroft, Hist. of the U.S., vol.2, p.516

Oconostata and those with him claimed for themselves the benefit of the safe conduct under which they had come down. And Lyttelton spoke, concealing his purpose under words more false than the wiles of the savage: "You, Oconostata, and all with you, shall return in safety to your own country; it is not my intention to hurt a hair of your head. There is but one way by which I can insure your safety; you shall go with my warriors, and they shall protect you."

Bancroft, Hist. of the U.S., vol.2, p.516 - p.517

On Friday, the twenty-seventh, Lyttelton, with the Cherokee envoys, left Charleston to repair to Congaree, the gathering-place for the militia of Carolina. Thither came Christopher Gadsden, born in 1724, long the colonial representative of Charleston, dear to his constituents; at whose instance, and under whose command, an artillery company had just been formed, in a province which till then had not had a mounted field-piece. There, too, was Francis Marion, as yet an untried soldier, just six-and-twenty, the youngest of five sons of an impoverished planter; reserved and silent; small in stature, and of a slender frame; so temperate that he drank only water; elastic, persevering, and of sincerest purity of soul. Yet the state of the troops, both as to equipments and temper, was such as might have been expected from the suddenness of their summons to the field against the judgment of their legislature. It was still hoped that there would be no war. But before leaving Congaree, Oconostata and his associates were arrested, though their persons were sacred by the laws of savage and of civilized man; and, on arriving at Fort Prince George, they were crowded into a hut hardly large enough for six of them.

Bancroft, Hist. of the U.S., vol.2, p.517

To Attakulla-kulla, the Little Carpenter, an old man, who in 1730 had been in England, but now was devoid of influence in the tribe, Lyttelton, on the eighteenth of December, pronounced a long speech, rehearsing the conditions of their treaty. "Twenty-four men of your nation," said he, "I demand to be delivered up to me, to be put to death, or otherwise disposed of, as I shall think fit. Your people have killed that number of ours, and more; and, therefore, that is the least I will accept of. To-morrow morning I shall expect your answer." "I have ever been the firm friend of the English," answered the chief; "I will ever continue so; but, for giving up the men, we have no authority one over another."

Bancroft, Hist. of the U.S., vol.2, p.517

Yet after the governor had exchanged Oconostata and one or two more for other Indians, he sent again to Attakulla-kulla, and, on the twenty-sixth of December, procured the signature of six Cherokees to a treaty of peace, which seemed to sanction the governor's retaining the imprisoned envoys as hostages till four-and-twenty men should be delivered up. It was further covenanted that the French should not be received in their towns, and that the English traders should be safe.

Bancroft, Hist. of the U.S., vol.2, p.517 - p.518

This treaty was not made by duly authorized chiefs, nor ratified in council; nor could Indian usage give effect to its conditions. Hostages are unknown in the forest, where prisoners are the slaves of their captors. Lyttelton, in fact, violated the word he had plighted, and retained in prison the ambassadors of peace, true friends to the English, "the beloved men," of the Cherokees, who had come to him under his own safe conduct. Yet be gloried in having obtained concessions such as savage man had never before granted; and, returning to Charleston, took to himself the honor of a triumphant entry.

Bancroft, Hist. of the U.S., vol.2, p.518

The Cherokees longed to secure peace; but the young warriors, whose names were already honored in the glades of Tennessee, could not be surrendered to death or servitude; and Oconostata resolved to rescue the hostages. The commandant at Fort Prince George was lured to a dark thicket by the river side, and was shot by Indians in an ambush. The garrison, in their anger, butchered every one of their prisoners.

Bancroft, Hist. of the U.S., vol.2, p.518

At the news of the massacre, the villages, of which there was scarce one that did not wail for a chief, quivered with anger, like a chafed rattlesnake in the heats of midsummer. The "spirits," said they, "of our murdered brothers are flying around us, screaming for vengeance." The mountains echoed the war-song; and the braves dashed upon the frontiers for scalps, even to the skirts of Ninety-Six. In their attack on that fort, several of them fell. "We fatten our dogs with their carcasses," wrote Francis to Lyttelton; "and display their scalps, neatly ornamented, on the tops of our bastions." Yet Fort Londoun, on the Tennessee, was beyond the reach of succor. From Louisiana the Cherokees obtained military stores; and, extending their alliance, they exchanged with the restless Muskohgees the swans' wings painted with red and black, and crimsoned tomahawks that were the emblems of war.

Bancroft, Hist. of the U.S., vol.2, p.518

At the meeting of the Carolina legislature, in February 1760, the delegates, still more alarmed at the unwarrantable interference of Lyttelton with the usages of colonial liberty, first of all vindicated "their birthrights as British subjects," and resisted "the violation of undoubted privileges." But the lords of trade never could find words strong enough to express their approbation of his whole conduct; and he was transferred from South Carolina to the more lucrative government of Jamaica.

Bancroft, Hist. of the U.S., vol.2, p.518 - p.519

In April, General Amherst detached from the central army that had conquered Ohio six hundred Highlanders and six hundred royal Americans under Colonel Montgomery, afterward Lord Eglinton, and Major Grant, to strike a sudden blow at the Cherokees and return. At Ninety-Six, near the end of May, they joined seven hundred Carolina rangers, among whom William Moultrie, and, as some think, Marion, served as officers.

Bancroft, Hist. of the U.S., vol.2, p.519

On the first day of June, the army moved onward through the woods to surprise Estatoe. The baying of a watch-dog alarmed the village of Little Keowee, when the English rushed upon its people, and killed nearly all except women and children.

Bancroft, Hist. of the U.S., vol.2, p.519

Early in the morning they arrived at Estatoe, which its inhabitants had but just abandoned, leaving their mats still warm. The vale of Keowee is famed for its beauty and fertility, extending for seven or eight miles, till a high, narrow ridge of hills comes down on each side to the river. Below the ridge it opens for ten or twelve miles more. This lovely region was the delight of the Cherokees; on the adjacent hills stood their habitations, and the rich level ground beneath bore their fields of maize, all clambered over by the prolific bean. The river now flowed in gentle meanders, now with arrowy swiftness, or beat against hills that are the abutments of loftier mountains. Every village of the Cherokees within this beautiful country, Estatoe, Qualatchee, and Conasatchee with its stockaded town-house, was first plundered and then destroyed by fire. The Indians were plainly observed on the tops of the mountains, gazing at the flames. For years, the half-charred rafters of their dwellings might be seen on the desolate hillsides. "I could not help pitying them a little," writes Grant; "their villages were agreeably situated; their houses neatly built; there were everywhere astonishing magazines of corn, which were all consumed." The surprise was in every town almost equal, for the whole was the work of a few hours; the Indians had no time to save even what they valued most, but left for the pillagers money and watches, wampum and skins. From sixty to eighty Cherokees were killed; forty, chiefly women and children, were made prisoners.

Bancroft, Hist. of the U.S., vol.2, p.519 - p.520

Resting at Fort Prince George, Montgomery sent Tiftoe and the old warrior of Estatoe through the upper and middle towns, to summon their head men to treat of peace. But the chiefs of the Cherokees gave no heed to the message; and the British army prepared to pass the barriers of the Alleghany.

Bancroft, Hist. of the U.S., vol.2, p.520

On the twenty-sixth of June 1760, he marched through the Blue Ridge at the Rabun Gap, and made his encampment at the deserted town of Stecoe. The royal Scots and Highlanders trod the dangerous defiles with fearless alacrity, and seemed refreshed by coming into the presence of mountains.

Bancroft, Hist. of the U.S., vol.2, p.520

On the morning of the twenty-seventh, the party began their march early, having a distance of eighteen miles to travel to the town of Etchowee, the nearest of the middle settlements of the Cherokees. "Let Montgomery be wary," wrote Washington; "he has a subtle enemy, that may give him most trouble when he least expects it." The army passed down the valley of the Little Tennessee, along the mountain stream which, taking its rise in Rabun county in Georgia, flows through Macon county in North Carolina. Not far from Franklin, their path lay along the muddy river with its steep, clay banks, through a plain covered with the dense thicket, overlooked on one side by a high mountain, and on the other by hilly, uneven ground. At this narrow pass, which was then called Crow's creek, the Cherokees emerged from an ambush. Morrison, a gallant officer, was killed at the head of the advanced party. But the Highlanders and provincials drove the enemy from their lurking-places; and, returning to their yells three huzzas and three waves of their bonnets and hats, they chased them from height and hollow. At the ford, the army passed the river; and, protected by it on their right, and by a flanking-party on the left, treading a path sometimes so narrow that they were obliged to march in Indian file, fired upon from the rear, and twice from the front, they were not collected at Etchowee till midnight, and after a loss of twenty men, besides seventy-six wounded.

Bancroft, Hist. of the U.S., vol.2, p.520 - p.521

For one day, and one day only, Montgomery rested in the heart of the Alleghanies. If he had advanced to relieve the siege of Fort Londoun, he must have abandoned his wounded men and his baggage. On the following night, deceiving the Cherokees by kindling lights at Etchowee, the army retreated; and, marching twenty-five miles, they never halted till they came to War-Woman's creek, an upland tributary of the Savannah. On the thirtieth, they crossed the Oconee Mountain, and on the first day of July reached Fort Prince George.

Bancroft, Hist. of the U.S., vol.2, p.521

The retreat of Montgomery was the abandonment of the famished Fort Londoun. By the unanimous resolve of the officers, James Stuart, afterward Indian agent for the southern division, repaired to Chotee, and agreed on terms of capitulation, which neither party observed; and, on the morning of the eighth of August, Oconostata himself received the surrender of the fort, and sent its garrison of two hundred on their way to Carolina. The next day, at Telliquo, the fugitives were surrounded; Demere and three other officers, with twenty-three privates, were killed. The Cherokee warriors were very exact in that number, for it was the number of their hostages who had been slain in prison. The rest were brought back and distributed among the tribes. Their English prisoners, including captives carried from the back settlements of North and South Carolina, were thought to have amounted to near three hundred.

Bancroft, Hist. of the U.S., vol.2, p.521

Having fulfilled the letter of his instructions by reaching the country of the Cherokees, Montgomery, slighting the unanimous entreaty of the general assembly for protection of the back settlements, and leaving only four companies of royal Scots, embarked in all haste for Halifax by way of New York. Afterward, in his place in the house of commons, he acted with those who thought the Americans factious in peace and feeble in war.

Bancroft, Hist. of the U.S., vol.2, p.521

Ellis, the governor of Georgia, wiser than Lyttelton, secured the good-will of the Creeks.

Chapter 16:

Possession Taken of the Country on the Lakes,

1760

Bancroft, Hist. of the U.S., vol.2, p.522

On the inactivity of Amherst, Levi, Montcalm's successor, concentrated the remaining forces of France at Jacques Cartier for the recovery of Quebec. George Townshend, then in England, publicly rejected the Opinion "that it was able to hold out a considerable siege;" and Murray, preparing for "the last extremity," selected the isle of Orleans as his refuge.

Bancroft, Hist. of the U.S., vol.2, p.522 - p.523

As soon as the river opened, Levi proceeded, with an army of less than ten thousand men, to besiege Quebec. On the twenty-eighth of April, Murray, marching out from the city, left the advantageous ground which he first occupied, and hazarded an attack near Sillery Wood. The advance-guard, under Bourlamarque, returned it with ardor. In danger Of being surrounded, Murray was obliged to fly, leaving 'his very fine train of artillery," and losing a thousand men. The French appear to have lost about three hundred, though Murray's report increased it more than eightfold. During the next two days, Levi opened trenches against the town; but the frost delayed the works. The English garrison, reduced to twenty-two hundred effective men, labored with alacrity; women, and even cripples, were set to light work. In the French army, not a word would be listened to of the possibility of failure. But Pitt had foreseen and prepared for all. A fleet at his bidding went to relieve the city; and to his wife he was able to write in June: "Join, my love, with me, in most humble and grateful thanks to the Almighty. Swanton arrived at Quebec in the Vanguard on the fifteenth of May, and destroyed all the French shipping, six or seven in number. The siege was raised on the seventeenth with every happy circumstance. The enemy left their camp standing; abandoned forty pieces of cannon. Happy, happy day! My joy and hurry are inexpressible."

Bancroft, Hist. of the U.S., vol.2, p.523

When the spring opened, Amherst had no difficulties to encounter in taking possession of Canada but such as he himself should create. A country suffering from a four years'scarcity, a disheartened peasantry, five or six battalions, wasted by incredible services and not recruited from France, offered no opposition. Amherst led the main army of ten thousand men by way of Oswego; though the labor of getting there was greater than that of proceeding directly upon Montreal. He descended the St. Lawrence cautiously, taking possession of the feeble works at Ogdensburg. Treating the helpless Canadians with humanity, and with no loss of lives except in passing the rapids, on the seventh of September 1760, he met before Montreal the army under Murray. The next day, Haviland arrived with forces from Crown Point; and, in the view of the three armies, the flag of St. George was raised in triumph Over the gate of Montreal, the admired island of Jacques Cartier, the ancient hearth of the council-fires of the Wyandots, the village consecrated by the Romish church to the Virgin Mary, a site connected by rivers and lakes with an inland world, and needing only a milder climate to be one of the most attractive spots on the continent. The capitulation included all Canada, which was said to extend to the crest of land dividing branches of Lakes Erie and Michigan from those of the Miami, the Wabash, and the Illinois rivers. Property and religion were cared for in the terms of surrender; but for civil liberty no stipulation was thought of. Canada, under the forms of a despotic administration, came into the possession of England by conquest; and in a conquered country the law was held to be the pleasure of the king.

Bancroft, Hist. of the U.S., vol.2, p.523 - p.524

On the fifth day after the capitulation, Rogers departed with two hundred rangers to carry English banners to the upper posts. In the chilly days of November, they embarked upon Lake Erie, being the first considerable party of men whose tongue was the English that ever spread sails on its waters. The Indians on the lakes were at peace, united under Pontiac, the great chief of the Ottawas, happy in a country fruitful of corn and abounding in game. The Americans were met at the month of a river by a deputation of Ottawas. "Pontiac," said they, "is the chief and lord of the country you are in; wait till he can see you."

Bancroft, Hist. of the U.S., vol.2, p.524

When Pontiac and Rogers met, the savage chieftain asked: "How have you dared to enter my country without my leave?" "I come," replied the English agent, "with no design against the Indians, but to remove the French;" and he gave the wampum of peace. But Pontiac returned a belt, which arrested the march of the party till his leave should be granted.

Bancroft, Hist. of the U.S., vol.2, p.524

The next day, the chief sent presents of bags of parched corn, and at a second meeting smoked the calumet with the American leader, inviting him to pass onward, and ordering an escort of warriors to assist in driving his herd of oxen along the shore. The tribes south-east of Erie were told that the strangers came with his consent; yet, while he studied to inform himself how wool could be changed into cloth, how iron could be extracted from the earth, how warriors could be disciplined like the English, he spoke as an independent prince, who would not brook the presence of white men within his dominions but at his pleasure. After this interview, Rogers took possession of Detroit.

Bancroft, Hist. of the U.S., vol.2, p.524

England began hostilities for Nova Scotia and the Ohio. These she had secured, and had added Canada and Guadaloupe. "I will snatch at the first moment of peace," said Pitt. "The desire of my heart," said George II. to parliament, "is to see a stop put to the effusion of blood;" and the public mind was discussing what conquests should be retained.

Bancroft, Hist. of the U.S., vol.2, p.524 - p.525

"We have had bloodshed enough," urged Pulteney, earl of Bath, who, when in the house of commons, had been cherished in America as the friend of its liberties, and now, in his old age, pleaded for the termination of a truly national war by a solid and reasonable peace. "Our North American conquests," said he, "can not be retaken. Give up none of them, or you lay the foundation of another war. Unless we would choose to be obliged to keep great bodies of troops in America, in full peace, we can never leave the French any footing in Canada. Not Senegal and Goree, nor even Guadaloupe, ought to be insisted upon as a condition of peace, provided Canada be left to us." "North America" was of "infinite consequence," for, by its increasing inhabitants, it would consume British manufactures; by its trade, employ innumerable British ships; by its provisions, support the sugar islands; by its products, fit out the whole navy of England.

Bancroft, Hist. of the U.S., vol.2, p.525

Peace, too, was to be desired in behalf of England's ally, the only Protestant sovereign in Germany who could preserve the privileges of his religion from being trampled under foot. "How calmly," said Bath, "the king of Prussia possesses himself under distress! how ably he can extricate himself!" having "amazing resources in his own unbounded genius." "The warm support of the Protestant nation" of Great Britain must be called forth, or "the war begun to wrest Silesia from him" will, "in the end, be found to be a war" to "overturn the liberties and religion of Germany." Peace was, moreover, to be solicited from love to political freedom. The increase of the navy, army, and public debt, and the consequent influence of the crown, were "much too great for the independence of the constitution."

Bancroft, Hist. of the U.S., vol.2, p.525

But William Burke, the kinsman and friend, and often the associate, of Edmund Burke, found arguments for retaining Guadaloupe, in the opportunity it would afford of profitable investment, the richness of its soil, the number of its slaves, the absence of all rivalry between England and a tropical island. Besides, he added, "if the people of our colonies find no check from Canada, they will extend themselves almost without bound into the inland parts. They will increase infinitely from all causes. What will be the consequence, to have a numerous, hardy, independent people, possessed of a strong country, communicating little or not at all with England?

Bancroft, Hist. of the U.S., vol.2, p.525

"By eagerly grasping at extensive territory, we may run the risk, and in no very distant period, of losing what we now possess. A neighbor that keeps us in some awe is not always the worst of neighbors. So that, far from sacrificing Guadaloupe to Canada, perhaps, if we might have Canada without any sacrifice at all, we ought not to desire it. There should be& balance of power in America."

Bancroft, Hist. of the U.S., vol.2, p.526

Private letters from Guadaloupe gave warning that the acquisition of Canada would strengthen America to revolt. "One can foresee these events clearly," said the unnamed writer; "it is no gift of prophecy. It is a natural and unavoidable consequence. The islands, from their weakness, can never revolt; but, if we acquire all Canada, we shall soon find North America itself too powerful and too populous to be governed by us at a distance."

Bancroft, Hist. of the U.S., vol.2, p.526

If Canada were annexed, "the Americans," it was objected in conversation, "would be at leisure to manufacture for themselves."

Bancroft, Hist. of the U.S., vol.2, p.526

On the other side, Benjamin Franklin, then in London as the agent of Pennsylvania, defended the annexation of Canada as the only mode of securing America. The Indians, from the necessity of commerce, would cease to massacre the planters, and cherish perpetual peace. There would be no vast inland frontier to be defended against France at an incalculable expense. The number of British subjects would, indeed, increase more rapidly than if the mountains were to remain their barrier; but they would be more diffused, and their employment in agriculture would free England from the fear of American manufactures. "With Canada in our possession," he remarked, "our people in America will increase amazingly. I know that their common rate of increase is doubling their numbers every twenty-five years by natural generation only, exclusive of the accession of foreigners. This increase continuing would, in a century more, make the British subjects on that side the water more numerous than they now are on this." Should the ministry surrender their own judgment to the fears of others, it would "prevent the assuring to the British name and nation a stability and permanency that no man acquainted with history durst have hoped for till our American possessions opened the pleasing prospect."

Bancroft, Hist. of the U.S., vol.2, p.526

To the objection that England could supply only the seacoast with manufactures, Franklin evoked the splendid vision Of the future navigation on the great rivers and inland seas of America. The poor Indian on Lake Superior was already able to pay for French and English wares; and would not industrious settlers in those countries be better able to pay for what should be brought them?

Bancroft, Hist. of the U.S., vol.2, p.527

"The trade to the West India islands," he continued, "is valuable; but it has long been at a stand. The trade to our northern colonies is not only greater, but yearly increasing with the increase of people, and even in a greater proportion, as the people increase in wealth.

Bancroft, Hist. of the U.S., vol.2, p.527

"That their growth may render them dangerous I have not the least conception. We have already fourteen separate governments on the maritime coast of the continent, and shall probably have as many more behind them on the inland side. Their jealousy of each other is so great they have never been able to effect a union among themselves, nor even to agree in requesting the mother country to establish it for them. If they could not agree to unite for their defence against the French and Indians, who were perpetually harassing their settlements, burning their villages, and murdering their people, is there any danger of their uniting against their own nation, which they all love much more than they love one another? "Such a union is impossible, without the most grievous tyranny and oppression. While the government is mild and just, while important civil and religions rights are secure, people will be dutiful and obedient. The waves do not rise but when the winds blow."

Bancroft, Hist. of the U.S., vol.2, p.527

Appealing to men of letters, Franklin communed with David Hume on the jealousy of trade, and approved the system of political economy that promises to the world freedom of commerce and mutual benefits from mutual prosperity. He rejoiced that the great master of English historic style loved to promote that common good of mankind, which the American, inventing a new form of expression, called "the interest of humanity;" and he summoned before the Scottish philosopher that audience of innumerable millions which a century or two would prepare in America for all who should write English well. England proudly accepted the counsels of magnanimity. Promising herself wealth from colonial trade, she was occupied by the thought of filling the wilderness, instructing it with the products of her intelligence, and blessing it with free institutions. Homer sang from isle to isle; the bards of England would find "hearers in every zone," and, in the admiration of genius, continent would respond to continent.

Bancroft, Hist. of the U.S., vol.2, p.528

Pitt would not weigh the West India islands against half a hemisphere; he desired to retain them both, but, being overruled in the cabinet, he held fast to Canada. He made it his glory to extend the region throughout which English liberties were to be enjoyed; and yet at that very time the board of trade retained the patronage and internal administration of the colonies, and were persuaded more than ever of the necessity of radical changes in the government in favor of the central authority. While they waited for peace as the proper season for their interference, Thomas Pownall, the governor of Massachusetts, a statesman who had generous feelings but no logic, flashes of sagacity but no clear comprehension, who from inclination associated with liberal men even while he framed plans for strengthening the prerogative, affirmed, and many times reiterated, that the independence of America was certain, and near at hand. "Not for centuries," replied Hutchinson, who knew the strong affection of New England for the home of its fathers.

Bancroft, Hist. of the U.S., vol.2, p.528

In the winter after the taking of Quebec, the rumor went abroad of the fixed design in England to remodel the provinces. Many officers of the British army expressed the opinion openly that America should be compelled to yield a revenue at the disposition of the crown. Some of them, at New York, suggested such a requisition of quit-rents as would be virtually a general land-tax, by act of parliament. "While I can wield this weapon," cried Livingston, the large landholder, touching his sword, "England shall never get it but with my heart's blood." In the assembly at New York, which had been chosen in the previous year, the popular party was strengthened by those who battled against Episcopacy; and the family of the Livingstons, descendants of Scottish Presbyterians, took a leading part. Of these were Philip, the popular alderman, a merchant of New York; William, who represented his brother's manor, a scholar, and an able lawyer, the incorruptible advocate of civil and religious liberty; and Robert R. Livingston, of Duchess county, an only son, heir to very large estates, a man of spirit and honor, of gentleness and candor.

Bancroft, Hist. of the U.S., vol.2, p.528 - p.529

On the other side, Cadwallader Colden, the president of the council, proposed to secure the dependence of the plantations A on the crown of Great Britain" by "a perpetual revenue," fixed salaries, and "an hereditary council of privileged landholders, in imitation of the lords of parliament." Influenced by a most "favorable Opinion" of Colden's "zeal for the rights of the crown," Lord Halifax conferred on him the vacant post of lieutenant-governor of New York.

Bancroft, Hist. of the U.S., vol.2, p.529

In New Jersey, Francis Bernard, its governor, a royalist, selected for office by Halifax, had, from 1758, the time of his arrival in America, courted favor by plans for enlarging royal power, which he afterward reduced to form. Pennsylvania, of all the colonies, led the van of what the royalists called "Democracy." Its assembly succeeded in obtaining its governor's assent to their favorite assessment bill, by which the estates of the proprietaries were subjected to taxation. They revived and continued for sixteen years their excise, which was collected by officers of their own appointment and they kept its "very considerable" proceeds solely and entirely at their own disposal. They sought to take from the governor influence over the judiciary, by making good behavior its tenure of office. Maryland repeated the same contests, and adopted the same policy.

Bancroft, Hist. of the U.S., vol.2, p.529 - p.530

The proprietaries of Pennsylvania, in March 1760, appealed to the king against seventeen acts that had been passed in 1758 and 1759, "as equally affecting the royal prerogative, their chartered immunities, and their rights as men." When, in May 1760, Franklin appeared with able counsel to defend the liberties of his adopted home before the board of trade, he was encountered by Pratt, the attorney-general, and Charles Yorke, the son of Lord Hardwicke, then the solicitor-general, who appeared for the prerogative and the proprietaries Even the liberal Pratt, as well as Yorke, "said much of the intention to establish a democracy in place of his majesty's government," and urged upon "the proprietaries their duty of resistance." The lords of trade advised "to check the growing influence of assemblies by distinguishing the executive from the legislative power." When, in July, the subject was discussed before the privy council, Lord Mansfield moved, "that the attorney- and solicitor-general be instructed to report their opinion whether his majesty could not disapprove of parts of an act and confirm other parts of it;" but so violent an attempt to extend the king's prerogative met with no favor. At last, of the seventeen acts objected to, the six which encroached most on the executive power were negatived by the king; but by the influence of Lord Mansfield, and against the advice of the board of trade, the assessment bill, which taxed the estates of the proprietaries, was made the subject of an informal capitulation between them and the agent of the people of Pennsylvania, and was included among those that were confirmed.

Bancroft, Hist. of the U.S., vol.2, p.530

There were two men in England whose relation to these transactions is especially memorable: Pitt, the secretary of state for the colonies; and Edmund Burke, a man of letters, at that time in the service of William Gerard Hamilton, the colleague of Lord Halifax. Burke shared the opinions of the board of trade, that all the offensive acts of Pennsylvania should be rejected, and censured with severity the temporizing facility of Lord Mansfield as a feeble and unmanly surrender of just authority. The time was near at hand when the young Irishman's opinions upon the extent of British authority over America would become of moment. Great efforts were made to win the immediate interposition of William Pitt, so that he might appall the colonies by his censure, or mould them by British legislation. After long-continued inquiry, I can not find that he ever consented to menace any restriction on the freedom of the people in the colonies, or even so much as expressed an opinion that they were more in fault than the champions of prerogative. So little did he interest himself in the strifes of Pennsylvania that, during his ministry, Franklin was never admitted to his presence. Every one of his letters which I have seen—and I think I have read every considerable one to every colony—is marked by liberality and respect for American rights. The threat of interference, on the close of the war, was incessant from Halifax and the board of trade; I can trace no such purpose to Pitt.

Bancroft, Hist. of the U.S., vol.2, p.530 - p.531

American merchants were incited, by French commercial regulations, to engage in the carrying-trade of the French sugar-islands; and they gained by it immense profits. This trade was protected by flags of truce, which were granted by the colonial governors. "For each flag," wrote Horatio Sharpe who longed to share in the spoils, "for each flag, my neighbor, Governor Denny, receives a handsome douceur; and I have been told that Governor Bernard, in particular, has done business in the same way." "I," said Fauquier, of Virginia, "have never been prevailed on to grant one, though I have been tempted by large offers, and pitiful stories of relations lying in French dungeons for want of such flags." In vehement and imperative words, Pitt rebuked the practice, but not with the intention permanently to restrain the trade of the continent with the foreign islands.

Bancroft, Hist. of the U.S., vol.2, p.531

In August, the same month in which this interdict was issued, Francis Bernard was removed to the government of Massachusetts. In September of that year, he manifested the purpose of his appointment by informing the legislature of Massachusetts "that they derived blessings from their subjection to Great Britain." Subjection to Great Britain was a new doctrine in New England, whose people professed loyalty to the king, but shunned a master in the collective people of England. The council, in its reply, owned only a beneficial " relation to Great Britain;" the house of representatives spoke vaguely of "the connection between the mother country and the provinces, on the principles of filial obedience, protection, and justice."

Bancroft, Hist. of the U.S., vol.2, p.531

The colonists had promised themselves, after the conquest of Canada, that they should "sit quietly under their own vines and fig-trees, with none to make them afraid;" and already they began to fear aggressions on their freedom. To check illicit trade, the officers of the customs had even demanded of the supreme court general writs of assistance; but the writs had been withheld, because Stephen Sewall, the upright chief justice of the province, doubted their legality.

Bancroft, Hist. of the U.S., vol.2, p.531 - p.532

In September, Sewall died, to the universal sorrow of the province. Had the first surviving judge been promoted to the vacancy, a place would have been left open for James Otis, of Barnstable, at that time speaker of the house of representatives, a good lawyer, to whom a former governor had promised a seat on the bench; but Bernard appointed Thomas Hutchinson, who was already lieutenant-governor, councillor, and judge of probate. A burst of indignation broke from the colony at this union of such high executive, legislative, and judicial functions in one person, who was not bred to the law, and Was expected to interpret it for the benefit of the prerogative. Oxenbridge Thacher, a lawyer of great ability, a man of sagacity and patriotism, respected for learning and moderation, discerned the dangerous character of Hutchinson's ambition, and from this time denounced him openly and always; while James Otis, the younger, offended as a son and a patriot, resigned the office of advocate-general, and, by his eloquence in opposition to the royalists, set the province in a Same. But the new chief justice received the renewed application for writs of assistance, and delayed the decision of the court till he could write to England.

Bancroft, Hist. of the U.S., vol.2, p.532

The lords of trade had matured their system. They agreed with what Dobbs had written from North Carolina, that "it was not prudent, when unusual supplies were asked, to litigate any point with the factions assemblies; but, upon an approaching peace, it would be proper to insist on the king's prerogative." "Lord Halifax was earnest for bishops in America;" and he hoped for success in that "great point, when it should please God to bless them with a peace." Ellis, the governor of Georgia, had represented the want of "a small military force " to keep the assembly from encroachments; Lyttelton, from South Carolina, and so many more, had sent word that the root of all the difficulties of the king's servants lay "in having no standing revenue." "It has been hinted to me," said Calvert, the secretary of Maryland, "that, at the peace, acts of parliament will be moved for amendment of government and a standing force in America, and that the colonies, for whose protection the force will be established, must bear at least the greatest share of charge. This," he wrote, in January 1760, "will occasion a tax;" and he made preparations to give the board of trade his answer to their propositions on the safest modes of raising a revenue in America by act of parliament.

Bancroft, Hist. of the U.S., vol.2, p.532 - p.533

"For all what you Americans say of your loyalty," observed Pratt, the attorney-general, better known in America as Lord Camden, to Franklin, "and notwithstanding your boasted affection, you will one day set up for independence." "No such idea," replied Franklin, sincerely, "is entertained by the Americans, or ever will be, unless you grossly abuse them." "Very true," rejoined Pratt; "that I see will happen, and will produce the event."

Bancroft, Hist. of the U.S., vol.2, p.533

Peace with foreign states was to bring for America an alteration of charters, a new system of administration, a standing army, and for the support of that army a grant of an American revenue by a British parliament. The decision was settled, after eleven years' reflection and experience, by Halifax and his associates at the board of trade, and for its execution needed only a Prime minister and a resolute monarch to lend it countenance. In the midst of these schemes, the aged George II., surrounded by victory, died suddenly of apoplexy on the twenty-fifth day of October 1760.

Chapter 17:

The King and the Aristocracy

Against the Great Commoner,

1760-1761

Bancroft, Hist. of the U.S., vol.2, p.534

THE new king went directly to Carleton house, the residence of his mother. The first person whom he sent for was Newcastle, whom he chose to regard as chief minister. Newcastle had no sooner entered Carleton house than Bute told him that the king would see him before holding a council. "Compliments from me," he added, "are now unnecessary. I have been and shall be your friend, and you shall see it." The veteran courtier caught at the naked hook as soon as thrown out, and answered in the same strain. The king praised his loyalty, and said: "My Lord Bute is your good friend; he will tell you my thoughts at large." Newcastle, in return, was profuse of promises; and, before the ashes of the late king were cold, the faithless duke was conspiring with the new influences on and around the throne.

Bancroft, Hist. of the U.S., vol.2, p.534

On meeting the council, the king appeared agitated, and with good reason; for the address in which he was to announce his accession to the throne, having been drawn by Bute, set up adhesion to his plan of government as the test of honesty; described the war as "bloody" and expensive; and silently abandoned the king of Prussia. Newcastle, who was directed to read it aloud, seemed to find it unexceptionable. "Is there anything wrong in point of form?" was the only question asked by the king, and he then dismissed his ministers.

Bancroft, Hist. of the U.S., vol.2, p.534 - p.535

The great commoner discerned what was plotting; and, after an altercation of two or three hours with Lord Bute, he extorted the king's reluctant consent to substitute words marked by dignity, nationality, and fidelity to his allies. The wound to the royal authority rankled in the breast of the king; he took care to distinguish Newcastle above all others; and, on the third day after his accession, against the declared opinion of Pitt, he called Bute, who was but his groom of the stole, to the cabinet.

Bancroft, Hist. of the U.S., vol.2, p.535

A greater concourse of "the beauty and gentility" of the kingdom attended him at the opening of parliament than had ever graced that assembly. "His manner," said Ingersoll, of Connecticut, who was present, "has the beauty of an accomplished speaker. He is not only, as a king, disposed to do all in his power to make his subjects happy, but is undoubtedly of a disposition truly religions." Horace Walpole praised his grace, dignity, and good-nature in courtly verses, and began a correspondence with Bute. The poet Churchill did but echo the voice of the nation when he drew a picture of an unambitious, merciful, and impartial prince, and added:

"Pleased we behold such worth on any throne,

And doubly pleased we find it on our own."

Bancroft, Hist. of the U.S., vol.2, p.535

"Our young man," wrote Holdernesse, one of the secretaries of state, "is patient and diligent in business, and gives evident marks of perspicuity and good sense." "He applies himself thoroughly to his affairs, and understands them astonishingly well," reported Barrington, the secretary at war, a few weeks later. "His faculties seem to me equal to his good intentions. A most uncommon attention; a quick and just conception; great mildness, great civility, which takes nothing from his dignity; caution and firmness—are conspicuous in the highest degree." Charles Townshend described "the young man as very obstinate."

Bancroft, Hist. of the U.S., vol.2, p.535 - p.536

The ruling passion of George III., early developed and indelibly branded in, was the restoration of the prerogative, which in America the provincial assemblies had resisted and defied; which in England had one obstacle in the rising importance of the people, and another in what his friends called "the inveterate usurpation of oligarchy." From the day of his accession he displayed an innate love of authority, and, with a reluctant yielding to present hindrances, the reserved purpose of asserting his self-will. To place himself above dictation of all sorts, he was bent on securing "to the court the unlimited use of its own vast influence under the sole direction of its Private favor."

Bancroft, Hist. of the U.S., vol.2, p.536

In the approaching election he nominated to the king's boroughs, and where a public order gave permission to the voters in the king's interest to vote as they pleased, a private one was annexed, "naming the person for whom they were all to vote." George III. began his reign by competing with the aristocracy at the elections for the majority; and, in the choice of the twelfth parliament, he was successful.

Bancroft, Hist. of the U.S., vol.2, p.536

On the nineteenth of March 1761, the day of the dissolution of the old parliament, a vacancy was made in the office of the chancellor of the exchequer. George Grenville, who piqued himself on his knowledge of finance, "expressed to his brother-in-law his desire of the vacant place; but Pitt took no notice of his wishes," and the neglect increased the coolness of Grenville. "Fortune," exclaimed Barrington, on receiving the appointment, "may at last make me pope. I am equally fit to be at the head of the church as of the exchequer."

Bancroft, Hist. of the U.S., vol.2, p.536

Two days later, the resignation of Holdernesse was purchased by a pension and a reversion, and Bute took the seals for the northern department, accepting as his confidential undersecretary Charles Jenkinson, who had been put forward by George Grenville, and was a friend of the king. The appointments brought the king no strength. The earl of Bute was inferior to George III., even in those qualities in which that prince was most deficient; greatly his inferior in courage and energy of character. Timid by nature, he united persistence with pusillanimity, and, as a consequence, with duplicity: so that it is difficult to express adequately his unfitness for the conduct of a party, or the administration of public affairs.

Bancroft, Hist. of the U.S., vol.2, p.536

At the same time, an office was given to an open and rest lute opponent of Pitt's engagements with Germany; and Charles Townshend, who was, in parliament and in life, "forever on the rack of exertion," of ill-regulated ambition, unsteady in his political connections, inclining always to the king, yet so conscious of the power conferred on him in the house of commons by his eloquence as never to become the servant of the king's friends, was made secretary of war.

Bancroft, Hist. of the U.S., vol.2, p.537

That there might be in the cabinet one man who dared to contradict Pitt and oppose his measures, the duke of Bedford, though without employment, was, by the king's command, summoned to attend its meetings.

Bancroft, Hist. of the U.S., vol.2, p.537

These changes in the cabinet assured a conflict with the colonies; the course of negotiations for peace between England and France was still more momentous for America.

Bancroft, Hist. of the U.S., vol.2, p.537

"Since we do not know how to make war, we must make peace," said Choiseul, who to the ministry of foreign affairs had, in January 1761, become minister of war, and was annexing to these departments the care of the marine. Kaunitz, of Austria, who might well believe that Silesia was about to be recovered for his sovereign, interposed objections. "We have these three years," answered Choiseul, "been sacrificing our interests in America to serve the queen of Hungary: we can do it no longer." Grimaldi, urging the utmost secrecy, "began working to see if he could make some protective alliance with France." "You have waited," he was answered, "till we are destroyed, and you are consequently of no use." And, on the twenty-fifth day of March, within five days of Bute's accession to the cabinet, Choiseul offered to negotiate separately with England. Pitt assented.

Bancroft, Hist. of the U.S., vol.2, p.537 - p.538

Choiseul was, like Pitt, a statesman of consummate ability; but, while Pitt overawed by the authoritative grandeur of his designs, Choiseul had the genius of intrigue. He carried into the cabinet restless activity and the arts of cabal. Pitt treated all subjects with stateliness; Choiseul discussed the most weighty in jest. Of high rank and great wealth, he was the first person at court, and virtually the sole minister. Did the king's mistress, who had ruled his predecessor, interfere with affairs, he would reply that she was handsome as an angel, but throw her memorial into the fire; and, with railleries and sarcasms, he maintained his exclusive power by a clear superiority of spirit and resolution. For personal intrepidity, he was distinguished even among the French gentry; and as he ruled the cabinet by his decided character, so he brought into the foreign politics of his country as daring a mind as animated any man in France or England. It was the judgment of Pitt that he was the greatest minister France had seen since the days of Richelieu. In depth, refinement, and quick perceptions, he had no superior. To the dauphin, who cherished the traditions of the past, he said: "I may one day be your subject, your servant never." A free-thinker, an enemy to the clergy, and above all to the Jesuits, he united himself closely with the parliaments, and knew that public opinion was beginning to outweigh that of the monarch. Perceiving that America was lost to France, he proposed, as the basis of the treaty, that "the two crowns should remain each in the possession of what it had conquered from the other;" and, while he named epochs from which possession was to date in every continent, he was willing that England itself should suggest other periods. On this footing, which left Canada, Senegal, perhaps Goree also, and the ascendency in the East Indies to England, and to France nothing but Minorca to exchange for her losses in the West Indies, all Paris believed peace to be certain. George III. wished it from his heart; and, though the king of Spain proposed to France an alliance offensive and defensive, Choiseul sincerely desired repose.

Bancroft, Hist. of the U.S., vol.2, p.538

To further the negotiations, Bussy, in May, repaired to London; and Hans Stanley to Paris.

Bancroft, Hist. of the U.S., vol.2, p.538

With regard to the German war, France proposed that England, on recovering Hanover, should refrain from interference; and this policy was supported in England by the king and the duke of Bedford. The king of Prussia knew that Bute and George III. would advise him to make peace by the sacrifice of territory. "How is it possible," such were the words addressed by Frederic to Pitt, "how can the English nation propose to me to make cessions to my enemies that nation which has guaranteed my possessions by authentic acts known to the whole world? I have not always been successful; and what man in the universe can dispose of fortune? Yet, in spite of the number of my enemies, I am still in possession of a part of Saxony, and I am firmly resolved never to yield it but on condition that the Austrians, the Russians, and the French shall restore to me everything that they have taken from me.

Bancroft, Hist. of the U.S., vol.2, p.538 - p.539

"I govern myself by two principles: the one is honor, and the other the interest of the state which Heaven has given me to rule. The laws which these principles prescribe to me are: first, never to do an act for which I should have cause to blush, if I were to render an account of it to my people; and the second, to sacrifice for the welfare and glory of my country the last drop of my blood. With these maxims I can never yield to my enemies. Rome, after the battle of Cannae; your great Queen Elizabeth, against Philip II. and the Invincible Armada; Gustavus Vasa, who restored Sweden; the prince of Orange, whose magnanimity, valor, and perseverance founded the republic of the United Provinces—these are the models I follow. You, who have grandeur and elevation of soul, disapprove my choice, if you can.

Bancroft, Hist. of the U.S., vol.2, p.539

"All Europe turns its eye on the beginning of the reign of kings, and by the first fruits infers the future. The king of England has but to elect whether, in negotiating peace, he will think only of his own kingdom, or, preserving his word and his glory, he will have care for his allies. If he chooses the latter course, I shall owe him a lively gratitude; and posterity, which judges kings, will crown him with benedictions."

Bancroft, Hist. of the U.S., vol.2, p.539

Pitt replied: "Would to God that the moments of anxiety for the states and the safety of the most invincible of monarchs were entirely passed away;" and Stanley, in his first interview with Choiseul, was instructed to avow the purpose of England to support its great ally "with efficacy and good faith."

Bancroft, Hist. of the U.S., vol.2, p.539

When France expressed a hope of recovering Canada, as a compensation for her German conquests, "They must not be put in the scale," said Pitt to Bussy. "The members of the empire and your own allies will never allow you to hold one inch of ground in Germany. The whole fruit of your expeditions, after the immense waste of treasure and men, will be to make the house of Austria more powerful." "I wonder," said Choiseul to Stanley, "that your great Pitt should be so attached to the acquisition of Canada. In the hands of France, it will always be of service to you to keep your colonies in that dependence which they will not fail to shake off the moment Canada shall be ceded." He readily consented to abandon that province to England.

Bancroft, Hist. of the U.S., vol.2, p.539 - p.540

The restitution of the merchant ships, which the English cruisers had seized before the war, was justly demanded. "The cannon," said Pitt, "has settled the question in our favor; and, in the absence of a tribunal, this decision is a sentence." "The last cannon has not yet been fired," retorted Pussy; and other desperate wars were to come for dominion and for equality on the seas. But the demand for indemnity would not have been persisted in.

Bancroft, Hist. of the U.S., vol.2, p.540

Choiseul was ready to admit concessions with regard to demolishing the harbor of Dunkirk, if France could retain a harbor in the Gulf of St. Lawrence, with the freedom of the fisheries; without these, he would decline further negotiation. Pitt refused the fisheries altogether. The union of France with Spain was the consequence. Toward his foreign enemies, Pitt looked in proud serenity; and yet he was becoming sombre and anxious, for he knew that his own king had prepared for him resistance in the cabinet.

Bancroft, Hist. of the U.S., vol.2, p.540

"The peace which is offered," said Granville, the lord president, "is more advantageous to England than any ever concluded with France, since King Henry V.'s time." "I pray to God," said Bedford to Bute, in July, "his majesty may avail himself of this opportunity of excelling in glory and magnanimity the most famous of his predecessors by giving his people a reasonable and lasting peace. Will taking Martinique, or burning a few more miserable villages on the continent, be the means of obtaining a better peace than we can command at present, or induce the French to relinquish a right of fishery? Indeed," he pursued, with good judgment and good feeling, "the endeavoring to drive France entirely out of any naval power is fighting against nature, and can tend to no one good to this country; but, on the contrary, must excite all the naval powers in Europe to enter into a confederacy against us, as adopting a system of a monopoly of all naval power, dangerous to the liberties of Europe."

Bancroft, Hist. of the U.S., vol.2, p.540 - p.541

At the king's special request, Bedford attended the cabinet council of the twentieth of July, to discuss the conditions of peace. All the rest who were present cowered before Pitt. Bedford "was the single man who dared to deliver an Opinion contrary to his sentiments." "I," said Newcastle, "envy him that spirit more than his great fortune and abilities." But the union between France and Spain was already so far consummated that, in connection with the French memorial, Bussy had, on the fifteenth of July, presented a note, requiring, what it was known that Pitt could never concede, that England should afford no succor to the king of Prussia.

Bancroft, Hist. of the U.S., vol.2, p.541

This note and this memorial, demanding various advantages for Spain, gave Pitt the advantage. To the private intercession of the king, he yielded a little, but in appearance only, on the subject of the fishery, and at the next council he presented his reply to France, not for deliberation, but acceptance. Bute dared not express dissent; and, as Bedford disavowed all responsibility and retired, Pitt, with the unanimous consent of the cabinet, returned the memorials relative to Prussia and to Spanish affairs as inadmissible, declaring that the king "would not suffer the disputes with Spain to be blended in the negotiations of peace between the two nations."

Bancroft, Hist. of the U.S., vol.2, p.541

On the twenty-ninth of July, Stanley, bearing the ultimatum of England, demanded Canada; the fisheries, with a limited and valueless concession to the French, and that only on the humiliating condition of reducing Dunkirk; half the neutral islands, especially St. Lucia and Tobago; Senegal and Goree, that is, a monopoly of the slave-trade; Minorca; freedom to assist the king of Prussia; and British ascendency in the East Indies. The ministers of Spain and Austria could not conceal their exultation. "My honor," replied Choiseul to the English envoy, "will be the same fifty years hence as now; I admit without the least reserve the king's propensity to peace; his majesty may sign such a treaty as England demands, but my hand shall never be to that deed;" and, claiming the right to interfere in Spanish affairs, with the approbation of Spain he submitted modifications of the British offer.

Bancroft, Hist. of the U.S., vol.2, p.541

On this point the king and his friends made a rally; and the answer to the French ultimatum, peremptorily rejecting it and making the appeal to "arms," was adopted in the cabinet by a majority of but one voice. "Why," asked George, as he read it, "were not words chosen in which all might have concurred?" and his agitation was such as he had never before shown. The friends of Bedford mourned over the continuance of the war, and the danger of its involving Spain.

Bancroft, Hist. of the U.S., vol.2, p.542

On the fifteenth of August, the day on which Pitt despatched his abrupt declaration, Choiseul concluded that family compact which was designed to unite all the branches of the house of Bourbon as a counterpoise to the maritime ascendency of England. From the period of the termination of existing hostilities, France and Spain, in the whole extent of their dominions, were to stand toward foreign powers as one state. A war begun against one of the two crowns was to become the personal and proper war of the other. No peace should be made but in common. In war and in peace, each should regard the interests of his ally as his own; should reciprocally share benefits and losses, and make each other corresponding compensations.

Bancroft, Hist. of the U.S., vol.2, p.542

On the same fifteenth of August, and not without the knowledge of Pitt, France and Spain concluded a special convention, by which Spain engaged to declare war against England, unless peace should be concluded between France and England before the first day of May 1762. Extending his eye to all the states interested in the rights of neutral flags—to Portugal, Savoy, Holland, and Denmark—Choiseul covenanted with Spain that Portugal should be compelled, and the others invited, to join a federative union "for the common advantage of all maritime powers."

Bancroft, Hist. of the U.S., vol.2, p.542 - p.543

Yet, still anxious for peace, and certain either to secure it or to place the sympathy of all Europe on the side of France, Choiseul resolved on a "most ultimate" attempt at reconciliation by abundant concessions; and, on the thirteenth day of September, just five days after the marriage of the youthful sovereign of England to a princess of Mecklenburg-Strelitz, Bussy presented the final propositions of France. By Pitt, who was accurately informed of the special convention between France and Spain, they were received with disdainful indifference. A smile of irony and a few broken words were his only answer, and he became "more overbearing and impracticable" than ever. With one hand he prepared to "smite the whole family of Bourbons, and wield in the other the democracy of England." The vastest schemes flashed before his mind, to change the destinies of continents and mould the fortunes of the world. He resolved to seize the remaining French islands, especially Martinique; to conquer Havana, to take Panama. The Philippine islands were to fall, and the Spanish monopoly in the New World was to be broken at one blow and forever, by a "general resignation of all Spanish America, in all matters which might be deemed beneficial to Great Britain."

Bancroft, Hist. of the U.S., vol.2, p.543 - p.544

On the eighteenth of September, Pitt, joined only by his brother-in-law, the earl of Temple, submitted to the cabinet his written advice to recall Lord Bristol, the British ambassador, from Madrid. "From prudence as well as spirit," affirmed the secretary, "we ought to secure to ourselves the first blow. If any war can provide its own resources, it must be a war with Spain. Their flota has not arrived; the taking it disables their hands and strengthens ours." Bute, speaking the opinion of the king, was the first to oppose the project as rash and ill-advised; Granville wished not to be precipitate; Temple supported Pitt; Newcastle was neuter. During these discussions, all classes of the people of England were gazing at the pageant of the coronation, or relating to each other how the king, kneeling before the altar in Westminster Abbey, reverently put off his crown as he received the sacrament from the archbishop. A second meeting of the cabinet was attended by all the ministers; they heard Pitt explain correctly the private convention by which Spain had bound itself to declare war against Great Britain in the following May, but they came to no decision. At a third meeting, all the great whig lords objected, having combined with the favorite to drive the great representative of the people from power. Newcastle and Hardwicke, Devonshire and Bedford, even Ligonier and Anson, as well as Bute and Mansfield, assisted in his defeat. Pitt, with his brother-in-law, Temple, stood alone. Stung by the opposition of the united oligarchy, Pitt remembered how he made his way into the cabinet. "This," he exclaimed to his colleagues, as he bade defiance to the aristocracy, and appealed from them to the country which his inspiring influence had rescued from disgrace, "this is the moment for humbling the whole house of Bourbon; if I cannot in this instance prevail, this shall be the last time I will sit in this council. Called to the ministry by the voice of the people, to whom I conceive myself accountable for my conduct, I will not remain in a situation which makes me responsible for measures I am no longer allowed to guide." "If the right honorable gentleman," replied Granville, "be resolved to assume the right of directing the operations of the war, to what purpose are we called to this council? When he talks of being responsible to the people, he talks the language of the house of commons, and forgets that at this board he is responsible only to the king."

Bancroft, Hist. of the U.S., vol.2, p.544

The minister attributed his defeat not so much to the king and Bute as to Newcastle and Bedford; yet the king was himself a partner in the conspiracy; and, as he rejected the written advice that Pitt and Temple had given him, they resolved to retire. Grenville should have retired with his brother-in-law and brother; but, though he feared to offend his family, he loved his lucrative posts, and yielded to the solicitations of Bute, who assured him from the king that, if he would remain in the cabinet, "his honor should be the king's honor, his disgrace the king's disgrace."

Bancroft, Hist. of the U.S., vol.2, p.544 - p.545

On Monday, the fifth day of October, William Pitt—now venerable from years and glory, the greatest minister of his century, one of the few very great men of his age, among orators the only peer of Demosthenes, the man without title or fortune, who, finding England in an abyss of weakness and disgrace, conquered Canada and the Ohio valley and Guadaloupe, sustained Prussia from annihilation, humbled France, gained the dominion of the seas, won supremacy in Hindostan, and at home vanquished faction—stood in the presence of George to resign his power. The young and inexperienced king received the seals with ease and firmness, without requesting him to resume his office; yet he approved his past services, and made him an unlimited offer of rewards. At the same time, he expressed himself satisfied with the opinion of the majority of his council, and declared he should have found himself under the greatest difficulty how to have acted, had that council concurred as fully in supporting the measure proposed as they had done in rejecting it. The great commoner began to reply; but the anxious and never-ceasing application, which his post had required, combined with repeated attacks of hereditary disease, had shattered his nervous system. "I confess, sir," said he, "I had but too much reason to expect your majesty's displeasure. I did not come prepared for this exceeding goodness; pardon me, sir, it overpowers me, it oppresses me;" and the man who by his words and his spirit had restored his country's affairs, and lifted it to unprecedented power and honor and self-reliance, burst into tears. On the next day, the king seemed impatient to bestow some mark of favor; and, as Canada had been acquired by the ability and firmness of his minister, he offered him that government, with a salary of five thousand pounds. But Pitt overflowed with affection for his wife and children. The state of his private affairs was distressed in consequence of the disinterestedness of his public conduct. "I should be doubly happy," he avowed, "could I see those dearer to me than myself comprehended in that monument of royal approbation and goodness." A peerage, therefore, was conferred on Lady Hester, his wife, with a grant of three thousand pounds on the plantation duties, to be paid annually during the lives of herself, her husband, and her eldest son; and these marks of the royal approbation, very moderate in comparison with his merits, if indeed those merits had not placed him above all rewards, were accepted "with veneration and gratitude." Thus he retired, having destroyed the balance of the European colonial system by the ascendency of England, confirmed the hostility of France and Spain to his country, and impaired his own popularity by surrendering his family as hostages to the aristocracy for a peerage and a pension.

Chapter 18:

The Acts of Trade Provoke Revolution,

1761-1762

Bancroft, Hist. of the U.S., vol.2, p.546

THE legislature of Massachusetts still acknowledged that "their own resolve could not alter an act of parliament," and that every proceeding of theirs which was in conflict with a British statute was for that reason void. And yet the justice and the authority of the restrictions on trade was denied; and, when the officers of the customs made a petition for "writs of assistance " to enforce them, the colony regarded its liberties in peril. This is the opening scene of American resistance. It began in New England, and made its first battle-ground in a court-room. A lawyer of Boston, with a tongue of flame and the inspiration of a seer, stepped forward to demonstrate that all arbitrary authority was unconstitutional and against the law.

Bancroft, Hist. of the U.S., vol.2, p.546

In February 1761, Hutchinson, the new chief justice, and his four associates, sat in the crowded council-chamber of the old town-house in Boston to hear arguments on the question whether the persons employed in enforcing the acts of trade should have power to demand generally the assistance of all the executive officers of the colony.

Bancroft, Hist. of the U.S., vol.2, p.546

A statute of Charles II., argued Jeremiah Gridley for the crown, allows writs of assistance to be issued by the English court of exchequer; a colonial law devolves the power of that court on the colonial superior court; and a statute of William III. extends to the revenue officers in America like powers, and a right to "like assistance," as in England. To refuse the writ is, then, to deny that "the parliament of Great Britain is the sovereign legislator of the British empire."

Bancroft, Hist. of the U.S., vol.2, p.547

Oxenbridge Thacher, who first rose in reply, showed, mildly and with learning, that the rule of the English courts was in this case not applicable to America.

Bancroft, Hist. of the U.S., vol.2, p.547 - p.548

But James Otis, a native of Barnstable, whose irritable nature was rocked by the impulses of fitful passions, disdaining fees or rewards, stood lip amid the crowd as the champion of the colonies. "I am determined," such were his words, "to sacrifice estate, case, health, applause, and even life, to the sacred calls of my country," "in opposition to a kind of power of which the exercise cost one king of England his head and another his throne." He pointed out that writs of assistance were "universal, being directed to all officers and subjects" throughout the colony, and compelling the whole government and people to render aid in enforcing the revenue laws for the plantations; that they were perpetual, no method existing by which they could be returned or accounted for; that they gave even to the menial servants employed in the customs, on bare suspicion, without oath, without inquiry, perhaps from malice or revenge, authority to violate the sanctity of a man's own house, of which the laws should be the battlements. "These writs" he described "as the worst instrument of arbitrary power, the most destructive of the fundamental principles of law." And he entreated attention to an argument which rested on universal "principles founded in truth." Tracing the lineage of freedom to its origin, he opposed the claims of the British officers by the authority of "reason;" that they were at war with "the constitution," he proved by appeals to the charter of Massachusetts and its English liberties. The precedent cited against him belonged to the reign of Charles II., and was but evidence of the subserviency of some "ignorant clerk of the exchequer;" but, even if there were precedents, "all precedents," he insisted, "are under control of the principles of law." Nor could an express statute sanction the enforcement of acts of trade by general writs of assistance. "No act of parliament," such were his words, which initiated a revolution, "can establish such a writ; even though made in the very language of the petition, it would be a nullity. An act of parliament against the constitution is void." The majority of the judges were awe-struck, and, on the question before them, believed him in the right. Hutchinson cowered before "the great incendiary" of New England. The crowded audience seemed ready to take up arms against the arbitrary enforcement of the restrictive system; especially the youngest barrister in the colony, the choleric Joha Adams, a stubborn and honest lover of his country, extensively learned and a bold thinker, listened in rapt admiration; and from that time could never read "any section of the acts of trade without a curse." The people of the town of Boston, a provincial seaport of merchants and ship-builders, with scarcely fifteen thousand inhabitants, became alive with political excitement. It seemed as if the words spoken on that day were powerful enough to break the paper chains that left to America no free highway on the seas but to England, and to open for the New World all the paths of the oceans.

Bancroft, Hist. of the U.S., vol.2, p.548

The old members of the superior court, after hearing the arguments of Thacher and Otis, inclined to their side. But Hutchinson, who never grew weary of recalling to the British ministry this claim to favor, prevailed with his brethren to continue the cause till the next term, and in the mean time wrote to England. The answer came; and the subservient court, surrendering their own opinions to ministerial authority and disregarding law, granted writs of assistance whenever the officers of the revenue applied for them.

Bancroft, Hist. of the U.S., vol.2, p.548 - p.549

But Otis was borne onward by a spirit which mastered him, and increased in vigor as the storm rose. Gifted with a sensitive and most sympathetic nature, his soul was agitated in the popular tempest as the gold leaf in the electrometer flutters at the approach of the thunder-cloud. He led the van of American patriots; yet impassioned rather than cautious, disinterested and incapable of cold calculation, now foaming with rage, now desponding, he was often like one who, in his eagerness to rush into battle, forgets his shield. Though indulging in vehement personal criminations, he was wholly free from rancor; and, when the fit of passion passed away, was mild and easy to be entreated. His impulses were always for liberty, and full of confidence; yet his understanding, in moments of depression, would shrink back from his own inspirations. In the presence of an excited audience, he caught and increased the contagion, and rushed onward with fervid and impetuous eloquence; but, away from the crowd, he could be soothed into a yieldin inconsistency. Thus he toiled and suffered, an uncertain leader of a party, yet thrilling and informing the multitude; not steadfast in conduct, yet by flashes of sagacity lighting the people along their perilous way; the man of the American protest, not destined to enjoy his country's triumph.

Bancroft, Hist. of the U.S., vol.2, p.549

The subserviency of Hutchinson increased the public discontent. Men lost confidence in the integrity of their highest judicial tribunal; for innovations under pretence of law were confirmed by judgments incompatible with English liberties. The admiralty court, hateful because instituted by a British parliament to punish infringements of the acts of trade in America without the intervention of a jury, had, in distributing the proceeds of forfeitures, violated the statutes which it was appointed to enforce. Otis endeavored to compel a restitution of the third of forfeitures, which by the revenue laws belonged to the king for the use of the province, but had been misappropriated. "The injury done the province" was admitted by the chief justice, who yet screened the fraud by inconsistently asserting a want of jurisdiction to redress it. The court of admiralty, in which the wrong originated, had always been deemed grievous, because unconstitutional; its authority seemed now established by judges devoted to the prerogative.

Bancroft, Hist. of the U.S., vol.2, p.549

Unable to arrest the progress of illiberal doctrines in the courts, the people of Boston, in May 1761, with unbounded and very general enthusiasm, elected Otis one of their representatives to the assembly. "Out of this," said Ruggles to the royalist Chandler, of Worcester, "a faction will arise that will shake this province to its foundation."

Bancroft, Hist. of the U.S., vol.2, p.549 - p.550

Virginia resisted the British commercial system from abhorrence of the slave-trade. The legislature of Virginia had repeatedly shown a disposition to obstruct the commerce; a deeply seated public opinion began more and more to avow the evils and the injustice of slavery; and, in 1761, it was proposed to suppress the importation of Africans by a prohibitory duty. Among those who took part in the long and violent debate was Richard Henry Lee, the representative of Westmoreland. Descended from one of the oldest families in Virginia, he had been educated in England; his first recorded speech was slavery, in behalf of human freedom. In the continued importation of slaves, he foreboded danger to the political and moral interests of the Old Dominion; an increase of the free Anglo-Saxons, he argued, would foster arts and varied agriculture, while a race doomed to abject bondage was of necessity an enemy to social happiness. He painted from ancient history the horrors of servile insurrections. He deprecated the barbarous atrocity of the trade with Africa, and its violation of the equal rights of men created like ourselves in the image of God. "Christianity," thus be spoke in conclusion, "by introducing into Europe the truest principles of universal benevolence and brotherly love, happily abolished civil slavery. Let us who profess the same religion practice its precepts, and, by agreeing to this duty, pay a proper regard to our true interests and to the dictates of justice and humanity." The tax for which Lee raised his voice was carried through the assembly of Virginia; but from England a negative followed every colonial act tending to diminish the slave-trade.

Bancroft, Hist. of the U.S., vol.2, p.550

South Carolina, appalled by the great increase of its black population, endeavored by its own laws to restrain importations of slaves, and in like manner came into collision with the same British policy. But a war with the Cherokees weaned its citizens still more from Great Britain.

Bancroft, Hist. of the U.S., vol.2, p.550

"I am for war," said Saloue, the young warrior of Estatoe, at a great council of his nation. "The spirits of our murdered brothers still call on us to avenge them; he that will not take up this hatchet and follow me is no better than a woman;" and hostilities were renewed. To reduce the mountaineers, General Amherst, early in 1761, sent about thirteen hundred regulars, under Lieutenant-Colonel James Grant, the same who, in 1758, had been shamefully beaten near Pittsburg. The province added as many more of its own citizens, under the command of Henry Middleton, who counted among his officers Henry Laurens, William Moultrie, and Francis Marion.

Bancroft, Hist. of the U.S., vol.2, p.550 - p.551

The Cherokees were in want of ammunition, and could not resist the invasion. The English, who endured hardships and losses in reaching and crossing the mountains, sojourned for thirty days west of the Alleghanies. They became masters of every foe in the middle settlement, and in the outside towns which lay on another branch of the Tennessee; and drove thousands of their inhabitants to wander among the mountains.

Bancroft, Hist. of the U.S., vol.2, p.551

They extended their frontier seventy miles toward the west; and the chiefs were compelled to repair to Charleston, and there, with the royal governor and council, to covenant the peace and friendship which was to last as long as the light of morning should dawn on their villages, or fountains gush from their hillsides. Then all returned to dwell once more in their ancient homes. Around them, nature, with the tranquillity of exhaustless power, renewed her beauty; but for the men of that region the gladdening confidence of their independence in their mountain fastnesses was gone.

Bancroft, Hist. of the U.S., vol.2, p.551

In these expeditions to the valley of the Tennessee, Gadsden and Middleton, Moultrie and Marion, were trained to arms. At Pittsburg, the Virginians, as all agreed, had saved Grant from utter ruin; the Carolinians believed his return from their western country was due to provincial courage. The Scottish colonel concealed the wound of his self-love by superciliousness. Resenting his arrogance with scorn, Middleton challenged him, and they met. The challenge was generally censured, for Grant had come to defend the province; but the long-cherished affection of South Carolina for England began to be mingled with disgust and anger.

Bancroft, Hist. of the U.S., vol.2, p.551 - p.552

New York was aroused to opposition, because within six weeks of the resignation of Pitt the independency of the judiciary was struck at throughout all America. On the death of the chief justice of New York, his successor, one Pratt, a Boston lawyer, was appointed at the king's pleasure, and not during good behavior, as had been done "before the late king's death." The assembly held the new tenure of judicial power to be inconsistent with American liberty; Monckton, coming in glory from Quebec to enter on the government of New York, before seeking fresh dangers in the West Indies, censured it in the presence of the council; even Colden advised against it. Pratt himself, after his selection for the vacant place on the bench, wrote that, "as the parliament at the revolution thought it the necessary right of Englishmen to have the judges safe from being turned out by the crown, the people of New York claim the right of Englishmen in this respect." But, in November, the board of trade reported to the king against the tenure of good behavior, as "a Pernicious proposition," "subversive of all true policy," "and tending to lessen the just dependence of the colonies upon the government of the mother country." The representation found favor with the king; and, as the first-fruits of the new system, on the ninth of December 1761, the instruction went forth, through Egremont, to all colonial governors, to grant no judicial commissions but during pleasure.

Bancroft, Hist. of the U.S., vol.2, p.552

To make the tenure of the judicial office the king's will was to turn the bench of judges into instruments of the prerogative, and to subject the administration of justice throughout all America to an arbitrary and irresponsible power. The assembly of New York rose up against the encroachment, deeming it a deliberate step toward despotic authority; the standing instruction they resolved should be changed, or they would grant no salary whatever to the judges. "If I cannot be supported with a competent salary," wrote Pratt, in January 1762," the office must be abandoned, and his majesty's prerogative must suffer." "Why," asked Colden, "should the chief justices of Nova Scotia and Georgia have certain and fixed salaries from the crown, and a chief justice of so considerable a province as this be left to beg his bread of the people?" And he reported to the board of trade the source of opposition in New York, saying: "For some years past three popular lawyers, educated in Connecticut, who have strongly imbibed the independent principles of that country, caluminate the administration in every exercise of the prerogative, and get the applause of the mob by propagating the doctrine that all authority is derived from the people." These "three popular lawyers" were William Livingston, John Morin Scott, and one who afterward turned aside from the career of patriotism, the historian William Smith.

Bancroft, Hist. of the U.S., vol.2, p.552 - p.553

"You adore the Oliverian times," said Bernard to Mayhew, at Boston. "I adore Him alone who is before all times," answered Mayhew; and at the same time avowed his zeal for the principles of "the glorious revolution" of 1688, especially for "the freedom of speech and of writing." The old Puritan strife about prelacy was renewed. Mayhew marshalled public opinion against bishops, while Massachusetts, under the guidance of Otis, dismissed the Episcopalian Bollan, its honest agent, and, intending to select a dissenter who should be able to employ for the protection of its liberties the political influence of the nonconformists in England, it intrusted its affairs to Jasper Mauduit, who, though a dissenter, was connected through his brother, Israel Mauduit, with Jenkinson and Bute, with Mansfield and the king.

Bancroft, Hist. of the U.S., vol.2, p.553

The great subject of discontent was the enforcement of the acts of trade by the court of admiralty, where a royalist judge determined questions of property without a jury, on information furnished by crown officers, and derived his own emoluments exclusively from his portion of the forfeitures which he himself had full power to declare. The governor, too, was sure to lean to the side of large seizures; for he by law enjoyed a third of all the fines imposed on goods that were condemned. The legislature, angry that Hutchinson, as chief justice, in defiance of the plain principles of law, should lend himself to the schemes of the crown officers, began to notice how many offices he had accumulated in his hands. Otis, with the authority of Montesquieu, pointed out the mischief of uniting in the same person executive, legislative, and judicial powers; but four or five years passed away before the distinction was much heeded, and in the mean time the judges were punished by a reduction of their salaries. The general writs of assistance, which were clearly illegal, would have been prohibited by a provincial enactment but for the negative of the governor.

Bancroft, Hist. of the U.S., vol.2, p.553

The people were impatient of the restrictions on their trade, and began to talk of procuring themselves justice.

Chapter 19:

The Dawn of the New Republic,

1762-1763

Bancroft, Hist. of the U.S., vol.2, p.554

THE queen, still in her honeymoon, expressed her joy at the resignation of Pitt. George Grenville, by consenting to take the conduct of the public business in the house of commons, estranged himself still more from his brother-in-law; but William Pitt was still a great power above the cabinet and in the state. He had infused his own spirit into the army and navy of England. The strings which he had struck still vibrated; his light, like that of an "annihilated star," still guided his country to deeds of danger and glory; and, in the first days of January 1762, the king, tardily adopting his counsels, declared war against Spain.

Bancroft, Hist. of the U.S., vol.2, p.554

The Roman Catholic powers, France, Spain, Austria, and the German empire, the mighty anthorities of the middle age, blessed by the consecrating prayers of the see of Rome, were united in arms; yet the policy of the Vatican could not control the war. The federation of the weaker maritime states presented itself to the world as the protector of equality on the seas.

Bancroft, Hist. of the U.S., vol.2, p.554 - p.555

In profound ignorance of the state of politics on the continent, George III., a week later, directed Sir Joseph Yorke, the British minister at the Hague, to tempt the empress of Austria to return to its old alliance with England by the hope of some ulterior acquisitions in Italy. The experienced diplomatist promptly hinted to his employers that the offer of the restoration of Silesia would be more effective. A clandestine proposition from England to Austria was a treachery to Frederic; it became infinitely more so, when success in the negotiation would have pledged England's influence to compel Frederic to the retrocession of Silesia. "Her imperial majesty and her minister," said Kaunitz, "cannot understand the proper meaning of this confidential overture of the English;" and it did nut remain a secret.

Bancroft, Hist. of the U.S., vol.2, p.555

"To terminate this deadly war advantageously," thus wrote Frederic, the same month, to George III.," there is need of nothing but constancy; but we must persevere to the end. I see difficulties still without number; instead of appalling me, they encourage me by the hope of overcoming then,." To break or bend the firm will of the king of Prussia, the British king and his favorite invited the interposition of Russia. So soon as it was known that the Empress Elizabeth was no more, and that she had been succeeded by her nephew, Peter III., who was devoted to Frederic, the British minister at St. Petersburg received a credit for one hundred thousand pounds to be used as bribes, and was treacherously instructed by Bute to moderate the zealous friendship of the new czar for the great continental ally of England.

Bancroft, Hist. of the U.S., vol.2, p.555

The armies of Russia were encamped in East Prussia; to Gallitzin, the minister of Russia at London, Bute intimated that England would aid the emperor to retain the conquest, if he would continue to hold the king of Prussia in check. But the chivalric czar, indignant at the perfidy, enclosed Gallitzin's despatch to Frederic himself, restored to him all the conquests that had been made from his kingdom, settled with him a peace including a guarantee of Silesia, and finally transferred a Russian army to his camp. The Empress Catharine, who before midsummer succeeded her husband, withdrew from the war, and gave Europe the example of moderation and neutrality. Deserted by England, Frederic trod in solitude the paths of greatness.

Bancroft, Hist. of the U.S., vol.2, p.555

During these negotiations, Monckton, with an army of twelve thousand men, assisted by Rodney and a Beet of sixteen sail of the line and thirteen frigates, appeared off Martinique; and, in February 1762, the richest and best of the French colonies, strongly guarded by natural defences which art had improved, was forced to capitulate. Grenada, St. Lucia, St. Vincent's, were soon after occupied.

Bancroft, Hist. of the U.S., vol.2, p.556

These successes encouraged the king's friends to rid themselves of Newcastle, who was receiving "all kinds of disgusts" from his associates in the cabinet. On occasion of withholding the subsidy from Prussia, he indulged with Bute his habit of complaint. He relates of the interview: "The earl never requested me to continue in office, nor said a civil thing to me;" and, most lingeringly, the veteran statesman resigned.

Bancroft, Hist. of the U.S., vol.2, p.556

With him fell the old whig party, which had so long governed England. It needed to be purified by a long conflict with the inheritors of its methods of corruption before it could enter on the work of reform. But the power of the people was coming with an energy which it would be neither safe nor possible to neglect. In the days in which the old whig party of England was in its agony, Rousseau told the world that "the sovereignty of the people is older than the institutions which restrain it; and that these institutions are not obligatory, but by consent." With a foresight as keen as that of Lord Chesterfield, he wrote: "You put trust in the existing order of society, without reflecting that this order is subject to inevitable changes. We are approaching the state of crisis and the age of revolutions. I hold it impossible that the great monarchies of Europe should endure much longer."

Bancroft, Hist. of the U.S., vol.2, p.556

On the retirement of Newcastle, Bute, near the end of May, transferring the seals of the northern department to George Grenville, became first lord of the treasury, the feeblest of British prime ministers; Bedford remained privy seal; Egremont, secretary of state for the southern department and America; and, early in June, Halifax entered the cabinet as first lord of the admiralty; Charles Townshend was still secretary at war, yet restless at occupying a station inferior to Grenville's; Lord North retained his seat at the treasury board.

Bancroft, Hist. of the U.S., vol.2, p.556

But the exhausted condition of France compelled her to seek peace; in February and March, the subject had been opened for discussion through the ministers of Sardinia in London and Versailles; and, early in May, Bute was able to submit his project. Bedford approved, and accepted the embassy to France.

Bancroft, Hist. of the U.S., vol.2, p.556 - p.557

"A good peace with foreign enemies," said Hutchinson, from Massachusetts, as early as March, "would enable us to make a better defence against our domestic foes." It had been already decided that every American judge should hold his appointment at the royal pleasure. Hardy, governor of New Jersey, having violated his instructions, by issuing a commission to judges during good behavior, was promptly dismissed; and, at the suggestion of Bute, William Franklin, the only son of the great adversary of the proprietaries of Pennsylvania, became his successor.

Bancroft, Hist. of the U.S., vol.2, p.557

When New York refused to vote salaries to Pratt, its chief justice, unless he should receive an independent commission, the board of trade, in June 1762, recommended that he should have his salary from the royal quit-rents. "Such a salary," it was pleaded to the board by the chief justice himself, "could not fail to render the office of great service to his majesty, in securing the dependence of the colony on the crown, and its commerce to Great Britain." It was further hinted that it would insure judgments in favor of the crown against all intrusions upon the royal domain by the great landed proprietors of New York, and balance their power and influence in the assembly. The measure was adopted. In New York, the king instituted courts, named the judges, removed them at pleasure, fixed the amount of their salaries, and paid them independently of legislative grants. The system, established as yet in one only of the older provinces, was intended for all. "The people," said this chief justice, who was transplanted from Boston to New York, "ought to be ignorant. Our free schools are the very bane of society; they make the lowest of the people infinitely conceited."

Bancroft, Hist. of the U.S., vol.2, p.557

The king expressed his displeasure at the "obstinate" disobedience of the assembly of Maryland, and censured its members as not "animated by a sense of their duty, to their king and country." The reproof was administered, so wrote Egremont, "not to change their opinion," but "that they may not deceive themselves by supposing that their behavior is not seen here in its true light." A similar letter conveyed to Pennsylvania "the king's high disapprobation of their artfully evading to pay any obedience to requisitions."

Bancroft, Hist. of the U.S., vol.2, p.557

No one was more bent on reducing the colonies to implicit obedience than the blunt and honest, but self-willed duke of Bedford, who, on the sixth day of September 1762, sailed for France, with full powers to negotiate a peace.

Bancroft, Hist. of the U.S., vol.2, p.558

His negotiations languished, because Grimaldi, for Spain, was persuaded that the expedition of the English against Havana would be defeated; but, before the end of September, unexpected news arrived.

Bancroft, Hist. of the U.S., vol.2, p.558

Havana was then, as now, the chief place in the West Indies, built on a harbor large enough to shelter all the navies of Europe, capable of being made impregnable from the sea, having docks for constructing ships-of-war of the first magnitude, rich from the products of the surrounding country, and the centre of the trade with Mexico. Of this magnificent city England undertook the conquest. The command of her army, in which Carleton and Howe each led two battalions, was given to Albemarle, a friend and pupil of the duke of Cumberland. The fleet was intrusted to Pococke, already illustrious as the conqueror in two naval battles.

Bancroft, Hist. of the U.S., vol.2, p.558

Assembling the fleet and transports at Martinique and off Cape St. Nicholas, the adventurous admiral sailed directly through the Bahama straits, and on the sixth day of June came in sight of the low coast round Havana. The Spanish forces for the defence of the city were about forty-six hundred; the English had eleven thousand effective men, and were recruited by nearly a thousand negroes from the Leeward islands, and by fifteen hundred from Jamaica. Before the end of July, the needed re-enforcements arrived from New York and New England; among these was Putnam, the brave ranger of Connecticut, and numbers of men less happy, because never destined to revisit their homes.

Bancroft, Hist. of the U.S., vol.2, p.558

On the thirtieth of July, after a siege of twenty-nine days, during which the Spaniards lost a thousand men, and the brave Don Luis de Velasco was mortally wounded, the Moro Castle was taken by storm. On the eleventh of August, the governor of Havana capitulated, and the most important station in the West Indies fell into the hands of the English. At the same time, nine ships of the line and four frigates were captured in the harbor. The booty of property belonging to the king of Spain was estimated at ten millions of dollars.

Bancroft, Hist. of the U.S., vol.2, p.559

This siege was conducted in midsummer, against a city which lies just within the tropic. The country round the Moro Castle is rocky. To bind and carry the fascines was, of itself, a work of incredible labor, made possible only by aid of African slaves. Sufficient earth to hold the fascines firm was gathered with difficulty from crevices in the rocks. Once, after a drought of fourteen days, the grand battery took fire from the flames, and, crackling and spreading where water could not follow it nor earth stifle it, was wholly consumed. The climate spoiled a great part of the provisions. Wanting good water, very many died in agonies from thirst. More fell victims to a putrid fever, of which the malignity left but three or four hours between robust health and death. Some wasted away with loathsome disease. Over the graves the carrion-crows hovered, and often scratched away the scanty earth which rather hid than buried the dead. Hundreds of carcasses floated on the ocean. And yet such was the enthusiasm of the English, such the resolute zeal of the sailors and soldiers, such the unity of action between the fleet and army, that the vertical sun of June and July, the heavy rains of August, raging fever, and strong and well-defended fortresses, all the obstacles of nature and art, were surmounted, and the most decisive victory of the war was gained.

Bancroft, Hist. of the U.S., vol.2, p.559

The scene in the British cabinet was changed by the capture of Havana. Bute was indifferent to further acquisitions in America, for he held it "of much greater importance to bring the old colonies into order than to plant new ones;" but all his colleagues thought otherwise; and Bedford was unwilling to restore Havana to Spain except for the cession of Porto Rico and the Floridas. The king, who persisted in the purpose of peace, intervened. He himself solicited the assent of Cumberland to his policy; he caused George Grenville, who hesitated to adopt his views, to exchange with Halifax the post of secretary of state for that of the head of the admiralty; and he purchased the support of Fox as a member of the cabinet and Grenville's successor as leader of the house of commons by the offer of a peerage.

Bancroft, Hist. of the U.S., vol.2, p.559 - p.560

The principal representatives of the old whig party were driven into retirement, and the king was passionately resolved never again to receive them into a ministry. In the impending changes, Charles Townshend coveted the administration of America; and Bute gladly offered him the secretaryship of the plantations and board of trade. Thrice Townshend had interviews with the king, whose favor he always courted; but, for the time, he declined the station, from an unwillingness to attach himself to Fox and Bute.

Bancroft, Hist. of the U.S., vol.2, p.560

At that moment, men were earnestly discussing, in Boston, the exclusive right of America to raise and to apply its own revenues. The governor and council had, in advance of authority by law, expended three or four hundred pounds sterling on a ship and sloop, that for the protection of fishermen were to cruise against privateers. Otis, in September 1762, seized the opportunity in a report to claim the right of originating all taxes as the most darling privilege of the representatives. "It would be of little consequence to the people," said he, on the floor of the house, "whether they were subject to George or Louis, the king of Great Britain or the French king, if both were arbitrary, as both would be, if both could levy taxes without parliament." "Treason! treason!" shouted Paine, the member from Worcester. "There is not the least ground," said Bernard, in a message, "for the insinuation under color of which that sacred and well-beloved name is brought into question." Otis, who was fiery, but not obstinate, erased the offensive words; but immediately, claiming to be one

"Who dared to love his country and be poor,"

he vindicated himself through the press.

Bancroft, Hist. of the U.S., vol.2, p.560

Invoking the authority of "the most wise, most honest, and most impartial Locke," "as great an ornament as the church of England ever had," because "of moderate and tolerant principles," and one who "wrote expressly to establish the throne which George III. now held," he undertook to reply to those who could not bear that "liberty and property should be enjoyed by the vulgar."

Bancroft, Hist. of the U.S., vol.2, p.560 - p.561

Deeply convinced of the reality of "the ideas of right and wrong," he derived his argument from original right. "God made all men naturally equal. The ideas of earthly grandeur are acquired, not innate. Kings were made for the good of the people, not the people for them. No government has a right to make slaves of the subject. Most governments are; in fact, arbitrary, and, consequently, the curse and scandal of human nature; yet none are, of right, arbitrary. By the laws of God and nature, government must not raise taxes on the property of the people without the consent of the people or their deputies." "The advantage of being a Briton rather than a Frenchman consists in liberty."

Bancroft, Hist. of the U.S., vol.2, p.561

As a question of national law, Otis maintained the rights of a colonial assembly to be equal to those of the house of commons, and that to raise or apply money without its consent was as great an innovation as it would be for the king and house of lords to usurp legislative authority. Nor did Otis fail to cite the preamble to the British statute of 1740, for naturalizing foreigners, where "the subjects in the colonies are plainly declared entitled to all the privileges of the people of Great Britain."

Bancroft, Hist. of the U.S., vol.2, p.561

He warned "all plantation governors" not to spend their whole time, as he declared "most of them" did, "in extending the prerogative beyond all bounds;" and he pledged himself," ever to the utmost of his capacity and power, to vindicate the liberty of his country and the rights of mankind."

Bancroft, Hist. of the U.S., vol.2, p.561

The vindication of Otis filled the town of Boston with admiration of his patriotism. "A more sensible thing," said Brattle, one of the council, "never was written." By the royalists, its author was denounced as "the chief incendiary," a "seditious" "firebrand," and a "leveller." "I am almost tempted," confessed the unpopular Hutchinson, "to take for my motto, Odi profanum vulgus," hatred to the people. "I will write the history of my own times, like Bishop Burnet, and paint characters as freely; it shall not be published while I live, but I will be revenged on some of the rascals after I am dead;" and he pleaded fervently that Bernard should reserve his favor exclusively for "the friends to government." "I do not say," cried Mayhew from the pulpit, on the annual Thanksgiving Day, "our invaluable rights have been struck at; but, if they have, they are not wrested from us; and may righteous Heaven blast the designs, though not the soul, of that man, whoever he be among us, that shall have the hardiness to attack them."

Bancroft, Hist. of the U.S., vol.2, p.562

The king, on the twenty-sixth of October, offering to return Havana to Spain for either the Floridas or Porto Rico, wrote to Bedford: "The best despatch I can receive from you will be these preliminaries signed. May Providence, in compassion to human misery, give you the means of executing this great and noble work." The terms proposed to the French were severe and even humiliating. "But what can we do?" said Choiseul, who, in his despair, had for a time resigned the foreign department to the Duke de Praslin. "The English are furiously imperious; they are drunk with success; and, unfortunately, we are not in a condition to abase their pride." France yielded to necessity; and, on the third day of November, the preliminaries of a peace so momentous for America were signed between France and Spain on the one side, and England and Portugal on the other.

Bancroft, Hist. of the U.S., vol.2, p.562

To England were ceded, besides islands in the West Indies, the Floridas; Louisiana to the Mississippi, but without the island of New Orleans; all Canada; Acadia; Cape Breton and its dependent islands; and the fisheries, except that France retained a share in them, with the two islets St. Pierre and Miquelon, as a shelter for their fishermen. On the same day France ceded to Spain New Orleans and all Louisiana west of the Mississippi. In Africa, England acquired Senegal, with the command of the slave-trade. In the East Indies, France recovered, in a dismantled and ruined state, the little that she possessed on the first of January 1749. In Europe, Minorca reverted to Great Britain.

Bancroft, Hist. of the U.S., vol.2, p.562

"England," said the king, "never signed such a peace before, nor, I believe, any other power in Europe." "The country never," said the dying Granville, "saw so glorious a war or so honorable a peace." On the ninth of December, the preliminaries were discussed in parliament. In the house of commons, Pitt spoke against the peace for more than three hours; for the first hour admirably, then with sagging strength, "though with an indisputable superiority to all others;" Charles Townshend, in a speech of but twenty-five minutes, answered him "with great judgment, wit, and strength of argument." On the division, the opponents of the treaty were but sixty-five against three hundred and nineteen.

Bancroft, Hist. of the U.S., vol.2, p.563

On the tenth of February 1763, the treaty was ratified; and, five days afterward, the hero of Prussia won a triumph for freedom by the glorious treaty of Hubertsburg, which gave security of existence to his state without the cession of a hand'&breadth of territory.

Bancroft, Hist. of the U.S., vol.2, p.563

Thus was arrested the course of carnage and misery; of sorrows in private life infinite and unfathomable; of wretchedness heaped on wretchedness; of public poverty and calamity; of forced enlistments and extorted contributions; and all the tyranny of military poker in the day of danger. France was exhausted of one half of her specie; in many parts of Germany there remained not enough of men or of cattle to renew cultivation. The number of the dead in arms is computed at eight hundred and eighty-six thousand on the battle-fields of Europe, or on the way to them. And all this waste of life and of resources produced for those who planned it nothing but weakness and losses. Europe, in its territorial divisions, remained exactly as before. But in Asia and America how was the world changed!

Bancroft, Hist. of the U.S., vol.2, p.563

In Asia, the victories of Clive at Plassey, of Coote at the Wandiwash, and of Watson and Pococke on the Indian seas, had given England the undoubted ascendency in the East Indies, opening to her suddenly the promise of territorial acquisitions without end.

Bancroft, Hist. of the U.S., vol.2, p.563

In America, the English-speaking race, with its tendency to individuality and freedom, was become the master from the Golf of Mexico to the poles; and the English tongue, which, that a century and a half before, had for its entire world parts only of two narrow islands on the outer verge of Europe, was flaw to spread more widely than any that had ever given expression to human thought.

Bancroft, Hist. of the U.S., vol.2, p.563 - p.564

Go forth, then, language of Milton and Hampden, langage of my country, take possession of the North American continent! Gladden the waste places with every tone that has been rightly struck on the English lyre, with every English word that has been spoken well for liberty and for man! Give an echo to the now silent and solitary mountains: gush out with the fountains that as yet sing their anthems all day long without response; fill the valleys with the voices of love in its purity, the pledges of friendship in its faithfulness; and as the morning sun drinks the dewdrops from the flowers all the way from the dreary Atlantic to the Peaceful Ocean, meet him with the joyous hum of the early industry of freemen! Utter boldly and spread widely through the world the thoughts of the coming apostles of the people's liberty, till the sound that cheers the desert shall thrill through the heart of humanity, and the lips of the messenger of the people's power, as he stands in beauty upon the mountains, shall proclaim the renovating tidings of equal freedom for the race!

Bancroft, Hist. of the U.S., vol.2, p.564

England enjoyed the glory of extended dominion, in the confident expectation of a boundless increase of wealth. Its success was due to its having taken the lead in the good old struggle for liberty; and its agency was destined to bring fruits not only to itself but to mankind.

Bancroft, Hist. of the U.S., vol.2, p.564

In the first days of January 1763, it was publicly avowed, what had long been resolved on, that a standing army of twenty battalions was to be kept tip in America after the peace; and that the expense should be defrayed by the colonists themselves. To carry the now long-promised measures into effect, thirteen days after the ratification of the peace of Paris, Charles Townshend, at the wish of the earl of Bute and with the full concurrence of the king, entered upon the office of first lord of trade with a seat in the cabinet.

Bancroft, Hist. of the U.S., vol.2, p.564 - p.565

During the negotiations for peace, the French minister for foreign affairs had frankly warned the British envoy that the cession of Canada would lead to the early independence of North America. Unintimidated by the prophecy, England happily persisted. So soon as the sagacious and experienced Vergennes, the French ambassador at Constantinople, a grave, laborious man, remarkable for a calm temper and moderation of character, heard the conditions of the treaty, he said to his friends, and even openly to a British traveller, and afterward himself recalled his prediction to the notice of the British ministry: "The consequences of the entire cession of Canada are obvious. I am persuaded England will ere long repent of having removed the only check that could keep her colonies in awe. They stand no longer in need of her protection; she will call on them to contribute toward supporting the burdens they have helped to bring on her; and they will answer by striking off all dependence."

Bancroft, Hist. of the U.S., vol.2, p.565

The colonial system, being founded on injustice, was at war with itself. The common interest of the great maritime powers of Europe in upholding it existed no more. The seven years' war, which doubled the debt of England, increasing it to several hundred millions of dollars, was begun by her for the acquisition of the Ohio valley. She achieved that conquest, but not for herself. Driven out from its share in the great colonial system, France was swayed by its commercial and political interests, by its wounded pride, and by that enthusiasm which the support of a good cause enkindles, to take up the defence of the freedom of the seas, and to desire the enfranchisement of the English plantations. This policy was well devised; and England became not so much the possessor of the valley of the west as the trustee, commissioned to transfer it from the France of the middle ages to the free people who were making for humanity a new life in America.

History of the United States

Volume 3, 1763-1774

THE

AMERICAN REVOLUTION

IN FIVE EPOCHS

Epoch Second: Britain Estranges America, 1763-1774

EPOCH SECOND

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Britain Estranges America

From 1763 to 1774

Chapter 1:

England as it Was in 1763

Bancroft, Hist. of the U.S., vol.3, p.4

OF the wise and happy people of Great Britain the domestic character was marked by moderation, and, like its temperate clime, would sustain no extremes. The island rose, before the philosophers as the asylum of independent thought, and upon the nations as the home of revolution where liberty emanated from discord and sedition. In the atmosphere of England, Voltaire ripened the speculative views which he published as "English Letters;" there Montesquieu sketched a government which should make liberty its end; and from English writings and example Rousseau drew the idea of a social compact. Every Englishman discussed public affairs; busy politicians thronged the coffee-houses; petitions were sent to parliament from popular assemblies; cities, boroughs, and counties framed addresses to the king: and yet such was the stability of the institutions of England amid the factious conflicts of parties, such her loyalty to law even in her change of dynasties, such her self-control while resisting power, such the fixedness of purpose lying beneath the restless enterprise of her intelligence, that the ideas which were preparing radical changes in the social system of other monarchies held their course harmlessly within her borders, as winds playing capriciously round some ancient structure whose massive buttresses tranquilly bear up its roof and towers, and pinnacles, and spires.

Bancroft, Hist. of the U.S., vol.3, p.4

The Catholic kingdoms sanctified the kingly power by connecting it with the church; Prussia was as yet the only great modern instance of a monarchical state resting on an army; England limited her monarchy by law. Her constitution was venerable from its antiquity. Some traced it to Magna Charta, some to the Norman conquest, and some to the forests of Germany, where acts of legislation were debated and assented to by the people and by the nobles; but it was at the revolution of 1688 that the legislature definitively assumed the sovereignty by dismissing a monarch from the kingdom. The prince might no more oppose "his unbounded prerogatives," such are the words of Hume, "to that noble liberty, that sweet equality, and that happy security, by which the English are at present distinguished above all nations in the universe." The new dynasty had consented to wear the crown in conformity to a statute, so that its title was safe only with the constitution. The framework of government had for its direct end not the power of its chief, but personal liberty and the security of property. The restrictions, which were followed by these happy results, had been imposed and maintained under the lead of the aristocracy, to whom the people, in its gratitude for a bulwark against arbitrary power and its sense of inability itself to reform the administration, had likewise capitulated; so that England was become an aristocratic republic, with a king as the emblem of a permanent executive.

Bancroft, Hist. of the U.S., vol.3, p.4 - p.5

In England there was an established church; but its hierarchy had no independent existence; and its connection with the state was purchased by its subordination. None but conformists could hold office; in return, the church, in so far as it was a civil establishment, was the creature of parliament; a statute prescribed the articles of its creed, as well as its book of prayer; it was not even intrusted with a coordinate power to reform its own abuses; any attempt to do so would have been crushed as a movement of usurpers. Convocations were infrequent; and, if laymen were not called to them, it was because the assembly was merely formal. Through parliament, the laity amended and regulated the church. The bishops were still elected by a chapter of the clergy, but the privilege existed only in appearance; the crown, which gave leave to elect, named the person to be chosen, and deference to its nomination was enforced by the penalties of a praemunire.

Bancroft, Hist. of the U.S., vol.3, p.5

The laity, too, had destroyed the convents and monasteries which, under other social forms, had been the schools, the poorhouses, and the hostleries of the land; and all the way from Netley Abbey to the rocky shores of Northumberland, and even to the remote loneliness of Iona, the country was strewn with the broken arches and ruined towers and tottering columns of buildings, which once rose in such numbers and such beauty of architecture that they seemed like a concert of voices chanting a perpetual hymn of praise. Moreover, the property of the church, which had been enjoyed by the monasteries that undertook the performance of the parochial offices, had fallen into the hands of impropriators; so that funds set apart for charity, instruction, and worship were become the plunder of laymen, who seized the great tithes and left but a pittance to their vicars.

Bancroft, Hist. of the U.S., vol.3, p.5

The purity of spiritual influence was tarnished by this strict subordination to the temporal power. The clergy had never slept so soundly over the traditions of their religion; and the dean and chapter, at their cathedral stalls, seemed like strangers lost among the shrines and groined aisles and light columns of stone, which the fervid genius of men of a different age had fashioned.

Bancroft, Hist. of the U.S., vol.3, p.5

The clergy were Protestant, and married. Their great dignitaries dwelt in palaces, and no longer used their revenues to renew cathedrals, or beautify chapels, or build new churches, or endow schools. In the house of lords, the church had its representative seats among the barons, and never came in conflict with the aristocracy with which its interests were identified.

Bancroft, Hist. of the U.S., vol.3, p.5 - p.6

The hereditary right of the other members of the house of lords was such a privilege as must, in itself, always be hateful to a free people, and always be in danger; but as yet there was no struggle to be rid of it. The reverence for its antiquity was enhanced by pleasing historical associations. But for the aid of the barons, Magna Charta would not have been attained; and, but for the nobility and gentry, the revolution of 1688 would not have succeeded. A sentiment of gratitude was therefore blended in the popular mind with submission to rank.

Bancroft, Hist. of the U.S., vol.3, p.6

Besides, nobility was not a caste, but rather an office, personal and transmissible to but one. "The insolent prerogative of primogeniture" was made most conspicuous in the bosom of the families which it kept up; their younger members placed their pride in upholding a system which left them dependent or destitute. They revered the head of the family, and by their submission taught the people to do so. Even the mother who might survive her husband, after following him to his tomb in the old manorial church, returned no more to the ancestral mansion, but vacated it for the heir.

Bancroft, Hist. of the U.S., vol.3, p.6

The daughters of the nobility were left poor, and most of them necessarily remained unmarried, or wedded persons of inferior birth. The younger sons became commoners; and, though they were in some measure objects of jealousy, because they used their relationship to appropriate to themselves the benefits of the public patronage, yet, as they really were commoners, they kept up an intimate sympathy between classes. Besides, the road to the peerage, as all knew, lay open to all. It was a body constantly invigorated by recruits from the bar and the house of commons. Had it been left to itself, it would have perished long before. Once, having the gentle Addison for a supporter of the measure, it voted itself to be a close order, but was saved by the house of commons from consummating its selfish purpose, where success would have prepared its ruin. Thus the hereditary branch of the legislature was doubly connected with the people; the larger part of its sons and daughters descended to the station of commoners, and commoners were at all times making their way to its honors. In no country was rank so privileged or were classes so intermingled.

Bancroft, Hist. of the U.S., vol.3, p.6

The peers, too, were, like all others, amenable to the law; and, though the system of finance bore evidence of their controlling influence in legislation, yet their houses, lands, and property were not exempt from taxation. The provisions of law were certainly most unequal, yet, such as they were, they applied indiscriminately to all.

Bancroft, Hist. of the U.S., vol.3, p.6 - p.7

The house of commons represented the land of England, but not her men. No one but a landholder was qualified to be elected into that body; and most of those who were chosen were scions of the great families. Sons of peers, even the eldest son while his father lived, could sit in the house of commons; and there might be, and usually were, many members of one name.

Bancroft, Hist. of the U.S., vol.3, p.7

The elective franchise was itself a privilege, and depended on capricious charters or immemorial custom rather than on reason. Of the five hundred and fifty-eight members of whom the house of commons then consisted, the counties of England, Wales, and Scotland elected one hundred and thirty-one as knights of the shires. These owed their election to the good-will of the owners of great estates in the respective counties; for the tenant used to vote as his landlord directed, and could be compelled to do so, for the vote was given by word of mouth or a show of hands. The representatives of the counties were, as a class, country gentlemen, independent of the court. They were comparatively free from corruption, and some of them fervidly devoted to English liberty.

Bancroft, Hist. of the U.S., vol.3, p.7

The remaining four hundred and twenty-seven members, "citizens and burgesses," were arbitrarily distributed among cities, towns, and boroughs, with little regard to wealth or population. Old Sarum, where there was not so much as the ruins of a town and scarce so much housing as a sheep-cot, or more inhabitants than a shepherd, sent as many representatives to the assembly of law-makers as the large, rich, and populous county of York. The lord of the borough of Newport, in the Isle of Wight, named two members, while Bristol elected no more; the populous capital of Scotland, but one; and Manchester, none. Two hundred and fifty-four members had such small constituencies that about five thousand seven hundred and twenty-three votes sufficed to choose them; fifty-six were elected by so few that, had the districts been equally divided, six and a half votes would have sufficed for each member. In an island counting more than seven and a half millions of people and at least a million and a half of mature men, no one could pretend that it required more than ten thousand voters to elect the majority of the house of commons; but, in fact, it required the consent of a far less number.

Bancroft, Hist. of the U.S., vol.3, p.8

London, Westminster, and Bristol, and perhaps a few more of the larger places, made independent selections; but the boroughs were nearly all dependent on some great proprietor or on the crown. The burgage tenures belonged to men of fortune; and, as the elective power attached to borough houses, the owner of those houses could compel their occupants to elect whom he pleased. The majority of the members were able to command their own election; sat in parliament for life, as undisturbed as the peers; and bequeathed to their children the property and influence which secured their seats. The same names, from the same places, occur in the rolls of parliament from one generation to another.

Bancroft, Hist. of the U.S., vol.3, p.8

The exclusive character of the representative body was completed by the prohibition of the publication of the debates, and by the rule of conducting important business with closed doors. Power was with the few: the people was swallowed up in the lords and commons.

Bancroft, Hist. of the U.S., vol.3, p.8

The members of the parliament of those days never indulged in abstract reasoning, and cared little for general ideas. Theories and philosophy from their lips would have been ridiculed or neglected; for them the applause at St. Stephen's weighed more than the approval of posterity, more than the voice of God in the soul. They pleaded before that tribunal, and not in the forum of humanity. How to meet parliament was the minister's chief solicitude, for he hazarded his political fortunes on its vote. He valued its approval more than the affections of mankind, and could boast that this servitude was perfect freedom.

Bancroft, Hist. of the U.S., vol.3, p.8

The mode of electing the house of commons might seem to rivet that unmixed aristocracy which is the worst government under the sun; but the English law was so tempered by popular franchises that it was among the very best which the world had thus far seen; and Britons, in their joy at the success of their revolution of 1688 in bounding the prerogatives of the prince, were slow to undertake the reform of the body by which that revolution had been achieved.

Bancroft, Hist. of the U.S., vol.3, p.8 - p.9

Men considered the functions of parliament, and especially of the house of commons. It protected property by establishing in theory the principle that taxes can be levied only with the consent of the people by their representatives. It maintained the supremacy of the civil power by making the grants for the army and navy annual, limiting the number of troops that might be kept up, and leaving the mutiny bill to expire once a year. All appropriations, except the civil list for maintaining the dignity of the crown, it made specific and only for the year. As the great inquest of the nation, it examined how the laws were executed, and was armed with the office of impeachment. By its control of the revenue, it was so interwoven with the administration that it could force the king to accept, as advisers and ministers, even men who had most offended him.

Bancroft, Hist. of the U.S., vol.3, p.9

The same character of aristocracy was imprinted on the administration. The king reigned, but, by the theory of the constitution, was not to govern. He appeared in the privy council on occasions of state; but Queen Anne was the last of the English monarchs to attend the debates in the house of lords, or to preside at a meeting of the ministry. In the cabinet, according to the rule of aristocracy, every question was put to vote; and, after the vote, the dissentients must hush their individual opinions, and present the appearance of unanimity. Add to this that the public offices were engrossed by a small group of families, that favor dictated appointments of bishops, of officers in the navy, and still more in the army in which even boys at school held commissions, so that the higher class of England absorbed all the functions of administration, and its cabals were more respected than majesty itself.

Bancroft, Hist. of the U.S., vol.3, p.9

Yet, even here, "the great," as they were called, were reined in. Every man claimed a right to sit in judgment on the administration; and the mighty power of public opinion, embodied in a free press, pervaded, checked, and, in the last resort, nearly governed the whole.

Bancroft, Hist. of the U.S., vol.3, p.9

Nor must he who will understand the English institutions leave out of view the character of the enduring works which had sprung from the salient energy of the English mind. Literature had been left to develop itself. William of Orange was foreign to it; Anne cared not for it; the first George knew no English; the second, not much. Devotedness to the monarch is not impressed on English literature.

Bancroft, Hist. of the U.S., vol.3, p.10

Neither the earlier nor the later literature put itself at war with the country or its classes. The inmost character of the English mind, in the various epochs of its history, was imprinted on its poetry. Chaucer, a man of a most comprehensive nature, living in the days when friars were as thick as motes in the sunbeam, when the land, according to its legends, was "fulfilled of faerie," and the elf-queen with her jolly company danced in many a green mead, recalls the manners and humors, the chivalry and thought that beguiled the pilgrimages, or lent a charm to the hospitality of Catholic England. Spenser clothed in allegory the purity of the reformed religion which the lion of England defended against the false arts of Rome. Shakespeare, "great heir of fame"—rising at the inspiring moment of the victory of English nationality and Protestant liberty, master of every chord that vibrates in the human soul, and knowing all that can become the cottage or the palace, the town or the fields and forests, the camp or the banqueting-hall; ever reverent to the voice of religion in the soul; ever teaching by his true delineations of character a veneration and love for the laws of morality—unfolded the panorama of English history, and embodied in "easy numbers" whatever is wise and lovely and observable in English manners and life. Milton, with heroic greatness of mind, was the sublime representative of English republicanism, eager to quell the oppressor, but sternly detesting libertinism and disorder, and exhorting to "patience" even in the days of the later Stuarts. Dryden, living through the whole era of revolutions, yielded to the social influences of a vicious age, and reproduced in his verse the wayward wavering of the English court between Protestantism and the Roman Catholic worship, between voluptuousness and faith; least read, because least truly national. "Envy must own I live among the great" was the boast of Pope, the cherished poet of English aristocratic life as it existed in the time of Bolingbroke and Walpole; Battering the great with sarcasms against kings; an optimist proclaiming order as the first law of Heaven. None of all these, not even Milton, provoked to the overthrow of the institutions of England.

Bancroft, Hist. of the U.S., vol.3, p.10 - p.11

Nor had the skepticism of modern philosophy penetrated the mass of the nation, or raised vague desires of revolution. It kept, rather, what was held to be the best company. It entered the palace during the licentiousness of the two former reigns; and, though the court was now become decorous and devout, the nobility, and those who in that day were called "the great," affected free-thinking, and laughed at the evidence of piety in any one of their order. But the spirit of the people rebelled against materialism; if worship, as conducted in the parish church, had no attractive warmth, they gathered round the preacher in the fields, eager to be assured that they had within themselves a spiritual nature and a warrant for their belief in immortality; yet, under the moderating influence of Wesley, combining a fervid reform in religion with unquestioning deference to authority in the state.

Bancroft, Hist. of the U.S., vol.3, p.11

English metaphysical philosophy itself bore a character of moderation analogous to English institutions. In disregard to the traditions of the Catholic church, Locke had denied that thought implies an immaterial substance; and Hartley and Priestley asserted that the soul was but of flesh and blood; but the more genial Berkeley, armed with "every virtue," insisted rather on the certain existence of the intellectual world alone, while, from the bench of English bishops, Butler pressed the analogies of the material creation itself into the service of spiritual life. If Hume embodied the logical consequences of the materialist philosophy in the most skilfully constructed system of idealism which the world had ever known, his own countryman, Reid, in works worthy to teach the youth of a republic, illustrated the active powers of man and the reality of right; Adam Smith found a criterion of duty in the universal sentiment of mankind; and the English dissenter, Price, enforced the eternal, necessary, and unchanging distinctions of morality. So philosophic freedom in Britain rebuked its own excesses, and, self-balanced and self-restrained, never sought to throw down the august fabric which had for so many centuries stood before Europe as the citadel of liberty.

Bancroft, Hist. of the U.S., vol.3, p.11 - p.12

The blended respect for aristocracy and for popular rights was impressed upon the courts of law. They were charged with the protection of every individual without distinction, securing to the accused a trial by sworn men, who were taken from among his peers and held their office for but one short term of service. And especially the judges watched over the personal liberty of every Englishman, with power on the instant to set free any one illegally imprisoned, even though in custody by the king's express command.

Bancroft, Hist. of the U.S., vol.3, p.12

At the same time, the judiciary, with a reputation for impartiality in the main well deserved, was by its nature conservative, and by its constitution the associate and the support of the house of lords. Westminster Hall, which had stood through many revolutions and dynasties, and was become venerable from an unchanged existence of five hundred years, sent the first officer in one of its courts, from however humble an origin he might have sprung, to take precedence of the nobility of the realm, and preside in the chamber of peers. That branch of the legislature derived an increase of its dignity from the great lawyers whom the crown, from time to time, was accustomed to ennoble; and, moreover, it formed of itself a part of the judicial system. The house of commons, whose members, from their frequent elections, best knew the temper of the people, possessed exclusively the right to originate votes of supply; but the final judgment on all questions of law respecting property rested with the house of lords.

Bancroft, Hist. of the U.S., vol.3, p.12

The same cast of aristocracy, intermingled with popularity, pervaded the systems of education. From climate, compact population, and sober national character, England was capable beyond any other country in the world of a system of popular education. Nevertheless, the mass of its people was left ignorant how to read or write. But the benevolence of earlier and later ages had benefited science by endowments, which in their conception were charity schools, founded by piety for the education of poor men's sons; and the sons of the aristocracy grouped themselves at Eton, or Westminster, or Harrow, or Winchester, round the scholars on the foundation.

Bancroft, Hist. of the U.S., vol.3, p.12

The same time-honored constitution marked the universities. As a consequence, the genius of the past claimed a right to linger in their streets, and something of the ancient theory of loyalty long found an asylum in the colleges of Oxford.

Bancroft, Hist. of the U.S., vol.3, p.12 - p.13

The cities were not barred against the influence of the aristocracy. The swelling expenses of the government increased its dependence on the moneyed class, and the leading minister needed the confidence of the city as well as of the country and the court. Besides, it was not uncommon to see a wealthy citizen toiling to amass yet greater wealth, that he might purchase land and found a family; or giving his richly dowered daughter in marriage to a peer. The members of the legislature listened readily to the petitions of the merchants, who, in their turn, rebelled against the necessity of intrusting the protection of their interests to members of the aristocratic organization as little as they did at the employment of barristers in the halls of justice.

Bancroft, Hist. of the U.S., vol.3, p.13 - p.14

But, if aristocracy was not excluded from towns, it pervaded the whole rural life of England. The climate was not only softened by the milder atmosphere that belongs to the western side of masses of land, but was further modified by the proximity of every part of it to the sea. It knew neither long-continuing heat nor cold, and was more friendly to daily employment without doors throughout the whole year, than any in Europe. The island was "a little world" of its own, with a "happy breed of men" for its inhabitants, in whom the hardihood of the Norman was intermixed with the gentler qualities of the Celt and the Saxon, just as nails are rubbed into steel to harden the Damascus blade. They loved country life, of which the mildness of the clime increased the charms, since every grass and flower and tree that had its home between the remote North and the neighborhood of the tropics would live abroad, and except those only which need a hot sun to unfold their bloom, or fix their aroma, or ripen their fruit, would thrive in perfection; so that no region could show such a varied wood. The moisture of the sky favored a soil not naturally rich, and clothed the earth in perpetual verdure. Nature had its attractions even in winter. The ancient trees were stripped indeed of their foliage, so that they showed more clearly their fine proportions and the undisturbed nests of the noisy rooks among their boughs; but the air was so mild that flocks and herds still grazed on the freshly springing herbage, and the deer found shelter enough by crouching among the fern; the smoothly shaven, grassy walk was soft and yielding under the foot; nor was there a month in the year in which the plough was idle. The large landed proprietors dwelt often in houses which had descended to them from the times when England was gemmed all over with delicate and solid structures of Gothic art. Estates were bounded by the same hedges and ditches, counties by the same lanes, as in William the Conqueror's time, and water-wheels revolved to grind corn just where they had been doing so for at least eight hundred years. Hospitality had its traditions, and for untold centuries Christmas had been the most joyous of the seasons.

Bancroft, Hist. of the U.S., vol.3, p.14

The aristocratic system was so completely the ruling element in English history and English life, especially in the country, that it seemed the most natural organization of society, and was even endeared to the dependent people. Hence the manners of the aristocracy, without haughtiness or arrogance, implied rather than expressed the consciousness of undisputed rank.

Bancroft, Hist. of the U.S., vol.3, p.14

Yet the privileged class carried their watchfulness over their rural pleasures and interests to an extreme. The life of the farmer from generation to generation was but "an equal conflict between industry and want;" and the laboring poor "with all their thrift did not thrive," with all their ingenious parsimony could barely live without extorting alms. The game laws, parcelling out among the large proprietors the exclusive right of hunting, which had been wrested from the king as too grievous a prerogative, were maintained with relentless severity; and to steal or even to hamstring a sheep was as much punished by death as murder or treason. During the reign of George II., sixty-three new capital offences had been added to the criminal laws, and five new ones, on the average, continued to be discovered annually; so that the criminal code of England, formed under the influence of the gentry, was written in blood.

Bancroft, Hist. of the U.S., vol.3, p.14 - p.15

But this cruelty, while it encouraged and hardened offenders, did not revolt the submissiveness of the rural population. The tenantry, holding lands at a moderate rent, for the most part without permanent leases, transmitting the occupation of them from father to son through many generations, clung to the lord of the manor as ivy to massive old walls. They loved to live in his light, to lean on his support, to gather round him with affectionate deference, and, by faithful attachment, to win his sympathy and care, happy when he was such a one as merited their love. They caught refinement of their superiors, so that their cottages were carefully neat, with roses and honeysuckles clambering to their roofs. They cultivated the soil in sight of the towers of the church round which reposed the ashes of their ancestors for almost a thousand years. The island was mapped out into territorial parishes, as well as into counties; and the affairs of local interest, the assessment of rates, the care of the poor and of the roads, were intrusted to elected vestries or magistrates, with little interference from the central government. The resident magistrates were unpaid, being taken from among the landed gentry; and the local affairs of the county and all criminal prosecutions of no uncommon importance were settled by them in a body at quarterly sessions, where a kind-hearted landlord often presided, to appall the convict by the earnestness of his rebuke and then to show him mercy by a lenient sentence. All judgments were controlled by fixed law; and, at the assizes, no sentence could be pronounced against the accused but by the consent of impartial men taken from the body of the people.

Bancroft, Hist. of the U.S., vol.3, p.15 - p.16

The climate, so inviting to rural life, was benign to industry of all sorts. It might seem that the population engaged in manufactures would have constituted a separate element not included within the aristocratic system, but the great manufacture of the material not produced at home was stili in its infancy. The weaver toiled in his own cottage, and the thread which he used was with difficulty supplied to him sufficiently by the spinners at the wheel of his own family and among his neighbors. Men had not as yet learned by machinery to produce, continuously and uniformly, from the down of cotton, the porous cords of parallel filaments; to attenuate them by gently drawing them out; to twist and extend the threads; and to wind them regularly on pins of wood as fast as they are spun. In 1763, the inconsiderable cotton manufactures of Great Britain, transported from place to place on pack-horses, did not form one two-hundredth part of the production of ninety years later, and were politically of no importance. Not yet had art done more than begin the construction of channels for still-water navigation; not yet had Wedgwood fully succeeded in changing, annually, tens of thousands of tons of clay and flint into brilliantly glazed and durable ware, capable of sustaining heat, cheap in price, and beautiful and convenient in form; not yet had the mechanics, after using up forests, learned familiarly to smelt iron with pit coal, or to drive machinery by steam.

Bancroft, Hist. of the U.S., vol.3, p.16

Let the great artificers of England in iron and clay adopt science as their patron; let the cotton-spinners, deriving their raw material from abroad, perfect their manufacture by inventive plebeian genius, and so prosper as to gather around their mills a crowded population—and there will then exist a powerful and opulent and numerous class, emancipated from aristocratic influence, thriving outside of the old society of England. But at that time the manufacture of wool was cherished as the most valuable of all. It had grown with the growth and wealth of England, and flourished in every part of the island; at Kidderminster and Wilton and Norwich, not less than in the West Riding of York. It had been privileged by King Stephen and regulated by the lion-hearted Richard. Its protection was as much a part of the statute-book as the game laws, and was older than Magna Charta. To foster it was a custom coeval with the English constitution; and the landowner, whose rich lawns produced the fleece, sympathized with the industry that wrought it into beautiful fabrics. Mutual confidence was established between the classes of society; no chasm divided its orders.

Bancroft, Hist. of the U.S., vol.3, p.16

Thus, unity of character marked the constitution and the social life of England. The sum of the whole was an intense nationality in its people. They were happy in their form of government, and were proud of it; for they enjoyed more perfect freedom than the world up to that time had known. In spite of the glaring defects of their system, Greece, in the days of Pericles or Phocion, had not been blessed with such liberty. Italy, in the fairest days of her ill-starred republics, had not had such security of property and person, so pure an administration of justice, such unlicensed expression of thought.

Bancroft, Hist. of the U.S., vol.3, p.16 - p.17

These benefits were held by a firm tenure, safe against revolutions and sudden changes in the state. The laws reigned and not men; and the laws had been the growth of centuries, yielding to amendment only by the gradual method of nature, as opinions exercising less instant influence slowly infused themselves through the public mind into legislation: so that the constitution of England, though like all things else perpetually changing, changed like the style of architecture along the aisles of its own cathedrals, where the ponderous severity of the Norman age melts in the next almost imperceptibly into a more genial and lighter style.

Bancroft, Hist. of the U.S., vol.3, p.17

With all the defects which remained in the form of their constitution, the English felt that they were great not by restraining laws, not by monopoly. Liberty and industry gave them their nationality and greatness. English statesmen, going from the classical schools to the universities, brought up in a narrow circle of classical and mathematical learning, wherever they travelled, were environed by an English atmosphere. They saw the world abroad as if to perceive how inferior it was to the land of their birth. They went young to the house of commons, and were so blinded by love and admiration of their own country that they thought nothing blameworthy which promoted its glory, its power, or its welfare. They looked out upon the surrounding sea as their wall of defence, and the great deep seemed to them their inheritance, inviting them everywhere to enter upon it as their rightful domain. They gazed beyond the Atlantic; and, not content with their own colonies, they counted themselves defrauded of their due as the sole representatives of liberty, so long as Spain should hold exclusively such boundless empires. The house of Bourbon might be struck at wherever it should rear its head. To promote British interests and command the applause of the British senate, they were ready to infringe on the rights of other countries, and even on the essential liberties of the outlying dominions of the crown.

Chapter 2:

England and Its Dependencies,

Ireland,

1763

Bancroft, Hist. of the U.S., vol.3, p.18

So England was one united nation, with its landed aristocracy as the ruling power. The separate character and influence of each of the great component parts of English society may be observed in the British dominions outside of Great Britain.

Bancroft, Hist. of the U.S., vol.3, p.18

From the wrecks of the empire of the Great Mogul, a monopolizing company of English merchants had gained dominion in the East, with factories, subject provinces, and territorial revenues on the coast of Malabar, in the Carnatic, and on the Ganges. They looked upon the East India company of France as hopelessly ruined; and, as they pushed forward their victories, they avowed gain to be the sole end of their alliances and their trade, of their warfare and their civil rule.

Bancroft, Hist. of the U.S., vol.3, p.18

In America, the middling class, chiefly rural people, with a few from the towns of England, founded colonies in the forms of liberty, and owned and cultivated the soil.

Bancroft, Hist. of the U.S., vol.3, p.18 - p.19

Ireland, whose government was proposed in England as a model for the British colonies, and whose history is from this time intimately blended with the course of events in America, had been seized by the English oligarchy. Half as large as England, it has a still milder climate and a more fertile soil. From its mountains gush numerous rivers, fed by the rains which the sea breeze makes frequent. These, now halting in bogs and morasses, now expanding into beautiful lakes, now rushing with copious volume and swift descent, offered along their courses water-power without limit, and at their outlets deep and safe harbors. The limestone plains under the cloudy sky are matted with grasses whose verdure vies with the emerald.

Bancroft, Hist. of the U.S., vol.3, p.19

Centuries before the Christian era the beautiful region had been occupied by men of the same Celtic tribe which colonized the Scottish highlands. The Normans, who in the eighth century planted commercial towns on its coast, were too few to maintain separate municipalities. The old inhabitants had been converted to Christianity by apostles of the purest fame, and the land abounded in churches and cathedrals, in a learned, liberal, and numerous clergy. Their civil government was an aristocratic confederacy of septs, or families with chiefs; and the remote land seemed set apart by nature as the abode of an opulent, united, and happy people.

Bancroft, Hist. of the U.S., vol.3, p.19

In the reign of Henry II of England, and in his name, English barons and adventurers invaded Ireland; and, before the end of the thirteenth century, its soil was parcelled out among ten English families.

Bancroft, Hist. of the U.S., vol.3, p.19

As the occupation became confirmed, the English system of laws was continued to the English colonists living within the pale which comprised the four counties of Dublin, Louth, Meath, and Kildare. In the Irish parliament, framed ostensibly after the model of the English constitution, no Irishman could hold a seat: it represented the intruders only, who had come to possess themselves of the lands of the natives, now quarrelling among themselves about the spoils, now rebelling against England, but always united against the Irish.

Bancroft, Hist. of the U.S., vol.3, p.19

When Magna Charta was granted at Runnymede, it became the possession and birthright of the Norman inhabitants of Ireland; but to the "mere Irish" its benefits were not extended, except by special charters of enfranchisement or denization, of which the sale furnished a means of exaction.

Bancroft, Hist. of the U.S., vol.3, p.19 - p.20

The oligarchy of conquerors, in the process of time, began to amalgamate with the Irish; they had the same religion; they inclined to adopt their language, dress, and manners, and to speak for the rights of Ireland more warmly than the Irish themselves. To counteract this tendency of "the degenerate English," laws were enacted so that the Anglo-Irish could not intermarry with the Celts, nor permit them to graze their lands, nor present them to benefices, nor receive them into religious houses, nor entertain their bards. The "mere Irish" were considered as out of the king's allegiance; in war, they were accounted rebels; in peace, the statute-book called them Irish enemies; and to kill one of them was adjudged no felony.

Bancroft, Hist. of the U.S., vol.3, p.20

During the long civil wars in England, English power declined in Ireland. To recover its subordination, in the year 1495, the tenth after the union of the Roses, the famous statute of Drogheda, known as Poyning's Law, from the name of the lord deputy who obtained its enactment, reserved the initiative in legislation to the crown of England. No parliament could from that time "be holden in Ireland till the king's lieutenant should certify to the king, under the great seal of the land, the causes and considerations and all such acts as it seemed to them ought to be passed thereon, and such be affirmed by the king and his council, and his license to summon a parliament be obtained." This remained the rule of Irish parliaments, and in the middle of the eighteenth century began to be referred to in England as a good precedent for America.

Bancroft, Hist. of the U.S., vol.3, p.20

The change in the relations of England to the see of Rome, at the time of the reform, served to amalgamate the Celtic-Irish and the Anglo-Norman Irish who adhered to their ancient religion.

Bancroft, Hist. of the U.S., vol.3, p.20

The Irish resisted the act of supremacy; and the accession of Queen Elizabeth brought the struggle to a crisis. She established the Anglican Episcopal church by an act of what was called an Irish parliament, in which the Celtic-Irish had no part, and English retainers, chosen from select counties and boroughs and new boroughs made for the occasion, held the ascendant over the Anglo-Norman Irish. The laws of supremacy and uniformity were adopted in the words of the English statutes; the common prayer was appointed instead of mass, and was to be read in the English language or, where that was not known, in the Latin.

Bancroft, Hist. of the U.S., vol.3, p.20 - p.21

The Anglican prelates and priests, divided from the Irish by the insuperable barrier of language, were quartered upon the land, shepherds without sheep, pastors without people; strangers to the inhabitants, wanting not them, but theirs. The churches went to ruin; the benefices fell to men who were looked upon as foreigners and heretics, and who had no care for the natives but to compel them to pay tithes. The inferior clergy were men of no parts or erudition, and were as immoral as they were illiterate. No pains were taken to make converts, except by penal laws; and the Norman-Irish and Celtic-Irish were drawn nearer to one another by common sorrows, as well as by a common faith; for "the people of that country's birth, of all degrees, were papists, body and soul."

Bancroft, Hist. of the U.S., vol.3, p.21

The Anglican church in Ireland represented the English interest. Wild and incoherent attempts at self-defence against relentless oppression were followed by the desolation of large tracts of country, new confiscations of land, and a new colonial garrison in the train of the English army. Even the use of parliaments was suspended for seven-and-twenty years.

Bancroft, Hist. of the U.S., vol.3, p.21

The accession of James I, with the counsels of Bacon, seemed to promise Ireland some alleviation of its woes, for the pale was broken down; and when the king, after the long interval, convened a parliament, it stood for the whole island. But the law tolerated only the Protestant worship; and, when colonies were planted on lands of six counties in Ulster escheated to the crown, the planters were chiefly Presbyterians from Scotland, than whom none more deeply hated the Catholic religion. The war of chicane succeeded to the war of arms and hostile statutes. Ecclesiastical courts wronged conscience; soldiers practiced extortions; the civil courts took away lands. Instead of adventurers despoiling the old inhabitants by the sword, there came up discoverers, who made a scandalous traffic of pleading the king's title against the possessors of estates to force them to grievous compositions; or to effect the total extinction of the interests of the natives in their own soil. This species of subtle ravage, continued with systematic iniquity in the next reign, and, carried to the last excess of perfidy, oppression, and insolence, kindled the rising of 1641.

Bancroft, Hist. of the U.S., vol.3, p.21 - p.22

When this rebellion had assumed the form of organized resistance, large forfeitures of lands were promised to those who should aid in its reduction. The Catholics had successively to encounter the party of the king; the Puritan parliament of England; the Scotch Presbyterians among themselves; the fierce, relentless energy of Cromwell; a unanimity of hatred, quickened by religions bigotry; greediness after confiscated estates; and the pride of power in the Protestant interest. Modern history has no parallel for the sufferings of the Irish nation from 1641 to 1660.

Bancroft, Hist. of the U.S., vol.3, p.22

At the restoration of Charles II, a declaration of settlement confirmed even the escheats of land, decreed by the republican party for the loyalty of their owners to the Stuarts. It is the opinion of an English historian that, "upon the whole result, the Irish Catholics, having previously held about two thirds of the kingdom, lost more than one half of their possessions by forfeitures on account of their rebellion."

Bancroft, Hist. of the U.S., vol.3, p.22

The favor of James II wrought the Catholic Irish nothing but evil, for they shared his defeat; and, after their vain attempt to make of Ireland his independent place of refuge, and a gallant resistance of three years, the Irish at Limerick capitulated to the new dynasty, obtaining the royal promise of security of worship to the Roman Catholics, and the continued possession of their estates, free from all outlawries or forfeitures. Of these articles, the first was totally disregarded; the second was evaded. New forfeitures followed to the extent of more than a million of acres; and, at the close of the seventeenth century, the native Irish, with the Anglo-Irish Catholics, possessed not more than a seventh of the island.

Bancroft, Hist. of the U.S., vol.3, p.22

The maxims on which the government of Ireland was administered by Protestant England after the revolution of 1688 brought about the relations by which that country and our own reciprocally affected each other's destiny.

Bancroft, Hist. of the U.S., vol.3, p.22

The inhabitants of Ireland were four parts in five, all agree more than two parts in three, Roman Catholics. Religion established three separate nationalities: the Anglican churchmen, constituting nearly a tenth of the population; the Presbyterians, chiefly Scotch-Irish; and the Catholic population, which was a mixture of the old Celtic race, the untraceable remains of the few Danish settlers, and the Normans and first colonies of the English.

Bancroft, Hist. of the U.S., vol.3, p.22 - p.23

In settling the government, England intrusted it exclusively to those of "the English colony" who were members of its own church; so that a small minority ruled the island. To facilitate this, new boroughs were created, and wretched tenants, where not disfranchised, were so coerced in their votes at elections that two thirds of the Irish house of commons were the nominees of the large Protestant proprietors of the land.

Bancroft, Hist. of the U.S., vol.3, p.23

An act of the English parliament rehearsed the dangers to be apprehended from the presence of popish recusants in the Irish parliament, and required of every member the new oaths of allegiance and supremacy and the declaration against transubstantiation. But not only were Roman Catholics excluded from seats in both branches of the legislature: a series of enactments, the fruit of relentless perseverance, gradually excluded "papists" from having any votes in the election of members to serve in parliament.

Bancroft, Hist. of the U.S., vol.3, p.23

The Catholic Irish being disfranchised, one enactment pursued them after another till they suffered under a universal, unmitigated, indispensable, exceptionless disqualification. In the courts of law they could not gain a place on the bench, nor act as a barrister, or attorney, or solicitor, nor be employed even as a hired clerk, nor sit on a grand jury, nor serve as a sheriff or a justice of the peace, nor hold even the lowest civil office of trust and profit, nor have any privilege in a town corporate, nor be a freeman of such corporation, nor vote at a vestry. If papists would trade and work, they must do it even in their native towns as aliens. They were expressly forbidden to take more than two apprentices in any employment except in the linen manufacture. A Catholic might not marry a Protestant, nor be a guardian to any child, nor educate his own child if the mother declared herself a Protestant, or even if his own child, however young, should profess to be a Protestant. The priest who should celebrate a marriage between a Catholic and a Protestant was to be hanged.

Bancroft, Hist. of the U.S., vol.3, p.23 - p.24

None but those who conformed to the established church were admitted to study at the universities, nor could degrees be obtained but by those who had taken all the tests, oaths, and declarations. No Protestant in Ireland might instruct a papist. Papists could not supply their want by academies and schools of their own; for a Catholic to teach, even in a private family or as usher to a Protestant, was a felony, punishable by imprisonment, exile, or death. Thus "papists" were excluded from all opportunity of education at home, except by stealth and in violation of law. It might be thought that schools abroad were open to them; but, by a statute of King William, to be educated in any foreign Catholic school was an "unalterable and perpetual outlawry." The child sent abroad for education, no matter of how tender an age or himself how innocent, could never after sue in law or equity, or be guardian, executor, or administrator, or receive any legacy or deed of gift; he forfeited all his goods and chattels, and forfeited for his life all his lands. Whoever sent him abroad, or maintained him there, or assisted him with money or otherwise, incurred the same liabilities and penalties. The crown divided the forfeiture with the informer, and, when a person was proved to have sent abroad a bill of exchange or money, on him rested the burden of proving that the remittance was innocent; and he must do so before justices without the benefit of a jury.

Bancroft, Hist. of the U.S., vol.3, p.24 - p.25

The Irish Catholics were deprived even of the opportunity of worship, except by connivance. Their clergy, taken from the humbler classes of the people, could not be taught at home, nor be sent for education beyond seas, nor be recruited by learned ecclesiastics from abroad. Such priests as were permitted to reside in Ireland were registered, and were kept like prisoners at large within prescribed limits. All "papists" exercising ecclesiastical jurisdiction, all monks, friars, and regular priests, and all priests not then actually in parishes and registered, were banished from Ireland under pain of transportation, and, on a return, of being hanged, drawn, and quartered. Avarice was stimulated to apprehend them by the promise of a reward; he that should harbor or conceal them was to be stripped of all his property. When the registered priests were dead, the law, which was made perpetual, applied to every popish priest. By the laws of William and of Anne, St. Patrick, in Ireland, in the eighteenth century, would have been a felon. Any two justices of the peace might call before them any Catholic, and make inquisition as to when he heard mass, who were present, and what Catholic schoolmaster or priest he knew of, and the penalty for refusal to answer was a fine or a year's imprisonment. The Catholic priest abjuring his religion received a pension of thirty, and afterward of forty, pounds. In spite of these laws, there were, it is said, four thousand Catholic clergymen in Ireland, and the Catholic worship gained upon the Protestant, so attractive is sincerity when ennobled by persecution, even though "the laws did not presume a papist to exist there, and did not allow one to breathe but by the connivance of the government."

Bancroft, Hist. of the U.S., vol.3, p.25

The Catholic Irish had been plundered of six sevenths of the land by iniquitous confiscations; every acre of the remaining seventh was grudged them by the Protestants. No nonconforming Catholic could buy land, or receive it by descent, devise, or settlement; or lend money on it, as the security; or hold an interest in it through a Protestant trustee; or take a lease of ground for more than thirty-one years. If, under such a lease, he brought his farm to produce more than one third beyond the rent, the first Protestant discoverer might sue for the lease before Protestants, making the defendant answer all interrogatories on oath, so that the Catholic farmer dared not drain his fields, nor enclose them, nor build solid houses on them. It was his interest rather to deteriorate the country, lest envy should prompt some Protestant to turn him out of doors. If a Catholic owned a horse worth more than five pounds, any Protestant might take it away. Nor was natural affection or parental authority respected. The son of a Catholic landholder, however dissolute or however young, if he would but join the English church, could turn his father's estate in fee-simple into a tenancy for life, becoming himself the owner, and annulling every agreement made by the father, even before his son's conversion.

Bancroft, Hist. of the U.S., vol.3, p.25

The Catholic father could not in any degree disinherit his apostatizing son; but the child, in declaring himself a Protestant, might compel his father to confess upon oath the value of his substance, real and personal, whereupon the Protestant court might out of it award the son immediate maintenance, and, after the father's death, any establishment it pleased. A bill might at any time be brought by one or all of the children for a further discovery. If the parent, by his industry, improved his property, the son might compel an account of the value of the estate, in order to a new disposition. The father had no security against the persecution of his children but by abandoning all acquisition or improvement.

Bancroft, Hist. of the U.S., vol.3, p.26

Ireland passed away from the ancient Irish. The proprietors in fee were probably fewer than in any equal area in Western Europe, parts of Spain only excepted. The consequence was an unexampled complication of titles. The landlord in chief was often known only as having dominion over the estate; leases of large tracts had been granted for very long terms of years; these were again subdivided to those who subdivided them once more, and so on indefinitely. Mortgages brought a new and numerous class of claimants. Thus humane connection between the tenant and landlord was not provided for. Leases were in the last resort most frequently given at will, and then what defence had the Irish Catholic against his Protestant superior? Hence the thatched mud cabin, without window or chimney, the cheap fences, the morass undrained, idleness in winter, the tenant's concealment of good returns, and his fear to spend his savings in improving his farm. Hence, too, the incessant recurrence of the deadliest epidemics, which made of Ireland the land of typhus fever, as Egypt was that of the plague.

Bancroft, Hist. of the U.S., vol.3, p.26

To the native Irish the English oligarchy appeared not as kind proprietors, whom residence and a common faith, long possession and hereditary affection, united with the tenantry, but as men of a different race and creed, who had acquired the island by arms, rapine, and chicane, and derived revenues from it through extortionate agents.

Bancroft, Hist. of the U.S., vol.3, p.26

This state of society, as a whole, was what ought not to be endured; and the English were conscious of it. The common law respects the right of self-defence; yet the Irish Catholics, or popish recusants as they were called, were, by one universal prohibition, forbidden to use or keep any kind of weapons whatsoever, under penalties which the crown could not remit. Any two justices might enter a house and search for arms, or summon any person whomsoever, and tender him an oath, of which the repeated refusal was punishable as treason.

Bancroft, Hist. of the U.S., vol.3, p.26 - p.27

The industry of the Irish within their kingdom was prohibited or repressed by law, and then they were calumniated as naturally idle; their savings could not be invested on equal terms in trade, manufactures, or real property, and they were called improvident; the gates of learning were shut on them, and they were derided as ignorant. In the midst of privations they were cheerful. Suffering for generations under acts which offered bribes to treachery, their integrity was not debauched; no son rose against his father, no friend betrayed his friend. Fidelity to their religion, chastity, and respect for the ties of family, remained characteristics of the down-trodden race.

Bancroft, Hist. of the U.S., vol.3, p.27

Ireland and America, in so far as both were oppressed by the commercial monopoly of England, had a common cause; and, while the penal statutes against the Catholics did not affect the Anglo-Irish, they suffered equally with the native Irish from the mercantile system. The restrictions of the acts of trade extended not to America only, but to the sister kingdom. It had harbors, but it could not send a sail across the Atlantic; nor receive sugar, or coffee, or other colonial produce, but from England; nor ship directly to the colonies, even in English vessels, anything but "servants and horses and victuals," and at last linens; and this classing together of "servants and horses" as articles of the export trade gave the sanction of the British parliament to traffic in bond-servants.

Bancroft, Hist. of the U.S., vol.3, p.27

Its great staple was wool; its most important natural manufacture was the woollen. "I shall do all that lies in my power to discourage the woollen manufactures of Ireland," promised William of Orange. The exportation of Irish woollens to the colonies and to foreign countries was prohibited; and restrictive laws so interfered with the manufacture that Irishmen would probably not have been allowed to wear coats of their own fabric.

Bancroft, Hist. of the U.S., vol.3, p.27 - p.28

In the course of years the "English colonists" themselves began to be domiciliated in Ireland; and, with the feeling that the country in which they dwelt was their home, there grew up discontent that it continued to be treated as a conquered country. Proceeding by insensible degrees, they at length maintained openly the legislative equality of the two kingdoms. In 1692, the Irish house of commons claimed "the sole and undoubted right to prepare and resolve the means of raising money." In 1698, Molyneux, an Irish Protestant, and member for the university of Dublin, asserted through the press the perfect and reciprocal independence of the Irish and English parliaments; that Ireland was not bound by the acts of a legislative body in which it was not represented. Two replies were written to the tract, which was formally condemned by the English house of commons. When, in 1719, the Irish house of lords denied the judicial power of the house of lords of Great Britain for Ireland, the British parliament, making a precedent for all its outlying dominions, enacted that "the king, with the consent of the parliament of Great Britain, had, hath, and of right ought to have, full power and authority to make laws and statutes of force to bind the people and the kingdom of Ireland."

Bancroft, Hist. of the U.S., vol.3, p.28

But the opposite opinion was held with unabated vigor by the Anglo-Irish statesmen. The people set the example of resisting English laws by voluntary agreements to abstain from using English manufactures, and the patriot party acquired strength and skill just at the time when the British parliament provoked the American colonies to deny its power.

Bancroft, Hist. of the U.S., vol.3, p.28 - p.29

But, besides the conforming Protestant population, there was in Ireland another class of Protestants who shared in some degree the disqualifications of the Catholics. To Queen Anne's bill for preventing the further growth of popery a clause was added in England and ratified by the Irish parliament that none should be capable of any public employment, or of being in the magistracy of any city, who did not receive the sacrament according to the English test act, thus disfranchising all Presbyterians. At home, where the Scottish nation enjoyed its own religion, the people were loyal; in Ireland, the disfranchised Scotch Presbyterians, who still drew their ideas of Christian government from the Westminster Confession, began to believe that they were under no religious obligation to render obedience to Britain. They could not enter the Irish parliament to strengthen the hands of the patriot party; nor were they taught by their faith to submit in patience, like the Catholic Irish. Had all Ireland resembled them, it could not have been kept in subjection. But what could be done by unorganized men, constituting only about a tenth of the people, in the land in which they were but sojourners? They were willing to quit a soil which was endeared to them by no traditions; and the American colonies opened their arms to receive them. They began to change their abode as soon as they felt oppression; and every successive period of discontent swelled the tide of emigrants. Just after the peace of Paris, "the Heart of Oak" Protestants of Ulster, weary of strife with their landlords, came over in great numbers; and settlements on the Catawba, in South Carolina, dated from that epoch. At different times in the eighteenth century some few found homes in New England; but they were most numerous south of New York, from New Jersey to Georgia. In Pennsylvania they peopled many counties, till, in public life, they balanced the influence of the Quakers. In Virginia they went up the valley of the Shenandoah; and they extended themselves along the tributaries of the Catawba, in the uplands of North Carolina. Their training in Ireland had kept the spirit of liberty and the readiness to resist unjust government as fresh in their hearts as though they had just been listening to the preachings of Knox or musing over the political creed of the Westminster assembly. They brought to America no loyal love for England; and their experience and their religion bade them meet oppression with resistance.

Chapter 3:

Charles Townshend Pledges the Ministry of Bute to

Tax America by the British Parliament, and Resigns,

February-May 1763

Bancroft, Hist. of the U.S., vol.3, p.30

At the peace of 1763, the fame of England was exalted throughout Europe above all other nations. She had triumphed over those whom she called her hereditary enemies, and retained half a continent as the monument of her victories. Her American dominions stretched without dispute from the Atlantic to the Mississippi, from the Gulf of Mexico to Hudson's Bay; and in her older possessions that dominion was rooted in the affections of their people and their possession of as free institutions and as ample powers of local legislation as were enjoyed in the land from which they sprung. British statesmen might well be inflamed with the desire of uniting the mother country and her transatlantic empire by indissoluble bonds of common interest and liberty. But for many years the board of trade had looked forward to the end of the war as the appointed time when the colonies were to feel the superiority of the parent land. In February 1763, thirteen days after the ratification of the peace, the earl of Bute, having the full concurrence of the king, made the change which had long been expected; and Charles Townshend entered upon the office of first lord of trade, with larger powers than had ever been exercised by any of his predecessors except Halifax, and a seat in the cabinet.

Bancroft, Hist. of the U.S., vol.3, p.30 - p.31

In the ministry, there was Bute, its chief; who prided himself on the peace, and shared the belief in the necessity of bringing the colonies into order. As the head of the treasury, he was answerable for every measure connected with the finances; and his feebleness as a man of business left much to his indefatigable private secretary. There was Mansfield, who had boasted publicly of his early determination never to engage in public life "but upon whig principles;" and, in conformity to them, had asserted that an act of parliament in Great Britain could alone prescribe rules for the reduction of refractory colonial assemblies. There was George Grenville, then first lord of the admiralty, bred to the law, and implicitly upholding the supreme and universal authority of the British legislature. There was Bedford, absent from England at the moment, but, through his friends, applauding the new colonial system which he had long ago labored to introduce. There was Halifax, heretofore baffled by the colonies, and held in check by Pitt, willing to give effect to his long-cherished opinions of British omnipotence. There was the self-willed, hot-tempered Egremont, using the patronage of his office to enrich his family and friends; the same who had menaced Maryland, Pennsylvania, and North Carolina; obstinate and impatient of contradiction, ignorant of business, and disposed to cruelty in defence of authority.

Bancroft, Hist. of the U.S., vol.3, p.31

To these was now added Charles Townshend, who was selected for the administration of the colonies. About his schemes there was no disguise. No man in the house of commons was thought to know America so well; no one was so resolved on making a thorough change in its constitutions and government. Halifax and Townshend, in 1753, had tried to establish order in the New World by the prerogative, and had signally failed; the new system was to be derived from the transcendental power of the British parliament. America, which had been the occasion of the war, became at the peace the great subject of consideration; and the minister who was charged with its government took the lead in the cabinet and in the house of commons.

Bancroft, Hist. of the U.S., vol.3, p.31 - p.32

The total remittance of revenue from all the colonies, on an average of thirty years, had not reached nineteen hundred pounds a year, and the establishment of officers necessary to collect that pittance cost more than seven thousand pounds a year. The object was now a substantial American revenue, to be disposed of under the sign manual of the king. The ministry would tolerate no further "the disobedience of long time to royal instructions," nor bear with the claim of "the lower houses of provincial assemblies" to the right of deliberating on their votes of supply, like the parliament of Great Britain. It was announced "by authority" that there were to be "no more requisitions from the king," but, instead of them, an immediate taxation of the colonies by the British legislature.

Bancroft, Hist. of the U.S., vol.3, p.32

The first charge upon that revenue was to be the civil list, that all the royal officers in America, the judges in every court not less than the executive, might be superior to the assemblies, and dependent on the king's pleasure alone for their appointment to office, their continuance in it, and the amount and payment of their emoluments; so that the corps of persons in the public employ might be a civil garrison, set to sustain the authority of Great Britain.

Bancroft, Hist. of the U.S., vol.3, p.32

The charters were obstacles, which, in the opinion of Charles Townshend, should give way to one uniform system of government. The republics of Connecticut and Rhode Island, which Clarendon had cherished and every ministry of Charles II had spared, were no longer safe. By a new territorial arrangement of provinces, Massachusetts was to be curtailed, as well as made more dependent on the king.

Bancroft, Hist. of the U.S., vol.3, p.32

This arbitrary policy required an American standing army, to be maintained by those whom it was to oppress. To complete the system the navigation acts were to be strictly enforced. These most eventful measures were entered upon without any observation on the part of the historians and writers of memoirs of the hour. The ministry itself was not aware of what it was doing.

Bancroft, Hist. of the U.S., vol.3, p.32 - p.33

The first opposition proceeded from the general assembly of New York. In the spirit of loyalty and the language of reverence, they pleaded with the king concerning the colonial court of judicature, which exercised the ample authorities of the two great courts of king's bench and common pleas, and also of the barons of the exchequer. They represented that this plenitude of uncontrolled power in persons who could not be impeached in the colony, and who, holding their offices during pleasure, were subject to the influence of governors, was to them an object of terror; and, from tenderness to the security of their lives, rights, and liberties, as well as fortunes, they prayed anxiously for leave to establish by law the independence and support of so important a tribunal. They produced, as an irrefragable argument, the example given in England after the accession of King William III.; they quoted the declaration of the present king himself, that he "looked upon the independency and uprightness of the judges as essential to the impartial administration of justice, one of the best securities to the rights and liberties of the subject, and as most conducive to the honor of the crown;" and they expressed confidence in his undiscriminating liberality to all his good subjects, whether at home or abroad. But the treasury board, at which Lord North had a seat, decided that the commission of the chief justice of New York, the amount of his salary, and the payment of it, should be at the king's pleasure. The system was to be universally introduced, and the judiciary of a continent to be placed for political purposes in dependence on the crown.

Bancroft, Hist. of the U.S., vol.3, p.33

In March, Welbore Ellis, the successor of Charles Townshend as secretary at war, presented the army estimates for the year, including the proposition of twenty regiments for America. The country members would have grudged the expense; but Charles Townshend explained that these regiments were, for the first year only, to be supported by England, and ever after by the colonies themselves. With Edmund Burke in the gallery for one of his hearers, he dazzled country gentlemen by playing before their eyes the image of a revenue to be raised in America. The house of commons listened with complacency to a scheme which, at the expense of the colonies, would give twenty new places of colonels, that might be filled by members of their own body. On the report to the house, Pitt wished that more troops had been retained in service; and he called "the peace hollow and insecure, a mere armed truce for ten years." His support prevented opposition to the estimates.

Bancroft, Hist. of the U.S., vol.3, p.33 - p.34

Two days after, on the ninth of march 1763, Charles Townshend, from a committee of which Lord North was a member, brought forward a part of the scheme for raising a revenue in America by act of parliament. The existing duty on the trade of the continental colonies with the French and Spanish islands was prohibitory, and had been regularly evaded by a treaty of connivance between the merchants on the one side and the custom-house officers and their English patrons on the other; for the custom-house officers were "quartered upon" by those through whom they gained their places. The minister proposed to reduce the duty and enforce its collection. "Short as the term was, it seemed probable that he would carry it through before the rising of parliament." A stamp act and other taxes were to follow.

Bancroft, Hist. of the U.S., vol.3, p.34

At the same time, the usual "compensation for the expenses of the several provinces," according to their "active vigor and strenuous efforts," was voted without curtailment, and amounted to more than seven hundred thousand dollars. The appropriation was the most formal recognition that the colonies, even in the year when the war was carried on outside of their limits and remote from their frontier, had contributed to the common cause more than their equitable proportion.

Bancroft, Hist. of the U.S., vol.3, p.34

Just then the people of Boston held their March town meeting in 1763. "We in America," said Otis, on being chosen its moderator, "have abundant reason to rejoice. The heathen are driven out and the Canadians conquered. The British dominion now extends from sea to sea, and from the great rivers to the ends of the earth. Liberty and knowledge, civil and religious, will be co-extended, improved, and preserved to the latest posterity. No constitution of government has appeared in the world so admirably adapted to these great purposes as that of Great Britain. Every British subject in America is, of common right, by act of parliament, and by the laws of God and nature, entitled to all the essential privileges of Britons. By particular charters, particular privileges are justly granted, in consideration of undertaking to begin so glorious an empire as British America. Some weak and wicked minds have endeavored to infuse jealousies with regard to the colonies; the true interests of Great Britain and her plantations are mutual; what God in his providence has united let no man dare attempt to pull asunder."

Bancroft, Hist. of the U.S., vol.3, p.34 - p.35

Meantime, Grenville would not be outdone by Townshend in zeal for British interests. He worshipped the navigation act as the palladium of his country's greatness; and regarded connivance at the breaches of it by the overflowing commerce of the colonies "with an exquisite jealousy." Placed at the head of the admiralty, he united his official influence, his knowledge of the law, and his place as a leader in the house of commons, to restrain American intercourse by grants of new powers to vice-admiralty courts, and by a curiously devised system, which should bribe the whole navy of England to make war on colonial trade. March had not ended when a bill was brought in giving authority to employ the ships, seamen, and officers of the navy as custom-house officers and informers. The measure was Grenville's own, and it was rapidly carried through; so that in three weeks it became lawful, from the mouth of the St. Lawrence to Cape Florida, for each commander of an armed vessel to stop and examine, and, in case of suspicion, seize any merchant ship approaching the colonies; while avarice was stimulated to do so by the hope of large emoluments, to be awarded by the vice-admiralty courts.

Bancroft, Hist. of the U.S., vol.3, p.35 - p.36

The supplies voted by the British parliament for the first year of peace amounted to seventy millions of dollars; the public charges pressed heavily on the lands and the industry of England, and additional sources of revenue were required. The ministry proposed and carried an excise on cider and perry, by its nature affecting only the few counties where the apple was much cultivated. Pitt opposed the tax as "intolerable," and brought ridicule upon Grenville; the cider counties were in a flame; the city of London, proceeding beyond all precedent, petitioned commons, lords, and king against the measure; the cities of Exeter and Worcester instructed their members to oppose it; the house of lords divided upon it; and two protests against it appeared on their journals. An English tax, which came afterward to be regarded as proper, met with turbulent resistance; no one uttered a word for America. The bill for raising a colonial revenue was quietly read twice, and committed; but on the twenty-ninth of March it was postponed; for Charles Townshend, seeing that the ministry was crumbling, made a timely retreat from the cabinet. A strong party was forming against the earl of Bute, whose majority in "the king's parliament" was broken. Nearly every member of the cabinet which he had formed was secretly or openly against him. "The ground I tread upon," said he, "is hollow;" and he might well be "afraid of falling." By his instances to retire, made a half year before, the king had been so troubled that he frequently sat for hours together leaning his head upon his arm without speaking; and when he consented to a change, it was on condition that in the new administration there should be no chief minister.

Bancroft, Hist. of the U.S., vol.3, p.36

For a moment Grenville, to whom the treasury and the exchequer were offered, affected to be coy; and then gratefully accepted the "high and important situation" destined for him by the goodness of his sovereign and Lord Bute's friendship, promising not "to put any negative" upon those whom the king might approve as his colleagues in the ministry.

Bancroft, Hist. of the U.S., vol.3, p.36

Bute next turned to Bedford, announcing the king's "abiding determination never to suffer those ministers of the late reign who had attempted to fetter and enslave him to come into his service while he lived to hold the sceptre." "Shall titles and estates," he continued, "and names like a Pitt, that impose on an ignorant populace, give this prince the law?" And he solicited Bedford to accept the post of president of the council, promising, in that case, the privy seal to Bedford's brother-in-law, Lord Gower.

Bancroft, Hist. of the U.S., vol.3, p.36

While the answer was waited for, the youthful monarch in April confided the executive powers of government to a triumvirate, consisting of Grenville, Egremont, and Halifax. After making this arrangement, Bute resigned, having established, by act of parliament, a standing army in America, and bequeathing to his successor his pledge to the house of commons to provide for the support of that army, after the current year, by taxes on America.

Bancroft, Hist. of the U.S., vol.3, p.36

George III was revered by his courtiers as the ideal of a patriot king. The watchword of his friends was "a coalition of parties," in the spirit of dutiful obedience, so that he might himself select his ministers from among them all: and he came to the throne resolved "to begin to govern as soon as he should begin to reign."

Bancroft, Hist. of the U.S., vol.3, p.36 - p.37

Grenville, whose manners were never agreeable to the king, was chosen to take the place of Bute in the ministry, because, from his position, he seemed dependent on the court. He remarked to the king that he had no party. Moreover, he loved office, loved it for its emoluments, and loved it inordinately, but not as a venal adventurer; and, in his quest of fortune, he retained the austerity that marked his character. His desire was for solid and sure places, a tellership in the exchequer or the profits of a light-house, the rich sinecures which English law and usages tolerated; and, even in the indulgence of his strongest passion, he kept a good name as a model of integrity and the enemy of corruption. It was his habit to hoard all his emoluments from public office; and he represented his parsimony as disinterestedness because it only enriched his children.

Bancroft, Hist. of the U.S., vol.3, p.37

His personal deportment was formal and forbidding; and his apathy in respect of pleasure made him appear a paragon of sanctity. Bishops praised him for his constant attendance at the Sunday's morning service. He was not cruel; but the coldness of his nature left him incapable of compassion. He was not vengeful; when evil thoughts toward others rose up within him, they chiefly served to embitter his own peace.

Bancroft, Hist. of the U.S., vol.3, p.37

Nor was he one of the king's friends, nor did he seek advancement by unworthy flattery of the court. A good lawyer and trained in the best liberal school of his day, it was ever his pride to be esteemed a sound whig, making the test of his consistency his unchangeable belief in the supremacy of parliament. It was by a thorough knowledge of the constitution of parliament and an indefatigable attention to all its business, that he rose to eminence through the laborious gradations of public service. Just before his death, after a service in the house of commons of about thirty years, he said, with pride, that to that house he owed all his distinction.

Bancroft, Hist. of the U.S., vol.3, p.37 - p.38

His self-conceit ascribed all his eminence to his own merits, which he never regarded as too highly rewarded. Gratitude, therefore, found no place in his nature; and he was so much like the bird that croaks while enjoying the fullest meal, that toward those who had benefited him most there remained in his heart something like a reproach for their not having succeeded in doing more. Yet Grenville wanted the elements of true statesmanship. His nature inclined him not to originate measures, but to amend and alter and regulate. He had neither salient traits, nor general comprehensiveness; neither the warm imagination which can arrange and vivify various masses of business, nor the sagacity which penetrates the springs of public action and foresees the consequences of measures. In a word, he was a dull, plodding pedant in politics; a painstaking, exact man of business. In his frequent, long, and tedious speeches, a trope rarely passed his lips; but he abounded in repetitions and self-justification. He would have made a laborious and an upright judge, or an impartial speaker of the house of commons; but, in an administration without a head, he could be no more than the patient and methodical executor of plans "devolved" upon him. The stubbornness with which he adhered to them sprung from pride and obstinacy, not from a commanding will, which never belonged to him.

Bancroft, Hist. of the U.S., vol.3, p.38

With Bute's office, the new minister inherited the services of his own former protege, Charles Jenkinson, a man of rare ability, who now became the principal secretary of the treasury. An Oxford scholar, without fortune, and at first destined for the church, he entered life on the side of the whigs; but, using an opportunity of becoming known to George III while prince of Wales, devoted himself to his service. He remained always a friend and a favorite of the king. Engaged in the most important scenes of political action, and rising to the highest stations, he moved as noiselessly as a shadow; and history was hardly aware of his presence. He had the singular talent of conducting delicate and disagreeable personal negotiations so as to retain the friendship of those whom he seemed commissioned to wound. Except at first, when still very poor, he never showed a wish for office, but waited till it seemed to seek him. His old age was one of dignity, cheered by the unabated regard of the king, the political success of one son, and the affectionate companionship of another. The error of his life was his conduct respecting America; the thorough measures which Charles Townshend rashly counselled, which George Grenville feebly resisted, Jenkinson carried forward with quiet decision.

Bancroft, Hist. of the U.S., vol.3, p.38 - p.39

Townshend, while he took care to retain the favor of the king, declined to act under George Grenville. The duke of Bedford advised a return to the old whig aristocracy. The scheme of taxing the colonies was laid over for the next session; but the king, each house of parliament, and nearly everybody in Great Britain, wished to throw a part of the public burdens on the increasing opulence of the New World.

Bancroft, Hist. of the U.S., vol.3, p.39

In the midst of the confusion, Grenville set about confirming himself in power by diligence in the public business. He meant well for the public service, and was certainly indefatigable. For one of the joint secretaries of the treasury he selected an able and sensible lawyer, Thomas Whately. For his secretary as chancellor of the exchequer he chose Richard Jackson, and the choice is strong proof that, though he entered upon his task in ignorance of the colonies, yet his intentions were fair; for Jackson was a liberal member of the house of commons, a good lawyer, not eager to increase his affluent fortune, frank, independent, and abhorring intrigue. He was, moreover, well acquainted with the state of America, and exercised a sound judgment on questions of colonial administration. His excellent character led Connecticut and Pennsylvania to make him their agent, and he was always able to combine affection for England with fidelity to his American employers.

Bancroft, Hist. of the U.S., vol.3, p.39

To a mind like Grenville's, the protective system had irresistible attractions. He saw in trade the foundation of the wealth and power of his country, and he wished by regulations and restrictions to advance the commerce which really owed its superiority to the greater liberty of the English people. He prepared to recharter the bank of England; to connect it still more closely with the funding system; to sustain the credit of the merchants under the revulsion consequent on peace; to increase the public revenue, and to expend it with frugality. America, with its new acquisitions, Florida, the valley of the Mississippi, and Canada, lay invitingly before him. The enforcing of the acts of trade was peculiarly his own policy, and was the first leading feature of his administration. An American revenue was his second great object, and it was his purpose so to divide the public burdens between England and America, as to diminish the motive to emigrate from Great Britain and Ireland.

Bancroft, Hist. of the U.S., vol.3, p.39 - p.40

In less than a month after Bute's retirement, Egremont asked the advice of the lords of trade on the organization of governments in the newly acquired territories, the military force to be kept up in America, and in what mode least burdensome and most palatable to the colonies they could contribute toward the support of the additional expense which must attend their civil and military establishment.

Bancroft, Hist. of the U.S., vol.3, p.40

The head of the board of trade was the earl of Shelburne. He was at that time not quite six-and-twenty years old, had served creditably in the seven years' war as a volunteer, and, on his return, was appointed aide-de-camp to George III.

Bancroft, Hist. of the U.S., vol.3, p.40

While his report was waited for, Grenville, through Charles Jenkinson, began his system of retrenchment by an order to the commander-in-chief of the forces in America to withdraw the allowance for victualling the regiments stationed in the cultivated parts of America. This expense was to be met in future by the colonies.

Chapter 4:

Pontiac's War,

The Triumvirate Ministry Continued,

May-September 1763

Bancroft, Hist. of the U.S., vol.3, p.41

THE western territory, of which England believed itself in possession, was one continuous forest, interrupted only by rocks or prairies or waters, or an Indian cleared field for maize. The English came into the illimitable waste as conquerors, and here and there in the solitudes, all the way from Niagara to the falls of the St. Mary and the banks of the St. Joseph's, a log fort with a picketed enclosure was the emblem of their pretensions. In their haste to supplant the French, they were blind to danger, their posts were often left dependent on the Indians for supplies, and were too remote from each other for mutual support. The smaller garrisons consisted only of an ensign, a sergeant, and perhaps fourteen men. Yet, feeble as they were, they alarmed the red man, for they implied the design to occupy the country which for ages had been his own. His canoe could no longer quiver on the eddying current of the St. Mary's, or pass into the clear waters of Lake Huron, or paddle through the strait that connects Lakes Huron and Erie, or be carried across the portage to the waters of the Ohio, without passing the British flag. What right to his forest could the English derive from victories over the French? The native race must vindicate their right to their own heritage.

Bancroft, Hist. of the U.S., vol.3, p.41 - p.42

The conspiracy began with the lower nations, and spread from the Niagara and the Alleghanies to the Mississippi and Lake Superior. It was discovered in March 1763, by the officer in command at Miami, who, "after a long and troublesome" interview, obtained from the Miami chiefs the bloody belt, which was then in the village and was to have been sent forward to the tribes on the Wabash.

Bancroft, Hist. of the U.S., vol.3, p.42

On receiving the news, Amherst prepared re-enforcements, and threatened that the mischief should end in the destruction of the Indians. But Pontiac, "the king and lord of all the North-west "—a Catawba prisoner, as is said, adopted into the clan of the Ottawas and elected their chief; respected, and in a manner adored, by all the nations around him; a man of "integrity and humanity" according to the morals of the wilderness; dauntless and fertile in resources—persevered in the design of recovering the land of the Senecas and all west of it by a confederacy of Indian nations.

Bancroft, Hist. of the U.S., vol.3, p.42

Of the remote north-western settlements, Detroit was the largest and the most important. The deep, majestic river, more than a half mile broad, carried its vast flood calmly and noiselessly between strait and well-defined banks through a country whose rising grounds and meadows, woodlands festooned with prolific vines, plains yielding maize and wheat and every product of the garden, were so mingled together that nothing was left to desire. The climate was mild and the air salubrious. The forests were a natural park, stocked with buffaloes, deer, quails, partridges, and wild turkeys. Waterfowl of delicious flavor hovered along its streams, which invited the angler by a great variety of fish, especially the white fish, the richest of them all. The cheerful region attracted alike white men and savages. About sixty French families, seated on both banks of the river, occupied farms, which were about three or four acres wide upon the river and eighty acres deep; by light labor as herdsmen and with the plough they drew abundance from the soil, and traffic with the Indians brought them affluence.

Bancroft, Hist. of the U.S., vol.3, p.42 - p.43

The English fort, of which Gladwin was the commander, was a stockade, about twenty feet high and twelve hundred yards in circumference, enclosing, perhaps, eighty houses. It stood within the limits of the present city, on the river bank, commanding a wide prospect for nine miles above and below; and was garrisoned by about one hundred and twenty men and eight officers. Two slightly armed vessels lay in the river. The nation of the Pottawatomies dwelt about a mile below the fort; on the Canadian side the cabins of the Wyandots were a little below the English; of the Ottawas, five miles above them.

Bancroft, Hist. of the U.S., vol.3, p.43

After a preliminary visit to lull suspicion, Pontiac came, on the seventh of May 1763, with about three hundred warriors, carrying arms under their blankets. While they were seated in council he was to speak, holding a belt white on one side and green on the other; and his turning the belt was to be the signal for beginning a general massacre. But Gladwin, aware of his purpose, was so well on his guard and took such precautions that the interview passed off without harm.

Bancroft, Hist. of the U.S., vol.3, p.43

On the morning of the same day, an English party who were sounding the entrance of Lake Huron were killed. On the afternoon of the ninth began the siege of the garrison, which had not on hand provisions enough for three weeks. "The first man that shall bring them provisions, or anything else, shall suffer death:" such was Pontiac's proclamation. On the tenth the fort was summoned to capitulate. Not till after Gladwin had obtained the needed supplies did he break off the parley. The garrison was in high spirits, though outnumbered by the besiegers fivefold.

Bancroft, Hist. of the U.S., vol.3, p.43

The rovers of the wilderness, though unused to enterprises requiring time and assiduity, blockaded the place closely. The French inhabitants were divided in their sympathies. Pontiac made one of them his secretary, and supplied his wants by requisitions upon them all. Emissaries were sent even to Illinois to ask for a French officer to conduct the siege. The savages of the West took part in the hatred of the English. "Be of good cheer, my father," were the words of one tribe after another to the commander at Fort Chartres; "do not desert thy children: the English shall never come here so long as a red man lives." But the French officers in Illinois desired to execute the treaty of Paris with loyalty.

Bancroft, Hist. of the U.S., vol.3, p.43 - p.44

On the sixteenth, a party of Indians appeared before the gate of Fort Sandusky. Ensign Paulli, the commander, admitted seven of them—four Hurons and three Ottawas—as old acquaintances and friends. They sat smoking, till one of them raised his head as a signal, on which the two that were next Paulli seized and tied him fast without uttering a word. As they carried him out of the room he saw the garrison, lying one here and one there; the sergeant, in his garden, which he had been planting. The traders were killed, and their stores plundered. Paulli was taken to Detroit. On the twenty-fifth, a party of Pottawatomies from Detroit appeared near the fort at the month of the St. Joseph's, saying: "We are come to see our relatives and wish them a good morning." A cry was suddenly heard in the barracks; "in about two minutes," Schlosser, the commanding officer, was seized, and eleven out of a garrison of fourteen were massacred.

Bancroft, Hist. of the U.S., vol.3, p.44

At Fort Pitt twenty boats had been launched to bear the English to the country of the Illinois. On the twenty-seventh, bands of Mingoes and Delawares, the bitterest enemies of the English, exchanged with English traders three hundred pounds' worth of skins for powder and lead, and then suddenly went away, as if to intercept any attempt to descend the river. An hour before midnight of the same day the chiefs of the Delawares sent a message to Fort Pitt recounting the attacks on the English posts, and added: "A party is coming to cut you and your people off; make the best of your way to some place of safety, as we would not desire to see you killed in our town." The next day Indians scalped a family, sparing neither woman nor child, and left a tomahawk in sign of war. The passes to the eastward were so watched that it was difficult to keep up any intercourse, while the woods resounded with the wild halloos which announced successive murders.

Bancroft, Hist. of the U.S., vol.3, p.44

Near Fort Wayne, just where the canal which unites the waters of Lake Erie and the Wabash now leaves the waters of the Maumee, stood Fort Miami. On the twenty-seventh, Holmes, its commander, knowing that the fort at Detroit had been attacked, put his men on their guard; but an Indian woman came to him, saying that a squaw in a cabin, but three hundred yards off, was ill, and wished him to bleed her. He went on the errand of mercy, and was shot on the way. The sergeant who followed was taken prisoner; the soldiers, nine in number, capitulated.

Bancroft, Hist. of the U.S., vol.3, p.44 - p.45

On the thirtieth, the besieged at Detroit saw a fleet of boats sweeping round the point. They flocked to the bastions to welcome friends; but the death-cry of the Indians announced that an English detachment from Niagara had, two nights previously, been attacked on the beach near the mouth of Detroit river and utterly defeated, a part turning back to Niagara, the larger part falling into the hands of the savages.

Bancroft, Hist. of the U.S., vol.3, p.45

At eight o'clock in the night of the last day of May the war-belt reached the Indian village near Fort Ouatanon, just below Lafayette, in Indiana; the next morning the commander was lured into an Indian cabin and bound, and his garrison surrendered. The French, moving the victors to clemency by gifts of wampum, received the prisoners into their houses.

Bancroft, Hist. of the U.S., vol.3, p.45

West of the straits at Michilimackinac, two acres on the main land, enclosed with pickets, gave room for the cabins of a few traders, and a fort with a garrison of about forty souls. On the second day of June, the Ojibwas, who dwelt on a plain near the fort, assembled to play ball. In this game each man has a bat curved like a crosier, and ending in a racket. Posts are planted apart on the open prairie. At the beginning of the game the ball is placed midway between the goals. The eyes of the players flash, their cheeks glow. A blow is struck; all crowd with merry yells to renew it, the fleetest in advance now driving the ball home, now sending it sideways, with one unceasing passionate pursuit. On that day the squaws entered the fort, and remained there. Etherington, the commander, with one of his lieutenants, stood outside of the gate, watching the game, fearing nothing. The Indians had played from morning till noon, when, throwing the ball close to the gate, they came behind the two officers, and seized and carried them into the woods, while the rest rushed into the fort, snatched their hatchets, which their squaws had kept hidden under their blankets, and in an instant killed an officer, a trader, and fifteen men. The rest of the garrison and all the English traders were made prisoners, and robbed of everything they had; but the French traders were not harmed.

Bancroft, Hist. of the U.S., vol.3, p.45 - p.46

On the eighteenth, the fort of Le Boeuf was attacked. Its gallant officer kept off the enemy, till at midnight the Indians succeeded in setting the block-house on fire; but he escaped with his garrison into the woods, while the enemy believed them buried in the flames. The fort at Venango was consumed, never to be rebuilt; and not one of its garrison was left alive to tell the story of its destruction. Presque Isle, now Erie, had a garrison of four-and-twenty men, and could most easily have been relieved. On the twenty-second, after a two days' defence, the commander, out of his senses with terror, capitulated, giving up the sole chance of saving them. He, with a few others, was carried in triumph to Detroit.

Bancroft, Hist. of the U.S., vol.3, p.46

Nor was it the garrisoned stockades only that encountered the fury of the savages. They struck down more than a hundred traders in the woods, scalping every one of them, quaffing their blood, horribly mutilating their bodies. They prowled round the cabins on the border; and their tomahawks fell alike on the laborer in the field and the child in the cradle. They menaced Fort Ligonier, the outpost of Fort Pitt; they passed the mountains, and spread death even to Bedford. About five hundred families, from the frontiers of Maryland and Virginia, fled before them to Winchester.

Bancroft, Hist. of the U.S., vol.3, p.46

In Virginia, nearly a thousand volunteers, at the call of the lieutenant-governor, hastened to Fort Cumberland and to the borders; and the lieutenant-governor of Maryland gave aid. The legislature of Pennsylvania was ready to arm and pay the farmers and reapers on the frontier, to the number of seven hundred, as a resident force for the protection of the country, but refused to place then under the orders of the British general; and the consequent invectives of officers of the army brought upon Pennsylvania once more the censure of the king for its "supine and neglectful conduct," and confirmed the purpose of keeping up a regular army in America through taxes by parliament.

Bancroft, Hist. of the U.S., vol.3, p.46

The fortifications of Fort Pitt had never been finished, and heavy rains had opened it on three sides; but the brave Ecuyer, its commander, with no engineer or artificers except a few shipwrights, raised a rampart of logs around the fort above the old one, palisaded the interior area, and took all possible precautions. The post had a garrison of three hundred and thirty men, and gave asylum to more than two hundred women and children.

Bancroft, Hist. of the U.S., vol.3, p.46 - p.47

On the twenty-first, a large party of Indians made a vigorous though fruitless assault on Fort Ligonier. The next day Fort Pitt was approached by savages, who killed one man and wounded another. In the night of the twenty-third, they reconnoitred the fort, and in a conference, held after midnight, a second time "warned them to go home." "All your strong places in our country from this eastward," said Turtle's Heart, a principal warrior of the Delawares, "are burnt and cut off. Six different nations are ready to attack you. They have agreed to permit you and your people to pass safely. Therefore, brother, we desire you to set off to-morrow, as great numbers of Indians are coming here, and after two days we shall not be able to do anything with them for you."

Bancroft, Hist. of the U.S., vol.3, p.47

The commander gave for answer that three English armies were on the march to the frontier of Virginia, to Fort Pitt, and to the North-west.

Bancroft, Hist. of the U.S., vol.3, p.47

A schooner, with a re-enforcement of sixty men, reached Detroit in June. At daybreak of the twenty-ninth of July, the garrison was gladdened by the arrival of Dalyell, an aide-de-camp to Amherst, with a detachment of two hundred and sixty men, who had passed the besiegers under cover of the night. After but one day's rest, Dalyell proposed a midnight sally. He was cautioned that the Indians were on their guard; but the express instructions of Amherst were on his side. Gladwin reluctantly yielded; and, half an hour before three o'clock on the last morning of July, Dalyell marched out with two hundred and forty-seven chosen men, while two boats followed along shore to protect the party and bring off the wounded and dead. They proceeded in double file, along the great road by the river side, for a mile and a half, then, forming into platoons, they advanced a half mile farther, when they suddenly received from the Indians a destructive fire, and could escape only by an inglorious retreat. Twenty of the English were killed and forty-two wounded, leaving to a rivulet the name of The Bloody Run. Dalyell fell while attempting to bring off the wounded; his scalp became one more ornament to the red man's wigwam.

Bancroft, Hist. of the U.S., vol.3, p.47

This victory encouraged the confederates; two hundred recruits joined the forces of Pontiac, and the siege of Detroit was kept up by bands of more than a thousand men.

Bancroft, Hist. of the U.S., vol.3, p.47 - p.48

In July, the Delawares and Shawnees, in the name of their own tribes and of the north-western Indians, for the third time summoned the garrison of Fort Pitt to retire. "Brothers," said they, "you have towns and places of your own. You know this is our country. All the nations over the lakes are soon to be on their way to the forks of the Ohio. Here is their wampum. If you return quietly to your wise men, this is the farthest they will go. If not, see what will be the consequence."

Bancroft, Hist. of the U.S., vol.3, p.48

The next day, Ecuyer gave answer: "You suffered the French to settle in the heart of your country; why would you turn us out of it now? I will not abandon this post; I have warriors, provisions, and ammunition in plenty to defend it three years against all the Indians in the woods. Go home to your towns, and take care of your women and children."

Bancroft, Hist. of the U.S., vol.3, p.48

No sooner was this answer received than the united forces of the Delawares, Shawnees, Wyandots, and Mingoes beset the fort, and, from such shelter as they could find or make, they kept up a discharge of musketry and threw fire arrows, though with little injury to the English, who were under cover. This continued through July, when they suddenly vanished.

Bancroft, Hist. of the U.S., vol.3, p.48

At that time Lieutenant-Colonel Henry Bouquet, a Swiss by birth, in the British service, an officer of large experience and superior merit, who had the command at Philadelphia, was making his way to relieve Fort Pitt, with about five hundred men, chiefly Highlanders, driving a hundred beeves and twice that number of sheep, with powder, flour, and provisions on pack-horses and in wagons drawn by oxen. Between Carlisle and Bedford they passed the ruins of mills, deserted cabins, fields ripe for the harvest but without a reaper, and everywhere the signs of death.

Bancroft, Hist. of the U.S., vol.3, p.48 - p.49

The commander at Ligonier could give no intelligence of the condition of Fort Pitt; all the expresses for the previous month had been killed or forced to return. Leaving the wagons at Ligonier, Bouquet, on the fourth, proceeded with the troops and about three hundred and fifty pack-horses. At one o'clock on the fifth, the savages attacked the advance-guard; but two companies of Highlanders drove them from their ambuscade. The savages returned, and were again repelled; but grew to be so numerous that they at last hung on every side of the English, who would have been cut to pieces but for their cool behavior. Night intervened, during which the English remained on Edge Hill, a mile to the east of Bushy Run.

Bancroft, Hist. of the U.S., vol.3, p.49

All that night hope cheered the red men. Morning dawned only to show the English party that they were encircled. If they should advance, their convoy and wounded men would have fallen a prey to the enemy; if they should remain quiet, they would be picked off one by one. With happy sagacity, Bouquet feigned a retreat. The red men hurried to charge with the utmost daring, when two Highland companies, that had lain hid, fell upon their flank; others met them in front, and put them to flight. But Bouquet in the two actions lost, in killed and wounded, about one fourth of his men, and almost all his horses, so that he was obliged to destroy his stores. The following night the English encamped at Bushy Run, and in four days more arrived at Pittsburg.

Bancroft, Hist. of the U.S., vol.3, p.49

Before news of this last conflict with the red men could reach New York, the wrath of Amherst against "the bloody villains" had burst all bounds. His orders were: "I will have no accommodation with the savages until they have felt our just revenge. I would have every measure taken for their destruction." "Whoever kills Pontiac shall receive from me a reward of one hundred pounds." "Take no prisoners, but put to death all that fall into your hands."

Bancroft, Hist. of the U.S., vol.3, p.49

Had this spirit prevailed, the war would have become an endless series of alternate murders, in which the more experienced Indian excelled the white man. In September, the Senecas, against whom Amherst had specially directed unsparing hostilities, lay in ambush for one of his convoys about three miles below Niagara Falls; and, on its passing over the carrying-place, fell upon it with such suddenness and vigor that but eight wounded men escaped with their lives, while seventy-two were victims to the scalping-knife.

Bancroft, Hist. of the U.S., vol.3, p.49

The first effective measures toward a general pacification proceeded from the French in Illinois. De Neyon, the French officer at Fort Chartres, sent belts and messages and peace-pipes to all parts of the continent, exhorting the many nations of savages to bury the hatchet and take the English by the hand, for a representative of the king of France would be seen among them nevermore.

Chapter 5:

The Treasury Enter a Minute for an American Stamp-Tax,

Ministry of Grenville,

May-September 1763

Bancroft, Hist. of the U.S., vol.3, p.50

THE savage warfare was relentlessly raging when, in May and June, the young statesman, to whom the forms of office had referred the subject of the colonies, was devising plans for organizing governments in the newly acquired territories. Of an Irish family, and an Irish as well as an English peer, Shelburne naturally inclined to limit the legislative authority of the parliament of Great Britain over the outlying dominions of the crown. The world gave him credit for great abilities; and, except the lawyers who had been raised to the peerage, he was the best speaker in the house of lords.

Bancroft, Hist. of the U.S., vol.3, p.50

For the eastern boundary of New England, Shelburne hesitated between the Penobscot and the St. Croix; on the north-east, he adopted the crest of the watershed dividing the streams tributary to the St. Lawrence river from those flowing into the Bay of Fundy, or the Atlantic Ocean, or the Gulf of St. Lawrence, south of Cape Rosieres, designating the line on a map, which is still preserved. At the south, the boundary of Georgia was extended to its present limit.

Bancroft, Hist. of the U.S., vol.3, p.50 - p.51

Of Canada, General Murray proposed to make a military colony, and to include within it the lands on the Ohio and the lakes in order to overawe the older colonies. Shelburne, in a more liberal spirit, desired to restrict that province by a line drawn from the intersection of the parallel of forty-five degrees north with the St. Lawrence to the east end of Lake Nipising. This advice was rejected by Egremont, who insisted on a plan like that of Murray; but Shelburne enforced his own opinion, and the new government did not include the domain, which was to be reserved for the Indians.

Bancroft, Hist. of the U.S., vol.3, p.51

It fell to Jenkinson, the principal secretary of the treasury, to prepare the plans for taxing America. In addition to the numerous public reports and correspondence, information was sought from men who were held in England worthy of trust in all situations, and the exaggerated accounts given by the officers who had been employed in America dispelled every doubt of its ability to bear a part in the national expenses. Ellis, for several years governor of Georgia, looked up to as one of the ablest men that had been employed in America of whose interests he made pretensions to a thorough knowledge, a favorite of Halifax and the confidential friend of Egremont, had no small share in introducing the new system, and bore away sinecure offices for his reward.

Bancroft, Hist. of the U.S., vol.3, p.51

McCulloh, a crown officer in North Carolina, and agent for an English land company, furnished a brief state of the taxes usually raised in the old settled colonies, and gave assurance that a stamp-tax on the continental colonies would, at a moderate computation, produce sixty thousand pounds per annum, and twice that sum if extended to the West Indies. He renewed the proposition which he had made eight years before to Halifax, for gaining an imperial revenue by issuing a currency of exchequer bills for the use of America.

Bancroft, Hist. of the U.S., vol.3, p.51 - p.52

The triumvirate ministry had neither popularity nor weight in parliament. To strengthen his government, the king, conforming to the views sketched by Bute in the previous April, but against the repeated advice of his three ministers, directed Egremont to invite Lord Hardwicke to enter the cabinet, as president of the council. "It is impossible for me," said Hardwicke, at an interview on the first day of August, "to accept an employment, while all my friends are out of court." "The king," said Egremont, "cannot bring himself to submit to take in a party in gross, or an opposition party." "A king of England," answered Hardwicke, "at the head of a popular government, especially as of late the popular scale has grown heavier, will sometimes find it necessary to bend and ply a little; not as being forced, but as submitting to the stronger reason, for the sake of himself and his government. King William, hero as he was, found himself obliged to this conduct; so had other princes before him, and so did his majesty's grandfather, King George II, who thanked me for advising him to it."

Bancroft, Hist. of the U.S., vol.3, p.52

This wise answer was reported to the king, who, disregarding the most earnest dissuasions of Grenville, reserved to himself ten days for reflection before choosing his part. Egremont, in great anger, was ready to concert with Grenville how to maintain themselves in office, in spite of the king's wishes, by employing "absolute necessity and fear;" but Grenville went into the country to await the king's decision. On the third, Halifax and Egremont harangued the king for half an hour or more, pressing him, on the instant, to resolve either to support the existing administration or to form another from its adversaries. The king all the while preserved absolute silence. But now wishing to be rid of Egremont, Shelburne was commissioned to propose a coalition between Pitt and Temple on the one side, and the duke of Bedford on the other.

Bancroft, Hist. of the U.S., vol.3, p.52

The anger of Bedford toward Bute had ripened into hatred. He was therefore willing to enter the ministry, but on condition of Bute's exclusion from the king's counsels and presence, and Pitt's concurrence in a coalition of parties and the maintenance of the present relations with France. Pitt had no objection to a coalition of parties, and could not but acquiesce in the peace, now that it was made; but Bedford had been his strongest opponent in the cabinet, had contributed to force him into retirement, and had negotiated the treaty which he had so earnestly arraigned. For Pitt to have accepted office with Bedford would have been glaringly inconsistent with his declared opinions, and his engagements with the great whig families in opposition. "If I suffer force to be put upon me by the opposition," said the king, after mature deliberation, "the mob will try to govern me next;" and he decided to stand by the ministry. But, just at that moment, news came that Egremont was dying of a stroke of apoplexy.

Bancroft, Hist. of the U.S., vol.3, p.52 - p.53

"Your government," said the duke of Bedford to the king, "cannot stand; you must send to Mr. Pitt and his friends;" advice which Grenville never forgave. On Saturday, the twenty-seventh, Grenville went to the king and found Pitt's servants waiting in the court. He passed two long hours of agony and bitterness in the ante-chamber, incensed and humiliated on finding himself at the mercy of the brother-in-law whom he had deserted. The king, in his interview with Pitt, assuming to himself the formation of a ministry, proceeded upon the plan of defeating faction by a coalition of parties, and offered the great commoner his old place of secretary of state. "I cannot abandon the friends who have stood by me," said Pitt; and he declined to accept office without them. Nor did he fail to comment on the infirmities of the peace, and to declare that "the duke of Bedford should have no efficient office whatever." The king, with self-possession, combated several of these demands, said now and then that his honor must be consulted, and reserved his decision till a second interview.

Bancroft, Hist. of the U.S., vol.3, p.53

Confident that those who made the overture must carry it through, Pitt summoned Newcastle, Devonshire, Rockingham, and Hardwicke to come to London as his council. But the king had no thought of yielding to his "hard terms." "Rather than submit to them," said he to Grenville, in the greatest agitation, "I would die in the room I now stand in."

Bancroft, Hist. of the U.S., vol.3, p.53

On the twenty-ninth, at the second audience, Pitt still insisted on a thorough change of administration. The king closed the debate of nearly two hours by saying: "I see this won't do. My honor is concerned, and I must support it." A government formed out of the minority who had opposed the peace seemed to the king an offence to his conscience and a wound to his honor. "The house of commons," said Pitt, on taking leave, "will not force me upon your majesty, and I will never come into your service against your consent."

Bancroft, Hist. of the U.S., vol.3, p.53

Events now shaped themselves. First of all, Bute, having disobliged all sides, went to the country in September, with the avowed purpose of absolute retirement. His retreat was his own act, and not a condition to be made the basis of a new ministry. As a protection against the duke of Bedford, he desired that Grenville might be armed with every degree of power. Next Lord Shelburne withdrew from office. Bedford, doubly irritated at being proscribed by Pitt whom he had proposed as minister, accepted the post which was pressed upon him by his own set of friends, by Grenville, and by the king.

Bancroft, Hist. of the U.S., vol.3, p.54

From seemingly accidental causes there arose within ten days, out of a state of great uncertainty, a compact and well-cemented ministry. The king, in forming it, stood on the solid ground of the constitution. The last great question in parliament was on the peace, and was carried in its favor by an overwhelming majority. The present ministers had made or supported that peace, and so were in harmony with parliament. If they were too little favorable to liberty, the fault lay in the system on which parliament was chosen; they adequately represented the British constitution of that day, and needed nothing but cordial union among themselves and with the king to last for a generation.

Bancroft, Hist. of the U.S., vol.3, p.54

Of the secretaries of state, Halifax, as the elder, had his choice of departments, and took the southern, "on account of the colonies;" and the earl of Hillsborough, like Shelburne an Irish as well as an English peer, was placed at the head of the board of trade.

Bancroft, Hist. of the U.S., vol.3, p.54

One and the same spirit was at work on each side of the Atlantic. From Boston, Bernard renewed the clamor for the establishment of an independent civil list, sufficient to pay enlarged salaries to the crown officers. He acknowledged that "the compact between the king and the people was in no colony better observed than in that of the Massachusetts Bay," that "its people in general were well satisfied with their subordination to Great Britain," that "their former prejudices, which made them otherwise disposed, were wholly, or almost wholly, worn off." And yet he persistently urged on the British government the subversion of the charter of Massachusetts, which was the bond of its loyalty. For its council, which was elected annually by a carefully devised and successful method, he, with ceaseless importunity, entreated the government to substitute a body "resembling as near as possible the house of lords;" its members to be appointed for life, with some title, as baronet or baron; composed of people of consequence, willing to look up to the king for honor and authority.

Bancroft, Hist. of the U.S., vol.3, p.54 - p.55

New England towns, under grants from Wentworth, the governor of New Hampshire, rose up on both sides of the Connecticut and extended to the borders of Lake Champlain; but New York, under its old charter to the duke of York, disputed with New Hampshire the jurisdiction of the country between the river and the lake. The British government regarded the contest with indifference, till Colden urged the board of trade to annex to New York all of Massachusetts and of New Hampshire west of the Connecticut river. "The New England governments," he reasoned, "are all formed on republican principles, and those principles are zealously inculcated in the minds of their youth. The government of New York, on the contrary, is established as nearly as may be after the model of the English constitution. Can it, then, be good policy to diminish New York, and enlarge the power and influence of the others ?"

Bancroft, Hist. of the U.S., vol.3, p.55

The assembly of South Carolina was engaged in the defence of "its most essential privilege," for Boone, its governor, claimed exclusive authority to administer the required oaths, and, on occasion of administering them, assumed the power to reject members whom the house declared duly elected and returned, "thereby taking upon himself to be the sole judge of elections." The "arbitrary and imperious" governor was too clearly in the wrong to be sustained; but the controversy lasted long enough to train the statesmen of South Carolina to systematical opinions on the rights of their legislature, and on the king's power in matters of their privilege.

Bancroft, Hist. of the U.S., vol.3, p.55

No sooner was the ministry established than Grenville, as the head of the treasury, proceeded to redeem the promise made to the house of commons of an American revenue. On the morning of the twenty-second day of September, three lords of the treasury, George Grenville, Lord North, and one Hunter who completed the number requisite for the transaction of business, held a board in Downing street; and, without hesitancy or discussion, they adopted a minute directing Jenkinson to "write to the commissioners of the stamp duties to prepare the draft of a bill to be presented to parliament for extending the stamp duties to the colonies." The next day Jenkinson accordingly wrote to them "to transmit to him the draft of an act for imposing proper stamp duties upon his majesty's subjects in America and the West Indies."

Bancroft, Hist. of the U.S., vol.3, p.55 - p.56

Who was the author of the American stamp-tax? At a later day Jenkinson assured the house of commons that, "if the stamp act was a good measure, the merit of it was not due to Grenville; if it was a bad one, the ill policy did not belong to him;" but he never confessed to the house where the blame or the merit could rest more justly. In his late old age he delighted to converse freely, with the son he loved best, on every topic connected with his long career, save only on the one subject of the contest with America; on that he maintained an inflexible and total silence. But, though Jenkinson proposed the American tax while private secretary to Bute, and brought it with him into the treasury for adoption by Bute's successor, he was but a subordinate, without power of direction or a seat in council. Nor does the responsibility for the measure attach to Bute, for the ministry which had forced him into absolute retirement would not have listened to his advice in the smallest matter; nor to the king, for they boasted of being free from sycophancy to the court. Hunter, one of the lords of the treasury, who ordered the minute, was but a cipher, and Lord North, who supported the stamp act, at a later day told the house of commons that he took the propriety of passing it very much upon the authority of Grenville.

Bancroft, Hist. of the U.S., vol.3, p.56

From the days of King William there was a steady line of precedents of opinion that America should, like Ireland, provide in whole, or at least in part, for the support of its military establishment. It was one of the first subjects of consideration on the organization of the board of trade. It again employed the attention of the servants of Queen Anne. It was still more seriously considered in the days of George I; and when, in the reign of

George II, the duke of Cumberland was at the head of American military affairs, it was laid down as a necessity that a revenue sufficient for the purpose must be provided. The ministry of Bute resolved to raise such a revenue, for which Charles Townshend pledged the government. Parliament wished it; so did the king. Almost all sorts and conditions of men repeatedly made it known that they desired it.

Bancroft, Hist. of the U.S., vol.3, p.56

For half a century or more the king had sent executive orders or requisitions. But upon these each colonial legislature claimed a right of freely deliberating, and, as there were nearly twenty different governments, it was held that they never would come to a common result. The need of some central power was asserted. To give the military chief a dictatorial authority to require subsistence for the army was suggested by the board of trade in 1696, in the days of King William and Locke, was more deliberately considered in 1721, was favored by Cumberland, and was one of the arbitrary proposals put aside by Pitt. To obtain the revenue through a congress of the colonies was at one time the plan of Halifax; but, if the congress was of governors, their decision would be only consultatory, and have no more weight than royal instructions; and, if the congress was a representative body, it would claim and exercise the right of free discussion. To support a demand for a revenue by stringent coercive measures was beyond the power of the prerogative, under the system established at the revolution. Once when New York failed to make appropriations for the civil service, a bill was prepared to be laid before parliament, giving the usual revenue, and this bill, having received the approbation of the great whig lawyers, Northey and Raymond, was the precedent which overcame Grenville's scruples about taxing the colonies without first allowing them representatives. It was settled that there must be a military establishment in America of twenty regiments; that, after the first year, its expenses must be defrayed by America; that the several American colonies themselves, with their various charters, never would agree to vote such a revenue, and that parliament must do it.

Bancroft, Hist. of the U.S., vol.3, p.57 - p.58

It remained to consider what tax parliament should impose, and here all agreed that the first object of taxation was foreign and intercolonial commerce. But that resource, under the navigation acts, would not produce enough. A poll-tax was common in America; but, applied by parliament, would fall unequally upon the colonies holding slaves. The difficulty in collecting quit-rents proved that a land-tax would meet with formidable obstacles. An excise was thought of, but held in reserve. An issue of exchequer bills, to be kept in circulation as the currency of the continent, would have conflicted with the policy of acts of parliament against the use of paper money in the colonies. Nearly everybody who reasoned on the subject decided for a stamp-tax, as certain of collection, and in America, where lawsuits were frequent, as likely to be very productive. A stamp act had been proposed to Sir Robert Walpole; it had been thought of by Pelham; it had been almost resolved upon in 1755; it had been pressed upon Pitt; it was a part of the system adopted in the ministry of Bute. Knox, the agent of Georgia, defended it as least liable to objection. The agent of Massachusetts, through his brother, Israel Mauduit, who had Jenkinson for his fast friend and often saw Grenville, favored raising money in that way, because it would occasion less expense of officers, and would include the West India islands, and, speaking for his constituents, he made a merit of cheerful "submission" to the ministerial policy.

Bancroft, Hist. of the U.S., vol.3, p.58

One man in Grenville's office, and one man only, did indeed give him sound advice: Richard Jackson, his secretary for the exchequer, advised him to lay the project aside, and formally declined to take any part in preparing or supporting it.

Bancroft, Hist. of the U.S., vol.3, p.58

In this way George Grenville, in September 1763, was led to adopt the measure which was "devolved upon him," brought it into form, and consented that it should be "christened by his name." He doubted the propriety of taxing colonies without allowing them representatives; but he loved power and placed his hopes on the favor of parliament, which at that day contemplated the increased debt of England with terror, knew not that the resources of the country were increasing in a still greater proportion, and insisted on throwing a part of the public burdens upon America.

Chapter 6:

Enforcement of the Acts of Navigation,

October 1763-April 1764

Bancroft, Hist. of the U.S., vol.3, p.59

TAXING America by parliament was to be the close of a system of colonial "measures," founded, as Grenville believed, "on the true principles of policy, of commerce, and of finance." He, said those who paid him court, is not like some of his predecessors, ignorant of the importance of the colonies; nor, like others, impotently neglectful of their concerns; nor diverted by meaner pursuits from attending to them; England is now happy in a minister who sees that the greatest wealth and maritime power of Great Britain depend on the use of its colonies, and who will make it his highest object to form " a well-digested, consistent, wise, and salutary plan of colonization and government."

Bancroft, Hist. of the U.S., vol.3, p.59 - p.60

The extent of the American illicit trade was very great; it was thought that, of a million and a half pounds of tea consumed annually in the colonies, not more than one tenth part was sent from England. Grenville held that the contraband was stolen from the commerce and from the manufactures of Great Britain, against the principles of colonization and the provisions of the law. It pleased his severe vanity to be the first and only minister to insist on enforcing the laws, which usage and corruption had invalidated; and this brought him in conflict with the spirit which Otis had aroused in Boston, and which equally prevailed among the descendants of the Dutch of New York. The island of Manhattan lies convenient to the sea, sheltered by other islands from the ocean; having safe anchorage in deep water for many miles along its shores, inviting the commerce of continents, of the near tropical islands, and of the world. To-day [1850], its ships, swift, safe, and beautiful in their forms, exceed in amount of tonnage nearly twice over all the commercial marine of Great Britain at the moment of Grenville's schemes. Between its wharfs and the British harbors its packets run to and fro, swiftly and regularly, like the weaver's shuttle, weaving the band that joins nations together in friendship. Its imports of foreign produce are in value equal twice-told to all that was imported into the whole island of Great Britain in 1763. Nor does a narrow restrictive policy shut out the foreigner; its port is lively with the display at the mast-head of the flag of every civilized nation of the earth; in its streets may be heard every language that is spoken from the steppes of the Ukraine to the Atlantic. Grenville would have interdicted direct foreign commerce and excluded every foreign vessel. American independence, like the great rivers of the country, had many sources; but the head-spring which colored all the stream was the colonial mercantile system.

Bancroft, Hist. of the U.S., vol.3, p.60

Reverence for that system was deeply branded into Grenville's mind. It was his "idol," and he adored it as "sacred." He held that colonies are only settlements made in distant parts of the world for the improvement of trade; that they would be intolerable except on the conditions contained in the acts of trade and navigation; that those who, from the increase of contraband, had apprehensions that they may break off their connection with the mother country saw not half the evil; that, wherever the acts of navigation are disregarded, the connection is broken already. Nor did this monopoly seem to him a wrong; he claimed for England the exclusive trade with its colonies, as the exercise of an indisputable right which every state, in exclusion of all others, has to the services of its own subjects. In pursuit of this object his zeal was indefatigable.

Bancroft, Hist. of the U.S., vol.3, p.60

All officers of the customs in the colonies were ordered to their posts; their numbers were increased; they were provided with "new and ample instructions, enforcing in the strongest manner the strictest attention to their duty;" every officer that faltered was instantly to be dismissed.

Bancroft, Hist. of the U.S., vol.3, p.61

Nor did Grenville fail to perceive that "the restraint and suppression of practices which had long prevailed would certainly encounter great difficulties in such distant parts of the king's dominion;"the royal authority was therefore called into action. The governors were to make the suppression of the forbidden trade with foreign nations the constant and immediate object of their care. All officers, both civil and military and naval, in America and the West Indies, were to give their co-operation. "We depend," said a memorial from the treasury, "upon the sea-guard as the likeliest means for accomplishing these great purposes;" and that sea-guard was to be extended and strengthened as far as the naval establishments would allow. To complete the whole, and this was a favorite part of Grenville's scheme, a new and uniform system of courts of admiralty was to be established. On the next day after this memorial was presented, the king in council gave his sanction to the system.

Bancroft, Hist. of the U.S., vol.3, p.61

Forthwith orders were directed to the commander-in-chief in America that the troops under his command should give their assistance to the officers of the revenue for the effectual suppression of contraband trade. Admiral Colville, the naval commander-in-chief on the coasts of North America from the river St. Lawrence to Cape Florida and the Bahama islands, became the head of a new corps of revenue officers. Each captain of his squadron had custom-house commissions and a set of instructions from the lords commissioners of the admiralty for his guidance; and other instructions were given them by the admiral, to enter the harbors or lie off the coasts of America, to qualify themselves by taking the usual custom-house oaths to do the office of custom-house officers, and to seize such persons as were suspected by them to be engaged in illicit trade.

Bancroft, Hist. of the U.S., vol.3, p.61 - p.62

The promise of large emoluments in case of forfeitures stimulated their irregular vivacity to enforce laws which had become obsolete, and they pounced upon American property as they would have done in war upon prize-money. From the first their acts were equivocal, and they soon came to be as illegal as they were oppressive. There was no redress. An appeal to the privy council was costly and difficult; and besides, when, as happened before the end of the year, an officer had to defend himself on an appeal, the suffering colonists were exhausted by delay and expenses, while the treasury took care to indemnify their agent.

Bancroft, Hist. of the U.S., vol.3, p.62

In forming the new territory into provinces, the fear of danger from large states led to the division of Florida; for it was held to be good policy to enhance the difficulties of union among the colonies by increasing the number of independent governments.

Bancroft, Hist. of the U.S., vol.3, p.62

The boundary of Massachusetts, both on the east and on the north, was clearly defined, extending on the east to the St. Croix, and on the north leaving to the province of Quebec no more than the narrow strip from which the water flows into the St. Lawrence.

Bancroft, Hist. of the U.S., vol.3, p.62

For Canada, or the province of Quebec as it was called, the narrower boundaries which had lately been established were retained. All British territory west of Lake Nipising, and west of the Alleghanies, was shut against the emigrant, from the fear that colonies in so remote a region could not be held in dependence. England by war had conquered the West, and a ministry had come which dared not make use of the conquest. Some even advised to abandon the monument to Pitt's name at the head of the Ohio, and to bring to this side of the mountains all the settlers beyond them. "The country to the westward, quite to the Mississippi, was intended to be a desert for the Indians to hunt in and inhabit."

Bancroft, Hist. of the U.S., vol.3, p.62

But there was already at Detroit the indestructible seed of a commonwealth. The long-protracted siege drew near its end. The belts sent in all directions by the French reached the nations on the Ohio and Lake Erie. The Indians were assured that their old allies would depart; the garrison in the Peorias was withdrawn; fort Massiac was dismantled, and its cannon sent to St. Genevieve, the oldest settlement of Europeans in Missouri. The missionary Forget retired. At Vincennes, the message to all the nations on the Ohio was explained to the Piankeshaws, who accepted the belts and the calumets.

Bancroft, Hist. of the U.S., vol.3, p.62 - p.63

The courier who took the belt to the north offered peace to all the tribes wherever he passed; and to Detroit, where he arrived on the last day of October, he bore a letter of the nature of a proclamation, informing the inhabitants of the cession of Canada to England; another, addressed to twenty-five nations by name, to all the red men, and particularly to Pontiac, chief of the Ottawas; a third to the commander, expressing a readiness to surrender to the English all the forts on the Ohio and east of the Mississippi. The next morning, Pontiac sent to Gladwin that he accepted the peace which his father, the French, had despatched to him, and desired that the past might be forgotten on both sides. Friendly words were exchanged, though the formation of a definitive treaty of peace was referred to the commander-in-chief. The savages dispersed to their hunting-grounds.

Bancroft, Hist. of the U.S., vol.3, p.63

Nothing could restrain the Americans from peopling the wilderness. To be a freeholder was the ruling passion of the New England man. Marriages were early and fruitful. The sons, as they grew up, skilled in the use of the axe and the rifle, would, one after another, move from the old homestead; and, with a wife, a yoke of oxen, a cow, and a few husbandry tools, build a small hut in some new plantation, and, by tasking every faculty of mind and body, secure independence. Such were they who began to dwell in the forests between the Penobscot and the St. Croix, or in the New Hampshire grants on each side of the Green Mountains, or in the valley of Wyoming, to which Connecticut laid claim.

Bancroft, Hist. of the U.S., vol.3, p.63

In defiance of reiterated royal mandates, Virginian adventurers seated themselves on the New river, near the Ohio; and not even the terrors of border wars with the savages "could stop the enthusiasm of running backward to hunt for fresh lands."

Bancroft, Hist. of the U.S., vol.3, p.63

Hunters from Carolina gave names to the streams and ridges of Tennessee, annually passed the Cumberland Gap, and chased game in the basin of the Cumberland river. From the Holston river to the head-springs of the Kentucky and of the Cumberland there dwelt not one red man. It was the neutral forest that divided the Cherokees from the Five Nations and their dependants. The lovely region had been left for untold years the paradise of wild beasts, which had so filled the valley with their broods that a thrifty hunter could, in one season, bring home peltry worth sixteen hundred dollars.

Bancroft, Hist. of the U.S., vol.3, p.64

When, in July, possession was taken of Florida, its inhabitants, of every age and sex, men, women, children, and servants, numbered but three thousand; and, of these, the men were nearly all in the pay of the Catholic king. The possession of it had cost him nearly two hundred and thirty thousand dollars annually; and now it was accepted by England as a compensation for Havana. Most of the people, receiving from the Spanish treasury indemnity for their losses, had migrated to Cuba, taking with them the bones of their saints and the ashes of their distinguished dead.

Bancroft, Hist. of the U.S., vol.3, p.64

The western province of Florida extended to the Mississippi, on the line of latitude of thirty-one degrees. On the twentieth of October, the French surrendered the post of Mobile, with its brick fort, which was fast crumbling to ruins. A month later, the slight stockade at Tombigbee, in the west of the Chocta country, was delivered up. In a congress of the Catawbas, Cherokees, Creeks, Chicasas, and Choctas, held on the tenth of November, at Augusta, the governors of Virginia and the colonies south of it were present, and the peace with the Indians of the South and South-west was ratified. The head man and chiefs of the upper and lower Creek nations, whose warriors were thirty-six hundred in number, agreed to extend the frontier of the settlement of Georgia. From this time dates its prosperity; its commerce in ten years increased almost fivefold.

Bancroft, Hist. of the U.S., vol.3, p.64

For these vast regions Grenville believed he was framing a perfect system of government, and confidently prepared to meet parliament. His opponents were divided. Newcastle and his friends selected as their candidate for the place of chancellor Charles Yorke, through whom the ways of thinking of Lord Mansfield would have prevailed in Westminster Hall; but Pitt would never hear of it, and dismissed the dream that any solid union on revolution principles was possible under the old whigs, who fought alike against king and people.

Bancroft, Hist. of the U.S., vol.3, p.64 - p.65

On the first night of the session, in the debate on the king's speech and the address, Pitt spoke with great ability; Grenville, in answering him, contrasted his own plans of economy with the profusion which had marked the conduct of the war, and was excessively applauded. The king repeated to him the praises bestowed on the superiority of talent and judgment which he had shown. Barre, the gallant associate of Wolfe, was dismissed from the army for his votes, and Conway from the army and from his place in the bed-chamber. Shelburne was not to remain the king's aide-de-camp.

Bancroft, Hist. of the U.S., vol.3, p.65

The house of commons readily voted the supplies necessary for the military establishment in the colonies; and this was followed by a renewed grant of the land-tax, which, at four shillings in the pound, produced a little more than two million pounds sterling. "I never will consent," said Grenville, "to continue that high tax after the second year of peace;" and he promised its reduction to three shillings in the pound, an easement to the landed interest of five hundred thousand pounds. Huske, the new member for Malden, a native of New Hampshire, educated at Boston, affirmed that the colonies were well able to pay annually taxes to that amount, and was heard by the house with great attention and joy.

Bancroft, Hist. of the U.S., vol.3, p.65

In England, the force of opposition was broken. Charles Yorke came penitently to Grenville to mourn over his mistake in resigning office, and Grenville felt himself so strong as to dare to slight him. Even Charles Townshend's manifest desire of taking a place passed unheeded. Nothing was feared from the opposition in England. Who could forebode danger from a cause on trial in a county court in Virginia?

Bancroft, Hist. of the U.S., vol.3, p.65 - p.66

Tobacco was the legalized currency of Virginia. In 1755, and again in 1755, years of war and of distress, the legislature indulged the people in the alternative of paying their public dues, including the dues to the established clergy, in money, at the fixed rate of twopence for the pound of tobacco. All but the clergy acquiesced in the law. At their instance, its ratification was opposed by the bishop of London, who remarked on "the great change in the temper of the people of Virginia in the compass of a few years, and the diminution of the prerogative of the crown." "The rights of the clergy and the authority of the king," said he, "must stand or fall together;" and the act was negatived by the king in council. The "Two-penny Act" became, therefore, null and void from the beginning; and it remained only to ascertain by a jury in Virginia the amount of damages which the complainants had sustained.

Bancroft, Hist. of the U.S., vol.3, p.66

Patrick Henry was engaged to plead against "the parsons," whose cause was become a contest between the prerogative and the people of Virginia. When a boy, he had learned something of Latin; of Greek, the letters; but nothing methodically. It had been his delight to wander alone with the gun or the angling-rod; or, by some sequestered stream, to enjoy the ecstasy of meditative idleness. He married at eighteen; attempted trade; toiled unsuccessfully as a farmer; then, with buoyant mind, resolved on becoming a lawyer; and, answering questions by the aid of six weeks' study of Coke upon Littleton and the Statutes of Virginia, he gained a license as a barrister. For three years the novice dwelt under the roof of his father-in-law, an inn-keeper near Hanover court-house, ignorant of the science of law, and slowly learning its forms.

Bancroft, Hist. of the U.S., vol.3, p.66

On the first day of December 1763, as Patrick Henry entered the court before which he had never spoken, he saw on the bench more than twenty clergymen, the most learned men in the colony; and the house was filled and surrounded by a multitude. To the select jury which had been summoned, Maury, "the parson" whose cause was on trial, made objections; for he thought them of "the vulgar herd," and three or four of them dissenters of the sect called "New Lights." "They are honest men," said Henry, "and therefore unexceptionable;" and, the court being satisfied, "they were immediately called to the book and sworn."

Bancroft, Hist. of the U.S., vol.3, p.66

The course of the trial was simple. The contract was that Maury should be paid sixteen thousand pounds of tobacco: the act of 1758 fixed its value at twopence a pound; in 1759, it had been worth thrice that sum. The king had disallowed the act of 1758. The counsel for the clergy briefly explained the standard of their damages, and gave a high-wrought eulogium on their benevolence.

Bancroft, Hist. of the U.S., vol.3, p.66 - p.67

The forest-born orator, in reply, built his argument on the natural right of Virginia to self-direction in her affairs, against the prerogative of the crown and the civil establishment of the church, against monarchy and priestcraft. The act of 1758, having every characteristic of a good law, and being of general utility, could not, consistently with the original compact between king and people, be annulled. "A king who annuls or disallows laws of so salutary a nature, from being the father of his people degenerates into a tyrant and forfeits all right to obedience." At this assertion the opposing counsel cried out to the bench: "The gentleman has spoken treason." Royalists in the crowd raised a confused murmur of "treason, treason, treason." "The harangue," thought one of the hearers, "exceeds the most seditious and inflammatory of the most seditious tribunes in Rome." The patriot, as he proceeded, defined the use of an established church and of the clergy in society: "When they fail to answer those ends," thus he addressed the jury, "the community have no further need of their ministry, and may justly strip them of their appointments. In this particular instance, by obtaining the negative of the law in question instead of acquiescing in it, they ceased to be useful members of the state, and ought to be considered as enemies of the community." "Instead of countenance, they very justly deserve to be punished with signal severity." "Except you are disposed yourselves to rivet the chains of bondage on your own necks, do not let slip the opportunity now offered of making such an example of the reverend plaintiff as shall hereafter be a warning to himself and his brothers not to have the temerity to dispute the validity of laws authenticated by the only sanction which can give force to laws for the government of this colony, the authority of its own legal representatives, with its council and governor." The jury promptly rendered a verdict of a penny damages. A motion for a new trial was refused: an appeal was granted; but, the verdict being received, there was no redress. "The crime of which Henry is guilty," wrote Maury, "is little, if any, inferior to that which brought Simon Lord Lovat to the block." For "the vindication of the king's injured honor and authority," he urged the punishment of the young Virginian; and a list was furnished of witnesses who could insure his conviction.

Bancroft, Hist. of the U.S., vol.3, p.67

In quest of business, Patrick Henry removed to the county of Louisa; but he loved the greenwood better even than before; and, as he strolled through the forest, with his ever-ready musket in his hand, his mind was ripening for duty, he knew not how, by silent communion with nature.

Bancroft, Hist. of the U.S., vol.3, p.68

Vague rumors prevailed of new commercial and fiscal regulations, to be made by act of parliament; and yet Americans refused to believe that the British legislature would wilfully overthrow their liberty. No remonstrance was prepared against the impending measures, of which the extent was kept secret. Massachusetts, in January 1764, with a view to effect the greatest possible reduction of the duty on foreign West Indian products, elected Hutchinson as its joint agent with Mauduit. But, before he could leave the province, the house began to distrust him, and, by a majority of two, excused him from the service. Its next choice fell on Grenville's secretary, Richard Jackson.

Bancroft, Hist. of the U.S., vol.3, p.68

When the crown officers in America learned that the taxes which they had so long and so earnestly recommended were to be applied exclusively to the support of the army, they shrunk from upholding obnoxious measures which to them were to bring no profit. In their view, a parliamentary regulation of colonial charters and a certain and sufficient civil list, laid upon perpetual funds, should take precedence of all other business. But when Halifax urged the payment of their salaries directly from England, in accordance with the system which he had been maturing since 1748, Grenville would not consent to it; and, though Halifax, at a formal interview, at which Hillsborough and Jenkinson were present, became extremely heated and eager, he remained inflexible.

Bancroft, Hist. of the U.S., vol.3, p.68

Nor would he listen to the suggestion that the revenue to be raised in America should constitute a fund to be disposed of under the sign manual of the king; he insisted that it should be paid into the receipt of the exchequer, to be regularly appropriated by parliament. Nor did he take part in the schemes which were on foot to subvert the charters of the colonies, control their domestic governments, and confer paramount authority on military officers in America; though he did not, indeed, insist that the ministry should conform to his opinions. When he proposed the taxation of America by the British parliament, he had but one object: to rivet the support of the landlords of England, whose favor secured majorities in parliament and with them a firm tenure of office.

Bancroft, Hist. of the U.S., vol.3, p.69

For a moment, the existence of the ministry itself was endangered. In closing the session of 1763, the king had arrogated merit for the peace which Frederic of Prussia had concluded after having been left to himself by England. Wilkes, in number forty-five of the "North Briton," exposed the error of statement. The king, thinking that one of his subjects had given him the lie, applied to the ministry for protection; and under a general warrant, issued by Halifax, one of the secretaries of state, Wilkes was arrested; but, on the plea that his privilege as a member of parliament had been violated, he had been set at liberty by the popular chief justice, Pratt; and the cry for Wilkes and liberty was heard in all parts of the British dominions. Now, in February 1764, all parties joined in expelling Wilkes from parliament, yet general warrants were undoubtedly illegal; Grenville knew that they were illegal, and the house of commons was invited to declare them so. But Grenville changed the issue by insisting that a single branch of the legislature ought not to declare law; and, in a house of four hundred and fifty, the ministry escaped censure but by a majority of only fourteen. In the account of the division sent by Grenville to the king, marks of being dispirited were obvious; the king instantly answered "that, if he would but hide his feelings, and speak with firmness the first occasion that offered, he would find his numbers return." The opportunity came in March with the presentation of the budget.

Bancroft, Hist. of the U.S., vol.3, p.69 - p.70

Grenville had been "made to believe" that the Americans were able to contribute to the revenue, and he had little reason to think them so stubborn as to refuse the payment of a tax. There was not "the least disposition in the agents of the colonies to oppose it;" and the agent of Massachusetts had made a merit of his submission. Thomas Pownall, "the fribble" who had been governor of Massachusetts, and is remembered as one who grew more and more liberal as he grew old, openly contended for an American revenue, to "be raised by customs on trade, a stamp duty, a moderate land-tax in lieu of quit-rents, and an excise." Cecilius Calvert, the secretary of Maryland, had for years watched the ripening of the measure, and could not conceal his joy at its adoption.

Bancroft, Hist. of the U.S., vol.3, p.70

Yet there were motives enough to make Grenville reluctant to propose a stamp-tax for America. Jackson, his secretary, would never be privy to any measures taken with respect to it, after having formally declined giving any other advice on the subject than that which he had always given, to lay the project aside. Lord Hillsborough, then first lord of the board of trade, who as yet retained enough of the spirit of an Irishman to disapprove a direct taxation of a dependency of the British empire by a British act of parliament, gave advice against the stamp act, and to the last withheld from it his support. Moreover, the traditions of the whig party, whose principles Grenville claimed to represent, preserved the opinions of Sir Robert Walpole, and questioned the wisdom of deriving a direct parliamentary revenue from America. "Many members of the house of commons declared against the stamp duty, while it was mere matter of conversation;" nor could Grenville have been ignorant that Pitt had in vain been urged to extend it to the colonies.

Bancroft, Hist. of the U.S., vol.3, p.70

The Americans in London unanimously denied the right of the British parliament, in which their country was not represented, to grant their property to the crown. This questioning of the power of parliament irritated the minister; as a thorough whig, he maintained that the parliament of England is in all cases supreme; he knew "no other law, no other rule." But the force of the objection derived from the want of a colonial representation did not escape his consideration. Regarding the house of commons as a representative body, in his inner mind he recognised, and to one friend he confessed, the propriety of allowing to America a representation in the body by which it should be taxed, and wished that parliament would couple the two measures.

Bancroft, Hist. of the U.S., vol.3, p.70 - p.71

Under these circumstances Thomas Penn, one of the proprietaries of Pennsylvania, Allen, a loyal American, then its chief justice under a proprietary appointment, and Richard Jackson, the agent of its people and of Connecticut, obtained an interview with Grenville. They reasoned against a system of direct taxation of America by parliament. The stamp duty, they said, was an internal regulation; and they entreated him to wait till some sort of consent to it should be given by the assemblies, to prevent a tax of that nature from being laid without the consent of the colonies. Grenville's colleagues did not share his scruples; but he was accustomed to balance opinions, and desired to please all parties. He persisted, therefore, in the purpose of proposing a stamp-tax; but, from "tenderness" to the colonies, and at the risk of being scoffed at by the whole Bedford party, he agreed to postpone the tax for a year. In this his enemies said that he did but "allow time for mooting the question of right and preparing in the colonies an opposition to the law."

Bancroft, Hist. of the U.S., vol.3, p.71

He looked about for palliatives to reconcile America to his new regulations. In doing this, he still continued within the narrow limits of protection. The British consumption of foreign hemp amounted in value to three hundred thousand pounds a year. The bounties on hemp and flax, first given in the time of Queen Anne, having never been called for, had been suffered to drop. The experiment was renewed; and a liberal bounty was granted on hemp or undressed flax imported from America. But it was expected that no American would be "so unreasonable or so rash" as to establish linen manufactories there, even of "the coarser kinds" of linens; for the exigencies of the state required that Great Britain should disappoint American establishments of manufactures as "contrary to the general good."

Bancroft, Hist. of the U.S., vol.3, p.71

To South Carolina and Georgia special indulgence was shown; following the line of precedent, rice, though an enumerated commodity, was, on the payment of a half subsidy, allowed to be carried directly to any part of America south of those colonies; so that the broken and mowburnt rice might be sold as food for negroes.

Bancroft, Hist. of the U.S., vol.3, p.71 - p.72

The boon that was to mollify New England was concerted with Israel Mauduit, acting for his brother, the agent of Massachusetts; and was nothing less than the whale fishery. In vain had Great Britain striven to compete with the Dutch in that branch of industry. Grenville gave up the unsuccessful attempt, and sought a rival for Holland in British America, which had hitherto lain under the double discouragement of being excluded from the benefit of a bounty and of having the products of its whale fishing taxed unequally. He now adopted the plan of gradually giving up the bounty to the British whale fishery, which would be a saving of thirty thousand pounds a year to the treasury, and of relieving the American fishery from the inequality of the discriminating duty, except the old subsidy, which was scarcely one per cent. It was done with a conviction that "the American whale fishery, freed from its burden, would soon totally overpower the British. "So this valuable branch of trade, which produced annually three hundred thousand pounds, and which would give employment to many shipwrights and other artificers, and to seamen, was resigned to America.

Bancroft, Hist. of the U.S., vol.3, p.72 - p.73

After these preparations, on the ninth day of March 1764, George Grenville made his appearance in the house of commons, as chancellor of the exchequer, to unfold his first budget. He did it with art and ability. He boasted that the revenue was managed with more frugality than in the preceding reign; he explained his method of funding the debt. The demands from Germany, which had amounted to nearly nine millions of pounds, he had settled for about thirteen hundred thousand pounds. The landgrave of Hesse, whose demands exceeded seventeen hundred thousand pounds, was put off with a payment of one hundred and fifty thousand pounds. The taxes of Great Britain exceeded, by three millions of pounds, what they were in 1754, before the war; yet the present object was only to make the colonies maintain their own army. Till the last war, they had never contributed to the support of an army at all. Beside the taxes on trade, which were immediately to be enacted, Grenville gave notice in the house that it was his intention, in the next session, to bring in a bill imposing stamp duties in America; and the reasons for giving such notice were because he understood some people entertained doubts of the power of parliament to impose internal taxes in the colonies, and because he was not so wedded to a stamp act as to be unwilling to give it up for any one that might appear more eligible; or, if the colonies themselves thought any other mode would be more expedient, he should have no objections to come into it by act of parliament. The opposition were called upon, if they thought it fitting, to deny the right of the legislature to impose any tax, internal or external, on the colonies; and upon a solemn question, asked in a full house, there was not one negative. "As we are stout," said Beckford, "I hope we shall be merciful." No one else made a reply.

Bancroft, Hist. of the U.S., vol.3, p.73

On the fourteenth of March, Jenkinson, from a committee on which he had for his associates Grenville and Lord North, reported a bill modifying and perpetuating the act of 1733, with some changes to the disadvantage of the colonies; an extension of the navigation acts, making England the storehouse of Asiatic as well as of European supplies; a diminution of drawbacks on foreign articles exported to America; imposts in America, especially on wines; a revenue duty instead of a prohibitory duty on foreign molasses; an increased duty on sugar; various regulations to sustain English manufactures, as well as to enforce more diligently the acts of trade; a prohibition of all trade between America and St. Pierre and Miquelon.

Bancroft, Hist. of the U.S., vol.3, p.73

The bill was rapidly carried through its several stages, was slightly amended, on the fourth of April was agreed to by the lords, and on the next day was approved by the king. "These new taxes," wrote Whately, the joint secretary of the treasury, "will certainly not be sufficient to defray that share of the American expense which America ought and is able to bear. Others must be added." The act had for the first time the title of "granting duties in the colonies and plantations of America; for the first time it was asserted, in the preamble, that it was just and necessary that a revenue should be raised there."

Bancroft, Hist. of the U.S., vol.3, p.73 - p.74

When the agents waited upon Grenville, to know what could be done to avert the stamp act, he answered: "I have proposed the resolution in the terms that parliament has adopted, from a real regard and tenderness for the subjects in the colonies. It is highly reasonable they should contribute something toward the charge of protecting themselves, and in aid of the great expense Great Britain put herself to on their account. No tax appears to me so easy and equitable as a stamp duty; it will fall only upon property, will be collected by the fewest officers, and will be equally spread over America and the West Indies. What ought particularly to recommend it is the mode of collecting it, which does not require extraordinary powers of entering houses, or extend a sort of influence which I never wished to increase. The colonists now have it in their power, by agreeing to this tax, to establish a precedent for their being consulted before any tax is imposed on them by parliament; for their approbation of it being signified to parliament next year, when the tax comes to be imposed, will afford a forcible argument for the like proceeding in all such cases. If they think any other mode of taxation more convenient to them, and make any proposition of equal efficacy with the stamp duty, I will give it all due consideration." To a considerate and most respectable merchant, a member of the house of commons, who was making a representation against proceeding with the stamp act, Grenville answered: "If the stamp duty is disliked, I am willing to change it for any other equally productive. If you object to the Americans being taxed by parliament, save yourself the trouble of the discussion, for I am determined on the measure." The colonists were apprised that not a single member of either house doubted the right of Parliament to impose a stamp duty or any other tax upon them; and the king, at the prorogation, gave to what he called "the wise regulations" of Grenville his "hearty approbation."

Bancroft, Hist. of the U.S., vol.3, p.74

It was said that "the great minister," who was taking "pains to understand the interests" of the plantations, and with "firmness and candor" entering seriously upon regulating their affairs, was about to unite them indissolubly with the mother country by one comprehensive commercial system, and by "interweaving their administration into the British administration."

Chapter 7:

How America Received the Plan of a Stamp-Tax,

April-December 1764

Bancroft, Hist. of the U.S., vol.3, p.75

NO sooner was parliament up than Jenkinson pressed Grenville to forward the American stamp act by seeking that further information, the want of which he had assigned as a reason for delay. Meantime, the officers of France, as they made their last journey through Canada and down the valley of the Mississippi, and on every side received the expressions of passionate attachment from the many tribes of red men, cast a look of regret upon the magnificent empire which they were ceding. But Choiseul saw futurity better. In April 1764, he issued the order for the transfer of the island of New Orleans and all Louisiana to Spain. He did it without mental reserve, foreseeing that the whole colonial system would be changed. In the same year he sent Pontleroy, a lieutenant in the navy, to travel through America in the guise of an Acadian wanderer, and report on the political condition of its people. While England was taxing America by act of parliament, France was counting its steps toward independence.

Bancroft, Hist. of the U.S., vol.3, p.75 - p.76

The world was rising up against superstition and authority over mind; the oppression of industry was passing away, not less than the oppression of free thought. The use of reason was no longer held to be presumption, but a duty, and the very end of creation. "Everything that I see," wrote Voltaire, in April 1764, "is scattering the seeds of a revolution, which will come inevitably. Light has so spread from neighbor to neighbor, that on the first occasion it will kindle and burst forth. Happy are the young, for their eyes shall see it." The impulse to the revolution was to proceed from the New World. "If the colonist is taxed without his consent," said the press of New York, "he will, perhaps, seek a change." "The ways of Heaven are inscrutable," wrote Richard Henry Lee, of Virginia, privately to a friend; "this step of the mother country, though intended to secure our dependence, may produce a fatal resentment and be subversive of that end." "If the colonies do not now unite," wrote Dyer, of Connecticut, from England, "they may bid farewell to liberty, burn their charters, and make the best of thraldom."

Bancroft, Hist. of the U.S., vol.3, p.76

Before it was known that the bill had passed, the alarm was given in Boston, at its town-meeting in May 1764, by Samuel Adams, a native of the place, a provincial statesman of a clear and logical mind, which, throughout a long life, imparted consistency to his public conduct. His will resembled well-tempered steel, which may ply, but will not break. Bred as a Calvinist of the straitest sect, his riper judgment confirmed him in his creed. On church government he adhered to the Congregational forms, as most friendly to civil and religious liberty; was a member of the church; and the austere purity of his life witnessed the sincerity of his profession. Evening and morning his house was a house of prayer; and no one more revered the Christian sabbath. He was a tender husband, an affectionate parent, and could vividly enjoy conversation with friends; but the wails of his modest mansion never witnessed anything inconsistent with the discipline of the man whose desire for his birthplace was that "Boston might become a Christian Sparta."

Bancroft, Hist. of the U.S., vol.3, p.76

For his political creed, he held the opinions of the fathers of New England, that the colonies and England had a common king, but separate and independent legislatures. When, in consequence of an act of the British parliament overruling the laws of the colony, his father's estate had been taken, he defended the supremacy of colonial laws within colonial limits, and by success gratified alike his filial piety and his love of country.

Bancroft, Hist. of the U.S., vol.3, p.76 - p.77

He was at this time near two-and-forty years of age; poor, and so contented with poverty that men censured him as "wanting wisdom to estimate riches at their just value." But he was frugal and temperate; and his prudent and industrious wife was endowed with the best faculties of a New England woman, so that the small resources, which men of the least opulent class would have deemed an imperfect support, satisfied his wants. Yet such was the union of dignity with economy that whoever visited him saw around him every circumstance of propriety. Above all, he combined with poverty a stern and incorruptible integrity.

Bancroft, Hist. of the U.S., vol.3, p.77

Already famed as a political writer, employing wit and sarcasm as well as energy of language and earnestness, no one had equal influence over the popular mind. The blandishments of flattery could not lull his vigilance, nor sophistry deceive his penetration, nor difficulties discourage his decision, nor danger appall his fortitude. He had an affable and persuasive address, which could reconcile conflicting elements and promote harmony in action. He never, from jealousy, checked the advancement of others; and in accomplishing great deeds he took to himself no praise. Seeking fame as little as fortune, and office less than either, he aimed steadily at the good of his country and the best interests of mankind. Trials only nerved him for severer struggles; his sublime hope was as unfaltering as if it sprung from insight into the divine decrees. For himself and for others, he held that all sorrows and losses were to be encountered, rather than that liberty should perish. Such was his devotion, such his inflexibility and courage, he may be called the last of the Puritans, destined to win for his country "the victory of endurance born."

Bancroft, Hist. of the U.S., vol.3, p.77 - p.78

On his motion and in his words, Boston, while it still set forth its acknowledged dependence upon Great Britain, and the ready submission of its merchants to all just and necessary regulations of trade, asserted its rights and privileges. "There is no room for delay," said the town to its representatives. "Those unexpected proceedings may be preparatory to more extensive taxation; for, if our trade may be taxed, why not our lands and everything we possess If taxes are laid upon us in any shape, without our hang a legal representation where they are laid, are we not reduced from the character of free subjects to the miserable state of tributary slaves? This annihilates our charter right to govern and tax ourselves. We claim British rights, not by charter only; we are born to them. Use your endeavors that the weight of the other North American colonies may be added to that of this province, that by united application all may happily obtain redress."

Bancroft, Hist. of the U.S., vol.3, p.78

At New York, when the English packet arrived tardily in June, all expressed their resentment in the strongest manner. "I will wear nothing but homespun," exclaimed one citizen; "I will drink no wine," said another, angry that wine must pay a new duty; "I propose," cried a third, "that we dress in sheepskins with the wool on." "It appears plainly," said the gentle Robert R. Livingston, "that these duties are only the beginning of evils. The stamp duty, they tell us, is deferred, till they see whether the colonies will take the yoke upon themselves, and offer something else as certain. They talk, too, of a land-tax, and to us the ministry appears to have run mad;" and looking forward to resistance, "We in New York," he added, "shall do as well as our neighbors; the God of heaven, whom we serve, will sanctify all things to those who love him and strive to serve him."

Bancroft, Hist. of the U.S., vol.3, p.78 - p.79

The legislature of Massachusetts was then in session. The Boston instructions, drawn by Samuel Adams, formed the cornerstone of its policy. In pursuance of them, James Otis prepared "a state" of the case for the instruction of the colonial agent in London. By the laws of nature and of nations, the voice of universal reason and of God, by statute law and the common law, this memorial claimed for the colonists the absolute rights of Englishmen: personal security and liberty; the rights of property; the power of local legislation, subject only to the king's negative, as in Ireland; and the sole power of taxing themselves. "The authority of the parliament of Great Britain," such were the words of this paper, "is circumscribed by bounds, which, if exceeded, their acts become mere power without right, and consequently void." "Acts of parliament against natural equity or against the fundamental principles of the British institutions are void." "The wild wastes of America have been turned into pleasant habitations; little villages in Great Britain into manufacturing towns and opulent cities; and London itself bids fair to become the metropolis of the world. These are the fruits of commerce and liberty. The British empire, to be perpetuated, must be built on the principles of justice."

Bancroft, Hist. of the U.S., vol.3, p.79

The assembly repudiated the concessions of their agent. Their silence had rather been the silence of "despair." They protested against "the burdensome scheme of obliging the colonies to maintain a standing army," as in conflict with the constitution and against reason. They rehearsed their services during the last war. Still incredulous, they demand: "Can it be possible that duties and taxes shall be assessed without the voice or consent of an American parliament? If we are not represented, we are slaves." "Ireland," they cried, connecting the questions of American and Irish liberty, "was a conquered country, yet no duties have been levied by the British parliament on Ireland." "Prohibitions of trade are neither equitable nor just; but the power of taxing is the grand barrier of British liberty. If this is once broken down, all is lost." "In a word," say they, representing truly the point of resistance at which America was that year ready to halt, "a people may be free, and tolerably happy, without a particular branch of trade; but, without the privilege of assessing their own taxes, they can be neither."

Bancroft, Hist. of the U.S., vol.3, p.79

On the twenty-fifth of June, Otis, Cushing, Thacher, Gray, and Sheafe, as the committee for corresponding with the other colonies, sent a circular letter to them all, exposing the danger that menaced their "most essential rights," and desiring "their united assistance."

Bancroft, Hist. of the U.S., vol.3, p.79 - p.80

On the other hand, Bernard sought to ingratiate himself in England by sending to his superiors a scheme of American polity which he had employed years in maturing. He urged on the cabinet that a general reformation of the American governments was not only desirable, but necessary; that the colonies enjoyed their separate legislatures not as a right, but as a contingent privilege; that parliament could modify their governments as it should see fit; that its power to impose port duties, and levy internal taxes in the colonies, was not to be disputed; and, if requisitions were neglected, the power ought to be exercised; that there should be for the colonies a certain, sufficient, and independent civil list; that there should be an American nobility for life, to mediate between the king and the people; that the American charters were suited only to the infancy of states, and should be abolished, and one form of government established for all America by parliament. Of the paper containing this advice, Bernard sent copies to the ministry, carefully concealing from America his treacherous solicitations.

Bancroft, Hist. of the U.S., vol.3, p.80

Suspecting the designs of Bernard, Otis, in July, spoke thus through the press. "The British constitution comes nearest the idea of perfection of any that has been reduced to practice. Let parliament lay what burdens they please on us, it is our duty to submit and patiently bear them till they will be pleased to relieve us. If anything fall from my pen that bears the least aspect but that of obedience, duty, and loyalty to the king and parliament, the candid will impute it to the agony of my heart.

Bancroft, Hist. of the U.S., vol.3, p.80

"Government is founded not on force, as was the theory of Hobbes; nor on compact, as was the theory of Locke and of the revolution of 1688; nor on property, as was asserted by Harrington. It springs from the necessities of our nature, and has an everlasting foundation in the unchangeable will of God. Man came into the world and into society at the same instant. There must exist in every earthly society a supreme sovereign, from whose final decision there can be no appeal but directly to heaven. This supreme power is originally and ultimately in the people; and the people never did in fact freely, nor can rightfully, make an unlimited renunciation of this divine right. Kingcraft and priestcraft are a trick to gull the vulgar. The happiness of mankind demands that this grand and ancient alliance should be broken off forever.

Bancroft, Hist. of the U.S., vol.3, p.80 - p.81

"The omniscient and omnipotent Monarch of the universe has, by the grand charter given to the human race, placed the end of government in the good of the whole. The form of government is left to the individuals of each society; its whole superstructure and administration should be conformed to the law of universal reason. There can be no prescription old enough to supersede the law of nature and the grant of God Almighty, who has given all men a right to be free. If every prince since Nimrod had been a tyrant, it would not prove a right to tyrannize. The administrators of legislative and executive authority, when they verge toward tyranny, are to be resisted; if they prove incorrigible, are to be deposed.

Bancroft, Hist. of the U.S., vol.3, p.81

"The first principle and great end of government being to provide for the best good of all the people, this can be done only by a supreme legislative and executive ultimately in the people, or whole community, where God has placed it; but the difficulties attending a universal congress gave rise to a right of representation. Such a transfer of the power of the whole to a few was necessary; but to bring the powers of all into the hands of one or some few, and to make them hereditary, is the interested work of the weak and the wicked. Nothing but life and liberty are actually hereditable. The grand political problem is to invent the best combination of the powers of legislation and execution: they must exist in the state, just as in the revolution of the planets; one power would fix them to a centre, and another carry them off indefinitely; but the first and simple principle is EQUALITY and THE POWER OF THE WHOLE.

Bancroft, Hist. of the U.S., vol.3, p.81

"The best writers on public law contain nothing that is satisfactory on the natural rights of colonies. Even Grotius and Puffendorf establish the matter of right on the matter of fact. Their researches are often but the history of ancient abuses; and the American admiralty courts learn of them to determine controversies by the rules of civil and feudal law. To be too fond of studying them is a ridiculous infatuation. The British colonists do not hold their liberties or their lands by so slippery a tenure as the will of the prince. Colonists are men, the common children of the same Creator with their brethren of Great Britain.

Bancroft, Hist. of the U.S., vol.3, p.81

"The colonists are men: the colonists are therefore free born; for, by the law of nature, all men are free born, white or black. No good reason can be given for enslaving those of any color. Is it right to enslave a man because his color is black, or his hair short and curled like wool, instead of Christian hair? Can any logical inference in favor of slavery be drawn from a flat nose or a long or a short face? The riches of the West Indies, or the luxury of the metropolis, should not have weight to break the balance of truth and justice. Liberty is the gift of God, and cannot be annihilated.

Bancroft, Hist. of the U.S., vol.3, p.82

"Nor do the political and civil rights of the British colonists rest on a charter from the crown. Old Magna Charta was not the beginning of all things, nor did it rise on the borders of chaos out of the unformed mass. A time may come when parliament shall declare every American charter void; but the natural, inherent, and inseparable rights of the colonists, as men and as citizens, can never be abolished.

Bancroft, Hist. of the U.S., vol.3, p.82

"There is no foundation for distinction between external and internal taxes; if parliament may tax our trade, they may lay stamps, land-taxes, tithes, and so indefinitely; there are no bounds. But such an imposition of taxes in the colonies, whether on trade or on land, on houses or ships, on real or personal, fixed or floating property, is absolutely irreconcilable with the rights of the colonists as British subjects and as men. Acts of parliament against the fundamental principles of the British constitution are void.

Bancroft, Hist. of the U.S., vol.3, p.82

"Yet the colonists know the blood and treasure independence would cost. They will never think of it till driven to it as the last fatal resort against ministerial oppression, which will make the wisest mad and the weakest strong. The world is at the eve of the highest scene of earthly power and grandeur that has ever yet been displayed to the view of mankind. Who will win the prize is with God. But human nature must and will be rescued from the general slavery that has so long triumphed over the species."

Bancroft, Hist. of the U.S., vol.3, p.82

Reasoning for his country and for the race, Otis brought into the conscious intelligence of the people the elemental principles of free government and human rights.

Bancroft, Hist. of the U.S., vol.3, p.82

This book was reprinted in England. Lord Mansfield, who read it, rebuked those who spoke of it with contempt. But they rejoined: "The man is mad." "What then?" answered Mansfield, in parliament. "One madman often makes many. Massaniello was mad: nobody doubted it; yet, for all that, he overturned the government of Naples."

Bancroft, Hist. of the U.S., vol.3, p.82 - p.83

But Otis was a prophet, not the leader of a party; full of sagacity in his inspirations, unsteady in conduct. His colleague, Oxenbridge Thacher, was less enthusiastic and more consistent. Connection with Great Britain was to him no blessing, if Great Britain would impose burdens unconstitutionally. He vindicated the right of resisting arbitrary taxation by the frequent example of the British parliament; and he dwelt on the danger to the inhabitants of England if the ministers could disfranchise a million and a half of subjects in America.

Bancroft, Hist. of the U.S., vol.3, p.83

"Here," said Mayhew, as he lamented the cold adhesion of the timid good, and for himself trod the thorny path of resistance to the grandeurs of the world, "there are many who 'see the right, and yet the wrong pursue.' But it is my fixed resolution, notwithstanding many discouragements, in my little sphere to do all I can, that neither the republic nor the churches of New England may sustain any injury." Men began to enter into an agreement not to use a single article of British manufacture, not even to wear black clothes for mourning. To encourage the growth and manufacture of wool, nearly all Boston signed a covenant to eat no lamb.

Bancroft, Hist. of the U.S., vol.3, p.83

While the people heartened one another in the conviction that taxation by parliament was tyranny, Hutchinson addressed the secretary of the chancellor of the exchequer, saying: "The colonists claim a power of making laws, and a privilege of exemption from taxes, unless voted by their own representatives. In Rome, not only the colonies when first planted, but the provinces when changed into colonies, were freed from taxes for the Roman exchequer of every sort. In modern Europe, the inhabitants of Britain only are free, and the inhabitants of British colonies only feel the loss of freedom; and they feel it more sensibly, because they thought it doubly secured as their natural right and their possession by virtue of the most solemn engagements. Nor are the privileges of the people less affected by duties laid for the sake of the money arising from them than by an internal tax.

Bancroft, Hist. of the U.S., vol.3, p.83

"The colonies have an interest distinct from the interest of the nation; and shall the parliament be at once party and judge? Is it not a continual question, What can be done to make the colonies further beneficial to the nation? And nobody adds, consistently with their rights. You consider us as your property, to improve in the best way you can for your advantage.

Bancroft, Hist. of the U.S., vol.3, p.83 - p.84

"None of the colonies, except Georgia and Halifax, occasioned any charge to the crown or kingdom in the settlement of them. The people of New England fled for the sake of civil and religious liberty; multitudes flocked to America with this dependence, that their liberties should be safe. They and their posterity have enjoyed them to their content, and therefore have endured with greater cheerfulness all the hardships of settling new countries. No ill use has been made of these privileges; but the dominion and wealth of Great Britain have received amazing addition. Surely the services we have rendered the nation have not subjected us to any forfeitures.

Bancroft, Hist. of the U.S., vol.3, p.84

"I know it is said the colonies should contribute to their own defence and protection. But, during the last war, they annually contributed so largely that the parliament was convinced the burden would be insupportable, and from year to year made them compensation; in several of the colonies, for several years together, more men were raised, in proportion, than by the nation. In the trading towns, one fourth part of the profit of trade, besides imposts and excise, was annually paid to the support of the war and public charges; in the country towns, a farm which would hardly rent for twenty pounds a year paid ten pounds in taxes. If the inhabitants of Britain had paid in the same proportion, there would have been no great increase of the national debt.

Bancroft, Hist. of the U.S., vol.3, p.84

"Nor is there occasion for any national expense in America. For one hundred years together, the New England colonies received no aid in their wars with the Indians when the Indians were assisted by the French. Those governments now molested are as able to defend their respective frontiers, and had rather do the whole of it by a tax of their own raising, than pay their proportion in any other way.

Bancroft, Hist. of the U.S., vol.3, p.84

"Moreover, it must be prejudicial to the national interest to impose parliamentary taxes. The advantages promised by an increase of the revenue are all delusive. You will lose more than you gain. Britain already reaps the profit of all their trade, and of the increase of their substance. By cherishing their present turn of mind, you will serve your interest more than by your present schemes."

Bancroft, Hist. of the U.S., vol.3, p.84 - p.85

The argument of Hutchinson, Conway read at the time, and pronounced it "very sensible and unanswerable against passing the stamp act;" but the pusillanimous man entreated his correspondent to conceal his confession from those whom it would displease. To his friends in America he used to say that there was no ground for the distinction between the duties on trade and internal taxes; that, if the parliament intended to go on, there would be a necessity to dispute the distinction; "for," said he, "they may find duties on trade enough to drain us thoroughly." And to members of the legislature of Massachusetts from whom he had ends to gain, he denied utterly the right of parliament to tax America.

Bancroft, Hist. of the U.S., vol.3, p.85

The appeals of the colonies were made in the spirit of loyalty. The wilderness was still ringing with the war-whoop of the savage, the frontiers were red with blood, while the colonies, at the solicitations of Amherst and of Gage, his successor, were lavishing their treasure to secure the West to Great Britain. In July, eleven hundred men, composed chiefly of provincial battalions from New Jersey, New York, and Connecticut, that of Connecticut led by Colonel Israel Putnam, the whole under the command of Bradstreet, reached Niagara.

Bancroft, Hist. of the U.S., vol.3, p.85

There, in August, the Senecas, to save their settlements from imminent destruction, brought in prisoners, and ratified a peace. Half way from Buffalo to Erie, Bradstreet, conforming to his orders from Gage, settled a treaty with deputations from the nations dwelling between Lake Erie and the Ohio.

Bancroft, Hist. of the U.S., vol.3, p.85

At Detroit, in September, he was welcomed by the Hurons. On the seventh, the Ottawas and Ojibwas, seating themselves on the ground for a congress, cashiered all their old chiefs, and the young warriors shook hands with the English as with brothers. The Miamis asked for peace in the names of their wives and children, and these, the Pottawatomies, the Sacs, and the Missisagas, attached their seals to a treaty in which Pontiac, though absent, was included. By its conditions the Indian country was made a part of the royal dominions; its tribes were bound to render aid to the English troops, and in return were promised protection. Indian murderers and plunderers, as well as British deserters, were to be delivered up; all captives to be restored. English families were assured of a welcome. A detachment took possession of Mackinaw.

Bancroft, Hist. of the U.S., vol.3, p.85 - p.86

In the same month, in pursuance of the new methods of government, "an impost of four and a half per cent in specie, on produce shipped from Grenada," began to be levied, "by virtue of the prerogative royal;" and this order was justified on the ground that Grenada was a conquered island, in which customs had been collected by the most Christian king.

Bancroft, Hist. of the U.S., vol.3, p.86

In Canada arbitrary taxation was the only French usage which was retained. By an ordinance of the seventeenth of September, all the laws, customs, and forms of judicature of a populous and long-established colony were in one hour overturned; and English laws, even the penal statutes against Catholics, all unknown to the Canadians, and unpublished, were introduced in their stead. "A general presentment," said Thurlow, "was lodged against all the inhabitants of the colony as papists."

Bancroft, Hist. of the U.S., vol.3, p.86

The improper choice and the number of the civil officers sent over from England increased the disquietude of the colony. The ignorant, the greedy, and the factious were appointed to offices which required integrity, knowledge, and abilities. The judge pitched upon to conciliate the minds of seventy thousand foreigners to the laws and government of Great Britain was taken from a jail, and was entirely unacquainted with the civil law and the language of the people. The attorney general, with regard to the language, was not better qualified. Other principal offices were given by patent to men of interest in England, who let them out to the best bidders, none of whom understood the language of the natives, but all, in their turn, hired such servants as would work at the cheapest rate, without much inquiry how the work was done. As no salary was annexed to these patent places, the value of them depended upon the fees, which the governor was ordered to establish equal to the fees in the richest ancient colonies; nor could he restrain the officers who lived by fees from running them up to extortion. When he checked them in their profits, he was regarded as their enemy, nor was there any chance for harmony in the government, unless all should become equally corrupt.

Bancroft, Hist. of the U.S., vol.3, p.86 - p.87

The supreme court of judicature took to itself all causes, civil and criminal. The chicanery and expensiveness of Westminster Hall were introduced into the impoverished province and English justice and English offices seemed to the poor Canadians an ingenious device to drain them of the little substance which was still left to them. In the one hundred and ten rural parishes there were but nineteen Protestant families. The rest of the Protestants were a few half-pay officers, disbanded soldiers, traders, mechanics, and publicans, who resided in Quebec and Montreal; most of them followers of the army, of low education; all, with their fortunes to make, and little solicitous about the means. "I report them," wrote Murray, "to be, in general, the most immoral collection of men I ever knew." Yet out of these, and these alone, though they were but about four hundred and fifty in number, magistrates were to be made and juries composed; for all Catholics were disfranchised. The meek and unresisting province was given over submissively to hopeless oppression. The history of the world furnishes no instance of so rash injustice.

Bancroft, Hist. of the U.S., vol.3, p.87

In September, letters were received in New York, announcing a similar most cruel and unjust exercise of the prerogative in the region which now forms the state of Vermont. The king in council, misled by the entreaties of some of the crown officers of New York who were greedy of the wealth to be gained through the land grants of a province, had, at the instance of Halifax, dismembered New Hampshire, and annexed to New York the country north of Massachusetts and west of Connecticut river. The decision was declaratory of the boundary; and it was therefore held by the royalists that the grants made under the sanction of the royal governor of New Hampshire were annulled. Many of the lands for which the king had received the price, and which were already occupied and cultivated, were granted in the king's name anew, and the former purchasers were compelled to redeem them, or take the risk of eviction.

Bancroft, Hist. of the U.S., vol.3, p.87 - p.88

After the return of Bradstreet from Lake Erie and Detroit, it was desirable to show a strong force in the midst of the red men on the Ohio. The regular army could furnish scarcely five hundred men, most of them Highlanders. Pennsylvania, at her own charge, added a thousand, and Virginia contributed a corps of volunteers. These in October took up the march, under Bouquet, for the heart of Ohio. Virginia volunteers formed the advance-guard, the axe-men followed to clear three paths. On each flank, the soldiers marched in single file; in the centre, two deep, followed by the convoy of well-laden pack-horses and droves of sheep and oxen; a party of light horsemen came next; Virginia volunteers brought up the rear. Many who had lost children or friends went with the army to search for them in the wilderness.

Bancroft, Hist. of the U.S., vol.3, p.88

A little below the mouth of Sandy Creek, chiefs and warriors of the Senecas, the Delawares, and the Shawnees lighted the council-fire, smoked the calumet, and entreated peace. At the close of the speech, the Delaware chiefs delivered up eighteen white prisoners, and eighty-three small sticks as pledges for the return of so many more. To insure the performance of their promises, Bouquet marched farther into their country; and, at the junction of the White Woman and the Tuscarawas, in the centre of the Indian villages, he made an encampment that had the appearance of an English town.

Bancroft, Hist. of the U.S., vol.3, p.88

There the Shawnees, the most violent and warlike of all the tribes, accepting the terms of peace with dejected sullenness, promised by their orator, Red Hawk, to collect all captives from the lower towns, and restore them in the spring; and there the nearer villages delivered up their white prisoners. Mothers recognised their children; sisters and brothers, scarcely able to recover the accent of their native tongue, learned to know that they had the same parents. Whom the Indians spared they loved. They had not taken the little ones and the captives into their wigwams without receiving them into their hearts, and adopting them into their tribes and families. At parting with them, the red men shed torrents of tears, and entreated the white men to show kindness to those whom they restored. From day to day they visited them in the camp; they gave them corn and skins. As the English returned to Pittsburg, they followed to hunt for them and bring them provisions. A young Mingo would not be torn from a young woman of Virginia, whom he had taken as his wife. Some of the children had learned to love their savage friends, and wept at leaving them. Some of the captives could not be brought away but in bonds. Some, who were not permitted to remain, clung to their dusky lovers at parting; others invented means to escape to the wigwams of their chosen warriors.

Bancroft, Hist. of the U.S., vol.3, p.88 - p.89

With the wilderness pacified, with the French removed, an unbounded career of happiness and tranquillity seemed opening upon the British empire. Never was there a moment when the affections of the colonists struggled more strongly toward England, or when she could more easily have secured to herself all the benefits of their trade, as well as their good-will; but the new regulations, and the announcement of the determination of the British parliament to impose further taxes on America, drove them toward independence.

Bancroft, Hist. of the U.S., vol.3, p.89

At that moment the spirit of resistance was nowhere so strong as in New York. Its assembly, in September, in their address to the governor, claimed for their constituents "that great badge of English liberty, the being taxed only with their own consent." This "exclusive right," of which the loss would bring "basest vassalage," they, in October, represented to the king as a right which "had received the royal sanction;" and they enumerated, as their grievances, "involuntary taxes," the "acts of trade," the substitution of a judge in a vice-admiralty court for the trial by jury, the restraint on the use of the credit of the colony by act of parliament. These complaints they repeated in a manifesto to the house of lords, to whom they further "showed" that "the supreme power lodged in a single person" is less fearful than a constitution in which one part of the community holds the right forever to tax and legislate for the other. If the constitution of Great Britain gives to parliament that right, then, they say, "it is the most unequal constitution that ever existed; and no human foresight or contrivance can prevent its final consummation in the most intolerable oppression."

Bancroft, Hist. of the U.S., vol.3, p.89 - p.90

In a petition and representation to the house of commons, they pleaded that they had never refused, and promised that they never would refuse, to hearken to a just requisition from the crown. They appealed to their records, as evidence of their untainted loyalty and their exercise of their political privileges without abuse. "An exemption from the burden of ungranted and involutary taxes must be the grand principle of every free state. Without such a right vested in themselves, exclusive of all others, there can be no liberty, no happiness, no security, nor even the idea of property. Life itself would become intolerable. We proceed with propriety and boldness to inform the commons of Great Britain, who, to their infinite honor, in all ages asserted the liberties of mankind, that the people of this colony nobly disdain the thought of claiming that exemption as a privilege. They challenge it, and glory in it as their right. The thought of independency upon the supreme power of the parliament we reject with the utmost abhorrence. The authority of the parliament of Great Britain to model the trade of the whole empire, so as to subserve the interest of her own, we are ready to recognise in the most extensive and positive terms; but the freedom to drive all kinds of traffic, in subordination to and not inconsistent with the British trade, and an exemption from all duties in such a course of commerce, is humbly claimed by the colonies as the most essential of all the rights to which they are entitled as colonists, and connected in the common bond of liberty with the free sons of Great Britain. For, since all impositions, whether they be internal taxes, or duties paid for what we consume, equally diminish the estates upon which they are charged, what avails it to any people by which of them they are impoverished?" And they deprecated the loss of their rights as likely "to shake the power of Great Britain."

Bancroft, Hist. of the U.S., vol.3, p.90

Connecticut, in its October session, in a methodical statement, with divisions and subdivisions, and a just enumeration of its services in the war, demonstrated that "charging stamp duties, or other internal duties, by authority of parliament, would be such an infringement of the rights, privileges, and authorities of the colonies, that it might be humbly and firmly trusted, and even relied upon, that the supreme guardians of the liberties of the subject would not suffer the same to be done."

Bancroft, Hist. of the U.S., vol.3, p.90

At the opening of an October session of the general court of Massachusetts, Thacher, of the house, offered an address to the king, lords, and commons, in which exemption from taxation by an act of parliament was claimed as a right. To this the council, misled by the pretended patriotism of Hutchinson, made resistance. After long altercations between the two branches, the house joined in a memorial, which left out the assertion of right, and asked for the continuance of the privileges heretofore enjoyed. Hardly was the business disposed of when the petition of New York came to their knowledge and put them to shame.

Bancroft, Hist. of the U.S., vol.3, p.91

The people of Rhode Island, headed by Stephen Hopkins, the governor of their own choice, would not admit any just authority in parliament to enact even the laws of trade. They elected Hopkins, Daniel Jenckes, and Nicholas Brown their committee of correspondence. These, in their circular of the twelfth of October, expressed their wish "that some method could be hit upon for collecting the sentiments of each colony, and for uniting and forming the substance of them all into one common defence of the whole." Rhode Island, in its petition to the king, claimed "by right the essential privilege not to part with their property but by laws to which they have consented."

Bancroft, Hist. of the U.S., vol.3, p.91

Pennsylvania had failed to make liberal grants for the public service, only because its proprietaries had interposed their negative, unless their own estates should be wholly or partially exempted from taxation. They were, moreover, the landlords of all the inhabitants, and yet the judges, who were to decide all questions between them and their tenants, were of their own appointment and held office only during their own good pleasure. To escape from the perpetual intervention of the interest of the proprietaries in public affairs, Franklin, with the great body of the Quakers as well as royalists, desired that the province should become a royal government. Dickinson, though ever the opponent of the scandalous selfishness of the proprietaries, earnestly resisted the proposal; for he saw that "the province must stake on the event liberties that ought to be immortal;" and desired to see an olive-leaf, at least, brought to them from the king before they should quit their ark. On the other side, Joseph Galloway, a royalist at heart, urged their just complaints against the proprietaries.

Bancroft, Hist. of the U.S., vol.3, p.91 - p.92

A petition for the change was adopted by a large majority; but, when in summer the policy of Grenville with regard to the American stamp act was better understood, a new debate arose, in which Franklin took the lead. It was argued that, during the war, the people of Pennsylvania had granted more than their proportion, and were ever ready to grant sums suitable to their abilities and zeal for the service; that, therefore, the proposition of taxing them in parliament was both cruel and unjust; that, by the constitution of the colonies, their business was with the king, and never, in any way, with the chancellor of the exchequer; that they could not make any proposition to Grenville about taxing their constituents by parliament, since parliament had no right to tax them at all; that the notice which they had received bore no marks of being the king's order, or made with his knowledge; that the king had always accompanied his requisition with good words, but that the financier, instead of making a decent demand, had sent a menace that they should certainly be taxed, and had only left them the choice of the manner; and they "resolved, that as they always had, so they always should, think it their duty to grant aid to the crown, according to their abilities, whenever required of them in the usual constitutional manner."

Bancroft, Hist. of the U.S., vol.3, p.92

At the elections in autumn, the proprietary party, representing that "the king's little finger would be found heavier than the proprietaries' whole loins," succeeded, by a majority of about twenty votes among near four thousand, in defeating Franklin's return as the representative of Philadelphia. But the new assembly, on the twenty-sixth of October, elected him their agent, and he forthwith sailed for England.

Bancroft, Hist. of the U.S., vol.3, p.92

On the last day of October, the assembly of North Carolina, in an address to their governor, used these words: "We observe our commerce circumscribed in its most beneficial branches, diverted from its natural channel, and burthened with new taxes and impositions laid on us without our privity or consent, and against what we esteem our inherent right and exclusive privilege of imposing our own taxes."

Bancroft, Hist. of the U.S., vol.3, p.92

On the fourteenth of November, the council and burgesses of Virginia, acting in perfect harmony, and admitting the veto power vested in the crown, sent this entreaty to the king: "Protect your people of this colony in the enjoyment of their ancient and inestimable right to be governed by such laws respecting their internal polity and taxation as are derived from their own consent—a right which, as men, and descendants of Britons, they have ever quietly possessed, since, by royal permission and encouragement, they left the mother kingdom to extend its commerce and dominion."

Bancroft, Hist. of the U.S., vol.3, p.93

In their memorial to the lords spiritual and temporal, they said: "Our ancestors brought with them every right they could claim in their mother kingdom, and their descendants cannot be deprived of those rights without injustice; the power in the British parliament to tax the colonies was never before constitutionally assumed; duty to themselves and their posterity lays your memorialists under the necessity of endeavoring to establish their constitution upon its proper foundation."

Bancroft, Hist. of the U.S., vol.3, p.93

To the British house of commons Virginia alone addressed a remonstrance. It was written by George Wythe, and was equally explicit in claiming that Virginians held the rights of Englishmen as inherent rights, impossible to be renounced or forfeited by their removal hither; that these rights had been established by charter and by unbroken usage; that a contrary system would break up the commercial connection between Great Britain and her colonies and compel the colonists to supply their wants by their own manufactures. "It is to be hoped that the commons will not prosecute a measure which those who must suffer under it could not but look upon as fitter for exiles driven from their native country after ignominiously forfeiting its favor and protection, than for the posterity of loyal Britons; the exercise of anti-constitutional power even in this remote corner might be dangerous in its example."

Bancroft, Hist. of the U.S., vol.3, p.93

In the midst of the strife about taxation, Colden planned the prostration of the influence of the lawyers and great landholders by insisting that in all cases, even in the common law courts, and without a writ of error, there lay the right to appeal from the verdict of a jury to the king. To the earl of Halifax he signalized the lawyer John Morin Scott as an incendiary; and entreated the removal of Justice Robert R. Livingston, who refused appeals from the verdict of juries.

Bancroft, Hist. of the U.S., vol.3, p.93 - p.94

From Massachusetts, Bernard, in November, urged that the proper time was come for the "new arrangement of New England" by the king in parliament. The two "republics" of Connecticut and Rhode Island were to be dissolved; New York was to be bounded on the east by Connecticut river; Massachusetts to embrace the country from the Connecticut to the Piscataqua. Another colony, with Falmouth—now Portland—as its capital, might extend to the Penobscot, and yet another to the St. John's. A modification of the charter of Massachusetts, an order of nobility for life, and places of profit with sure emoluments, would place the king's authority "upon a rock."

Bancroft, Hist. of the U.S., vol.3, p.94

In Connecticut, the aged Johnson, then enjoying "sweet retirement" in Stratford, thought it no sin to pray to God that "the monstrously popular constitution" of Connecticut might be changed; that the government at home might make but "one work" of bringing "all the colonies under one form of government," confidently hoping that the first news in the spring would be bishops for America, and all charter governments dependent immediately on the king.

Bancroft, Hist. of the U.S., vol.3, p.94

On the eleventh of December, the board of trade represented to the king that the legislature of Massachusetts by its votes in June, of New York by its address to Colden in September, had been guilty "of the most indecent disrespect to the legislature of Great Britain." This the privy council reported to be "a matter of the highest consequence to the kingdom;" and Halifax received orders on "the time and manner of laying the papers before parliament." Having thus made sure in advance of the support of vast majorities, the ministry retired to enjoy the Christmas holidays in country-houses, where wealth, and intelligence, and tradition, combined to give to aristocratic hospitality its greatest grace, abundance, and refinement.

Chapter 8:

The Twelfth Parliament of Great Britain Passes the American Stamp-Tax,

Grenville's Administration Continued,

January-April 1765

Bancroft, Hist. of the U.S., vol.3, p.95

At the opening of the year 1765, the people of New England were reading the history of the first sixty years of the colony of Massachusetts, by Hutchinson. Nothing so much revived the ancestral spirit which a weariness of the gloomy superstitions, mixed with Puritanism, had long overshadowed. All hearts ran together in the study of the character of New England's fathers; and liberty became the dearer, as men were reminded through what sorrow and self-denial and cost of life it had been purchased.

Bancroft, Hist. of the U.S., vol.3, p.95

"I always," said John Adams, "consider the settlement of America with reverence and wonder, as the opening of a grand scene and design in Providence for the illumination of the ignorant and the emancipation of the slavish part of mankind all over the earth." This vision was drawing near its fulfilment. On the tenth of January, the king, opening the session of parliament, presented the American question as one of "obedience to the laws and respect for the legislative authority of the kingdom."

Bancroft, Hist. of the U.S., vol.3, p.95 - p.96

In the debates on the forces to be kept up in the navy and the army, Charles Townshend advocated the largest numbers; "for the colonies," said he, "are not to be emancipated." In private, the arguments in behalf of America were urged with persuasive earnestness. The London merchants found that America was in their debt to the amount of four millions of pounds sterling. Grenville sought to relieve their fears by the profuse offer of bounties to the Americans, as offsets to the intended taxation. "If one bounty," said he to them, "will not do, I will add two; if two will not do, I will add three." He wished to act smoothly in the matter; but was resolved "to establish as undoubted the authority of the British legislature in all cases whatsoever."

Bancroft, Hist. of the U.S., vol.3, p.96

The agents of the colonies had several meetings, and on Saturday, the second of February, Franklin, with Ingersoll, Jackson, and Garth, as agents for Pennsylvania, Connecticut, and South Carolina, waited on the minister, to remonstrate in behalf of America against taxation of the colonies by parliament. "I have really been made to believe," he replied, "that, considering the whole circumstances of the mother country and the colonies, the latter can and ought to pay something to the common cause. I know of no better way than that now pursuing to lay such tax. If you can tell of a better, I will adopt it." Franklin pleaded for the usual method, by the king's requisition, through the secretary of state; and he put into his hands the pledge of Pennsylvania to respect the demand, when so made. "Can you agree," rejoined Grenville, "on the proportions each colony should raise?" To this they could only answer no, on which he remarked that the stamp act would adapt itself to the number and increase of the colonies. Jackson pointed out the danger that, when the crown should have a civil list and support for a standing army from their money, independent of their assemblies, the assemblies would soon cease to be called together. "No such thing is intended," replied Grenville, warmly, addressing himself to the Americans. "I have pledged my word for offering the stamp bill to the house, and I cannot forego it; they will hear all objections, and do as they please. I wish you may preserve moderation in America. Resentments indecently expressed on one side of the water will naturally produce resentments on the other. You cannot hope to get any good by a controversy with the mother country. With respect to this bill, her ears will always be open to every remonstrance expressed in a becoming manner."

Bancroft, Hist. of the U.S., vol.3, p.96 - p.97

The decorum of Grenville was not preserved by the government; Soame Jenyns, the oldest member of the board of trade, published authoritatively the views of his patrons. He mocked at the "absurdity" of Otis, and "the insolence" of New York and Massachusetts. "The arguments of America," said he, "mixed up with patriotic words, such as liberty, property, and Englishmen, are addressed to the more numerous part of mankind, who have ears, but no understanding," and he met them with jesting levity.

Bancroft, Hist. of the U.S., vol.3, p.97

"It is to be hoped," so he concluded, "all parties and factions, all connections, every member of the British parliament, will most cordially unite to support this measure, which every man who has any property or common sense must approve, and which every English subject ought to require of an English administration."

Bancroft, Hist. of the U.S., vol.3, p.97

A dispute had arisen in West Florida between the half-frantic governor, Johnstone, and the commanding officer. Johnstone insisted on the subordination of the military to the civil power: the occasion was seized to proclaim its supremacy in America. The continent was divided into a northern and southern district, each with its brigadier, beside a commander-in-chief for the whole; and, on the morning of the sixth of February, Welbore Ellis, secretary of war, who, at the request of Halifax, had taken the king's pleasure on the subject, made known the king's intention "that the orders of his commander-in-chief, and under him of the brigadiers-general commanding in the northern and southern departments, in all military matters, should be supreme, and be obeyed by the troops as such in all the civil governments of America." In the absence, and only in the absence, of the general and of the brigadiers, the civil governor might give the word. And these instructions, which concentrated undefined power in the hands of the commander-in-chief, rested on the words of the commission which Hardwicke had prepared for governing the troops in time of war. From this measure Grenville had kept aloof.

Bancroft, Hist. of the U.S., vol.3, p.97

At a few hours later on the same day, George Grenville proposed to the house of commons, in committee on ways and means, fifty-five resolutions, embracing the details of a stamp act for America, and making all offences against it cognizable in the courts of admiralty, without any trial by jury.

Bancroft, Hist. of the U.S., vol.3, p.97 - p.98

To prove the fitness of the tax, he argued that the colonies had a right to demand protection from parliament, and parliament, in return, had a right to enforce a revenue from the colonies; that protection implied an army, an army must receive pay, and pay required taxes; that, on the peace, it was found necessary to maintain a body of ten thousand men, at a cost exceeding three hundred thousand pounds, most of which was a new expense; that the duties and taxes already imposed or designed would not yield more than one hundred thousand pounds, so that England would still have to advance two thirds of the new expense; that it was reasonable for the colonies to contribute this one third part of the expense necessary for their own security; that the debt of England was one hundred and forty millions sterling, of America but eight hundred thousand pounds; that the increase of annual taxes in England, within ten years, was three millions, while all the establishments of America, according to accounts which were produced, cost the Americans but seventy-five thousand pounds.

Bancroft, Hist. of the U.S., vol.3, p.98

The charter clause under which a special exemption was claimed for Maryland was read; and he argued that that Province, upon a public emergency, is subject to taxation, in like manner with the rest of the colonies, or the sovereignty over it would cease. If it were otherwise, why is it bound at present by several acts affecting all America, and passed since the grant of its charter? Besides, all charters, he insisted, are under the control of the legislature.

Bancroft, Hist. of the U.S., vol.3, p.98

"The colonies claim, it is true," he continued, "the privilege, which is common to all British subjects, of being taxed only with their own consent, given by their representatives; and may they ever enjoy the privilege in all its extent; may this sacred pledge of liberty be preserved inviolate to the utmost verge of our dominions, and to the latest pages of our history. I would never lend my hand toward forging chains for America, lest, in so doing, I should forge them for myself. But the remonstrances of the Americans fail in the great point of the colonies not being represented in parliament, which is the common council of the whole empire, and as such is as capable of imposing internal taxes as impost duties, or taxes on intercolonial trade, or laws of navigation."

Bancroft, Hist. of the U.S., vol.3, p.99

Beckford, a member for London, a friend of Pitt, and a large owner of West India estates, without disputing the supreme authority of parliament, declared his opinion that "taxing America for the sake of raising a revenue would never do." Jackson, who had concerted with Grenville to propose an American representation in parliament, spoke and voted against the resolutions. "The parliament," he argued, "may choose whether they will tax America or not; they have a right to tax Ireland, yet do not exercise that right. Still stronger objections may be urged against their taxing America. Other ways of raising the moneys there requisite for the public service exist, and have not yet failed; but the colonies, in general, have with alacrity contributed to the common cause. It is hard all should suffer for the fault of two or three. Parliament is undoubtedly the universal, unlimited legislature of the British dominions, but it should voluntarily set bounds to the exercise of its power; and, if the majority think they ought not to set these bounds, then they should give a share of the election of the legislature to the American colonies, otherwise the liberties of America, I do not say will be lost, but will be in danger; and they cannot be injured without danger to the liberties of Great Britain."

Bancroft, Hist. of the U.S., vol.3, p.99

Grenville had urged the house not to suffer themselves to be moved by resentment. One member, however, referred with asperity to the votes of New York and Massachusetts; and it was generally held that America was as virtually represented in parliament as the great majority of the inhabitants of Great Britain.

Bancroft, Hist. of the U.S., vol.3, p.99

Isaac Barre, the companion and friend of Wolfe, sharer in the capture of Louisburg and Quebec, without denying the power of parliament to tax America, derided the idea of virtual representation. "Who of you, reasoning upon this subject," he cried, putting his hand to his breast, "feels as warmly from the heart for the Americans as you would for yourselves, or as you would for the people of your own native country?" and he taunted the house with its ignorance of American affairs.

Bancroft, Hist. of the U.S., vol.3, p.99 - p.100

The charge of ignorance called upon his feet Charles Townshend. He insisted that the colonies had borne but a small proportion of the expenses of the last war, and had yet obtained by it immense advantages at a vast expense to the mother country. "And now," said he, "will these American children, planted by our care, nourished up to strength and opulence by our indulgence, and protected by our arms, grudge to contribute their mite to relieve us from the heavy burden under which we lie?"

Bancroft, Hist. of the U.S., vol.3, p.100 - p.101

With eyes darting fire and outstretched arm, Barre uttered an unpremeditated reply: "They planted by YOUR care! No: your oppressions planted them in America. They fled from your tyranny to a then uncultivated, unhospitable country, where they exposed themselves to almost all the hardships to which human nature is liable; and, among others, to the cruelties of a savage foe, the most subtle, and, I will take upon me to say, the most formidable of any people upon the face of God's earth; and yet, actuated by principles of true English liberty, they met all hardships with pleasure, compared with those they suffered in their own country from the hands of those who should have been their friends. They nourished up by YOUR indulgence! They grew by your neglect of them. As soon as you began to care about them, that care was exercised in sending persons to rule them in one department and another, who were, perhaps, the deputies of deputies to some members of this house, sent to spy out their liberties, to misrepresent their actions, and to prey upon them; men whose behavior on many occasions has caused the blood of those SONS OF LIBERTY to recoil within them; men promoted to the highest seats of justice, some who, to my knowledge, were glad, by going to a foreign country, to escape being brought to the bar of a court of justice in their own. They protected by YOUR arms! They have nobly taken up arms in your defence; have exerted a valor, amid their constant and laborious industry, for the defence of a country whose frontier was drenched in blood, while its interior parts yielded all its little savings to your emolument. And believe me—remember I this day told you so—the same spirit of freedom which actuated that people at first will accompany them still. But prudence forbids me to explain myself further. God knows I do not at this time speak from motives of party heat; what I deliver are the genuine sentiments of my heart. However superior to me in general knowledge and experience the respectable body of this house may be, yet I claim to know more of America than most of you, having seen and been conversant in that country. The people, I believe, are as truly loyal as any subjects the king has; but a people jealous of their liberties, and who will vindicate them, if ever they should be violated. But the subject is too delicate; I will say no more."

Bancroft, Hist. of the U.S., vol.3, p.101

As Barre spoke, Ingersoll, of Connecticut, joint agent for that province, sat in the gallery. Delighted with the speech, he made a report of it, which the next packet carried across the Atlantic. The lazy posts of that day brought it in nearly three months to New London, in Connecticut; and it was printed in the newspaper of that village. May had not shed its blossoms before the words of Barre were as household words in every New England town. Midsummer saw them circulate through Canada, in French; and the continent rung from end to end with the cheering name of the SONS OF LIBERTY. But, at St. Stephen's, the members only observed that Townshend had received a heavy blow. The opponents of the measure, who were chiefly Irishmen, or holders of estates in Ireland, or holders of West India estates, dared not risk a division on the merits of the question, but about midnight, after a languid debate of seven hours, Beckford moved an adjournment, which Sir William Meredith seconded; and it was carried against America by two hundred and forty-five to forty-nine. Conway and Beckford alone were said to have denied the power of parliament; and it is doubtful how far it was questioned even by them.

Bancroft, Hist. of the U.S., vol.3, p.101 - p.102

While this debate was proceeding, faith in English liberty was conquering friends for England in new regions. The people of Louisiana, impatient of being transferred from France, would gladly have exchanged the dominion of Spain for that of England. Officers from West Florida reached Fort Chartres, preparatory to taking possession of the country, which was still delayed by the discontent of the Indians. With the same object, Croghan and a party descended the Ohio from Pittsburg. A plan was formed to connect Mobile and Illinois. The governor of North Carolina believed that, by pushing trade up the Missouri, a way to the great western ocean would be discovered, and an open trade to it be established. So wide was the territory, so vast the interests, for which the British parliament was legislating!

Bancroft, Hist. of the U.S., vol.3, p.102

On the seventh of February, Grenville, Lord North, and Jenkinson, with others, were ordered to bring in a stamp bill for America, which on the thirteenth was introduced by Grenville, and read the first time without a syllable of debate. Among the papers that were to be stamped, it enumerated the several instruments used in the courts of episcopal jurisdiction; for he reasoned that one day such courts might be established in America. On the fifteenth, merchants trading to Jamaica offered a petition against it, and prayed to be heard by counsel. "No counsellor of this kingdom," said Fuller, formerly chief justice of Jamaica, "would come to the bar of this house and question its authority to tax America. Were he to do so, he would not remain there long." It was the rule of the house "to receive no petition against a money bill;" and the petition was withdrawn.

Bancroft, Hist. of the U.S., vol.3, p.102

Next, Sir William Meredith, in behalf of Virginia, presented a paper, in which Montague, its agent, interweaving expresssions from the votes of the assembly of the Old Dominion, prayed that its house of burgesses might be continued in the possession of the rights and privileges they had so long and uninterruptedly enjoyed, and might be heard. Against this, too, the same objection existed. But Virginia found an advocate in Conway. Indignant at his recent dismissal from the army, as he rose in opposition to Grenville, his cheeks flushed, and he was tremulous from emotion.

Bancroft, Hist. of the U.S., vol.3, p.102 - p.103

"Shall we shut our ears," he argued, "against the representations which have come from the colonies, and for receiving which we, with an affectation of candor, allotted sufficient time? The light which I desire, the colonists themselves alone can give. The practice of receiving no petitions against money bills is but one of convenience, from which, in this instance, if in no other, we ought to vary; for from whom, unless from themselves, are we to learn the circumstances of the colonies, and the fatal consequences that may follow the imposing of this tax? The question regards two millions of people, none of whom are represented in parliament. Gentlemen cannot be serious when they insist on their being virtually represented. Will any man in this house get up and say he is one of the representatives of the colonies?"

Bancroft, Hist. of the U.S., vol.3, p.103

"The commons," said Gilbert Elliot, "have maintained against the crown and against the lords their right of solely voting money without the control of either, any otherwise than by a negative; and will you suffer your colonies to impede the exercise of those rights?"

Bancroft, Hist. of the U.S., vol.3, p.103

"Can there be a more declared avowal of your power," retorted Conway, "than a petition submitting this case to your wisdom, and praying to be heard before your tribunal against a tax that will affect them in their privileges, which you at least have suffered, and in their property which they have acquired under your protection? From a principle of lenity, of policy, and of justice, I am for receiving the petition of a people from whom this country derives its greatest commerce, wealth, and consideration."

Bancroft, Hist. of the U.S., vol.3, p.103

In reply, Charles Yorke entered into a very long and most elaborate defence of the bill, resting his argument on the supreme and sovereign authority of parliament. With a vast display of legal erudition, he insisted that the colonies were but corporations; their power of legislation was but the power of making by-laws, subject to parliamentary control. Their charters could not convey the legislative power of Great Britain, because the prerogative could not grant that power. The charters of the proprietary governments were but the king's standing commissions; the proprietaries were but his hereditary governors. The people of America could not be taken out of the general and supreme jurisdiction of parliament.

Bancroft, Hist. of the U.S., vol.3, p.103 - p.104

The authority of Yorke was decisive: less than forty were willing to receive the petition of Virginia. A third from South Carolina; a fourth from Connecticut, though expressed in the most moderate language; a fifth from Massachusetts, though silent about the question of "right"—shared the same refusal. That from New York no one could be prevailed upon to present. That from Rhode Island, offered by Sherwood, its faithful agent, claimed by their charter, under a royal promise, equal rights with their fellow-subjects in Great Britain, and insisted that the colony had faithfully kept their part of the compact; but it was as little heeded as the rest. The house of commons would neither receive petitions nor hear counsel.

Bancroft, Hist. of the U.S., vol.3, p.104

All the efforts of the agents of the colonies were fruitless. "We might," said Franklin, "as well have hindered the sun's setting." "We have power to tax them," said one of the ministry, "and we will tax them." "The nation was provoked by American claims of legislative independence, and all parties joined in resolving by this act to settle the point." Within doors, less resistance was made to the act than to a common turnpike bill.

Bancroft, Hist. of the U.S., vol.3, p.104

"The affair passed with so very little noise that in town they scarcely knew the nature of what was doing."

Bancroft, Hist. of the U.S., vol.3, p.104

On the twenty-seventh, the house of commons sent up the stamp act to the house of lords. In that body, Rockingham was silent; Temple and Lyttelton both approved the principle of the measure, and the right asserted in it. Had there existed any doubt concerning that right, they were of opinion it should then be debated, before the honor of the legislature was engaged to its support. On the eighth of March, the bill was agreed to by the lords, without having encountered an amendment, debate, protest, division, or single dissentient vote.

Bancroft, Hist. of the U.S., vol.3, p.104

The king was too ill to ratify the act in person. To a few only was the nature of his affliction known. At the moment of passing the stamp act George III was crazed; so, on the twenty-second of March, it received the royal assent by a commission. The sovereign of Great Britain, whose soul was wholly bent on exalting the prerogative, taught the world that a bit of parchment bearing the sign of his hand, scrawled in the flickering light of clouded reason, could, under the British constitution, do the full legislative office of the king. Had he been a private man, his commission could have given validity to no instrument whatever.

Bancroft, Hist. of the U.S., vol.3, p.104

It was thought "prudent to begin with small duties and taxes, and to advance in proportion as it should be found the colonies would bear." For the present, Grenville attempted nothing more than to increase the revenue from the colonial post-office by reducing the rate of postage in America.

Bancroft, Hist. of the U.S., vol.3, p.105

His colleagues desired to extend the mutiny act to America, with power to billet troops on private houses. Clauses for that purpose had been strongly recommended by Gage. They had neither the entire conviction nor the cordial support of Grenville; so that they were introduced and carried through, by the secretary at war, as a separate measure. In their progress, provincial barracks, inns, ale-houses, barns, and empty houses were substituted by the merchants and agents for private houses; but there remained a clause to compel the colonies to furnish the troops with various articles; and the sums needed for the purpose were "required to be raised in such manner as the public charges for the province are raised." Thus the billeting act contained, what had never before been heard of, a parliamentary requisition on the colonies.

Bancroft, Hist. of the U.S., vol.3, p.105

Bounties were at the same time granted on the importation of deals, plank, boards, and timber from the plantations. Coffee of their growth was exempted from an additional duty; their iron might be borne to Ireland; their lumber to Ireland, Madeira, the Azores, and Europe south of Cape Finisterre; the prohibition on exporting their bar iron from England was removed; the rice of North Carolina was as much liberated as that of South Carolina; and rice might be warehoused in England for re-exportation without advancing the duties. It was further provided that the revenue to be derived from the stamp act should not be remitted to England, but constitute a part of the sum to be expended in America.

Bancroft, Hist. of the U.S., vol.3, p.105

Grenville resolved to select the stamp officers for America from among the Americans. The friends and agents of the colonies were invited to make the nominations; and they did so, Franklin among the rest.

Bancroft, Hist. of the U.S., vol.3, p.105

"You tell me," said the minister, "you are poor and unable to bear the tax; others tell me you are able. Now take the business into your own hands; you will see how and where it pinches, and will certainly let us know it, in which case it shall be eased."

Bancroft, Hist. of the U.S., vol.3, p.105 - p.106

Not one of the American agents in England "imagined the colonies would think of disputing the stamp-tax with parliament at the point of the sword." "It is our duty to submit," had been the words of Otis. "We yield obedience to the act granting duties," had been uttered by the legislature of Massachusetts. "If parliament, in their superior wisdom, shall pass the act, we must submit," wrote Fitch, the governor of Connecticut, elected by the people, to Jackson. "It can be of no purpose to claim a right of exemption," thought Hutchinson. "It will fall particularly bard on us lawyers and printers," wrote Franklin to a friend in Philadelphia, never doubting it would go into effect, and looking for relief to the rapid increase of the people of America. Knox, the agent for Georgia, wrote publicly in its favor.

Bancroft, Hist. of the U.S., vol.3, p.106

Thomas Pownall, who had been so much in the colonies, and really had an affection for them, congratulated Grenville in advance "on the good effects he would see derived to Great Britain and to the colonies from his firmness and candor in conducting the American business." The act seemed sure to enforce itself. Unless stamps were used, marriages would be null, notes of hand valueless, ships at sea prizes to the first captors, suits at law impossible, transfers of real estate invalid, inheritances irreclaimable, newspapers suppressed. Of all who acted with Grenville in the government, he never heard one prophesy that the measure would be resisted. "He did not foresee the opposition to it, and would have staked his life for obedience."

Bancroft, Hist. of the U.S., vol.3, p.106

It was held that the power of parliament, according to the purest whig principles, was established over the colonies; but, in truth, the stamp act was the harbinger of American independence, and the knell of the unreformed house of commons.

Chapter 9:

The Day-Star of the American Union,

April-July 1765

Bancroft, Hist. of the U.S., vol.3, p.107

THIS is the moment when the power of the British oligarchy, under the revolution of 1688, was at its culminating point. The ministry esteemed the supreme power of parliament established firmly and forever. The colonists could not export the chief products of their industry—neither sugar, nor tobacco, nor cotton, nor indigo, nor ginger; nor fustic, nor other dyeing woods; nor molasses, nor rice, with some exceptions; nor beaver, nor peltry of any kind; nor copper ore, nor pitch, nor tar, nor turpentine, nor masts, nor yards, nor bowsprits, nor coffee, nor pimento, nor cocoanuts, nor whale-fins, nor raw silk, nor hides, nor skins, nor pot and pearl ashes—to any place but Great Britain, not even to Ireland. No foreign ship might enter a colonial harbor. Salt might be imported from any place into New England, New York, Pennsylvania, and Quebec; wines might be imported from the Madeiras and the Azores, but were to pay a duty in American ports for the British exchequer; and victuals, horses, and servants might be brought from Ireland. In all other respects, Great Britain was not only the sole market for the products of America, but the only storehouse for its supplies.

Bancroft, Hist. of the U.S., vol.3, p.107 - p.108

Lest the colonists should multiply their flocks of sheep and weave their own cloth, they might not use a ship, nor a boat, nor a carriage, nor even a pack-horse, to carry wool, or any manufacture of which wool forms a part, across the line of one province to another. They could not land wool from the nearest islands, nor ferry it across a river, nor even ship it to England. A British sailor, finding himself in want of clothes in their harbors, might not buy there more than forty shillings' worth of woollens.

Bancroft, Hist. of the U.S., vol.3, p.108

Where was there a house in the colonies that did not possess and cherish the English Bible? And yet to print that Bible in British America would have been a piracy; and the Bible, though printed in German and in a native savage dialect, was never printed there in English till the land became free.

Bancroft, Hist. of the U.S., vol.3, p.108

That the country, which was the home of the beaver, might not manufacture its own hats, no man in the plantations could be a hatter or a journeyman at that trade unless he had served an apprenticeship of seven years. No hatter might employ a negro or more than two apprentices. No American hat might be sent from one plantation to another, or be loaded upon any horse, cart, or carriage for conveyance.

Bancroft, Hist. of the U.S., vol.3, p.108

America abounded in iron ores of the best quality, as well as in wood and coal; slitting-mills, steel furnaces, and plating forges, to work with a tilt hammer, were prohibited in the colonies as "nuisances."

Bancroft, Hist. of the U.S., vol.3, p.108

While free labor was debarred of its natural rights, the slave-trade was encouraged with unrelenting eagerness; and in the year that had just expired, from Liverpool alone seventy-nine ships had borne from Africa to the West Indies and the continent more than fifteen thousand three hundred negroes, two thirds as many as the first colonists of Massachusetts.

Bancroft, Hist. of the U.S., vol.3, p.108 - p.109

And now, in addition to colonial restrictions and the burdens attached to them, the British parliament had enacted a new system of taxes on America for the relief of the British exchequer. A duty was to be collected on foreign sugar, molasses, indigo, coffee, Madeira wine, imported directly into any of the plantations in America; also a duty on Portuguese and Spanish wines, on eastern silks, on eastern calicoes, on foreign linen cloth, on French lawn, though imported directly from Great Britain; on British colonial coffee shipped from one plantation to another. Nor was henceforward any part of the old subsidy to be drawn back on the export of foreign goods of Europe or the East Indies, and on the export of white calicoes and muslins a still higher duty was to be exacted and retained. And stamp duties were to be paid throughout all the British American colonies on and after the first day of the coming November.

Bancroft, Hist. of the U.S., vol.3, p.109

These laws were to be enforced, not by the regular authorities only, but by naval and military officers, irresponsible to the civil power in the colonies. The penalties and forfeitures for breach of the revenue laws were to be decided in courts of vice-admiralty, without the interposition of a jury, by a single judge, who had no support whatever but from his share in the profits of his own condemnations.

Bancroft, Hist. of the U.S., vol.3, p.109

But, if the British parliament can tax America, it may tax Ireland and India, and hold the wealth of the East and of the West at the service of its own oligarchy. As the relation of the government to its outlying dominions would become one of power and not of right, it could not but employ its accumulated resources to make itself the master of the ocean and the oppressor of mankind. "This system, if it is suffered to prevail," said Oxenbridge Thacher, of Boston, "will extinguish the flame of liberty all over the world."

Bancroft, Hist. of the U.S., vol.3, p.109

Massachusetts had been led to rely on the inviolability of English freedom and on the equity of parliament; and, when the blow fell, "the people looked upon their liberties as gone." "Tears," said Otis," relieve me a moment;" and, repelling the imputation "that the continent of America was about to become insurgent," "it is the duty of all," he added, "humbly and silently to acquiesce in all the decisions of the supreme legislature. Nine hundred and ninety-nine in a thousand of the colonists will never once entertain a thought but of submission to our sovereign, and to the authority of parliament in all possible contingencies." "They undoubtedly have the right to levy internal taxes on the colonies." "From my soul, I detest and abhor the thought of making a question of jurisdiction."

Bancroft, Hist. of the U.S., vol.3, p.109 - p.110

Hutchinson was only "waiting to know what more parliament would do toward raising the sums which the colonies were to pay," and which as yet were not half provided for. As chief justice, he charged "the jurors and people" of the several counties to obey. Nor did the result seem doubtful. There could be no danger but from union; and "no two colonies," said he, "think alike; there is no uniformity of measures; the bundle of sticks thus separated will be easily broken." "The stamp act," he assured the ministry, five weeks after the news of its passage, "is received among us with as much decency as could be expected; it leaves no room for evasion, and will execute itself."

Bancroft, Hist. of the U.S., vol.3, p.110

In Boston, at the annual election of representatives in May, men called to mind the noble sentiments which had been interwoven into the remonstrances of New York, and were imbittered at the thought that their legislature had been cajoled by Hutchinson into forbearing to claim exemption from taxation as a right. While the patriots censured the acquiescence of Otis, as a surrender of their liberties, the friends of government jeered at him as a Massaniello and a madman. In the gloom that was thickening around him, he repelled merited reproaches like one who could find no consolation. But the town of Boston never ceased to cherish the most genial of its patriots so long as he retained enough of the light of reason to be sensible of its support.

Bancroft, Hist. of the U.S., vol.3, p.110 - p.111

At first the planters of Virginia foreboded universal ruin from the stamp act; but soon they resolved that the act should recoil on England: articles of luxury of English manufacture were banished; and threadbare coats came into fashion. A large provincial debt enforced the policy of thrift. The legislature of Virginia was then assembled, and the electors of Louisa county had just filled a vacancy in their representation by making choice of Patrick Henry, though he had resided among them scarcely a year. Devoted to their interest, he never flattered the people, and was never forsaken by them. As he took his place, not yet acquainted with the forms of business in the house or with its members, he saw the time for the enforcement of the stamp-tax drawing near, while all the other colonies, through timid hesitation or the want of opportunity, remained silent; and cautious loyalty hushed the experienced statesmen of his own. Many of the assembly had made the approaching close of the session an excuse for returning home; but Patrick Henry, a burgess of but a few days, unadvised and unassisted, in an auspicious moment, of which the recollection cheered him to his latest day, came forward in the committee of the whole house; and while Thomas Jefferson, a young collegian, from the mountain frontier, stood outside of the closed hall, eager to catch the first tidings of resistance, and George Washington, there is no cause to doubt, was in his place as a member, he maintained by resolutions that the inhabitants of Virginia inherited from the first adventurers and settlers of that dominion equal franchises with the people of Great Britain; that royal charters had declared this equality; that taxation by themselves, or by persons chosen by themselves to represent them, was the distinguishing characteristic of British freedom and of the constitution; that the people of that most ancient colony had uninterruptedly enjoyed the right of being thus governed by their own laws respecting their internal polity and taxation; that this right had never been forfeited, nor given up, and had been constantly recognised by the king and people of Great Britain.

Bancroft, Hist. of the U.S., vol.3, p.111

It followed from these resolutions, and Patrick Henry so expressed it in a fifth supplementary one, that the general assembly of the whole colony have the sole right and power to lay taxes on the inhabitants of the colony, and that any attempt to vest such power in any other persons whatever tended to destroy British as well as American freedom. It was still further set forth, yet not by Henry, in two resolutions, which, though they were not officially produced, equally embodied the mind of the younger part of the assembly, that the inhabitants of Virginia were not bound to yield obedience to any law designed to impose taxation upon them other than the laws of their own general assembly; and that any one who should, either by speaking or writing, maintain the contrary, should be deemed an enemy to the colony.

Bancroft, Hist. of the U.S., vol.3, p.111 - p.112

A stormy debate arose, and many threats were uttered. Robinson, the speaker, already a defaulter, Peyton Randolph, the king's attorney, and the frank, honest, and independent George Wythe, a lover of classic learning, accustomed to guide the house by his strong understanding and single-minded integrity, exerted all their powers to moderate the tone of "the hot and virulent resolutions;" while John Randolph, the best lawyer in the colony, "singly" resisted the whole proceeding. But, on the other side, George Johnston, of Fairfax, reasoned with solidity and firmness; and Henry flamed with impassioned zeal. Lifted beyond himself, "Tarquin," he cried "and Caesar, had each his Brutus; Charles I, his Cromwell; and George III"—" Treason!" shouted the speaker; "treason! treason!" was echoed round the house; while Henry, fixing his eye on the first who interrupted him, continued without faltering, "may profit by their example!"

Bancroft, Hist. of the U.S., vol.3, p.112

Swayed by his words, the committee of the whole showed its good-will to the spirit of all the resolutions enumerated, but the five offered by Patrick Henry were alone reported to the house; and on Thursday, the thirtieth of May, having been adopted by small majorities, the fifth by a vote of twenty to nineteen, they became a part of the public record. "I would have given five hundred guineas for a single vote," exclaimed the attorney-general aloud as he came out past Jefferson. But Henry "carried all the young members with him." That night, thinking his work done, he rode home; but the next day, in his absence, an attempt was made to strike all the resolutions off the journals, and the fifth, but only the fifth, was blotted out. The lieutenant-governor, though he did not believe new elections would fall on what he esteemed cool, reasonable men, dissolved the assembly; but the four resolutions which remained on the journals, and the two others on which no vote had been taken, were published in the newspapers throughout America as the avowed sentiment of the Old Dominion.

Bancroft, Hist. of the U.S., vol.3, p.112

This is the "way the fire began." "Virginia rang the alarum bell for the continent."

Bancroft, Hist. of the U.S., vol.3, p.112

At the opening of the legislature of Massachusetts, Oliver, who had been appointed stamp distributor, was, on the joint ballot of both branches, re-elected councillor by a majority of but three out of about one hundred and twenty votes. More than half the representatives voted against him.

Bancroft, Hist. of the U.S., vol.3, p.112 - p.113

On the day on which the resolves of Virginia were adopted, and just as the speech of Barre acquainted all the people that within parliament itself they had been hailed as the "Sons of Liberty," a message from Governor Bernard informed the new legislature of Massachusetts that "the general settlement of the American provinces, though it might necessarily produce some regulations disagreeable from their novelty, had been long ago proposed, and would now be prosecuted to its utmost completion; that submission to the decrees of the supreme legislature, to which all other powers in the British empire were subordinate, was the duty and the interest of the colonies; that this supreme legislature, the parliament of Great Britain, was happily the sanctuary of liberty and justice; and that the prince who presided over it realized the idea of a patriot king."

Bancroft, Hist. of the U.S., vol.3, p.113

Contrary to usage, the house made no reply; but, on the sixth of June, James Otis advised the calling of an American congress, which should consist of committees from each of the thirteen colonies, to be appointed respectively by the delegates of the people, without regard to the other branches of the legislature. Such an assembly had never existed; and the purpose of deliberating upon the acts of parliament was equally novel. The tories sneered at the proposal as visionary and impracticable; but the representatives of Massachusetts shared the creative instinct of Otis. Assuring unanimity by even refusing to consider the question of their exclusive right to originate measures of internal taxation, they sent letters to every assembly on the continent, proposing that committees of the several assemblies should meet at New York, on the first Tuesday of the following October, "to consult together" and "consider of a united representation to implore relief." They elected Otis and two others of their own members for their delegates.

Bancroft, Hist. of the U.S., vol.3, p.113

At the same time, the province increased its strength by perseverance in appropriating annually fifty thousand pounds toward discharging its debt; and so good was its credit, and so affluent its people, that the interest on the remaining debt was reduced from six to five per cent by a public subscription among themselves.

Bancroft, Hist. of the U.S., vol.3, p.113

Before the proceedings in Virginia and Massachusetts were known in New York, where the reprint of the stamp act was hawked about the streets as the "folly of England and the ruin of America," a freeman of that town, discussing the policy of Grenville, and the arguments on which it rested, demonstrated that they were leading alike to the reform of the British parliament and the independence of America.

Bancroft, Hist. of the U.S., vol.3, p.114

"It is not the tax," said he, "it is the unconstitutional manner of imposing it, that is the great subject of uneasiness to the colonies. The minister admitted in parliament that they had in the fullest sense the right to be taxed only by their own consent, given by their representatives; and grounds his pretence of the right to tax them entirely upon this, that they are virtually represented in parliament.

Bancroft, Hist. of the U.S., vol.3, p.114

"It is said that they are in the same situation as the inhabitants of Leeds, Halifax, Birmingham, Manchester, and several other corporate towns; and that the right of electing does not comprehend above one tenth part of the people of England.

Bancroft, Hist. of the U.S., vol.3, p.114

"And in this land of liberty, for so it WAS our glory to call it, are there really men so insensible to shame as before the awful tribunal of reason to mention the hardships which some places in England are obliged to bear without redress, as precedents for imposing still greater hardships and wrongs upon America?

Bancroft, Hist. of the U.S., vol.3, p.114

"It has long been the complaint of the most judicious in England, as the greatest misfortune to the nation, that its people are so unequally represented. Time and change of circumstances have occasioned defects in the rules or forms of choosing representatives for parliament. Some large towns send none to represent them, while several insignificant places, of only a few indigent persons, whose chief support is the sale of their votes, send many members. Seats are purchased with the nation's money; and a corrupt administration, by bribing others with places and pensions, can command a majority in the house of commons that will pass what laws they please. These evils are too notorious to escape general observation, and too atrocious to be palliated. Why are not these crying grievances redressed? Only because they afford the greatest opportunities for bribery and corruption.

Bancroft, Hist. of the U.S., vol.3, p.114 - p.115

"The fundamental principle of the English constitution is reason and natural right. It has within itself the principle of self-preservation, correction, and improvement. That there are towns, corporations, and bodies of people in England in similar circumstances as the colonies, shows that some of the people in England, as well as those in America, are injured and oppressed, but shows no sort of right for the oppression. Those places ought to join with the Americans in remonstrances to obtain redress of grievances.

Bancroft, Hist. of the U.S., vol.3, p.115

"Our adherence to the English constitution is on account of its real excellence. It is not the mere name of English rights that can satisfy us. It is the reality that we claim as our inheritance, and would defend with our lives.

Bancroft, Hist. of the U.S., vol.3, p.115

"The great fundamental principles of a government should be common to all its parts and members, else the whole will be endangered. If, then, the interest of the mother country and her colonies cannot be made to coincide, if the same constitution may not take place in both, if the welfare of the mother country necessarily requires of the colonies a sacrifice of their right of making their own laws and disposing of their own property by representatives of their own choosing, then the connection between them ought to cease; and sooner or later it must inevitably cease.

Bancroft, Hist. of the U.S., vol.3, p.115

"There never can be a disposition in the colonies to break off their connection with the mother country so long as they are permitted to have the full enjoyment of those rights to which the English constitution entitles them. They desire no more; nor can they be satisfied with less."

Bancroft, Hist. of the U.S., vol.3, p.115

These words embodied the sober judgment of New York. They were caught up by the impatient colonies, were reprinted in nearly all their newspapers, were approved of by their most learned and judicious statesmen, and even formed part of the instructions of South Carolina to its agent in England.

Bancroft, Hist. of the U.S., vol.3, p.115

Thus revolution proceeded. Virginia marshalled resistance, Massachusetts entreated union, New York pointed to independence.

Bancroft, Hist. of the U.S., vol.3, p.115 - p.116

The summons for the congress had gone forth from Massachusetts when the resolves of Virginia were published to the world. "They have spoken treason," said the royalists. "Is it treason," retorted others, "for the deputies of the people to assert their rights, or to give them away?" "Oh! those Virginians," cried Oxenbridge Thacher, from his death-bed, where, overplied by public exertions, he was wasting away with a hectic, "those Virginians are men; they are noble spirits. I long to speak in court against tyranny words that shall be read after my death." "Why," said one of his friends, "are not our rights and liberties as boldly asserted by every government in America as by Virginia?" "Behold," cried another, "a whole continent awakened, alarmed, restless, and disaffected." Everywhere, from north to south, through the press, in letters, or as they met in private for counsel or in groups in the street, the "Sons of Liberty " told their griefs to one another, and planned retaliation or redress.

Bancroft, Hist. of the U.S., vol.3, p.116

"No good reason can be given," observed the more calm among them, "why the colonies should not modestly and soberly inquire what right the parliament of Great Britain has to tax them." "We were not sent out to be slaves," they continued, citing the example of ancient Greece and the words of Thucydides; "we are the equals of those who remained behind. Americans hold equal rights with those in Britain, not as conceded privileges, but inherent and indefeasible." "We have the rights of Englishmen," was the common voice, "and as such we are to be ruled by laws of our own making, and tried by men of our own condition."

Bancroft, Hist. of the U.S., vol.3, p.116

"If we are Englishmen," said one, "on what footing is our property?" "The great Mr. Locke," said another, "lays it down that no man has a right to that which another may take from him;" and a third, proud of his respect for the law, sheltered himself under the words of the far-famed Coke: "The lord may tax his villein, high or low; but it is against the franchises of the land for freemen to be taxed but by their own consent in parliament." "If the people in America are to be taxed by the representatives of the people in England, their malady," said Hopkins, of Rhode Island, "is an increasing evil, that must always grow greater by time." "When the parliament once begins," such was the discourse at Boston, "there is no drawing a line." "And it is only the first step," repeated the New York owners of large estates; "a land-tax for all America will be thought of next."

Bancroft, Hist. of the U.S., vol.3, p.116 - p.117

"It is plain," said even the calmest, "Englishmen do not regard Americans as brothers, and equals, but as subordinates, bound to submit to oppression at their pleasure." "A bill was even prepared," thus men warned each other against new dangers, "that authorized quartering British soldiers upon American private families." "And is not our property seized," they further exclaimed, "by men who cry, 'give, give,' and never say, 'enough,' and thrown into a prerogative court to be forfeited without a jury?"

Bancroft, Hist. of the U.S., vol.3, p.117

"There is not silver enough in the colonies to pay for the stamps," computed patriot financiers, "and the trade by which we could get more is prohibited." "And yet," declared the merchants of New York, "we have a natural right to every freedom of trade of the English." "To tax us, and bind our commerce and restrain manufactures," reasoned even the most patient, "is to bid us make brick without straw." "The northern colonies will be absolutely restricted from using any articles of clothing of their own fabric," predicted one colony to another. And men laughed as they added: "Catching a mouse within his majesty's colonies with a trap of our own making will be deemed, in the ministerial cant, an infamous, atrocious, and nefarious crime." "A colonist," murmured a Boston man, who had dipped into Grenville's pamphlet, "cannot make a horseshoe or a hobnail but some ironmonger of Britain shall bawl that he is robbed by the 'American republican.'" "They are even stupid enough," it was said in Rhode Island, "to judge it criminal for us to become our own manufacturers."

Bancroft, Hist. of the U.S., vol.3, p.117

"We will eat no lamb," promised the multitude, seeking to retaliate; "we will wear no mourning at funerals." "We will none of us import British goods," said the traders in the towns. The inhabitants of North Carolina set up looms for weaving their own clothes, and South Carolina was ready to follow the example. "The people," wrote Lieutenant-Governor Sharpe, of Maryland, "will go on upon manufactures." "We will have homespun markets of linens and woollens," passed from mouth to mouth, till it found its way across the Atlantic, and alarmed the king in council; "the ladies of the first fortune shall set the example of wearing homespun." "It will be accounted a virtue in them to wear a garment of their own spinning." "A little attention to manufactures will make us ample amends for the distresses of the present day, and render us a great, rich, and happy people."

Bancroft, Hist. of the U.S., vol.3, p.117 - p.118

When the churchmen of New York preached loyalty to the king as the Lord's anointed, "The people," retorted William Livingston, "are the Lord's anointed. Though named 'mob' and 'rabble,' the people are the darling of Providence." Was the Bible quoted as demanding deference to all in authority? "This," it was insisted, "is to add dulness to impiety;" for "tyranny is no government." From the pulpit, Mayhew, of Boston, taught: "The gospel promises liberty and permits resistance."

Bancroft, Hist. of the U.S., vol.3, p.118

And then patriots would become maddened with remembering that "some high or low American had had a hand in procuring every grievance." "England," it was said, "is deceived and deluded by place-men and office-seekers." "Yes," exclaimed the multitude, "it all comes of the horse-leeches." When "the friends to government" sought to hush opposition by terror of parliament, the answer was: "You are cowards, you are parricides."

Bancroft, Hist. of the U.S., vol.3, p.118

"Power is a sad thing," wrote the Presbyterians of Philadelphia: "our mother should remember we are children, and not slaves." "When all Israel saw that the king hearkened not unto them," responded the Calvinists of the North, "the people answered the king, saying: 'What portion have we in David? what inheritance in the son of Jesse? To your tents, O Israel! Now see to thine own house, David!'" "Who cares," reasoned the more hardy, "whether George or Louis is the sovereign, if both are alike?" "The beast of burden," continued others, "asks not whose pack it carries." "I would bear allegiance to King George," said one who called himself a lover of truth, "but not be a slave to his British subjects."

Bancroft, Hist. of the U.S., vol.3, p.118

"But the members of parliament," argued the royalists, "are men of wisdom and integrity, and incapable of dealing unjustly." "One who is bound to obey the will of another," retorted Hopkins, "is as really a slave, though he may have a good master, as if he had a bad one; and this is stronger in politic bodies than in natural ones."

Bancroft, Hist. of the U.S., vol.3, p.118 - p.119

"It is an insult on the most common understanding," thought James Habersham, of Georgia, and every American from Savannah to Maine, "to talk of our being virtually represented in parliament." "It is an insult on common sense to say it," repeated the Presbyterian ministers of the middle states. "Are persons chosen for the representatives of London and Bristol in like manner chosen to be the representatives of Philadelphia or Boston? Have two men chosen to represent a poor English borough that has sold its votes to the highest bidder any pretence to say that they represent Virginia or Pennsylvania? And have four hundred such fellows a right to take our liberties?"

Bancroft, Hist. of the U.S., vol.3, p.119

But it was argued again and again: "Manchester, Birmingham, and Sheffield, like America, return no members." "Why," rejoined Otis, and his answer won applause in England, "why ring everlasting changes to the colonists on them? If they are not represented, they ought to be." "Every man of a sound mind," he continued, "should have his vote." "Ah, but," replied the royalists, holding Otis to his repeated concessions, "you own that parliament is the supreme legislature; will you question its jurisdiction?" And his answer was on the lips of all patriots, learned and unlearned: "Lord Coke declares that it is against Magna Charta and against the franchises of the land for freemen to be taxed but by their own consent."

Bancroft, Hist. of the U.S., vol.3, p.119

Thus opinion was echoed from mind to mind, as the sun's rays beam from many clouds, all differing in tints, but every one taking its hue from the same fire. In the midst of the gloom, light broke forth from the excitement of a whole people. Associations were formed in Virginia, as well as in New England, to resist the stamp act by all lawful means. Hope began to rise that American rights and liberties might safely be trusted "to the watchfulness of a united continent."

Bancroft, Hist. of the U.S., vol.3, p.119 - p.120

The insolence of the royal officers provoked to insulated acts of resistance. The people of Rhode island, angry with the commander of a ship-of-war who had boarded their vessels and impressed their seamen, seized his boat, and burned it on Newport common. Men of New England, "of a superior sort," had obtained of the government of New Hampshire a warrant for land down the western slope of the Green Mountains, on a branch of the Hoosic, twenty miles east of the Hudson river. They formed already a community of sixty-seven families, in as many houses, with an ordained minister, their own municipal officers, three several public schools, their meeting-house among the primeval forests of beech and maple; in a word, they enjoyed the flourishing state which springs from rural industry, intelligence, and piety. They called their village Bennington. The royal officers at New York disposed anew of that town, as well as of others near it, so that the king was known to the settlers near the Green Mountains chiefly by his agents, who had knowingly sold his lands twice over. In this way Bennington was made a battle-ground for independence.

Bancroft, Hist. of the U.S., vol.3, p.120

But there was no present relief for America unless union could be perfected. Union was the hope of Otis—union that "should knit and work into the very blood and bones of the original system every region, as fast as settled." Yet how comprehensive and how daring the idea! The traditions of the board of trade branded it as "mutinous." Massachusetts had proceeded timidly, naming for its delegates to the proposed congress the patriot Otis, with two others who were "friends to government."

Bancroft, Hist. of the U.S., vol.3, p.120

Virginia was ready to convince the world that her people were firm and unanimous in the cause of liberty, but its newly elected assembly was not suffered by Fauquier to come together. New Jersey received the circular letter of Massachusetts on the twentieth of June, the last day of the session of its legislature. The speaker, a friend to the British government, at first inclined to urge sending delegates to the proposed congress; but, on some "advice" from the governor, changed his mind, and the house, in the hurry preceding the adjournment, rather from uncertainty than the want of good-will, unanimously declined the invitation. The assembly of New Hampshire seemed to approve, but did not adopt it. "Nothing will be done in consequence of this intended congress," wrote Bernard, in July; and he seized the opportunity to press "more and more" upon the government at home "the necessity of taking into their hands the appointment of the American civil list," as well as changing the council of the province. Even the liberal governor of Maryland reported "that the resentment of the colonists would probably die out; and that, in spite of the violent outcries of the lawyers, the stamp act would be carried into execution."

Bancroft, Hist. of the U.S., vol.3, p.120 - p.121

But, far away toward the lands of the sun, the assembly of South Carolina was in session; and, on the twenty-fifth of July, debated the circular from Massachusetts. Many objections were made to the legality, the expediency, and most of all to the efficiency of the proposed measure; and many eloquent words were uttered, especially by the youthful John Rutledge, when the subject, on the deliberate resolve of a small majority, was referred to a committee, of which Christopher Gadsden was the chairman. He was a man of deep and clear convictions; thoroughly sincere; of an unbending will and a sturdy, impetuous integrity, which drove those about him, like a mountain torrent dashing on an over-shot wheel, though sometimes clogging with back-water from its own violence. He possessed not only that courage which defies danger, but that persistence which neither peril nor imprisonment nor the threat of death can shake. Full of religious faith, and at the same time inquisitive and tolerant, methodical, yet lavish of his fortune for public ends, he had in his nature nothing vacillating or low, and knew not how to hesitate or feign. After two legislatures had held back, South Carolina, by "his achievement," pronounced for union. "Our state," he used to say, "was the first, though at the extreme end, and one of the weakest, as well internally as externally, to listen to the call of our northern brethren in their distresses. Massachusetts sounded the trumpet, but to Carolina is it owing that it was attended to. Had it not been for South Carolina, no congress would then have happened. She was all alive, and felt at every pore." And when we count up those who, above others, contributed to the great result of union, we are to name the inspired "madman," James Otis, and the unwavering lover of his country, Christopher Gadsden.

Bancroft, Hist. of the U.S., vol.3, p.121

Otis now seemed to himself to hear the prophetic song of the "Sibyls" chanting the spring-time of a "new empire."

Chapter 10:

The Battle Between the King and the Duke of Bedford,

April-July 1765

Bancroft, Hist. of the U.S., vol.3, p.122

THERE was but one desire in the king's heart stronger than that of taxing America; it was, to govern as well as to reign in Britain. While America was consolidating its union, divisions that could not be healed planted confusion in the councils of its oppressors. No sooner had the king recovered from the illness, of which the true nature was kept secret even from the members of his cabinet, than, bearing in mind that the heir to the throne was an infant of but two years old, he contemplated the contingency of his own incapacity or death, and resolved on framing a plan for a regency. For this purpose he turned away from his ministers and took the aid of Lord Holland. In consequence, Grenville, on the twenty-eighth of April, "with a firm and steady countenance," and at very great length, expostulated with him on his withholding confidence from his ministers. The king at first started and professed surprise; and, as the conversation proceeded, grew "exceedingly agitated and disturbed, changed countenance, and flushed so much that the water stood in his eyes from the excessive heat of his face;" but he neither denied nor admitted the charge; used no words of anger, of excuse, or of softening; and only put on a smile, when, at a "late hour," the tedious minister "made his bow."

Bancroft, Hist. of the U.S., vol.3, p.122 - p.123

When the offended ministers received orders to prepare the bill for a regency, they thought to win popularity and fix in the public mind their hostility to Bute by disqualifying the princess dowager. So they restrained the choice of the regent "to the queen or any other person of the royal family." The king approved the minute entirely, not knowing that, in the opinion of Bedford, Grenville, Halifax, and Sandwich, his own family did not include his mother.

Bancroft, Hist. of the U.S., vol.3, p.123

On the second reading of the bill for the regency in the house of lords, it was asked: "Who are the royal family to whom the selection is restrained?" "The royal family are those who are in the order of succession, one after another," answered Bedford, unmasking the malice in which the bill had been conceived.

Bancroft, Hist. of the U.S., vol.3, p.123

The king, who had never intended to appoint his mother regent, authorized the employment of words of which the meaning would admit of no dispute. At the next sitting, Halifax used this permission so indiscreetly that the queen dowager appeared to be excluded from those eligible to the regency by the express authority of her son. The ministry had not intended so much; they had circumvented the king, and used his name to put a brand upon his mother. Bute's friends were thunderstruck, while the duke of Bedford almost danced for joy.

Bancroft, Hist. of the U.S., vol.3, p.123

The king's natural affection was very strong; he suffered the utmost agitation, even to tears; and declared that Halifax "had surprised him into the message." When, on the fifth of May, he admitted Grenville, he colored, complained of the disregard to his mother as an offence to her which he could not bear; and, with the embarrassment of a man who begs a favor which he fears may be denied, entreated its removal. Grenville obstinately refused to make the necessary motion; but, with no good grace, consented that the name of the princess dowager should be inserted in the house of commons by one of her own servants.

Bancroft, Hist. of the U.S., vol.3, p.123

The ministers pursued the desperate conflict with the king, believing themselves strong enough to compel their sovereign to conform in all things to their advice, and the fate of the American stamp act depended on the issue. Bedford spoke to him defiantly; Grenville asked earnestly that the king's ministers should be suffered to retire, or be seen manifestly to possess his favor. But they drew out no satisfactory answer, though Grenville was led to believe that his own services would be required, even should his old enemy, the duke of Bedford, be dismissed.

Bancroft, Hist. of the U.S., vol.3, p.124

On the thirteenth, the king, in his impatience of ministers who did not love each other and only agreed to give him the law, authorized his uncle, the duke of Cumberland, to open negotiations with Pitt, Temple, and the great whig families, for constructing a new administration, with Charles Townshend as one of the secretaries of state, and Northumberland, Bute's son-in-law, at the head of the treasury. Pitt refused the terms offered, but yet without closing the door to other offers. Edmund Burke, as he watched the negotiations with impatient desire, complained of Pitt's hesitancy, and derided his "fustian." Rockingham and Newcastle were eager for the proposed change. Temple and Grafton were summoned to town. Of Grafton, Cumberland asked if a ministry could be formed out of the minority, without Pitt, and received for answer that "nothing so formed could be stable." The wings of popularity were on Pitt's shoulders.

Bancroft, Hist. of the U.S., vol.3, p.124

A new complication arose from a riot. At the sitting in which the regency bill, with the amendment rehabilitating the princess dowager, was accepted by the house of lords, it so happened that a bill came up raising the duties on silks, for the benefit of English weavers. In the commons it had been countenanced by Grenville, and it had the approval of the king. But Bedford, having, like Edmund Burke, more liberal views of political economy, spoke on the side of freedom of trade, and the bill was refused a second reading. The next day the silk-weavers went in a large body to Richmond to petition the king for redress.

Bancroft, Hist. of the U.S., vol.3, p.124

On the fourteenth, the king, on his way to accept the act for a regency, found himself followed by a crowd of weavers, who beset the house of parliament, vowing vengeance against Bedford, and stoning his chariot. The next day they paraded the streets of London. Bedford repaired with complaints to the king, and Grenville remonstrated; but the king's emotion betrayed his purpose of changing the government.

Bancroft, Hist. of the U.S., vol.3, p.124 - p.125

On Friday, the weavers, threatening death to the duke of Bedford, assembled in the evening round his house, which they might have sacked and destroyed but for the timely arrival of an armed force. Persons of all parties hastened to Bedford house to mark their abhorrence of the riot and their joy at its suppression. The dismissing of Bedford at such a moment had the aspect of inviting the mob to dictate a ministry. Public sympathy turned on his side. "To attempt changing the government," said Lord Mansfield, "is madness, infatuation, and utter ruin to the king's authority forever." The house of lords warmly took up the cause of the ministers. The ministry had never been, and was not then, a thoroughly united body; now, however, Bedford gaining the lead, insisted that they all should act in perfect union; and Grenville, concealing his well-founded distrust of his colleagues, gave and received promises to withstand the court with inseparable fidelity.

Bancroft, Hist. of the U.S., vol.3, p.125

But the king had the impatience of offended pride, excited by sleeplessness and disease. Ready to yield every point to Pitt and Temple, he said to the duke of Cumberland, in the kindest terms and most explicit words: "I put myself in this affair wholly into your hands."

Bancroft, Hist. of the U.S., vol.3, p.125

Early, therefore, on the nineteenth, the prince hastened to visit Pitt, inviting Temple to join them at a later hour. His journey was a public proclamation of its design. While the royal envoy was negotiating with the great commoner at Hayes, Grenville, Bedford, Halifax, and Sandwich, confident that no new ministry could be formed, each by himself expostulated with the king.

Bancroft, Hist. of the U.S., vol.3, p.125

The duke of Bedford reminded him "how very unfaithfully the conditions which the king himself had proposed had been kept," and added: "Since I can no longer be useful, I entreat you not to lose a moment in replacing us all; for the harmony which has subsisted between us does and will continue." "Thus," says the duke, "I left him." Bedford was blunt, as suited his open nature; warm, as one who felt himself wronged; excited, as the bravest man might have been after the risk of having his house torn down over his family. Unabashed, he meant to be plain-spoken, but not to be insolent; and, if he had been so, he did not know it. He went about vowing vengeance on the courtiers who had exposed him to unworthy treatment. "I can depend," said he, "on all my friends as well as colleagues. There have been examples of new ministries that have not been able to last more than four-and-twenty hours."

Bancroft, Hist. of the U.S., vol.3, p.126

Meantime, Pitt was saying to the royal envoy at Hayes: "I am ready to go to St. James's if I can carry the constitution with me." In reply, the duke of Cumberland declared, on the king's authority, that he might choose in a new ministry the station which should best suit his own failing health; might direct the foreign policy of England at his pleasure; might procure the condemnation of general warrants, a peerage for Pratt, and the restoration of Conway and other officers who had been dismissed for their opinions; might chalk out a list of such persons as he would wish to fill all the posts of business, and might name Temple for the treasury. In the conduct of this negotiation no obstacle arose from the palace. But the wayward Temple began to estrange himself from his brother-in-law, and was reconciled to Grenville, his brother and apparent heir. "I did not want inducements," said he, "to accept of the great post that presented itself as a supplicant at my gate;" but he refused to royalty the small alms which it begged, and, without the concurrence of Temple, Pitt saw in his way difficulties which he could not overcome.

Bancroft, Hist. of the U.S., vol.3, p.126

The ministry now resolved to brave and put down the still obstinate resistance of the king. Exaggerating the danger from the continuance of the riots, Halifax, on the twentieth, obeying Bedford, wrote to the king to appoint the marquis of Granby to the command in chief, in place of Cumberland; while the king, in violation of the constitution, privately ordered Cumberland to act as captain-general.

Bancroft, Hist. of the U.S., vol.3, p.126

The king was in despair; and, though the old ministry was sustained by parliament, and at that moment by public opinion, he would have put "in their places any mortal who could have carried on business." Cumberland hated Grenville; but he knew no remedy, and advised his nephew to submit.

Bancroft, Hist. of the U.S., vol.3, p.126 - p.127

The king, who for many days had not slept two hours in twenty-four, next attempted to divide the ministers. Referring to the differences that had existed between Grenville and members of the cabinet, he said: "You never have displeased me; I did not mean to have removed you; I know nothing that could induce me to do it;" and he sought to draw from him a promise to remain in his service. But Grenville chose to stand by his colleagues, and, after meeting them, reported in their name that "before they should again undertake his affairs they must lay before him some questions." "Questions!" said he, abruptly; "conditions you mean, sir; what are they?"

Bancroft, Hist. of the U.S., vol.3, p.127

On Wednesday, Grenville, in behalf of the four, communicated to their sovereign the terms offered him for his capitulation. They were that he should renew assurances against Bute's meddling in state affairs; dismiss Mackenzie, Bute's brother, from his employment and place; treat Lord Holland, the adviser of the plan for the regency bill, in the same manner; appoint Granby commander-in-chief in place of Cumberland; and leave to the ministers the settlement of the government in Ireland. Terms more humiliating could not have been devised.

Bancroft, Hist. of the U.S., vol.3, p.127

On the next day, Grenville called to receive the king's submission. Of the insult to be offered to his uncle, he obtained a modification; and no one was made commander-in-chief. He struggled to retain Mackenzie in the office of the privy seal in Scotland. Grenville was obstinate. "But I passed to him my royal word," said the king, falling into great agitation; "I should disgrace myself if I dismissed him." "In that case, sir," replied Grenville, "we must decline coming in." The king surrendered; but he was so deeply moved that his physicians were ordered to attend him; his gloom revealed grief at his heart; on the following Sunday the usual drawing-room was omitted; and his mind was so convulsed that he would not take the sacrament.

Bancroft, Hist. of the U.S., vol.3, p.127 - p.128

Grenville, in apparently confident security, continued his schemes of colonial revenue, and made a representation "that the Canadians were subject to taxation by virtue of his prerogative." The king, quivering with wounded pride at the affront received from his ministers, thwarted their suggestions about appointments to office, frowned on those whom they promoted, and publicly showed regard to his friends whom they had displaced. This the duke of Bedford would not brook. On the twelfth of June, being resolved on an immediate explanation, he bluntly recapitulated to his sovereign what had passed between him and his ministers on their resuming their functions, when he had promised them his support. "Has this promise," he demanded, "been kept? On the contrary, are not almost all our bitter enemies countenanced in public? I hope your majesty will give your countenance to your ministers; or else give your authority where you are pleased to give your favor."

Bancroft, Hist. of the U.S., vol.3, p.128

The king, who was resolved to interpret the discourse of Bedford as a resignation, summoned Pitt on the nineteenth to a personal interview. It continued for three hours. Pitt declared himself against the measures that had been adopted to restrain the American colonies from trade with the Spanish islands, and against the taxation of the colonies by act of parliament, which nothing but extreme illness had prevented him from opposing in the house of commons, and of which he foreboded the fatal consequences. The discussion was renewed on the twenty-second, when, having obtained satisfaction as to measures and as to men, he renewed to Lord Temple the invitation to assist in forming an administration. On receiving the news, Temple privately communicated its substance to Grenville, and with a predetermined mind repaired to Pitt. The two were at variance on no important measure except the stamp act. On that there appeared an antagonism of opinion, which divided them for the rest of their lives. Temple refused to take office. Pitt was alike wounded and embarrassed. Lord Temple was his brother-in-law; had, in the time of his retiring from the office of paymaster, helped him with his purse; had twice gone into a ministry with him, and twice faithfully retired with him. The long discussion that ensued deeply affected both; but Temple inflexibly resisted Pitt's judgment and most earnest remonstrance; he would not consent to supplant the brother whose present measures he applauded, and with whom he had just been reconciled. As they parted, Pitt said, pathetically, in the words of a Roman poet: "You, brother, bring ruin on me and on yourself, and on the people and the peers and your country."

Bancroft, Hist. of the U.S., vol.3, p.128 - p.129

"Nervous and trembling," Temple went in to the king and declined" entering his service in any office." "I am afraid," he added—and it was the king himself who repeated the remark—"I foresee more misfortunes in your majesty's reign than in any former period of history." Pitt made his excuses to the king, who "parted from him very civilly," and, with grief and disappointment in his heart, he retired into Somersetshire.

Bancroft, Hist. of the U.S., vol.3, p.129

The ministry of Grenville seemed established more firmly than before. The most wary gave in their adhesion; even Charles Yorke went to Grenville and declared his support. "Our cause is in your hands," said the Bedfords to Grenville, "and you will do it justice." This was the moment of his greatest pride; he was at the head of the treasury; he had defeated his sovereign's efforts to change the ministry; he was owned by the Bedfords as their savior and protector. His ambition, his vanity, and his self-will were gratified.

Bancroft, Hist. of the U.S., vol.3, p.129

The king had been complaining of the little business done, and of "the neglect of the colonies and new conquests;" Grenville applied himself earnestly to American measures. Bishops were to be engrafted on a plan for an ecclesiastical establishment in Canada. He proposed a reform in the courts of admiralty; in the following days, he, with Lord North, settled the emoluments of the officers charged with carrying into execution the American stamp act; made an enumeration of the several districts for inspection; provided for supplying vacant places among the stamp distributors; and on the ninth of July consulted about removing incidental objections to the measure, in which he gloried as his own.

Bancroft, Hist. of the U.S., vol.3, p.129

But the duke of Cumberland had succeeded in forming an administration out of the remnants of the old whig aristocracy and their successors; and, on the tenth, Grenville was summoned to St. James's to surrender the seals of his office. "I beseech your majesty," he said, "as you value your own safety, not to suffer any one to advise you to separate or draw the line between your British and American dominions. Your colonies are the richest jewel of your crown. If any man should venture to defeat the regulations laid down for the colonies by a slackness in the execution, I shall look upon him as a criminal and the betrayer of his country."

Bancroft, Hist. of the U.S., vol.3, p.129 - p.130

The conditions on which the new ministry came into power did not extend beyond the disposal of offices. They introduced no projects of reform; they gave no pledges in behalf of liberty. The old duke of Newcastle was the type of the administration, though he took only the post of privy seal, with the patronage of the church. The law adviser of its choice, as attorney-general, was Charles Yorke, whose opinions coincided with those of Mansfield. The duke of Cumberland had a seat in the cabinet as its mediator with the king.

Bancroft, Hist. of the U.S., vol.3, p.130

The post of head of the treasury was assigned to the marquis of Rockingham. He was an inexperienced man of five-and-thirty, possessing no great natural abilities, of a feeble constitution and a nervous timidity which made him almost incapable of speaking in public; acquainted with race-courses and the pedigree of horses; unskilled in the finances of his country, and never before proposed for high office. But he had clear and sagacious sense and good feeling, unshaken fortitude, integrity, kindness of nature, and an honest and hearty attachment to moderated liberty. His virtues were his arts, and they were his talents. Had he been untitled and less opulent, he never would have been heard of; but, being high in rank, of vast wealth, and generous without wastefulness, he was selected, at the moment when the power of the oligarchy was passing its culmination, to lead its more liberal branch; and such was his own ambition of being first in place, such his sincerity, such his fidelity to his political connections, that from this time till the day of his death he remained their standard-bearer.

Bancroft, Hist. of the U.S., vol.3, p.130 - p.131

His deficiencies in knowledge and in rhetoric the minister compensated by selecting as his secretary and intimate friend Edmund Burke, who had recently left the service of one of the opposite party, and renounced a pension bestowed by Halifax. It was characteristic of that period for a man like Rockingham to hold for life a retainer like Edmund Burke; and never did a true-hearted, kindly, and generous patron find one more faithful. He brought to his employer, and gave up to his party, all that he had: boundless stores of knowledge, especially respecting the colonies; wit, philosophy, imagination, gorgeous eloquence, unwearied industry, mastery of the English tongue; and a most accomplished intellect. His ambition was fervid, yet content with the applause of the aristocracy. His political training had brought him in contact with the board of trade, and afterward with the government of Ireland, the country of his birth. His writings are a brilliant picture of the British constitution as it existed in the best days of the eighteenth century; and his genius threw lustre over the decline of the party which he served. No man more thoroughly hated oppression; but he possessed neither experience in affairs nor tranquil judgment, nor the rule over his own spirit: so that his genius wrought much evil to his country and to Europe, even while he rendered noble service to the cause of commercial freedom, to Ireland, and to America.

Bancroft, Hist. of the U.S., vol.3, p.131

The seals of the northern department of state were conferred on the duke of Grafton, a young man of respectable abilities, yet impaired by fondness for pleasure; a ready speaker, honest and upright, naturally inclining to the liberal side. He had little sagacity, but he meant well; and, in after years, preferred to record his errors of judgment rather than to leave in doubt the sincerity of his character. This is he to whom the poet Gray, in verse adulatory but not venal, flung praise as to one who, on the wild waves of public life, kept the steady course of honor. In his college vacations, he had seen Pitt at Stowe, and been fascinated by his powers; he took office in the hope that the ministry might adopt the great commoner as its chief.

Bancroft, Hist. of the U.S., vol.3, p.131

Conway, who had been arbitrarily dismissed from military office, was suggested as Grafton's associate. But "thinking men foresaw" peril to the stamp act, from "intrusting its execution to one of the very few persons who had opposed the passing of it;" and the king wished to consign that office, which included the administration of the colonies, to Charles Townshend, by whom it had so long been coveted. Who can tell how America would have fared under him, in an administration whose patron was the victor at Culloden? But, though the king in person used every argument to prevail with him, he declined to join in a system which he compared to "lutestring, fit only for summer wear." Even so late as on the ninth of July, the king, who had reserved the place of secretary at war for Conway, renewed his entreaties; but the persistent refusal of Townshend, who held fast to his lucrative office of paymaster, threw the seals of the southern department and America, at the very last moment, into the hands of Conway.

Bancroft, Hist. of the U.S., vol.3, p.132

The new secretary, like Shelburne and Edmund Burke, was an Irishman, and therefore disposed to have "very just notions" of the colonies. His temper was mild and moderate; in his inquiries he was reasonable and accurate; and it was his desire to unite both countries in affection as well as interest. But he was diffident and hesitating. He seemed to be inflexibly proud, and was not firm; to be candid, and was only scrupulous. His honesty, instead of nerving his will, kept him forever a skeptic. He would in battle walk up to the cannon's mouth with imperturbable courage; but in the cabinet his mind was in a perpetual seesaw, balancing arguments, and never reaching fixed conclusions, unless his sense of honor was touched, or his gentle disposition was invigorated by his humanity. The necessity of immediate action was sure to find him still wavering. He was fond of doing right, but the time for doing it passed before he could settle what it was; and the man who was now appointed to guide the mind of the house of commons never could make up his own.

Bancroft, Hist. of the U.S., vol.3, p.132

The ministry would have restored Shelburne to the presidency of the board of trade; but he excused himself, because Rockingham, on taking office, had given no pledges but as to "men." "Measures, not men, will be the rule of my conduct," said Shelburne, in concurrence with Pitt; and thus the two branches of the liberal aristocracy gained their watchwords. The one was bound to provide for its connection, the other to promote reform. There could be no progress of liberty in England but from the union of the aristocratic power of the one with the popular principle of the other. The refusal of Shelburne left the office to the young earl of Dartmouth, whom the poet Cowper described as the "one who wears a coronet and prays."

Bancroft, Hist. of the U.S., vol.3, p.132

A peerage was conferred on Pratt, who took the name of Camden, though Rockingham was averse to his advancement. But it was through Rockingham himself that Lord George Sackville, who had been convicted of cowardice on the field of battle and degraded while Pitt was minister, was restored to a seat at the council board, and raised to one of the lucrative vice-treasurerships of Ireland.

Bancroft, Hist. of the U.S., vol.3, p.132 - p.133

Thus was an administration, whose policy had been sanctioned by large and increasing majorities in parliament, and by the most cordial approbation of the king, avowedly turned out, to gratify his personal disgust at its exercising its constitutional right to control him in the use of the court favor. The new cabinet did not include one man of commanding ability, nor had it a single measure to propose to the crown, to the nation, or to the colonies; and, in parliament, its want of debating talent stamped its character with weakness. Grenville sullenly predicted that every day would produce difficulties in the colonies and with foreign powers.

Bancroft, Hist. of the U.S., vol.3, p.133

"Within the last twelve years," wrote Voltaire at that time, "there has been a marked revolution in the public mind. Light is certainly spreading on all sides." George III, without intending it, promoted the revolution which Voltaire awaited.

Bancroft, Hist. of the U.S., vol.3, p.133

The agents of the colonies, seeing among the ministry some who had been their friends, took courage to solicit relief; but for many weeks Franklin admitted no hope of success. An order in council, sanctioned by Lord Dartmouth—perhaps the worst order ever proposed by the board of trade, so bad that it was explained away by the crown lawyers as impossible to have been intended—permitted appeals to the privy council from any verdict given by any jury in the courts of New York; while the treasury board prepared to collect in Canada, by the king's authority, the same revenue which had been collected there under the government of Louis XV; and completed the arrangements for executing the stamp act.

Chapter 11:

America Repels Its Stamp-Tax,

Administration of Rockingham,

August-September 1765

Bancroft, Hist. of the U.S., vol.3, p.134

SIX weeks and more before the change of ministry was known in Boston, Jared Ingersoll, of Connecticut, late agent for that province, now its stamp-master, arrived there from England; and the names of the stamp distributors were published on the eighth of August. The craftily devised policy of employing Americans failed from the beginning. "It will be as in the West Indies," clamored the people; "there the negro overseers are the most cruel." "Had you not rather," said a friend of Ingersoll, "these duties should be collected by your brethren than by foreigners?" "No," answered Professor Dagget, of New Haven. "If the ruin of your country is decreed, are you free from blame for taking part in the plunder?"

Bancroft, Hist. of the U.S., vol.3, p.134 - p.135

"North American Liberty is dead," it was said in one of the newspapers of Boston; "but happily she has left one son, prophetically named Independence, now the hope of all when he shall come of age." But why wait? asked the impatient. "Why should any stamp officers be allowed in America at all?" "I am clear in this point," declared Mayhew, "that no people are under a religious obligation to be slaves if they are able to set themselves at liberty." "The stamp act," it was said universally in Boston, "is arbitrary, unconstitutional, and a breach of charter. Let it be of short duration. There are two hundred thousand inhabitants in this province, and by computation about two millions in America. It is too late for us to be dragooned out of our rights. We may refuse submission, or at least the stamp officers will be afraid to stab their country." If every one of them could be forced to resign, the statute which was to execute itself would perish from the beginning. Boston must lead the way.

Bancroft, Hist. of the U.S., vol.3, p.135

It was already known there that the king, desirous of changing his ministry, had sent for William Pitt; and the crowd that kindled the bonfire in King street on the birthday of the prince of Wales rent the air with "God bless our true British king! Heaven preserve the prince of Wales! Pitt and liberty for ever!" And high and low, rich and poor, joined in the chorus: "Pitt and liberty!"

Bancroft, Hist. of the U.S., vol.3, p.135

The daybreak of Wednesday, the fourteenth of August, saw the effigy of Oliver, the stamp distributor for Boston, tricked out with emblems of Bute and Grenville, swinging on the bough of an elm, the pride of the neighborhood, known as the Great Tree, standing near what was then the entrance to the town. The pageant had been secretly prepared by Boston mechanics, true-born SONS OF LIBERTY: Benjamin Edes, the printer; Thomas Crafts, the painter; John Smith and Stephen Cleverly, the braziers; and the younger Avery; Thomas Chase, a hater of kings; Henry Bass and Henry Welles. The passers-by stopped to gaze on the grotesque show, and their report collected thousands. Hutchinson, as chief justice, ordered the sheriff to remove the images. "We will take them down ourselves at evening," said the people.

Bancroft, Hist. of the U.S., vol.3, p.135

Bernard summoned his council. "The country, whatever may be the consequence," said some of them, "will never submit to the execution of the stamp act." The majority spoke against interfering with the people. Bernard and Hutchinson were still engaged in impotent altercations with their advisers, when, just after dark, an "amazing" multitude, moving in the greatest order and following the images borne on a bier, after passing down the main street, marched directly through the old state house and under the council-chamber itself, shouting at the top of their voices: "Liberty, property, and no stamps." Giving three huzzas of defiance, they next, in Kilby street, demolished the frame of a building which they thought Oliver destined for a stamp office, and with the wooden trophies made a funeral pyre for his effigy in front of his house on Fort Hill.

Bancroft, Hist. of the U.S., vol.3, p.136

"The stamp act shall not be executed here," exclaimed one who spoke the general sentiment. "Death to the man who offers a piece of stamped paper to sell!" cried others. "All the power of Great Britain," said a third, "shall not oblige us to submit to the stamp act." "We will die upon the place first," declared even the sober-minded. "We have sixty thousand fighting-men in this colony alone," wrote Mayhew. "And we will spend our last blood in the cause," repeated his townsmen.

Bancroft, Hist. of the U.S., vol.3, p.136

Hutchinson directed the colonel of the militia to beat an alarm. "My drummers are in the mob," was his answer. With the sheriff, Hutchinson went up to disperse the crowd. "Stand by, my boys," cried a ringleader; "let no man give way;" and Hutchinson, as he fled, was obliged to run the gauntlet, not escaping without one or two blows. At eleven, the multitude repaired to the Province House, where Bernard lived, and after three cheers they dispersed quietly.

Bancroft, Hist. of the U.S., vol.3, p.136

"We have a dismal prospect before us," said Hutchinson, the next morning, anticipating "tragical events in some of the colonies." "The people of Connecticut," reported one whose name is not given, "have threatened to hang their distributor on the first tree after he enters the colony." "If Oliver," wrote Bernard, "had been found last night, he would certainly have been murthered." "If he does not resign," thought many, "there will be another riot to-night, and his house will be pulled down about his ears." So the considerate self-seeker, seasonably in the day-time, "gave it under his own hand" that he would not serve as stamp officer, while Bernard, deserting his post as guardian of the public peace, hurried to the castle, and did not cease trembling even within its walls. At night, a bonfire on Fort Hill celebrated the people's victory. Several hundred men gathered round the house of Hutchinson. "Let us but hear from his own mouth," said their leader, "that he is not in favor of the stamp act, and we will be easy;" but Hutchinson evaded a reply.

Bancroft, Hist. of the U.S., vol.3, p.136 - p.137

The governor, just before his retreat, ordered a proclamation for the discovery and arrest of the rioters. "If discovery were made," wrote Hutchinson, "it would not be possible to commit them." "The prisons," said Mayhew, "would not hold them many hours. In this town, and within twenty miles of it, ten thousand men would soon be collected together on such an occasion." And on the next Lord's Day but one, before a crowded audience, choosing as his text, "I would they were even cut off which trouble you; for, brethren, ye have been called unto liberty," he preached fervidly in behalf of civil and religious freedom. "I hope," said he, "no persons among ourselves have encouraged the bringing such a burden as the stamp act on the country."

Bancroft, Hist. of the U.S., vol.3, p.137

The distrust of the people fell more and more upon Hutchinson. "He is a prerogative man," they cried. "He grasps at all the important offices in the state." "He himself holds four, and his relations six or seven more." "He wiped out of the petition of Massachusetts every spirited expression." "He prevailed to get a friend of Grenville made agent for the colony." "He had a principal hand in projecting the stamp act." "He advised Oliver against resigning." "He granted writs of assistance, which are no better than general warrants." "He took depositions against the merchants as smugglers."

Bancroft, Hist. of the U.S., vol.3, p.137

The rougher spirits wrought one another into a frenzy. At nightfall, on the twenty-sixth, a bonfire in front of the old state house collected a mixed crowd. They first burned all the records of the hated vice-admiralty court; next ravaged the house of the comptroller of the customs; and then, giving Hutchinson and his family barely time to escape, split open his doors with broadaxes, broke his furniture, scattered his plate and ready money, his books and manuscripts, and at daybreak left his house a ruin.

Bancroft, Hist. of the U.S., vol.3, p.137

The coming morning, the citizens of Boston, in town-meeting, expressed their "detestation of these violent proceedings," and pledged themselves to "suppress the like disorders for the future." "I had rather lose my hand," said Mayhew, "than encourage such outrages;" and Samuel Adams agreed with him. But they, and nearly all the townsmen, and the whole continent, applauded the proceedings of the fourteenth of August; and the elm, beneath which the people had on that day assembled, was named "the Tree of Liberty."

Bancroft, Hist. of the U.S., vol.3, p.137 - p.138

The officers of the crown were terror-stricken. The attorney-general did not dare to sleep in his own house, nor two nights together in the same place; and for ten days could not be found. Several persons, who thought themselves obnoxious, left their houses and removed their goods. Hutchinson fled to the castle, wretched from agitation of mind. His despair dates from that moment. He saw the dilemma in which England had placed herself; "if parliament should make concessions, their authority would be lost; if they used force, affection was alienated forever."

Bancroft, Hist. of the U.S., vol.3, p.138

"We are not bound to yield obedience," voted the freemen of Providence, repeating the resolves of Virginia. The patriots of Rhode Island, remembering the renowned founders of the colonies, thanked God that their pleasant homes in the western world abounded in the means of "defence." "That little turbulent colony," reported Gage, "raised their mob likewise." And on the twenty-eighth day of August, after destroying the house and furniture of one Howard, who had written, and of one Moffat, who had spoken in favor of the power of parliament to tax America, they gathered round the house of their stamp officer, and, after a parley, compelled him to resign.

Bancroft, Hist. of the U.S., vol.3, p.138

At New York, the lieutenant-governor expressed a wish to the general for aid from the army. "You shall have as many troops as you shall demand, and can find quarters for," replied Gage; and he urged Colden to the exertion of the civil power. "The public papers," he continued, "are crammed with treason, and the people excited to revolt." But, meantime, MacEvers, the stamp officer of New York, resigned; "for," said he, "if I attempt to receive the stamps, my house will be pillaged." "MacEvers is terrified," said Colden to a friend; "but I shall not be intimidated; and the stamps shall be delivered in proper time."

Bancroft, Hist. of the U.S., vol.3, p.138 - p.139

On the morning of Monday, the twenty-sixth of August, a number of "the asserters of British American privileges "met in Annapolis, to show their detestation of the stamp act and their dislike of Zachariah Wood, a native of the province and the newly arrived stamp distributor for Maryland. Among the foremost of the gathering was Samuel Chase, a young lawyer of the age of twenty-four, already a member of the Maryland legislature. An effigy of Wood, arrayed as a malefactor, was placed in a one-horse cart, paraded through the streets till noon, with the bells tolling a solemn knell, scourged at the whipping post, put in the pillory, hung on a gibbet, and then set on fire from a tar-barrel. On the second of September, a party of four or five hundred pulled down a house which he was repairing, as was believed, for the sale of the stamps. Shaking with terror, yet unwilling to part with an office which promised wealth, he fled from the colony to the fort of New York. The Maryland lawyers were of opinion that the stamp-tax must be declared invalid by the courts of Maryland, as a breach of chartered rights. One man published his card, refusing to pay taxes to which he had not consented. All resolved to burn the stamp paper on its arrival in Annapolis; and the governor wrote home that he had no power to prevent it.

Bancroft, Hist. of the U.S., vol.3, p.139

On the third of September, Coxe, the stamp officer for New Jersey, renounced his place.

Bancroft, Hist. of the U.S., vol.3, p.139

On the fifth, Bernard, at Boston, whose duty it was, after the resignation of Oliver, to take possession of the stamped papers that might arrive, set forth to a very full council that "he had no warrant whatsoever to unpack a bale of them or to order any one else to do so; and it could not be conceived that he should be so imprudent as to undertake the business."

Bancroft, Hist. of the U.S., vol.3, p.139

On the ninth, a ship entered Boston, bringing news of the change of ministry, which created great joy and the sanguine expectation of the speedy repeal of the stamp act. "If Astraea were not fled" said Mayhew, "there might be grounds for the hope;" and the colonies, mingling doubt with hope, persisted in showing that the act would bring ills on Great Britain itself. George Meserve, the stamp distributor for New Hampshire, arriving in the same vessel, resigned his office before stepping on land; and, on his return to Portsmouth, repeated his resignation on the parade, in the presence of a great multitude.

Bancroft, Hist. of the U.S., vol.3, p.139 - p.140

Assured of the protection of Fitch, the governor of Connecticut, who at heart was a lukewarm royalist, Ingersoll sought to reason the people into forbearance. "The act," said he, "makes it your interest to buy the stamps. When I undertook the office, I meant a service to you." He was answered: "It was decreed our Saviour should suffer; but was it better for Judas Iscariot to betray him, so that the price of his blood might be saved by his friends?" The multitude, surrounding his house, demanded if he would resign. "I know not," he replied, "if I have power to resign;" but he promised, if stamps came to him, to reship them, or leave his doors open to the people to do with them as they would.

Bancroft, Hist. of the U.S., vol.3, p.140

New Haven, his own town, spoke out with authority in town-meeting. On Tuesday, the seventeenth, they elected as one of their representatives Roger Sherman, one of the great men of his time. They next, by public vote, "earnestly desired Ingersoll to resign his stamp office immediately." "I shall await," said Ingersoll, "to see how the general assembly is inclined." But the cautious people were anxious to save their representatives from a direct conflict with the British parliament, lest it should provoke the forfeiture of their charter; and already several hundreds of them, particularly three divisions from Norwich, from New London, and from Windham and adjacent towns, had come out on horseback, with eight days' provisions, resolved to scour the colony till their stamp officer should be unearthed and reckoned with.

Bancroft, Hist. of the U.S., vol.3, p.140 - p.141

To save his house from the peril of an attack, Ingersoll rode out from New Haven in company with the governor, intending to place himself under the protection of the legislature, which was to convene on Thursday, at Hartford. On Thursday morning he set forward alone. Two or three miles below Wethersfield he met an advanced party of four or five; half a mile farther, another of thirty; and soon the main body of about five hundred men, farmers and freeholders, all bearing long and large staves, white from being freshly rinded, all on horseback, two abreast, preceded by three trumpeters, and led by two militia officers in full uniform. They opened and received him; and then, to the sound of trumpets, rode forward through the alluvial farms that grace the banks of the "lovely" Connecticut, till they came into Wethersfield. There in the broad main street, twenty rods wide, in the midst of neat dwelling-houses, and of a people that owned the soil and themselves held the plough, in the very heart of New England culture, where the old Puritan spirit, as it had existed among "the best" in the days of Milton, had been preserved with the least admixture, the cavalcade halted, and bade their stamp-master resign. "Is it fair," said he, "that the counties of New London and Windham should dictate to all the rest of the colony?" "It don't signify to parley," they answered; "here are a great many people waiting, and you must resign." "I wait," said he, "to know the sense of the government." Entering a house with a committee, he sent word to the governor and assembly of his situation; and for three hours kept the people at bay by evasive proposals. "This delay," said several of the members, "is his artifice to wheedle the matter along till the assembly shall get ensnared in it." "I can keep the people off no longer," said the leader, coming up from below, with a crowd following in the passage. "It is time to submit," thought Ingersoll; and saying, "The cause is not worth dying for," he publicly resigned, making a written declaration that it was his own free act, without any equivocation or mental reservation. "Swear to it," said the crowd; but from that he excused himself. "Then," cried they, "shout 'Liberty and property' three times;" and, throwing his hat into the air, he shouted, "Liberty and property, liberty and property, liberty and property," on which the multitude gave three loud huzzas.

Bancroft, Hist. of the U.S., vol.3, p.141

After dinner, a cavalcade, by this time numbering near one thousand men, escorted him along the road, studded with farmhouses, from Wethersfield into Hartford, and dismounted within twenty yards of the hall where the assembly was sitting. The main body, led by Durkee, with their white cudgels in their hands, marched in ranks, four abreast, to the sound of trumpets, round the court-house, and formed a semicircle. Ingersoll then read the paper which he had signed within the hearing of the legislature. This was succeeded by the cry of "liberty and property," and three cheers, soon after which the people, having done their work thoroughly, rode home to their several villages.

Bancroft, Hist. of the U.S., vol.3, p.141 - p.142

There the Calvinist ministers nursed the flame of piety and of civil freedom. Of that venerable band, none did better service than the American-born Stephen Johnson, pastor of the first church of Lyme. "Bute, Bedford, and Grenville," said he to the people, "will be had in remembrance by Americans as an abomination, execration, and curse. These measures tend to a very fatal civil war; and France and Spain will make advantage of the crisis. If they are pursued, this people cannot bear it, till they have lost the memory of their dear fathers and their affection to their posterity. They will call to mind revolution principles, such as 'where there is a right, there is a remedy.' Their uneasiness is not the sudden heat of passion, from the novelty of the tax; but is the more deep rooted the more attentively it is considered.

Bancroft, Hist. of the U.S., vol.3, p.142

"The advocates for these measures seem to be counsellors of Rehoboam's stamp. Instead of hearing the cries and redressing the grievances of a most loyal and injured people, they are for adding burden upon burden, till they make the little finger of his present majesty a thousand times heavier than the loins of his good grandfather, and would bind all fast with a military chain. Such counsels ended in Israel in such a revolt and wide breach as could never be healed. That this may end in a similar event is not impossible to the providence of God, nor more improbable to Britons than five years ago this stamp-tax was to Americans."

Bancroft, Hist. of the U.S., vol.3, p.142

During these acts of compulsory submission, and while Boston, in a full town-meeting, unanimously asked the pictures of Conway and Barre for Faneuil Hall, the lords of the treasury in England, Rockingham, Dowdeswell, and Lord John Cavendish being present, held meetings almost daily, to carry the stamp act into effect; they completed the lists of stamp officers, provided for the instant filling of vacancies that might result from death or neglect, signed warrants for the expense of preparing the American stamps, and enjoined each governor to superintend and assist their distribution. These minutes might have had their excuse in the principle that there existed no power to dispense with the law of the land; but Dartmouth, from the board of trade, adopting the measure of corruption which Grenville had resisted, proposed to make the government of each province independent of its provincial legislature for its support.

Bancroft, Hist. of the U.S., vol.3, p.142 - p.143

Everything implied confidence in the obedience of the colonies, yet every one of them was resolved to run all hazards rather than submit. When they were asked, "What will you do after the first of November?" "Do?" they replied, "do as we did before." "Will you violate the law of parliament?" "The stamp act," repeated every one over and over, "is against Magna Charta; and Lord Coke says an act of parliament against Magna Charta is for that reason void."

Bancroft, Hist. of the U.S., vol.3, p.143

In a more solemn tone, the convictions and purposes of America found utterance through the press. John Adams, of Massachusetts, a fiery Protestant, claiming intellectual freedom as the birthright of man, at once didactic and impetuous, obeying the impulses of "a heart that burned for his country's welfare," summoned the whole experience of the human race, and human nature herself, to bear witness that, through the increase and diffusion of intelligence, the world was advancing toward the establishment of popular power. He set liberty and knowledge in opposition to authority and ignorance; America to Europe; the modern principle of popular freedom to the middle age and its tyrannies; the New World over against the Old.

Bancroft, Hist. of the U.S., vol.3, p.143

"The people," thus he continued, "the populace, as they are contemptuously called, have rights antecedent to all earthly government; rights that cannot be repealed or restrained by human laws; rights derived from the great Legislator of the universe." Tracing the gradual improvement of human society from the absolute monarchy of the earliest ages, and from the more recent tyrannies of the canon and the feudal law, he saw in the reformation the uprising of the people, under the benign providence of God, against the confederacy of priestcraft and feudalism, of spiritual and temporal despotism.

Bancroft, Hist. of the U.S., vol.3, p.143

"This great struggle," these are his words, "peopled America. Not religion alone, a love of universal liberty projected, conducted, and accomplished its settlement. After their arrival here, the Puritans formed their plan, both of ecclesiastical and civil government, in direct opposition to the canon and feudal systems. They demolished the whole system of diocesan episcopacy. To render the popular power in their new government as great and wise as their principles of theory, they endeavored to remove from it feudal inequalities, and establish a government of the state, more agreeable to the dignity of human nature than any they had seen in Europe.

Bancroft, Hist. of the U.S., vol.3, p.143 - p.144

"Convinced that nothing could preserve their posterity from the encroachments of the two systems of tyranny but knowledge diffused through the whole people, they laid very early the foundations of colleges, and made provision by law that every town should be furnished with a grammar school. The education of all ranks of people was made the care and expense of the public, in a manner unknown to any other people, ancient or modern; so that a native American who cannot read and write is as rare an appearance as a comet or an earthquake.

Bancroft, Hist. of the U.S., vol.3, p.144

"There seems to be a direct and formal design on foot in Great Britain to enslave all America. Be it remembered, Liberty must at all hazards be defended. Rulers are no more than attorneys, agents, and trustees for the people; and, if the trust is insidiously betrayed or wantonly trifled away, the people have a right to revoke the authority that they themselves have deputed, and to constitute abler and better agents. We have an indisputable right to demand our privileges against all the power and authority on earth.

Bancroft, Hist. of the U.S., vol.3, p.144 - p.145

"The true source of our sufferings has been our timidity. Let every order and degree among the people rouse their attention and animate their resolution. Let us study the law of nature, the spirit of the British constitution, the great examples of Greece and Rome, the conduct of our British ancestors, who have defended for us the inherent rights of mankind against kings and priests. Let us impress upon our souls the ends of our own more immediate forefathers in exchanging their native country for a wilderness. Let the pulpit delineate the noble rank man holds among the works of God. Let us hear that consenting to slavery is a sacrilegious breach of trust. Let the bar proclaim the rights delivered down from remote antiquity; not the grants of princes or parliaments, but original rights, coequal with prerogative and coeval with government, inherent and essential, established as preliminaries before a parliament existed, having their foundations in the constitution of the intellectual and moral world, in truth, liberty, justice, and benevolence. Let the colleges impress on the tender mind the beauty of liberty and virtue, and the deformity and turpitude of slavery and vice, and spread far and wide the ideas of right and the sensation of freedom. No one of any feeling, born and educated in this happy country, can consider the usurpations that are meditating for all our countrymen and all their posterity without the utmost agonies of heart and many tears."

Bancroft, Hist. of the U.S., vol.3, p.145

These words expressed the genuine sentiments of New England; and extracts from them were promptly laid before the king in council. In Maryland, Daniel Dulany, an able lawyer, not surpassed in ability by any of the crown lawyers in the house of commons, "a patriot counsellor, inclined to serve the people," discussed the propriety of the stamp act not before America only, but seeking audience of England. He admitted that the colonies were subordinate to the supreme national council; that the British parliament had the unquestionable right to legislate on their trade; that trade may frequently be most properly regulated by duties on imports and exports; that parliament is itself to determine what regulations are most proper; and that, if they should produce an incidental revenue, they are not therefore unwarrantable.

Bancroft, Hist. of the U.S., vol.3, p.145

But, in reply to the arguments of the crown lawyers and the ministerial defenders of the stamp act, he argued, with minute and elaborate learning, that the late regulations for the colonies were not just, because the commons of England, in which the Americans were neither actually nor virtually represented, had no right, by the common law or the British constitution, to give and grant the property of the commons in America; that they were rightfully void, as their validity rested only on the power of those who framed them to carry them into effect; that they were not lenient, the taxes imposed being excessive and unequal; that they were not politic, as Great Britain, by the acts of trade, already took all from the colonies, and could but drive them to observe the strictest maxims of frugality, and to establish manufactures of leather, cotton, wool, and flax; that they were not consistent with charters, which were the original compacts between the first emigrants to America and the crown; that they were against all precedents of the previous legislation of the British parliament; that they were equally against the precedents of legislation for Ireland, which was as subject to Great Britain as were the colonies; that they were against the judgment of former British ministers, whose requisitions for revenue were uniformly transmitted to the colonies to tax themselves.

Bancroft, Hist. of the U.S., vol.3, p.146

"There may be a time," he added, "when redress may be obtained. Till then, I shall recommend a legal, orderly, and prudent resentment to be expressed in a zealous and vigorous industry. A garment of linsey-woolsey, when made the distinction of patriotism, is more honorable than the plumes and the diadem of an emperor without it. Let the manufacture of America be the symbol of dignity and the badge of virtue, and it will soon break the fetters of distress."

Bancroft, Hist. of the U.S., vol.3, p.146

So wrote Dulany, the champion of the day, pleading for exemption from taxes imposed without consent; promoting repeal, but beating back revolution. In the British parliament, William Pitt took most honorable notice of his words, and adopted them as the groundwork of his own reasoning.

Bancroft, Hist. of the U.S., vol.3, p.146

"This unconstitutional method of taxation," observed Washington, at Mount Vernon, of the stamp act, "is a direful attack upon the liberties of the colonies, will be a necessary incitement to industry, and for many cogent reasons will prove ineffectual. Our courts of judicature," he added, "must inevitably be shut up; and, if so, the merchants of Great Britain will not be among the last to wish for its repeal."

Bancroft, Hist. of the U.S., vol.3, p.146

Enlightened by discussions, towns and legislatures made their declaration of rights, following one another like a chime of bells.

Bancroft, Hist. of the U.S., vol.3, p.146

In Georgia, the great majority of the representatives, at the instance of their speaker, against the will of the governor, came together on the second of September; and, though they doubted their power, at such a voluntary meeting, to elect delegates to the congress, they sent an express messenger to New York to promise their adhesion to its results; "for," said they, "no people, as individuals, can more warmly espouse the common cause than do the people of this province."

Bancroft, Hist. of the U.S., vol.3, p.146

Farther north, on the ninth, the assembly of Pennsylvania, disregarding the wishes of Galloway, its speaker, accepted the plan for a congress by a majority of one. At the same time, it recognised the indispensable duty to grant requisite aids cheerfully and liberally, but only in a constitutional way, through its own assembly.

Bancroft, Hist. of the U.S., vol.3, p.146 - p.147

Next in time, the assembly of Rhode Island not only joined the union, but unanimously directed all the officers of the colony to proceed in their duties as usual, without regard to the stamp act, and engaged to indemnify them and save them harmless.

Bancroft, Hist. of the U.S., vol.3, p.147

In the same month, Delaware, by the spontaneous act of the representatives of each of its counties; Connecticut, with the calm approval of its assembly; Maryland, with the consent of every branch of its legislature—successively elected delegates to the general American congress.

Bancroft, Hist. of the U.S., vol.3, p.147

In Massachusetts, Boston, under the guidance of Samuel Adams, arraigned the stamp act and its courts of admiralty as contrary to the British constitution, to the charter of the province, to the common rights of mankind, and built "the warmest expectations" on the union of the colonies in Congress. A week later, the town of Braintree, led by John Adams, declared "the most grievous innovation of all" to be "the extension of the power of courts of admiralty, in which one judge presided alone, and, without juries, decided the law and the fact; holding his office during the pleasure of the king, and establishing that most mischievous of all customs, the taking of commissions on all condemnations."

Bancroft, Hist. of the U.S., vol.3, p.147

To the legislature which convened on the twenty-fifth, Bernard drew a frightful picture of the general outlawry and rising of the poor against the rich which were to ensue if stamps were not used; recommended to the assembly not to dispute "the right of the parliament of Great Britain to make laws for her American colonies," however they might deny the expediency of the late exercise of that power; and, shirking the responsibility of action, he put the "arduous business" of executing the stamp act into their hands, that it might become a provincial concern.

Bancroft, Hist. of the U.S., vol.3, p.147

It was a matter of the greatest moment that the town of Boston elected Samuel Adams their representative, in the place made vacant by the death of Thacher. On the morning on which the new member took his seat he found the legislature adopting resolves that all courts should do business without stamps, on which Bernard, in a fright, prorogued it till nine days before the first of November.

Bancroft, Hist. of the U.S., vol.3, p.147 - p.148

The continent watched with the intensest anxiety the conduct of New York, the head-quarters of the standing forces in America, having a septennial assembly, a royal council, ships-of-war near its wharfs, and within the town itself a fort mounting many heavy cannon. There the authority of the British government was concentrated in the hands of Gage, the general, whose military powers, as ample as those of a viceroy, extended over all the colonies, but who was owned by the royalists to be wanting in "capacity." He was "extremely exasperated" at the course of events in Massachusetts, thought Bernard pusillanimous, and was at a loss what to do. At New York he called upon the civil power to exert itself more efficiently. "All civil authority is at an end," answered Colden; "the presence of a battalion is the only way to prevent mischief." "It will be more safe for the government," interposed the council of the province, "to show a confidence in the people." But Colden, emboldened by the arrival of two artillery companies from England, put the fort in a state of offence and defence, and boasted alike to Conway and Amherst that he had "effectually discouraged" sedition. "I will cram the stamps down the throats of the people with the end of my sword," cried the braggart James, major of artillery, as he busied himself with bringing into the fort more fieldpieces, as well as powder, shot, and shells. "If they attempt to rise, I," he gave out, "will drive them all out of the town for a pack of rascals, with four-and-twenty men." "The people here will soon come to better temper, after taxes become more familiar to them," wrote an officer who had been sent to America on a tour of observation. But the press of New York, from denying the right of parliament to tax the colonies, proceeded to doubt its legislative authority over America altogether. On the twenty-first day of September, "The Constitutional Courant," a paper defending that principle, made its appearance, and "JOIN OR DIE" was its motto. "Join or Die" was echoed from one end of the continent to the other.

Chapter 12:

The Stamp Act Leads America to Union,

Administration of Rockingham,

October-December 1765

Bancroft, Hist. of the U.S., vol.3, p.149

THE cry was the harbinger of an American congress. The delegates of South Carolina—Gadsden, who never practiced disguise; the upright and eloquent John Rutledge; Lynch, who combined good sense, patriotism, and honesty with conciseness of speech and dignity of manner—arrived first at its place of meeting. In New Jersey, where the lawyers were resolved to forego all business rather than purchase a stamp, a little delay in the organization of its house of representatives gave them time to imitate the example of Delaware.

Bancroft, Hist. of the U.S., vol.3, p.149

While they were waiting, on the third day of October, the last stamp officer north of the Potomac, the stubborn John Hughes, a Quaker of Philadelphia, as he lay ill in his house, heard the beating of muffled drums through the city, the ringing of the muffled state house bell, and the trampling feet of the people assembling to demand his resignation. His illness obtained for him some forbearance; but his written promise was extorted not to do anything that should have the least tendency to put the stamp act into execution in Pennsylvania or Delaware; and he announced to the governor his "resignation." "If Great Britain can or will suffer such conduct to pass unpunished," thus he wrote to the commissioners of stamps, "a man need not be a prophet, nor the son of a prophet, to see clearly that her empire in North America is at an end."

Bancroft, Hist. of the U.S., vol.3, p.149 - p.150

On Monday, the seventh of October, delegates chosen by the house of representatives of Massachusetts, Rhode Island, Connecticut, Pennsylvania, Maryland, and South Carolina; delegates named by a written requisition from the individual representatives of Delaware and New Jersey, and the legislative committee of correspondence of New York, met at New York in congress. New Hampshire, though not present by deputy, agreed to abide by the result, and they were gladdened during their session by the arrival of the messenger from Georgia, sent near a thousand miles by land to obtain a copy of their proceedings.

Bancroft, Hist. of the U.S., vol.3, p.150

The members of this first union of the American people were elected by representatives of each separate colony; and, notwithstanding great differences in the respective population and extent of territory of the several colonies, they recognised each other as equals "without the least claim of pre-eminence one over the other."

Bancroft, Hist. of the U.S., vol.3, p.150

The congress entered directly on the consideration of the safest groundwork on which to rest the collective American liberties. Should they build on charters or natural justice, on precedents and fact or abstract truth, on special privileges or universal reason? Otis was instructed by Boston to support not only the liberty of the colonies, but chartered rights; and Johnson, of Connecticut, submitted a paper, which pleaded charters from the crown. But Robert R. Livingston, of New York, "the goodness of whose heart set him above prejudices, and equally comprehended all mankind," would not place the hope of America on that foundation; and Gadsden, of South Carolina, spoke against it with irresistible impetuosity. "A confirmation of our essential and common rights as Englishmen," thus he himself reports his sentiments, "may be pleaded from charters safely enough; but any further dependence upon them may be fatal. We should stand upon the broad common ground of those natural rights that we all feel and know as men, and as descendants of Englishmen. I wish the charters may not ensnare us at last by drawing different colonies to act differently in this great cause. Whenever that is the case, all will be over with the whole. There ought to be no New England man, no New-Yorker, known on the continent, but all of us Americans."

Bancroft, Hist. of the U.S., vol.3, p.150 - p.151

These views prevailed; and, in the proceedings of the congress, the argument for American liberty from loyal grants was avoided. This is the first great step toward independence. Dummer had pleaded for colony charters; Livingston, Gadsden, and the congress of 1765 provided for American self-existence and union, by claiming rights that preceded charters and would survive their ruin.

Bancroft, Hist. of the U.S., vol.3, p.151

And how would that union extend? What nations would be included in the name of Americans? Even while congress were deliberating, the prairies of Illinois, the great eastern valley of the Mississippi, with all its solitudes in which futurity would summon the eager millions of so many tongues to build happy homes, passed from the sway of France into the temporary custody of England.

Bancroft, Hist. of the U.S., vol.3, p.151

The French officers had, since the peace, been ready loyally to surrender the country to the English. But the Illinois, the Missouri, and the Osage tribes would not consent. At a council held in the spring of 1765, at Fort Chartres, the chief of the Kaskaskias, turning to the English officer, said: "Go hence, and tell your chief that the Illinois and all our brethren will make war on you if you come upon our lands; that these lands are ours; that no one else can claim them, not even the other red men; that we will have no English here; and that this is the mind of all the red men. Go, and never return, or our wild warriors will make you fall."

Bancroft, Hist. of the U.S., vol.3, p.151

But when Fraser, who arrived from Pittsburg, brought proofs that their elder brothers, the Senecas, the Delawares, and the Shawnees, had made peace with the English, the Kaskaskias said: "We follow as they shall lead." "I waged this war," said Pontiac, "because, for two years together, the Delawares and Shawnees begged me to take up arms against the English. So I became their ally, and was of their mind;" and, plighting his word for peace, he kept it with integrity.

Bancroft, Hist. of the U.S., vol.3, p.151 - p.152

A just curiosity may ask how many persons of foreign lineage had gathered in the valley of the Illinois since its discovery by the missionaries. Fraser was told that there were of white men, able to bear arms, seven hundred; of white women, five hundred; of their children, eight hundred and fifty; of negroes of both sexes, nine hundred. The banks of the Wabash, we learn from another source, were occupied by about one hundred and ten French families, most of which were at Vincennes. Fraser sought to overawe the French traders with the menace of an English army that was to come among them; but they pointed to the Mississippi, beyond which they would be safe from English jurisdiction. As he embarked for New Orleans, Pontiac again gave him assurances of continuing peace if the Shawnees and other nations on the Ohio would recall their war-belts.

Bancroft, Hist. of the U.S., vol.3, p.152

With Croghan, an Indian agent, who followed from Fort Pitt, the Illinois nations agreed that the English should take possession of all the posts which the French formerly held; and Captain Stirling, with one hundred men of the forty-second regiment, was detached down the Ohio, to relieve the French garrison. At Fort Chartres, St. Ange, who had served for fifty years in the wilderness, gave them a friendly reception; and on the morning of the tenth of October he surrendered to them the left bank of the Mississippi.

Bancroft, Hist. of the U.S., vol.3, p.152

Some of the French crossed the river, so that at St. Genevieve there were at least five-and-twenty families, while St. Louis, whose origin dates from the fifteenth of February 1764, and whose skilfully chosen site attracted the admiration of the British commander, already counted about twice that number, and ranked as the leading settlement on the western side of the Mississippi. In the English portion of the distant territory, the government then instituted was the absolute rule of the British army, with a local judge to decide all disputes among the inhabitants according to the customs of the country, yet subject to an appeal to the military chief.

Bancroft, Hist. of the U.S., vol.3, p.152

The Duke de Choiseul, then minister of the marine and the colonies, repressed regrets at the retirement of France from the valley of the Mississippi. He predicted to his sovereign the nearness of the final struggle between England and its dependencies, and urged that France should prepare for the impending crisis by increasing its naval force.

Bancroft, Hist. of the U.S., vol.3, p.152 - p.153

The inexperienced ministers of England had been suddenly brought to the administration of an empire. Of the men whose support they needed, many were among the loudest clamorers for the stamp-tax. So orders were given to Bernard in Massachusetts and to governors elsewhere, in cases of a vacancy, to act as stamp distributors; and the resolves of Virginia were reserved for the consideration of the parliament which had passed the stamp act by a vote of five to one. Nothing was promised to America but relief to trade, where it was improperly curbed. To rouse the ministry from its indifference, Thomas Hollis, who perceived in the "ugly squall," that had just reached them, the forerunner of the general hurricane, waited on Rockingham with the accounts which he had received from Mayhew, that the stamp act and the power given to the admiralty courts to dispense with juries were detested "as instances of grievous oppression, and scarce better than downright tyranny," not by Boston only, but by the people throughout the continent; that the tax could never be carried into execution unless by at least one considerable army in each province, at the hazard of the destruction of the American colonies, or their entire revolt and loss. The ministry shrunk from enforcing by arms the law which a part of them in their hearts disapproved; and, on the twenty-fourth of October, the eighth day before the time for the stamp act to go into effect, Conway, by advice of the privy council, sent letters to the American governors and to the general, exhorting to "persuasive methods" and "the utmost prudence and lenity."

Bancroft, Hist. of the U.S., vol.3, p.153

The conduct of America was regulated by the congress at New York, in which no colony was better represented than South Carolina. Her delegation gave a chief to two of the three great committees, and in all that was done well her mind visibly appeared. The difficult task of defining the rights and "setting forth the liberty" which America "ought to enjoy" led the assembly to debate for two weeks "on liberty, privileges, and prerogative." In these debates, "not one appeared to be so complete a master of every subject, or threw so much light on every question, as James Otis," of Boston.

Bancroft, Hist. of the U.S., vol.3, p.153 - p.154

It was proposed to "insist upon a repeal of all acts laying duties on trade, as well as the stamp act." "If we do not make an explicit acknowledgment of the power of Britain to regulate our trade," said the too gentle Livingston, "she will never give up the point of internal taxation." But he was combated with great heat, till the congress, by the hand of Rutledge, of South Carolina, erased from the declaration of rights the unguarded concession; and the restrictions on American commerce, though practically acquiesced in, were enumerated as grievances.

Bancroft, Hist. of the U.S., vol.3, p.154

Still, Gadsden and Lynch were not satisfied. With vigorous dialectics they proceeded, from a denial of the power of parliament in America, to deny the propriety of approaching either house with a petition. "The house of commons," reasoned Gadsden, "refused to receive the addresses of the colonies when the matter was pending; besides, we neither hold our rights from them nor from the lords." But, yielding to the majority, Gadsden suppressed his opposition; "for," said he, "union is most certainly all in all."

Bancroft, Hist. of the U.S., vol.3, p.154

The carefully considered documents, in which the congress embodied the demands of America, dwell mainly on the right to trial by jury in opposition to the extension of the admiralty jurisdiction, and the right to freedom from taxation except through the respective colonial legislatures. These were promulgated in the declaratory resolutions, with the further assertion that the people of the colonies not only are not, but, from their local circumstances, never can be, represented in the house of commons in Great Britain; that taxes never have been, and never can be, constitutionally imposed on the colonies but by their respective legislatures; that all supplies to the crown are free gifts; and that for the people of Great Britain to grant the property of the colonists was neither reasonable nor consistent with the principles or spirit of the British constitution. The same immunities were claimed, in the address to the king, as "inherent rights and liberties," of which the security was necessary to the "most effectual connection of America with the British empire." They formed the theme of the memorial to the house of lords, mingled with complaints of the "late restrictions on trade."

Bancroft, Hist. of the U.S., vol.3, p.154 - p.155

The congress purposely employed a different style in the address to the house of commons, insisting chiefly on the disadvantages the new measure might occasion, as well to the mother country as to the colonies. They disclaimed for America the "impracticable" idea of a representation in any but American legislatures. Acknowledging "all due subordination to the parliament of Great Britain," and extolling the "English constitution as the most perfect form of government," the source of "all their civil and religious liberties," they argued that, in reason and sound policy, there exists a material distinction between the exercise of a parliamentary jurisdiction in general acts of legislation for the amendment of the common law or the regulation of trade through the whole empire, and the exercise of that jurisdiction by imposing taxes on the colonies; from which they, therefore, entreated to be relieved.

Bancroft, Hist. of the U.S., vol.3, p.155

While the congress were still weighing each word and phrase which they were to adopt, a ship laden with stamps arrived. At once all the vessels in the harbor lowered their colors. The following night papers were posted up at the doors of every public office and at the corners of the streets, in the name of the country, threatening the first man that should either distribute or make use of stamped paper. "Assure yourselves," thus the stamp distributors were warned, "the spirit of Brutus and Cassius is yet alive." The people declared: "We will not submit to the stamp act upon any account or in any instance." "In this, we will no more submit to parliament than to the divan at Constantinople." "We will ward it off till we can get France or Spain to protect us." From mouth to mouth flew the words of John Adams: "You have rights antecedent to all earthly government; rights that cannot be repealed or restrained by human laws; rights derived from the great Legislator of the universe." In the midst of this intense excitement, the congress brought its deliberations to a close. Ruggles, of Massachusetts, full of scruples and timidities, and Ogden, of New Jersey, who insisted that it was better for each province to petition separately for itself, pretended that the resistance to the stamp act through all America was treason, argued strenuously in favor of the supreme authority of parliament, and, cavilling to the last at particular expressions, refused to sign the papers prepared by the congress. "Union," said Dyer, of Connecticut, "is so necessary, disunion so fatal, in these matters, that, as we cannot agree upon any alteration, they ought to be signed as they are, by those who are authorized to do so."

Bancroft, Hist. of the U.S., vol.3, p.155 - p.156

On the morning of the twenty-fifth, the anniversary of the accession of George III, the congress assembled for the last time; and the delegates of six colonies, being empowered to do so—namely, all the delegates from Massachusetts, except Ruggles; all from New Jersey, except Ogden; all those of Rhode Island; all of Pennsylvania but Dickinson, who, though absent, adhered; all of Delaware; and all of Maryland; with the virtual assent of New Hampshire, Connecticut, New York, South Carolina, and Georgia—set their hands to the papers, by which the colonies became, as they expressed it, "a bundle of sticks, which could neither be bent nor broken."

Bancroft, Hist. of the U.S., vol.3, p.156

On the day on which the congress consummated the union, the legislature which first proposed it, cheered and invigorated by the presence of Samuel Adams, embodied in their reply to Bernard, the opinion on the power of parliament, from which the colony was never to recede.

Bancroft, Hist. of the U.S., vol.3, p.156

"Your excellency tells us," they said, "that the province seems to be upon the brink of a precipice! To despair of the commonwealth is a certain presage of its fall. The representatives of the people are awake to the sense of its danger, and their utmost prudence will not be wanting to prevent its ruin.

Bancroft, Hist. of the U.S., vol.3, p.156

"Of the power of parliament there undoubtedly are boundaries. The church, in the name of the sacred Trinity, in the presence of King Henry III and the estates of the realm, solemnly denounced that most grievous sentence of excommunication against all those who should make statutes contrary to the liberties of Magna Charta, or observe them being made. Such acts as infringed upon the rights of that charter were always repealed. We have the same confidence in the rectitude of the present parliament. To require submission to an act as a preliminary to granting relief from the unconstitutional burdens of it supposes such a wanton exercise of mere arbitrary power as ought never to be surmised of the patrons of liberty and justice.

Bancroft, Hist. of the U.S., vol.3, p.156

"The charter of the province invests the general assembly with the power of making laws for its internal government and taxation; and this charter has never yet been forfeited.

Bancroft, Hist. of the U.S., vol.3, p.156 - p.157

"There are certain original inherent rights belonging to the people which the parliament itself cannot divest them of: among these is the right of representation in the body which exercises the power of taxation. There is a necessity that the subjects of America should exercise this power within themselves; for they are not represented in parliament, and indeed we think it impracticable.

Bancroft, Hist. of the U.S., vol.3, p.157

"To suppose an indisputable right in parliament to tax the subjects without their consent includes the idea of a despotic power.

Bancroft, Hist. of the U.S., vol.3, p.157

"The people of this province have a just value for their inestimable rights, which are derived to all men from nature, and are happily interwoven in the British constitution. They esteem it sacrilege ever to give them up; and, rather than lose them, they would willingly part with everything else.

Bancroft, Hist. of the U.S., vol.3, p.157

"The stamp act wholly cancels the very conditions upon which our ancestors, with much toil and blood and at their sole expense, settled this country and enlarged his majesty's dominions. It tends to destroy that mutual confidence and affection, as well as that equality, which ought ever to subsist among all his majesty's subjects in this wide and extended empire; and, what is the worst of all evils, if his majesty's American subjects are not to be governed according to the known and stated rules of the constitution, their minds may, in time, become disaffected."

Bancroft, Hist. of the U.S., vol.3, p.157

In addition to this state paper, which was the imprint of the mind of Samuel Adams and had the vigor and polished elegance of his style, the house adopted "the best, and the best digested series of resolves," prepared by him, "to ascertain the just rights of the province," which the preamble said "had been lately drawn into question" by the British parliament.

Bancroft, Hist. of the U.S., vol.3, p.157 - p.158

The answer of the house was regarded in England as the ravings of "a parcel of wild enthusiasts:" in America, nothing was so much admired through the whole course of the controversy; and John Adams, who recorded at the time the applause which it won, said that, of all the politicians of Boston, "Samuel Adams had the most thorough understanding of liberty and her resources in the temper and character of the people, though not in the law and the constitution, as well as the most habitual radical love of it, and the most correct, genteel, and artful pen." "He is a man," he continued, "of refined policy, steadfast integrity, exquisite humanity, genteel erudition, obliging, engaging manners, real as well as professed piety, and a universal good character, unless it should be admitted that he is too attentive to the public, and not enough so to himself or his family. He is always for softness and prudence, where they will do; but is stanch, and stiff, and strict, and rigid, and inflexible in the cause."

Bancroft, Hist. of the U.S., vol.3, p.158

The firmness of the new legislator was sustained by the people of Boston; and the vacillation of Otis, which increased with his infirmities, ceased to be of importance. Massachusetts never again discussed with the British ministry the amount of a tax, or the inexpediency of taxation by parliament, or the propriety of an American representation in that body.

Bancroft, Hist. of the U.S., vol.3, p.158

"I am resolved to have the stamps distributed," wrote Colden to the British secretary, the day after the congress adjourned. Officers of the navy and army, with great alacrity, gave him every assistance, and ridiculed the thought that the government would repeal the stamp act, as the most singular delusion of party spirit. His son, whom he appointed temporary distributor, wrote on the same day to the commissioners of stamps, soliciting to hold the place permanently; for, he assured them, "in a few months the act would be quietly submitted to."

Bancroft, Hist. of the U.S., vol.3, p.158

On the thirty-first of October, Colden and all the royal governors took the oath to carry the stamp act punctually into effect. In Connecticut, which in its assembly had already voted American taxation by a British parliament to be "unprecedented and unconstitutional," Dyer, of the council, entreated Fitch not to take an oath, which was contrary to that of the governor to maintain the rights of the colony. But Fitch had urged the assembly to prosecute for riot the five hundred that coerced Ingersoll at Wethersfield, had said that the act must go down, that forty regulars could guard the stamp papers; that the American conduct would bring from home violent measures and the loss of charters, and he resolved to comply; on which Pitkin, Trumbull, and Dyer rose with indignation and left the room. The governor of Rhode Island stood alone among the governors in his refusal to take the oath to support the stamp act.

Bancroft, Hist. of the U.S., vol.3, p.159

But, either quietly of themselves, or at the instance of the people, amid shouts and the ringing of bells and the firing of cannon, or, as in Virginia, with rage changing into courtesy on the prompt submission of the stamp-master, or, as at Charleston, with the upraising of the flag of liberty surmounted by a branch of laurel, everywhere the officers resigned. There remained not one person duly commissioned to distribute stamps.

Bancroft, Hist. of the U.S., vol.3, p.159

Something more was needed to incline England to relent; and the merchants of New York, coming together on the last day of October, unanimously bound themselves to send no new orders for goods or merchandise; to countermand all former orders, and not even to receive goods on commission, unless the stamp act be repealed. A city, which was the chosen home of navigation, renounced all commerce; a people, who as yet had no manufactures, gave up every comfort from abroad, rather than continue trade at the peril of freedom. A committee of intercolonial correspondence was raised, and Isaac Sears, with Lamb, Mott, Wiley, and Robinson, sent expresses to invite the people of the neighboring governments to join in the league, justly confident they would follow the example of New York.

Bancroft, Hist. of the U.S., vol.3, p.159

Friday, the first morning of November—the day on which the stamp act was to take effect—broke upon a people unanimously resolved on nullifying it. From New Hampshire to the far South the day was introduced by the tolling of muffled bells; minute-guns were fired, and pennants hoisted at half-staff; or a eulogy was pronounced on liberty and its knell sounded, and then again the note changed as if she were restored to life; and, while pleasure shone on every countenance, men shouted confusion to her enemies. Children, hardly able to speak, caught up the general chorus, and went along the streets merrily carolling, "Liberty, property, and no stamps."

Bancroft, Hist. of the U.S., vol.3, p.159 - p.160

The publishers of newspapers which appeared on Friday bore the brunt in braving the penalties of the act. Honor, then, to the ingenious Benjamin Mecom, the bold-hearted editor at New Haven, who on that morning, without apology or concealment, issued the "Connecticut Gazette," filled with patriotic appeals; for, said he, "the press is the test of truth, the bulwark of public safety, the guardian of freedom, and the people ought not to sacrifice it."

Bancroft, Hist. of the U.S., vol.3, p.160

Nor let the true lovers of their country pass unheeded the grave of Timothy Green, one of an illustrious family of printers, himself publisher of the "New London Gazette," which had always modestly and fearlessly defended his country's rights; for, on the same day, his journal came forth without stamps, and gave to the world a paper from the incomparable Stephen Johnson, of Lyme.

Bancroft, Hist. of the U.S., vol.3, p.160

"The hearts of Americans," so it ran, "are cut to the quick by the act; we have reason to fear very interesting and terrible consequences, though by no means equal to tyranny or slavery. But what an enraged, despairing people will do, when they come to see and feel their ruin, time only can reveal." "The liberty of free inquiry is one of the first and most fundamental of a free people. They may publish their grievances: they have an undoubted right to be heard and relieved. The American governments or inhabitants may associate for the mutual defence of their birthright liberties. It is the joy of thousands that there is union and concurrence in a general congress. We trust they will lay a foundation for another congress. Shut not your eyes to your danger, O my countrymen! Do nothing to destroy or betray the rights of your posterity; do nothing to sully or shade the memory of your noble ancestors. Let all the governments and all the inhabitants in them unitedly resolve to a man, with an immovable stability, to sacrifice their lives and fortunes before they will part with their invaluable freedom. It will give you a happy peace in your own breasts, and secure you the most endeared affection, thanks, and blessing of your posterity; it will gain you the esteem of all true patriots and friends of liberty through the whole realm; yea, and as far as your case is known, it will gain you the esteem and the admiration of the whole world."

Bancroft, Hist. of the U.S., vol.3, p.160 - p.161

The conduct and the language of the "Gazette" animated the patriots within its sphere; and he who would single out the region where at that time patriotism burned with the purest flame can find none surpassing the county of New London. The royalists of New York, like Bernard at Boston, railed at Connecticut as a land of republicans, and at Yale college as "a seminary of democracy."

Bancroft, Hist. of the U.S., vol.3, p.161

In New York "the whole city rose up as one man in opposition to the stamp act." The sailors came from their shipping; "the people flocked in," as Gage thought, "by thousands;" and the leader of the tumult was Isaac Sears. At the corners of streets, at the doors of the public offices, placards threatened all who should receive or deliver a stamp, or delay business for the want of one.

Bancroft, Hist. of the U.S., vol.3, p.161

Colden retired within the fort, and drew from the Coventry ship-of-war a detachment of marines. He would have fired on the people, but was menaced with being hanged, like Porteus of Edinburgh, upon a sign-post, if he did so. In the evening a torch-light procession, carrying a scaffold and two images, one of the governor, the other of the devil, came from the Fields, now the Park, down Broadway, to within ten or eight feet of the fort, knocked at its gate, broke open the governor's coach-house, took out his chariot, carried the images upon it through the town, and returned to burn them, with his own carriages and sleighs, before his eyes, on the Bowling Green, under the gaze of the garrison on the ramparts and of all New York gathered round about. "He has bound himself," they cried, "by oath to be the chief murderer of our rights." "he was a rebel in Scotland, a Jacobite." "he is an enemy to his king, to his country and mankind." At the same time, a party of volunteers sacked the house occupied by James, and bore off the colors of the royal regiments.

Bancroft, Hist. of the U.S., vol.3, p.161 - p.162

On the second of November, Colden gave way. The council called in question his authority to distribute the stamps, and unanimously advised him to declare that he would do nothing in relation to them, but await the arrival of the new governor; and his declaration to that effect, duly authenticated, was immediately published. But the confidence of the people was shaken. "We will have the stamp papers," cried Sears to the multitude, "within four-and-twenty hours;" and the crowd expressed their adherence by shouts. "Your best way," added Sears to the friends of order, "will be to advise Lieutenant-Governor Colden to send the stamp papers from the fort to the inhabitants." To appease their wrath, Colden invited Kennedy to receive them on board the Coventry. "They are already lodged in the fort," answered Kennedy, unwilling to offend the people.

Bancroft, Hist. of the U.S., vol.3, p.162

The common council of New York next interposed, and asked that the stamped paper should be delivered into their custody. Colden pleaded his oath, and the still greater contempt into which the government would fall by the concession; but the council answered that his power was unequal to the protection of the inhabitants. Gage, being appealed to, avowed the belief that a fire from the fort would be the signal for "an insurrection" and "the commencement of a civil war." So the head of the province of New York and the military chief of all America capitulated to the municipal body which represented the people. The stamps were taken to the city hall; the city government restored order; the press continued its activity; and in all the streets was heard the shout of "liberty, property, and no stamps."

Bancroft, Hist. of the U.S., vol.3, p.162

The thirst for revenge rankled in Colden's breast. "The lawyers of this place," so he reported to the secretary of state, "are the authors and conductors of the present sedition; if judges be sent from England, with an able attorney-general and solicitor-general, to make examples of some very few, this colony will remain quiet;" and, in other letters, he pointed plainly to John Morin Scott, Robert R. Livingston, and William Livingston as suitable victims.

Bancroft, Hist. of the U.S., vol.3, p.162

When Moore, the new governor, arrived, he dismantled the fort, and suspended his power to execute the stamp act. The assembly confirmed the doings of its committee at the congress.

Bancroft, Hist. of the U.S., vol.3, p.162

In New Jersey, Ogden was disavowed by his constituents and burned in effigy. The assembly, by a unanimous vote, accepted his resignation as speaker, and thanked the two faithful delegates who had signed the proceedings of the congress. Of those proceedings, New Hampshire, by its assembly, signified its entire approbation. The people of Georgia approved the adhesion of their representatives, and its governor was met by "the same rebellious spirit as prevailed at the North."

Bancroft, Hist. of the U.S., vol.3, p.162 - p.163

The delegates of South Carolina were received by their assembly on the twenty-sixth of November. On that morning the papers of the congress, the declaration of rights, and the addresses were read; in an evening session, they were adopted without change, by a vote which wanted but one of being unanimous; they were signed by the speaker, and put on board the Charming Charlotte, a fine ship riding in the harbor with its sails bent; and the next morning, while the assembly were signifying, in the most ample manner, their satisfaction at the conduct of their agents, it stood away with swelling canvas for England. "Nothing will save us," wrote Gadsden, "but acting together; the province that endeavors to act separately must fall with the rest, and be branded besides with everlasting infamy."

Bancroft, Hist. of the U.S., vol.3, p.163

The people of North Carolina would neither receive a stamp-man, nor tolerate the use of a stamp, nor suffer its ports to be closed. Its legislature was so long prorogued that it could not join in the application of the congress; but, had there been need of resorting to arms, "its whole force was ready to join in protecting the rights of the continent." The same spirit pervaded the country. Wherever a jealousy was roused that a stamp officer might exercise his functions, the people were sure to compel him to renew his resignation.

Bancroft, Hist. of the U.S., vol.3, p.163

The colonies began to think of permanent union. "JOIN OR DIE" became more and more their motto. At Windham, in Connecticut, the freemen, in a multitudinous assembly, agreed with one another "to keep up, establish, and maintain the spirit of union and liberty;" and, for that end, they recommended monthly county conventions, and a general meeting of the colony.

Bancroft, Hist. of the U.S., vol.3, p.163

At New London, the inhabitants of the county of that name, holding a mass meeting in December, unanimously decided, in carefully prepared resolves, that every form of rightful government originates from the consent of the people; that, if the limits of lawful authority are passed, they may reassume the authority which they had delegated; and that, if there is no other mode of relief against the stamp act and similar acts, they must reassume the natural rights and authority with which they were invested by the laws of nature and of God. These principles were adopted at various village gatherings, and became the political platform of Connecticut.

Bancroft, Hist. of the U.S., vol.3, p.163 - p.164

In New York, the validity of the British navigation acts was more and more openly impugned, and the merchants claimed a right to every freedom of trade enjoyed in England. When the general applied for the supplies, which the province was enjoined by the British mutiny act to contribute for the use of the troops quartered among them, the assembly would pay no heed to an act of parliament to which they themselves had given no assent; and, in the general tumult, their refusal passed almost unnoticed.

Bancroft, Hist. of the U.S., vol.3, p.164

Everywhere the fixed purpose prevailed that "the unconstitutional" stamp act should not go into effect. Nothing less than its absolute repeal would give contentment, much as England was loved. The greatest unanimity happily existed; and all were bent on cherishing it forever. Here was something new in the affairs of men. Never had the people of provinces extending over so vast a continent, and so widely sundered from one another, been thus cordially bound together in one spirit and one resolve. In all their tumults, they deprecated the necessity of declaring independence; but they yet more earnestly abhorred and rejected unconditional submission. Still satisfied with the revolution of 1688 and its theory of security to liberty and property, they repelled the name of "republican" as a slander on their loyalty; but they spurned "passive obedience." Nothing on earth, they insisted, would deprive Great Britain of her transatlantic dominions but her harboring ungenerous suspicions, and thereupon entering into arbitrary and oppressive measures. "All eyes were turned on her with hope and unbounded affection," with apprehension and firmness of resolve. "Pray for the peace of our Jerusalem," said Otis, from his heart, fearing "the parliament would charge the colonies with presenting petitions in one hand and a dagger in the other." Others thought "England would look with favor on what was but an old English spirit of resentment at injurious treatment." They trusted that "the united voice of this very extensive continent," uttering "the sober opinions of all its inhabitants," would be listened to, so that Great Britain and America might once more enjoy "peace, harmony, and the greatest prosperity." "Every moment is tedious," wrote South Carolina to its agent in London: "should you have to communicate the good news we wish for, send it to us, if possible, by a messenger swifter than the wind."

Chapter 13:

Has Parliament the Right to Tax America?

Administration of Rockingham,

December 1765-January 1766

Bancroft, Hist. of the U.S., vol.3, p.165

THE stamp act, said George Grenville, when, emaciated, exhausted, and borne down by disappointment, he spoke in the house of commons for the last time before sinking into the grave, "the stamp act was not found impracticable. Had I continued in office, I would have forfeited a thousand lives if the act had been found impracticable." "If the administration of this country had not been changed," the Bedford party long persisted in asserting, "the stamp-tax would have been collected in America with as much ease as the land-tax in Great Britain." Lord North professed to be of the same opinion.

Bancroft, Hist. of the U.S., vol.3, p.165 - p.166

Many of the landed aristocracy regarded the colonies as in an open rebellion, which ought to be checked in the beginning; the mercantile people were for redressing their grievances. Successive administrations had listened to schemes of coercive taxation; but no minister before Grenville had attempted to carry them into effect. Grenville declared the paramount authority of parliament throughout the British dominions to be the essence of the revolution of 1688; but the British constitution was in its idea more popular than in its degenerate forms; a large and growing party in England insisted that, by revolution principles, property is sacred against every exaction without consent, and demanded for its inhabitants a more equal share in the national council. In the new ministry, Northington, the chancellor, and Charles Yorke, the attorney-general, insisted on the right to tax America, while Grafton and Conway inclined to abdicate the pretended right, and Rockingham declared himself ready to repeal a hundred stamp acts rather than run the risk of such confusion as would be caused by enforcing one.

Bancroft, Hist. of the U.S., vol.3, p.166

Nor was the argument for the stamp act in harmony with the convictions of reflecting Englishmen. Its real authors insisted that protection and obedience are correlative duties; that Great Britain protected America, and, therefore, America was bound to obedience. But this is the doctrine of absolute monarchy, not of the British constitution.

Bancroft, Hist. of the U.S., vol.3, p.166

The colonists had a powerful ally in the love of liberty, which was to the true Englishman a habit of mind, grafted upon a proud but generous nature. His attachment to it was stronger than the theory of the absolute power of a parliament, of which an oligarchy influenced the choice and controlled the deliberations. America divided English sympathies by appealing with steadfast confidence to the cherished principles of English liberty in their ideal purity.

Bancroft, Hist. of the U.S., vol.3, p.166

It is the glory of England that the rightfulness of the stamp act was in England itself a subject of dispute. It could have been so nowhere else. The king of France taxed the French colonies as a matter of course; the king of Spain collected a revenue by his own will in Mexico and Peru, in Cuba and Porto Rico, and wherever he ruled; the states general of the Netherlands had no constitutional scruples about imposing duties on their outlying possessions. To England exclusively belongs the honor that between her and her colonies the question of right could arise; it is still more to her glory, as well as to her happiness and freedom, that in that contest her success was not possible. Her principles, her traditions, her liberty, her constitution, all forbade that arbitrary rule should become her characteristic. The shaft aimed at her new colonial policy was tipped with a feather from her own wing.

Bancroft, Hist. of the U.S., vol.3, p.166 - p.167

The night before the stamp act was to have gone into effect, the duke of Cumberland, all weary of life which for him had been without endearments, died suddenly on his way to a cabinet council on American affairs; and his influence perished with him. Weakened by his death, the ministry showed itself less and less settled in its policy. On the third of October, they had agreed that the American question was too weighty for their decision, and that parliament should be consulted; and yet they postponed the meeting of parliament till there had been time to see if the stamp act would execute itself. To Franklin, who was unwearied in his efforts to promote its repeal, no hope was given of relief; and, though the committee of merchants, who on the twelfth of December waited on Rockingham, Dowdeswell, Conway, and Dartmouth, were received with dispassionate calmness, it was announced that the right to tax Americans could never be given up, and that a suspension was "the most that could be expected."

Bancroft, Hist. of the U.S., vol.3, p.167

The king looked upon the matter as undoubtedly the most serious that ever came before parliament. He was "highly provoked" by the riots in New York; and the surrender of the stamps to the municipality of the city seemed to him "greatly humiliating." When, on the seventeenth of December, 1765, he opened parliament, he was impatient to receive a minute report of all that should occur.

Bancroft, Hist. of the U.S., vol.3, p.167

The address moved in the house of lords only gave a pledge "to do everything which the exigency of the case might require." The earl of Suffolk, a young man of five-and-twenty, proposed "to enforce the legal obedience of the colonies, and their dependence on the sovereign authority of the kingdom."

Bancroft, Hist. of the U.S., vol.3, p.167 - p.168

Grafton resisted the amendment, avoiding the merits of the question till the house should be properly possessed of it by the production of papers. Of these, Dartmouth added that the most important related to New York, and had been received within four or five days. Rockingham was dumb. Shelburne alone, unsupported by a single peer, intimated plainly his inclination for a repeal of the law. "Before we resolve upon rash measures," said he, "we should consider first the expediency of the law, and next our power to enforce it. The wisest legislators have been mistaken. The laws of Carolina, though planned by Shaftesbury and Locke, were found impracticable, and are now grown obsolete. The Romans planted colonies to increase their power; we, to extend our commerce. Should the regiments in America, at Halifax or Pensacola, embark at once upon the same destination, and no intervening accident disappoint the expedition, what could be effected against colonies so populous and of such magnitude and extent? The colonies may be ruined first, but the distress will end with ourselves."

Bancroft, Hist. of the U.S., vol.3, p.168

Halifax, Sandwich, Gower, even Temple, Lyttelton, and Bedford, joined in saying: "Protection, without dependence and obedience, is a solecism in politics. The connection between Great Britain and her colonies is that of parent and child. For the parent not to correct the undutiful child would argue weakness. The duty to enforce obedience cannot be given up, because the relation cannot be destroyed. The king cannot separate his colonies any more than any other part of his dominions from the mother country, nor render them independent of the British legislature. The laws and constitution of the country are prior and superior to charters, many of which were issued improvidently and ought to be looked into.

Bancroft, Hist. of the U.S., vol.3, p.168

"The colonies wish to be supported by all the military power of the country without paying for it. They have been for some time endeavoring to shake off their dependence. Pennsylvania, in 1756, refused to assist government, though the enemy was at their gates; and afterward, in their manner of granting aid, they encroached on the king's prerogative. The next attempt of the colonies will be to rid themselves of the navigation act, the great bulwark of this country, and, because they can thus obtain their commodities twenty-five per cent cheaper, they will buy of the French and Dutch, rather than of their fellow-subjects. They do not condescend to enter into explanations upon the stamp act, but object to its principle and the power of making it; yet the law was passed very deliberately, with no opposition in this house, and very little in the other. The tax, moreover, is light, and is paid only by the rich, in proportion to their dealings. The objections for want of representation are absurd. Who are affected by the duties on hardware but the people of Manchester, Birmingham, and Leeds? And how are they represented?

Bancroft, Hist. of the U.S., vol.3, p.168 - p.169

"But suppose the act liable to exceptions: is this a time to discuss them? When the pretender was at Derby did you then enter upon a tame consideration of grievances? What occasion is there for papers? The present rebellion is more unnatural, and not less notorious, than that of 1745. The king's governors have been hanged in effigy, his forts and generals besieged, and the civil power annulled or suspended. Will you remain inactive till the king's governors are hanged in person? Is the legislature always to be dictated to in riot and tumult? The weavers were at your doors last year, and this year the Americans are up in arms, because they do not like what you have passed.

Bancroft, Hist. of the U.S., vol.3, p.169

"Why was not parliament called sooner? Why are we now called to do nothing? The house is on fire: shall we wait till it is burnt down before we interpose? Resist at the threshold. First repress the rebellion, and then inquire into grievances. Ministers may be afraid of going too far on their own authority; but will they refuse assistance when it is offered them? We serve the crown by strengthening its hands."

Bancroft, Hist. of the U.S., vol.3, p.169

Northington, the chancellor, argued from the statute-book that, as a question of law, the dependence of the colonies had been fully declared in the reign of William III, and he "lustily roared" that "America must submit." Lord Mansfield endeavored to bring the house to unanimity by recommending the ministry to assent to the amendment; "for," said he, "the question is most serious, and not one of the ordinary matters agitated between the persons in and out of office." Failing to prevent a division, he went away without giving a vote. The opposition was thought to have shown great ability, and to have expressed the prevailing opinion of the house of lords, as well as of the king. But the king's friends, unwilling to open a breach through which Bedford and Grenville could storm the cabinet, divided against the amendment.

Bancroft, Hist. of the U.S., vol.3, p.169 - p.170

In the house of commons, though the new ministers were not yet reelected, Grenville, enraged at seeing an act of his ministry set at naught, moved to consider North America as "resisting the laws by open and rebellious force." Cooke, the member from Middlesex, showed the cruelty of fixing the name of rebels on all. Charles Townshend asserted with vehemence his approbation of the stamp act, and leaned toward the opinion of Grenville. "Sooner," said he, "than make our colonies our allies, I should wish to see them returned to their primitive deserts." Norton dwelt much on the legislative authority of parliament to tax all the world under British dominion. Some one said that Great Britain had long arms. "Yes," it was answered, "but three thousand miles is a long way to extend them." Especially it is observable that Lord George Sackville, just rescued from disgrace by Rockingham, desired to enforce the stamp act.

Bancroft, Hist. of the U.S., vol.3, p.170

The amendment was withdrawn. When, three days later, Grenville divided the house, he had only thirty-five votes against seventy-seven. Baker, in the debate, chid him as the author of all the trouble in America; but he threw the blame from himself upon parliament. Out of doors there was a great deal of clamor that repealing the stamp act would be a surrender of sovereignty; but others held the attempt at coercion to be the ruinous side of the dilemma.

Bancroft, Hist. of the U.S., vol.3, p.170

While opinion in England was still unformed, the colonies were proceeding with their system of resistance. "If they do not repeal the stamp act, we will repeal it ourselves," said Otis, who, nine months before, had counselled submission. The first American ship that ventured to sea with a rich cargo, and without stamp papers, was owned by the Boston merchant, John Hancock. In the Savannah river, a few British ships took stamped clearances; but this continued only till the people had time to understand one another and to interfere. In South Carolina, the lieutenant-governor, pleading the necessity of the case, sanctioned opening the port of Charleston.

Bancroft, Hist. of the U.S., vol.3, p.170

At New York, the men-of-war detained vessels ready for sea till the people rose in anger; then the naval commander, becoming alarmed by the danger of riots, left the road from New York to the ocean free.

Bancroft, Hist. of the U.S., vol.3, p.170 - p.171

In Rhode Island, all public officers, judges among the rest, continued to transact business. In New York, the judges would willingly have held their terms, but were restrained by a menace of dismissal from office. In Boston, the people dealt first with Andrew Oliver, who had received his commission as stamp-man. On the day when the king was proceeding in state to the house of lords to open parliament, the "true-born Sons of Liberty" placed Oliver at the head of a long procession, with Mackintosh, a leader in the August riots, at his side, and, on the cold wet morning, escorted him to Liberty Tree, to stand in the rain under the very bough on which he had swung in effigy. There, in the presence of two thousand men, he declared in a written paper, to which he publicly set his name, that he would never directly or indirectly take any measures to enforce the stamp act, and, with the multitude for witnesses, he, upon absolute requisition, made oath to this pledge before Richard Dana, a justice of the peace. At this, the crowd gave three cheers, and, when Oliver spoke to them with a smile, they gave three cheers more.

Bancroft, Hist. of the U.S., vol.3, p.171

On the evening of the next day, as John Adams sat ruminating, in his humble mansion at Quincy, on the interruption of his career as a lawyer, a message came that Boston, at the instance of Samuel Adams, had joined him, with Gridley and Otis, to sustain their memorial to the governor and council for opening the courts. It fell to him, on the evening of the twentieth, to begin the argument. "The stamp act," he reasoned, "is invalid; it is not in any sense our act; we never consented to it. A parliament in which we are not represented had no legal authority to impose it; and, therefore, it ought to be waived by the judges as against natural equity and the constitution." Otis spoke with great learning and zeal on the duties and obligations of judges. Gridley dwelt on the inconvenience of the interruption of justice. "Many of the arguments," said Bernard, in reply, "are very good ones to be used before the judges, but there is no precedent for the interference of the governor and council. In England, the judges would scorn directions from the king on points of law."

Bancroft, Hist. of the U.S., vol.3, p.171

The town voted the answer unsatisfactory. Otis proposed to invite the governor to call a convention of the members of both houses of the legislature; if the governor should refuse, then to call one themselves, by requesting all the members to meet; and John Adams came round to this opinion.

Bancroft, Hist. of the U.S., vol.3, p.171 - p.172

"The king," thus the young lawyer mused at his own fireside, "is the fountain of justice. Protection and allegiance are reciprocal. If we are out of the king's protection, we are discharged from our allegiance. The ligaments of government are dissolved, the throne abdicated." Otis, quoting Grotius and the English lawyers of 1688, assured the public that, "if a king lets the affairs of a state run into disorder and confusion, his conduct is a real abdication;" that, unless business should proceed as usual, there "would be a release of subjects from their allegiance."

Bancroft, Hist. of the U.S., vol.3, p.172

America must unite and prepare for resistance. In New York, on Christmas day, the lovers of liberty pledged themselves "to march with all despatch, at their own costs and expense, on the first proper notice, with their whole force, if required, to the relief of those who should or might be in danger from the stamp act or its abettors." Before the year was up, Mott, one of the New York committee of correspondence, arrived with others at New London, to ascertain how far New England would adopt the same covenant.

Bancroft, Hist. of the U.S., vol.3, p.172

"If the great men are determined to enforce the act," said John Adams, on New Year's day 1766," they will find it a more obstinate war than the conquest of Canada and Louisiana." "GREAT SIR," said Edes and Gill through their newspaper to the king, printing the message in large letters, "RETREAT, OR YOU ARE RUINED."

Bancroft, Hist. of the U.S., vol.3, p.172

The press of Philadelphia widely diffused the words: "None in this day of liberty will say that duty binds us to yield obedience to any man or body of men, forming part of the British constitution, when they exceed the limits prescribed by that constitution. The stamp act is unconstitutional, and no more obligatory than a decree of the divan of Turkey."

Bancroft, Hist. of the U.S., vol.3, p.172

Encouraged by public opinion, the Sons of Liberty of New York, on the seventh of January, resolved that "there was safety for the colonies only in the firm union of the whole;" that they themselves "would venture their lives and fortunes effectually to prevent the stamp act." On the following night, the ship, which arrived from London with ten more packages of stamps for New York and Connecticut, was searched from stem to stern, and the packages were seized and carried in boats up the river to the ship-yards, where, by the aid of tar-barrels, they were thoroughly consumed.

Bancroft, Hist. of the U.S., vol.3, p.172 - p.173

The resolutions of New York were carried swiftly to Connecticut. The town of Wallingford voted a fine of twenty shillings on any of its inhabitants "that should use or improve any stamped vellum or paper;" its Sons of Liberty were ready "to oppose the unconstitutional stamp act to the last extremity, even to take the field." The county of New London, meeting at Lyme, declared "the general safety and privileges of all the colonies to depend on a firm union;" and they appointed Major John Durkee to correspond with the Sons of Liberty in the adjoining provinces. Israel Putnam, the brave patriot of Pomfret—whose people derived their connection with England from a compact, their freedom from God and nature—rode from town to town through the eastern part of Connecticut to see what number of men could be relied upon, and gave out that he could lead forth ten thousand.

Bancroft, Hist. of the U.S., vol.3, p.173

Massachusetts spoke through its house of representatives, which convened in the middle of January. They called on impartial history to record their glorious stand even against an act of parliament, and that the union of all the colonies was upon a motion made in their house. Insisting that "the courts of justice must be open, open immediately," they voted, sixty-six against four, that the shutting of them was not only "a very great grievance, requiring immediate redress," but "dangerous to his majesty's crown."

Bancroft, Hist. of the U.S., vol.3, p.173

Bernard, who consulted in secret a "select council," unknown to the law, in which the principal advisers were Hutchinson and Oliver, opposed all concession. Tranquillity, he assured the secretary of state, could not be restored by "lenient methods." "There will be no submission," reported he, "until there is a subjection. The people here occasionally talk very high of their power to resist Great Britain; but it is all talk. They talk of revolting from Great Britain in the most familiar manner, and declare that, though the British forces should possess themselves of the coast and maritime towns, they never will subdue the inland. But nothing can be more idle. New York and Boston would both be defenceless to a royal fleet; and, they being possessed by the king's forces, no other town or place could stand out. A forcible subjection is unavoidable, let it cost what it will. The forces, when they come, should be respectable enough not to encourage resistance, that, when the people are taught they have a superior, they may know it effectually. I hope that New York, as well upon account of its superior rank and greater professions of resistance, and of its being the head-quarters, will have the honor of being subdued first."

Chapter 14:

William Pitt Intervenes,

Rockingham's Administration Continued,

January 1766

Bancroft, Hist. of the U.S., vol.3, p.174

SIR JEFFREY AMHERST, in his advice to the ministry, strenuously opposed the repeal of the stamp act. During the recess of parliament, Egmont, Conway, Dowdeswell, Dartmonth, and Charles Yorke met at the house of Rockingham. To modify, but not to repeal the American tax, and to enact the penalty of high treason against any one who, by speaking or writing, should impeach the legislative authority of parliament, were measures proposed in this assembly; but they did not prevail. The ministry could form no plan of mutual support, and decided nothing but the words of the speech. The world looked from them to a private man at Bath, unconnected and poor, vainly seeking relief from infirmities that would have crushed a less hopeful mind. The cabinet, therefore, yielding to Grafton and Conway, requested Pitt's advice as to the measures proper to be taken with regard to America, and expressed a desire, now or at any future time, for his reception among them as their head. To this vague and indefinite offer of place, unsanctioned by the king, Pitt answered that he would support those, and those only, who acted on true revolution principles. "My resolution," said he, "is taken; and, if I can crawl or be carried, I will deliver my mind and heart upon the state of America."

Bancroft, Hist. of the U.S., vol.3, p.174

On the fourteenth of January 1766, the king acquainted parliament that "matters of importance had happened in America, and orders had been issued for the support of lawful authority." "Whatever remained to be done, he committed to their wisdom."

Bancroft, Hist. of the U.S., vol.3, p.175

The lords, in their reply, which was moved by Dartmouth, pledged their "utmost endeavors to assert and support the king's dignity, and the legislative authority of the kingdom over its colonies." The friends of the king and of the late ministry willingly agreed to words which seemed to imply the purpose of enforcing the stamp act.

Bancroft, Hist. of the U.S., vol.3, p.175

The house of commons was very full. The address submitted for their adoption was of no marked character, yet the speeches of its proposers indicated the willingness of the administration to repeal the American tax. In the course of a long debate, Pitt entered most unexpectedly, having arrived in town that morning.

Bancroft, Hist. of the U.S., vol.3, p.175

The adherents of the late ministry took great offence at the tenderness of expression respecting America. Nugent insisted that the honor of the kingdom required the execution of the stamp act, unless its rightfulness was acknowledged and its repeal solicited as a favor. He expostulated on the ingratitude of the colonies. He computed the expense of the troops employed in America for what he called its defence at ninepence in the pound of the British land-tax, while the stamp act would not raise a shilling a head on the Americans; "but," said he, "a peppercorn, in acknowledgment of the right, is of more value than millions without."

Bancroft, Hist. of the U.S., vol.3, p.175

The eyes of all the house turned toward Pitt as he rose in his place; the Americans present in the gallery gazed at him as at the appearance of their good "angel, or savior."

Bancroft, Hist. of the U.S., vol.3, p.175

"I approve the address in answer to the king's speech; for it decides nothing, and leaves every member free to act as he will. The notice given to parliament of the troubles was not early, and it ought to have been immediate.

Bancroft, Hist. of the U.S., vol.3, p.175 - p.176

"I speak not with respect to parties. I stand up in this place single, unsolicited, and unconnected. As to the late ministry," and he turned scornfully toward Grenville, who sat within one of him, "every capital measure they have taken is entirely wrong. To the present ministry, to those, at least, whom I have in my eye," looking at Conway and the lords of the treasury, "I have no objection. Their characters are fair. But pardon me, gentlemen; youth is the season for credulity; confidence is a plant of slow growth in an aged bosom. By comparing events with each other, reasoning from effects to causes, methinks I discover traces of overruling influences.

Bancroft, Hist. of the U.S., vol.3, p.176

"It is long," he continued, "since I have attended in parliament. When the resolution was taken in the house to tax America, I was ill in bed. If I could have endured to have been carried in my bed, so great was the agitation of my mind for the consequences, I would have solicited some kind hand to have laid me down on this floor, to have borne my testimony against it. It is now an act that has passed. I would speak with decency of every act of this house, but I must beg indulgence to speak of it with freedom. The subject of this debate is of greater importance than ever engaged the attention of this house, that subject only excepted, when, nearly a century ago, it was a question whether you yourselves were to be bond or free. The manner in which this affair will be terminated will decide the judgment of posterity on the glory of this kingdom, and the wisdom of its government during the present reign.

Bancroft, Hist. of the U.S., vol.3, p.176

"As my health and life are so very infirm and precarious that I may not be able to attend on the day that may be fixed by the house for the consideration of America, I must now, though somewhat unseasonably, leaving the expediency of the stamp act to another time, speak to a point of infinite moment, I mean to the right. Some seem to have considered it as a point of honor, and leave all measures of right and wrong, to follow a delusion that may lead us to destruction. On a question that may mortally wound the freedom of three millions of virtuous and brave subjects beyond the Atlantic ocean, I cannot be silent. America, being neither really nor virtually represented in Westminster, cannot be held legally or constitutionally or reasonably subject to obedience to any money bill of this kingdom. The colonies are equally entitled with yourselves to all the natural rights of mankind and the peculiar privileges of Englishmen; equally bound by the laws, and equally participating of the constitution of this free country. The Americans are the sons, not the bastards, of England. As subjects, they are entitled to the common right of representation, and cannot be bound to pay taxes without their consent.

Bancroft, Hist. of the U.S., vol.3, p.176 - p.177

"Taxation is no part of the governing power. The taxes are a voluntary gift and grant of the commons alone. In an American tax, what do we do? We, your majesty's commons of Great Britain, give and grant to your majesty—what? Our own property? No. We give and grant to your majesty the property of your majesty's commons in America. It is an absurdity in terms.

Bancroft, Hist. of the U.S., vol.3, p.177

"There is an idea, in some, that the colonies are virtually represented in this house. They never have been represented at all in parliament; they were not even virtually represented at the time when this law, as captious as it is iniquitous, was passed to deprive them of the most inestimable of their privileges. I would fain know by whom an American is represented here Is he represented by any knight of the shire, in any county of this kingdom? Would to God that respectable representation was augmented to a greater number. Or will you tell him that he is represented by any representative of a borough—a borough which, perhaps, no man ever saw? This is what is called the rotten part of the constitution. It cannot endure the century. If it does not drop, it must be amputated. The idea of a virtual representation of America in this house is the most contemptible that ever entered into the head of a man. It does not deserve a serious refutation.

Bancroft, Hist. of the U.S., vol.3, p.177

"The commons of America, represented in their several assemblies, have ever been in possession of the exercise of this their constitutional right, of giving and granting their own money. They would have been slaves if they had not enjoyed it.

Bancroft, Hist. of the U.S., vol.3, p.177

"And how is the right of taxing the colonies internally compatible with that of framing regulations without number for their trade? The laws of this kind, which parliament is daily making, prove that they form a body separate from Great Britain. While you hold their manufactures in the most servile restraint, will you add a new tax to deprive them of the last remnants of their liberty? This would be to plunge them into the most odious slavery, against which their charters should protect them.

Bancroft, Hist. of the U.S., vol.3, p.177

"If this house suffers the stamp act to continue in force, France will gain more by your colonies than she ever could have done if her arms in the last war had been victorious.

Bancroft, Hist. of the U.S., vol.3, p.178

"I never shall own the justice of taxing America internally until she enjoys the right of representation. In every other point of legislation, the authority of parliament is, like the north star, fixed for the reciprocal benefit of the parent country and her colonies. The British parliament, as the supreme governing and legislative power, has always bound them by her laws, by her regulations of their trade and manufactures, and even in a more absolute interdiction of both. The power of parliament, like the circulation from the human heart, active, vigorous, and perfect in the smallest fibre of the arterial system, may be known in the colonies by the prohibition of their carrying a hat to market over the line of one province into another, or by breaking down a loom in the most distant corner of the British empire in America; and, if this power were denied, I would not permit them to manufacture a lock of wool or a horseshoe or a hobnail. But, I repeat, the house has no right to lay an internal tax upon America, that country not being represented.

Bancroft, Hist. of the U.S., vol.3, p.178

"I know not what we may hope or fear from those now in place; but I have confidence in their good intentions. I could not refrain from expressing the reflections I have made in my retirement, which I hope long to enjoy, beholding, as I do, ministries changed one after another, and passing away like shadows."

Bancroft, Hist. of the U.S., vol.3, p.178

A pause ensued as he ceased, when Conway rose and spoke: "I not only adopt all that has just been said, but believe it expresses the sentiments of most, if not all, the king's servants, and wish it may be the unanimous opinion of the house. I have been accidentally called to the high employment I bear; I can follow no principles more safe or more enlightened than those of the perfect model before my eyes; and I should always be most happy to act by his advice, and even to serve under his orders. Yet, for myself and my colleagues, I disclaim an overruling influence. The notice given to parliament of the troubles in America was not early, because the first accounts were too vague and imperfect to be worth its attention."

Bancroft, Hist. of the U.S., vol.3, p.178 - p.179

"The disturbances in America," replied Grenville, who by this time had recovered self-possession, "began in July, and now we are in the middle of January; lately they were only occurrences; they are now grown to tumults and riots; they border on open rebellion; and, if the doctrine I have heard this day be confirmed, nothing can tend more directly to a revolution.

Bancroft, Hist. of the U.S., vol.3, p.179

"External and internal taxes are the same in effect, and only differ in name. That this kingdom is the supreme legislative power over America cannot be denied: and taxation is a part of that sovereign power. It is one branch of the legislation. It has been, and it is, exercised over those who are not, who were never, represented. It is exercised over the India company, the merchants of London, the proprietors of the stocks, and over many great manufacturing towns. It was exercised over the palatinate of Chester and the bishopric of Durham, before they sent any representatives to parliament. I appeal for proof to the preambles of the acts which gave them representatives, the one in the reign of Henry VIII, the other in that of Charles II." He then quoted the statutes exactly, and desired that they might be read; which being done, he resumed.

Bancroft, Hist. of the U.S., vol.3, p.179

"To hold that the king, by the concession of a charter, can exempt a family or a colony from taxation by parliament, degrades the constitution of England. If the colonies, instead of throwing off entirely the authority of parliament, had presented a petition to send to it deputies elected among themselves, this step would have marked their attachment to the crown and their affection for the mother country, and would have merited attention.

Bancroft, Hist. of the U.S., vol.3, p.179 - p.180

"The stamp act is but the pretext of which they make use to arrive at independence. It was thoroughly considered, and not hurried at the end of a session. It passed through the different stages in full houses, with only one division on it. When I proposed to tax America, I asked the house if any gentleman would object to the right; I repeatedly asked it, and no man would attempt to deny it. Protection and obedience are reciprocal. Great Britain protects America; America is bound to yield obedience. If not, tell me when the Americans were emancipated? When they want the protection of this kingdom, they are always ready to ask it. That protection has always been afforded them in the most full and ample manner. The nation has run itself into an immense debt to give it them; and, now that they are called upon to contribute a small share toward an expense arising from themselves, they renounce your authority, insult your officers, and break out, I might almost say, into open rebellion.

Bancroft, Hist. of the U.S., vol.3, p.180

"The seditious spirit of the colonies owes its birth to the factions in this house. We were told we trod on tender ground; we were bid to expect disobedience. What was this but telling the Americans to stand out against the law, to encourage their obstinacy with the expectation of support from hence? Let us only hold out a little, they would say; our friends will soon be in power.

Bancroft, Hist. of the U.S., vol.3, p.180

"Ungrateful people of America! Bounties have been extended to them. When I had the honor to serve the crown, while you yourselves were loaded with an enormous debt of one hundred and forty millions sterling, and paid a revenue of ten millions sterling, you have given bounties on their lumber, on their iron, their hemp, and many other articles. You have relaxed, in their favor, the act of navigation, that palladium of British commerce. I offered to do everything in my power to advance the trade of America. I discouraged no trade but what was prohibited by act of parliament. I was above giving an answer to anonymous calumnies; but in this place it becomes me to wipe off the aspersion."

Bancroft, Hist. of the U.S., vol.3, p.180

As Grenville ceased, several members got up; but the house clamored for Pitt, who seemed to rise. A point of order was decided in his favor, and the walls of St. Stephen's resounded with "Go on! go on!"

Bancroft, Hist. of the U.S., vol.3, p.180 - p.181

"Gentlemen," he exclaimed in his fervor, while floods of light poured from his eyes, and the crowded assembly stilled itself into breathless silence; "sir," he continued, remembering to address the speaker, "I have been charged with giving birth to sedition in America. They have spoken their sentiments with freedom against this unhappy act, and that freedom has become their crime. Sorry I am to hear the liberty of speech in this house imputed as a crime; but the imputation shall not discourage me. It is a liberty I mean to exercise. No gentleman ought to be afraid to exercise it. It is a liberty by which the gentleman who calumniates it might and ought to have profited. He ought to have desisted from his project. The gentleman tells us America is obstinate; America is almost in open rebellion. I rejoice that America has resisted." At the word, the whole house started as though the shock of an electric spark from the wire had run through them all.

Bancroft, Hist. of the U.S., vol.3, p.181

"I rejoice that America has resisted. If its millions of inhabitants had submitted, taxes would soon have been laid on Ireland; and, if ever this nation should have a tyrant for its king, six millions of freemen, so dead to all the feelings of liberty as voluntarily to submit to be slaves, would be fit instruments to make slaves of the rest.

Bancroft, Hist. of the U.S., vol.3, p.181

"I come not here armed at all points with law cases and acts of parliament, with the statute-book doubled down in dogs' ears, to defend the cause of liberty; if I had, I would myself have cited the two cases of Chester and Durham, to show that, even under arbitrary reigns, parliaments were ashamed of taxing a people without their consent, and allowed them representatives. Why did the gentleman confine himself to Chester and Durham? He might have taken a higher example in Wales, that was never taxed by parliament till it was incorporated. I would not debate a particular point of law with the gentleman; but I draw my ideas of freedom from the vital powers of the British constitution, not from the crude and fallacious notions too much relied upon, as if we were but in the morning of liberty. I can acknowledge no veneration for any procedure, law, or ordinance that is repugnant to reason and the first elements of our constitution; and," he added, sneering at Grenville, who was once so much of a republican as to have opposed the whigs, "I shall never bend with the pliant suppleness of some who have cried aloud for freedom, only to have an occasion of renouncing or destroying it.

Bancroft, Hist. of the U.S., vol.3, p.181 - p.182

"The gentleman tells us of many who are taxed, and are not represented—the India company, merchants, stockholders, manufacturers. Surely, many of these are represented in other capacities. It is a misfortune that more are not actually represented. But they are all inhabitants, and as such are virtually represented. Many have it in their option to be actually represented. They have connection with those that elect, and they have influence over them.

Bancroft, Hist. of the U.S., vol.3, p.182

"Not one of the ministers who have taken the lead of government since the accession of King William ever recommended a tax like this of the stamp act. Lord Halifax, educated in the house of commons, Lord Oxford, Lord Orford, a great revenue minister, never thought of this. None of these ever dreamed of robbing the colonies of their constitutional rights. That was reserved to mark the era of the late administration.

Bancroft, Hist. of the U.S., vol.3, p.182

"The gentleman boasts of his bounties to America. Are those bounties intended finally for the benefit of this kingdom? If they are, where is his peculiar merit to America? If they are not, he has misapplied the national treasures.

Bancroft, Hist. of the U.S., vol.3, p.182

"If the gentleman cannot understand the difference between internal and external taxes, I cannot help it. But there is a plain distinction between taxes levied for the purposes of raising revenue and duties imposed for the regulation of trade for the accommodation of the subject, although in the consequences some revenue may accidentally arise from the latter.

Bancroft, Hist. of the U.S., vol.3, p.182

"The gentleman asks, When were the colonies emancipated? I desire to know when they were made slaves. But I do not dwell upon words. The profits to Great Britain from the trade of the colonies, through all its branches, is two millions a year. This is the fund that carried you triumphantly through the last war. The estates that were rented at two thousand pounds a year threescore years ago are at three thousand pounds at present. You owe this to America. This is the price that America pays you for her protection. And shall a miserable financier come with a boast that he can fetch a peppercorn into the exchequer to the loss of millions to the nation? I dare not say how much higher these profits may be augmented. Omitting the immense increase of people in the northern colonies by natural population and the migration from every part of Europe, I am convinced the whole commercial system may be altered to advantage. Improper restraints have been laid on the continent in favor of the islands. Let acts of parliament in consequence of treaties remain; but let not an English minister become a custom-house officer for Spain or for any foreign power.

Bancroft, Hist. of the U.S., vol.3, p.183

"The gentleman must not wonder he was not contradicted when, as the minister, he asserted the right of parliament to tax America. There is a modesty in this house which does not choose to contradict a minister. I wish gentlemen would get the better of it. If they do not, perhaps," he continued, glancing at the coming question of the reform of parliament, "the collective body may begin to abate of its respect for the representative. Lord Bacon has told me that a great question will not fail of being agitated at one time or another.

Bancroft, Hist. of the U.S., vol.3, p.183

"A great deal has been said without doors of the strength of America. It is a topic that ought to be cautiously meddled with. In a good cause, on a sound bottom, the force of this country can crush America to atoms. If any idea of renouncing allegiance has existed, it was but a momentary frenzy; and, if the case was either probable or possible, I should think of the Atlantic sea as less than a line dividing one country from another. The will of parliament, properly signified, must forever keep the colonies dependent upon the sovereign kingdom of Great Britain. But on this ground of the stamp act, when so many here will think it a crying injustice, I am one who will lift up my hands against it. In such a cause your success would be hazardous. America, IF she fell, would embrace the pillars of the state, and pull down the constitution along with her.

Bancroft, Hist. of the U.S., vol.3, p.183

"Is this your boasted peace? Not to sheathe the sword in its scabbard, but to sheathe it in the bowels of your brothers, the Americans? Will you quarrel with yourselves, now the whole house of Bourbon is united against you? The Americans have not acted in all things with prudence and temper. They have been driven to madness by injustice. Will you punish them for the madness you have occasioned? Rather let prudence and temper come first from this side. I will undertake for America that she will follow the example.

Bancroft, Hist. of the U.S., vol.3, p.183

Be to her faults a little blind;

Be to her virtues very kind.

Bancroft, Hist. of the U.S., vol.3, p.183 - p.184

"Upon the whole, I will beg leave to tell the house what is really my opinion. It is that the stamp act be repealed, absolutely, totally, and immediately; that the reason for the repeal be assigned, because it was founded on an erroneous principle. At the same time, let the sovereign authority of this country over the colonies be asserted in as strong terms as can be devised, and be made to extend to every point of legislation, that we may bind their trade, confine their manufactures, and exercise every power whatsoever, except that of taking their money out of their pockets without their consent.

Bancroft, Hist. of the U.S., vol.3, p.184

"Let us be content with the advantages which Providence has bestowed upon us. We have attained the highest glory and greatness; let us strive long to preserve them for our own happiness and that of our posterity."

Bancroft, Hist. of the U.S., vol.3, p.184

Thus he spoke, with fire unquenchable; "like a man inspired;" greatest of orators, for his words opened the gates of futurity to a better culture. There was truth in his arguments, that were fitly joined together and blazed with light, so that his closely woven speech was as the links of a chain cable in a thunder-storm, along which the lightning pours its flashes. Men in America, for the moment, paid no heed to the assertion of parliamentary authority to bind manufactures and trade; it was enough that the great commoner had, in the house of commons, thanked God that America had resisted.

Bancroft, Hist. of the U.S., vol.3, p.184 - p.185

On the next day, Grafton advised the king to send for Pitt. Had this been done, and had his opinion on American affairs prevailed, who can tell into what distant age the question of American independence would have been adjourned? But, at seven o'clock in the evening of the sixteenth, Grafton was suddenly summoned to the palace. The king was in that "extreme agitation" which afflicted him when he was thwarted; and, avowing designs leading to a change of ministry of a different kind, he commanded the duke to carry no declaration from him to Pitt. Two hours later, he gave an audience to Charles Townshend, whom he endeavored, though ineffectually, to persuade to take a principal part in forming a new administration. The duke of Grafton, nevertheless, himself repaired to Pitt, and sought his confidence. "The differences in politics between Lord Temple and me," said the commoner, "have never till now made it impossible for us to act on one plan. The difference upon this American measure will, in its consequences, be felt for fifty years at least." He proposed to form a proper system with the younger and better part of the ministry, if they would willingly cooperate with him. Honors might be offered the duke of Newcastle, but not a place in the cabinet. "I see with pleasure," said he, "the present administration take the places of the last. I came up upon the American affair, a point on which I feared they might be borne down."

Bancroft, Hist. of the U.S., vol.3, p.185

Of this conversation Grafton made so good a use that, on the eighteenth, by the king's direction, he and Rockingham waited on Pitt, who once more expressed his readiness to join the ministry, yet with some "transposition of places." At the same time he dwelt on the disgrace brought on the nation by the recall of Lord George Sackville to the council, declaring over and over that his lordship and he could not sit at the council board together.

Bancroft, Hist. of the U.S., vol.3, p.185

But no sooner had Pitt consented to renounce his connection with Temple and unite with the ministry than Rockingham threw in objections, alike of a personal nature and of principle. The speechless prime minister, having tasted the dignity of chief, did not wish to be transposed; and the principle of "giving up all right of taxation over the colonies," on which the union was to have rested, had implacable opponents in his own private secretary and in himself. "If ever one man lived more zealous than another for the supremacy of parliament and the rights of the imperial crown, it was Edmund Burke." he was the advocate "of an unlimited legislative power over the colonies." "he saw not, how the power of taxation could be given up without giving up the rest." If Pitt was able to see it, Pitt "saw further than he could." His wishes were "very earnest to keep the whole body of this authority perfect and entire." he was "jealous of it;" he was "honestly of that opinion;" and Rockingham, after proceeding so far, and finding in Pitt all the encouragement that he expected, let the negotiation drop. Conway and Grafton were compelled to disregard their own avowals on the question of the right of taxation; and the ministry conformed to the opinion of Mansfield, Charles Yorke, and Edmund Burke.

Bancroft, Hist. of the U.S., vol.3, p.185 - p.186

Neglected by Rockingham, hated by the aristocracy, and feared by the king, Pitt pursued his career alone. In confidential intercourse he inquired if fleets and armies could reduce America, and heard from a friend that the Americans would not submit, that they would still have their woods and liberty. Thomas Hollis sent to him the "masterly" essay of John Adams on the canon and feudal law; he read it, and pronounced it "indeed masterly."

Bancroft, Hist. of the U.S., vol.3, p.186

Of the papers from the American congress, Conway did not scruple to present the petition to the king; and George Cooke, the member for Middlesex, was so pleased with the one to the commons that, on the twenty-seventh, he offered it to the house, where he read it twice over. Jenkinson opposed receiving it, as did Nugent and Welbore Ellis. "The American congress at New York," they argued, "was a dangerous and federal union, unconstitutionally assembled without any requisition on the part of the supreme power."

Bancroft, Hist. of the U.S., vol.3, p.186

"It is the evil genius of this country," replied Pitt, "that has riveted among them the union now called dangerous and federal. The colonies should be heard. The privilege of having representatives in parliament, before they can be taxed internally, is their birthright. This question, being of high concern to a vast empire rising beyond the sea, should be discussed as a question of right. If parliament cannot tax America without her consent, the original compact with the colonies is actually broken. The decrees of parliament are not infallible; they may be repealed. Let the petition be received as the first act of harmony, and remain to all posterity on the journals of this house."

Bancroft, Hist. of the U.S., vol.3, p.186

Conway adhered to the opinions of Pitt on the subject of taxation, but thought the rules of the house forbade the reception of the petition.

Bancroft, Hist. of the U.S., vol.3, p.186 - p.187

Sir Fletcher Norton, in great heat, denounced the distinction between internal and external taxation, as a novelty unfounded in truth, reason, or justice, unknown to their ancestors, whether as legislators or judges; a whim that might serve to point a declamation, but abhorrent to the British constitution. "Expressions," said he, "have fallen from that member now, and on a late similar occasion, which make my blood run cold even at my heart. I say, he sounds the trumpet to rebellion. Such language in other days, and even since the morning of freedom, would have transported that member out of this house into another, with more leisure for better reflections." Pitt silently fixed his eye on him, with an air of contempt, from which Norton knew no escape but by an appeal for protection to the speaker.

Bancroft, Hist. of the U.S., vol.3, p.187

Edmund Burke, speaking for the first time in the house of commons, advocated the reception of the petition, as in itself an acknowledgment of the jurisdiction of the house, while Charles Townshend, in a short speech, treated the line drawn between external and internal taxation as "the ecstasy of madness."

Bancroft, Hist. of the U.S., vol.3, p.187

An hour before midnight, Lord John Cavendish avoided a defeat on a division by moving the orders of the day, while Conway assured the American agents of his good-will, and the speaker caused the substance of the petition to be entered on the journals.

Bancroft, Hist. of the U.S., vol.3, p.187

The reading of papers and examination of witnesses continued during the month, in the utmost secrecy. The evidence, especially of the riots in Rhode Island and New York, produced a very unfavorable effect. On the last day of January, Bedford and Grenville were asked if, on Bute's opening the door, they were ready to negotiate for a change of administration; and they both sent word to the king that his order would be attended to, with duty and respect, through "whatever channel it should come."

Bancroft, Hist. of the U.S., vol.3, p.187

Had Pitt acceded to the administration, he would have made the attempt to convince the nation of the expediency of "giving up all right of taxation over the colonies." Left to themselves, with the king against them and the country gentlemen wavering, the ministers, not perceiving the concession to be a sign of expiring power, introduced a resolution that "the king in parliament has full power to bind the colonies and people of America in all cases whatsoever."

Chapter 15:

Parliament Affirms its Right to Tax America,

Rockingham's Administration Continued,

February 3, 1766

Bancroft, Hist. of the U.S., vol.3, p.188

IT was the third day of February when the duke of Grafton offered in the house of lords the resolution, which was in direct contradiction to his wishes. Shelburne proposed to repeal the stamp act, and avoid the question of right.

Bancroft, Hist. of the U.S., vol.3, p.188

"If you exempt the American colonies from one statute or law," said Lyttelton, "you make them independent communities. If opinions of this weight are to be taken up and argued upon through mistake or timidity, we shall have Lycurguses and Solons in every coffee-house, tavern, and gin-shop in London. Many thousands in England who have no vote in electing representatives will follow their brethren in America in refusing submission to any taxes. The commons will with pleasure hear the doctrine of equality being the natural right of all; but the doctrine of equality may be carried to the destruction of this monarchy."

Bancroft, Hist. of the U.S., vol.3, p.188

Lord Temple treated as a jest his brother-in-law's distinction in regard to internal taxation. "Did the colonies, when they emigrated, keep the purse only, and give up their liberties? He cited Shakespeare to prove that "who steals a purse steals trash;" then, advising the lords to firmness toward the colonies, he concluded with an admonition from Tacitus.

Bancroft, Hist. of the U.S., vol.3, p.188 - p.189

"The question before your lordships," said Camden, "concerns the common rights of mankind. The resolution now proposed gives the legislature an absolute power of laying any tax upon America. In my opinion, my lords, the legislature had no right to make this law. When the people consented to be taxed, they reserved to themselves the power of giving and granting by their representatives. The colonies, when they emigrated, carried their birthright with them; and the same spirit of liberty still pervades the new empire." He proceeded to show, from the principles and precedents of English law, that none could be taxed unless by their representatives; that the clergy, the counties palatine, Wales, Calais, and Berwick, were never taxed till they sent members to parliament; that Guernsey and Jersey send no members, and are not taxed; and, dwelling particularly on the case of Ireland, he cited the opinion of Chief Justice Hale, that Great Britain had no power to raise subsidies in Ireland. But, supposing the Americans had no exclusive right to tax themselves, he maintained it would be good policy to give it them. This he argued as a question of justice; for, in the clashing interests of the mother country and the colonies, every Englishman would incline against them. This, too, he supported, as the only means of maintaining their dependence; for America felt that she could better do without England than England without America; and he reminded the house that inflexibility lost to the court of Vienna the dominion of the Low Countries.

Bancroft, Hist. of the U.S., vol.3, p.189

He reasoned in a strain which Pitt called divine. With Benjamin Franklin for one of his listeners, Northington very shortly replied: "I cannot sit silent, upon doctrines being laid down so new, so unmaintainable, and so unconstitutional. In every state there must be a supreme dominion; every government can arbitrarily impose laws on all its subjects, by which all are bound; and resistance to laws that are even contrary to the benefit and safety of the whole is at the risk of life and fortune. I seek for the constitution of this kingdom no higher up than the revolution, as this country never had one before; and, in the reign of King William, an act passed, avowing the power of this legislature over the colonies. The king cannot suspend the stamp act; he is sworn by his coronation oath to do the contrary. If you should concur as to the expediency of repeal, you will have twelve millions of your subjects of Great Britain and Ireland at your doors, not making speeches, but using club law.

Bancroft, Hist. of the U.S., vol.3, p.189 - p.190

"These favorite Americans have sent deputies to a meeting of their states at New York, by which"—and, as he spoke, he appealed personally to Mansfield and Camden—"I declare, as a lawyer, they have forfeited all their charters. The colonies are become too big to be governed by the laws they at first set out with. They have therefore run into confusion, and it will be the policy of this country to form a plan of laws for them. If they withdraw allegiance, you must withdraw protection; and then the petty state of Genoa or the little kingdom of Sweden may run away with them."

Bancroft, Hist. of the U.S., vol.3, p.190

Next rose Mansfield, to whose authority the house of lords paid greater deference than to that of any man living. Though he entered public life as a whig, he stood ready to serve the cause of power, even without sharing it. Cautious even to timidity, his understanding was clear, but his heart was cold. The childless man had been unsuccessful in love, and formed no friendships. His vast accumulations of knowledge, which a tenacious memory stored up in its hundred cells, ever came forward at his summons. His lucid arrangement assisted to bring conviction; and he would expound the intricacies of law, or analyze reasonings and evidence, with an intelligent smile on his features that spoke plainly the perfect ease with which he did it. Ornament seemed to flow so naturally from his subject that, while none could speak with more elegance, it seemed impossible for him to speak with less. His countenance was beautiful, inspiring reverence and regard; his eye gleamed with light; his voice was acutely clear, yet varied and musical. He had been a member of the cabinet when the plan of the stamp act was adopted; his legal opinion lay at its foundation; and he now vindicated its rightfulness, of which he saw that the denial invoked the reform of the British constitution.

Bancroft, Hist. of the U.S., vol.3, p.190

"My lords," said he, in reply to Camden, "I shall speak to the question strictly as a matter of right. I shall also speak to the distinctions which have been taken, without any real difference, as to the nature of the tax; and I shall point out, lastly, the necessity there will be of exerting the force of the superior authority of government, if opposed by the subordinate part of it.

Bancroft, Hist. of the U.S., vol.3, p.190 - p.191

"I am extremely sorry that the question has ever become necessary to be agitated, and that there should be a decision upon it. No one in this house will live long enough to see an end put to the mischief which will be the result of the doctrine that has been inculcated; but the arrow is shot, and the wound already given.

Bancroft, Hist. of the U.S., vol.3, p.191

"All arguments fetched from Locke, Harrington, and speculative men, who have written upon the subject of government, the law of nature, or of other nations, are little to the purpose; for we are not now settling a new constitution, but finding out and declaring the old one.

Bancroft, Hist. of the U.S., vol.3, p.191

"The doctrine of representation seems ill-founded; there are twelve millions of people in England and Ireland who are not represented. The parliament first depended upon tenures; representation by election came by the favor of the crown, and the notion now taken up, that every subject must be represented by deputy, is purely ideal. The doctrine of representation never entered the heads of the great writers in Charles I's time against ship money or other illegal exertions of the prerogative, nor was the right of representation claimed in the petition of rights at the era of the revolution.

Bancroft, Hist. of the U.S., vol.3, p.191

"There can be no doubt that the inhabitants of the colonies are as much represented in parliament as the greatest part of the people of England are represented, of whom, among nine millions, there are eight who have no votes in electing members of parliament. Every objection, therefore, to the dependency of the colonies upon parliament, which arises to it upon the ground of representation, goes to the whole present constitution of Great Britain; and I suppose it is not meant to new model that too! For what purpose, then, are arguments drawn from a distinction in which there is no real difference, of a virtual and actual representation? A member of parliament, chosen by any borough, represents not only the constituents and inhabitants of that particular place, but he represents the inhabitants of every other borough in Great Britain. He represents the city of London and all other the commons of this land, and the inhabitants of all the colonies and dominions of Great Britain.

Bancroft, Hist. of the U.S., vol.3, p.191 - p.192

"The colonists, by the condition on which they emigrated, settled, and now exist, are more emphatically subjects of Great Britain than those within the realm; and the British legislature have, in every instance, exercised their right of legislation over them without any dispute or question, till the fourteenth of January last.

Bancroft, Hist. of the U.S., vol.3, p.192

"Our colonies emigrated under the sanction of the crown and parliament, upon the terms of being subjects of England. They were modelled gradually into their present forms by charters, grants, and statutes; but they were never so emancipated as to become their own masters. The very idea of a colony implies subordination and dependence, to render allegiance for protection. The charter colonies were under the authority of the privy council. In the nineteenth year of James I, a doubt, as thrown out in the house of commons, whether parliament had anything to do with America, was immediately answered by Coke. The rights of Maryland were, by charter, coextensive with those of any bishop of Durham; and Durham was taxed by parliament before it was represented. The commonwealth parliament passed a resolution to declare and establish the authority of England over its colonies. The charter of Pennsylvania, who have preposterously taken the lead, is stamped with every badge of subordination, and a particular saving as to all English acts of parliament. Could the king's bench vacate the Massachusetts charter, and yet the parliament be unable to tax them? Do they say this, when they themselves acquiesced in the judgment, and took a new charter?

Bancroft, Hist. of the U.S., vol.3, p.192

"Let the advocates for America say how far the sovereignty of the British parliament should go, and where it should stop. Did the Americans keep the right of the purse only, and not of their persons and their liberties?

Bancroft, Hist. of the U.S., vol.3, p.192

"But if there was no express law, or reason founded upon any necessary inference from an express law, yet the usage alone would be sufficient to support that authority of England over its colonies; for have they not submitted, ever since their first establishment, to the jurisdiction of the mother country? In all questions of property, the appeals from them have been to the privy council here; and such causes have been determined, not by their laws, but by the law of England. They have been obliged to recur very frequently to the jurisdiction here to settle the disputes among their own governments.

Bancroft, Hist. of the U.S., vol.3, p.192 - p.193

"Acts of parliament have been made not only without a doubt of their legality, but with universal applause, the great object of which has been to centre the trade of the colonies in the bosom of that country from which they took their original. The navigation act shut up their intercourse with foreign countries. Their ports have been made subject to customs and regulations, which have cramped and diminished their trade; and duties have been laid affecting the very inmost parts of their commerce. The legislature have even gone so low as to restrain the number of hatters' apprentices in America, and have, in innumerable instances, given the forfeitures to the king. Yet all these have been submitted to peaceably; and no one ever thought till now of this doctrine, that the colonies are not to be taxed, regulated, or bound by parliament. This day is the first time we have heard of it in this house.

Bancroft, Hist. of the U.S., vol.3, p.193

"The noble lord who quoted so much law, and denied upon those grounds the right of the parliament of Great Britain to lay internal taxes upon the colonies, allowed at the same time that restrictions upon trade and duties upon the ports were legal. But I cannot see a real difference in this distinction; a tax on tobacco, either in the ports of Virginia or London, is a duty laid upon the inland plantations of Virginia, wheresoever the tobacco grows. The legislature properly interposed for the purpose of a general taxation, as the colonies would never agree to adjust their respective proportions among themselves.

Bancroft, Hist. of the U.S., vol.3, p.193

"The colonies must remain dependent upon the jurisdiction of the mother country, or they must be totally dismembered from it, and form a league of union among themselves against it, which could not be effected without great violences. No one ever thought the contrary, till now the trumpet of sedition has been blown.

Bancroft, Hist. of the U.S., vol.3, p.193 - p.194

"If the disturbances should continue for a great length of time, force must be the consequence, an application adequate to the mischief, and arising out of the necessity of the case. The difference between a superior and subordinate jurisdiction is, the whole force of the legislature resides collectively in the superior jurisdiction; and, when it ceases to reside, the whole connection is dissolved. It will indeed be to very little purpose that we sit here enacting laws or making resolutions if the inferior will not obey them, or if we neither can nor dare enforce them; for then, of necessity, the matter comes to the sword. If the offspring are grown too big and too resolute to obey the parent, you must try which is the strongest, and exert all the powers of the mother country to decide the contest.

Bancroft, Hist. of the U.S., vol.3, p.194

"There may be some mad, enthusiastic, or ill-designing people in the colonies, yet I am convinced that the greatest bulk, who have understanding and property, are still well affected to the mother country. The resolutions in the most of the assemblies have been carried by small majorities, and in some by one or two only. You have many friends still in the colonies; take care that you do not, by abdicating your own authority, desert them and yourselves, and lose them forever. You may abdicate your right over the colonies: take care how you do so, for such an act will be irrevocable. Proceed, then, my lords, with spirit and firmness, and, when you shall have established your authority, it will then be a time to show your lenity."

Bancroft, Hist. of the U.S., vol.3, p.194

The house of lords accepted the words of Mansfield as unanswerable; and, when the house divided, only five peers—Camden, Shelburne, the young Cornwallis, destined to a long and checkered career, Torrington, and Paulet—went down below the bar. These five began a strife for reform, which the child that was unborn would rue or would bless. The rest of the peers, one hundred and twenty-five in number, saw with derision the small number of the visionaries. As for Camden, they said Mansfield had utterly prostrated him.

Bancroft, Hist. of the U.S., vol.3, p.194

In the commons, the resolution was presented by Conway, who, at the time of passing the stamp act, had denied the right of parliament to impose the tax, and twice within twenty days had reiterated that opinion. He now treated the question of power as a point of law, which parliament might take up. For himself, he should never be for internal taxes. He would sooner cut off his right hand than sign an order for sending out a force to maintain them. Yet he begged not to be understood to pledge himself for future measures, not even for the repeal of the stamp act.

Bancroft, Hist. of the U.S., vol.3, p.194 - p.195

Dowdeswell, the chancellor of the exchequer, defended the proposition in its fullest extent. Parliament might change the charters of the colonies, and, much more, might tallage them; though, in point of policy, justice, or equity, it was a power that ought to be exercised in the most extraordinary cases only.

Bancroft, Hist. of the U.S., vol.3, p.195

Barre moved to strike out from the resolution the words "in all cases whatsoever." He was seconded by Pitt, and sustained by Beckford. They contended that American taxation by parliament was against the spirit of the British constitution; against the authority of Locke and the principles of the revolution of 1688; against the right of the colonists to enjoy English liberty; against the inherent distinction between taxation and legislation, which pervaded modern history; against the solemn compacts which parliament itself had recognised as existing between the crown and the colonies; against the rights of the American assemblies, whose duty it ever is to obtain redress of material grievances before making grants of money, and whose essence would be destroyed by a transfer from them of the powers of taxation; against justice, for Great Britain could have interests conflicting with those of the colonies; against reason, for the assemblies of the colonists could know their own abilities and circumstances better than the commons of England; against good policy, which could preserve America only as Rome had preserved her distant colonies, not by the number of its legions, but by lenient magnanimity.

Bancroft, Hist. of the U.S., vol.3, p.195 - p.196

Only three men, or rather Pitt alone, "debated strenuously the rights of America" against more than as many hundred; and yet the house of commons, half-conscious of the fatality of its decision, seemed to shrink from pronouncing its opinion. Edmund Burke argued for England's right in such a manner that the strongest friends of power declared his speech to have been "far superior to that of every other speaker;" while Grenville, Yorke, and all the lawyers—Richard Hussey, who yet was practically for humanity and justice; Blackstone, the commentator on the laws of England, though he disliked internal taxation of America by parliament; the selfish, unscrupulous, unrelenting Wedderburn—filled many hours with solemn arguments for England's unlimited supremacy. They persuaded one another and the house that the charters which kings had granted were, by the unbroken opinions of lawyers, from 1689, subordinate to the good-will of the houses of parliament; that parliament, for a stronger reason, had power to tax.

Bancroft, Hist. of the U.S., vol.3, p.196

It was further contended that representation was not the basis of the authority of parliament, and did not exist; that the kingdom and colonies were one empire; that the colonies enjoyed the opportunity of taxing themselves as an indulgence; that duties and impositions, taxes and subsidies, were all one; and, as kingdom and colonies were one body, parliament had the right to bind the colonies by taxes and impositions, alike internal and external, in all cases whatsoever.

Bancroft, Hist. of the U.S., vol.3, p.196

So the watches of the long winter's night wore away; and at about four o'clock in the morning, when the question was called, less than ten voices—some said five or four, some said but three—spoke out in the minority; "and the resolution passed for England's right to do what the treasury pleased with three millions of freemen in America." The Americans were henceforward excisable and taxable at the mercy of parliament. Grenville stood acquitted; the rightfulness of his policy was affirmed; and he was judged to have proceeded in conformity with the constitution.

Bancroft, Hist. of the U.S., vol.3, p.196

It was decided, as a question of law, that irresponsible taxation was not a tyranny, but a vested right; that parliament held legislative power, not as a representative body, but in absolute trust. It had grown to be a fact that the house of commons was no longer responsible to the people; and this night it was held to be the law that it was not and never had been responsible; that the doctrine of representation was not in the bill of rights. The tory party, with George III at its head, accepted from Burke and Rockingham the creed which Grenville claimed to be the whiggism of the revolution of 1688, and Mansfield the British constitution.

Bancroft, Hist. of the U.S., vol.3, p.196 - p.197

The new toryism was the child of modern civilization. It carried its pedigree no further back than the revolution of 1688, and was but a coalition of the king and the aristocracy upon the basis of the established law. By law, the house of Hanover held the throne; by law, the English church was established, with a prayer-book and a creed as authorized by parliament, and with such bishops as the crown gave leave to choose; by law, the Catholics and dissenters were disfranchised, and none but conformers to the worship of the legal church could hold office or sit in the legislature; by law, the house of commons was lifted above responsibility to the people; by law, the colonies were "bound" to be taxed at mercy. The tory party took the law as it stood, and set itself against reform. Henceforward its leaders and lights were to be found not among the representatives of medieval traditions. It was a new party, of which the leaders and expounders were to be new men. The moneyed interest, so firmly opposed to the legitimacy and aristocracy of the middle age, was to become its ally. Mansfield was its impersonation, and would transmit it, through Thurlow, to Eldon and the Boston-born Copley.

Bancroft, Hist. of the U.S., vol.3, p.197

It is the office of law to decide questions of possession. Woe hangs over the land where the absolute principles of private right are applied to questions of public law, and the effort is made to bar the progress of the undying race by the despotic rules which ascertain the property of evanescent mortals. Humanity smiled at the parchment chains which the lawyers threw around her, even though those chains were protected by a coalition of the army, the navy, the halls of justice, a corrupt parliament, and the crown. The new tory party created a new opposition. The non-electors of Great Britain were to become as little content with virtual representation as the colonists. Already the press of London gave to the world a very sensible production, showing the equity and practicability of a more equal representation throughout the whole British dominions; and a scheme for a general parliament, to which every part of them should send one member for every twenty thousand of its inhabitants.

Chapter 16:

The Repeal of the Stamp Act,

Administration of Rockingham,

February-May 1766

Bancroft, Hist. of the U.S., vol.3, p.198

THE Sons of Liberty, acting spontaneously, were steadily advancing toward an organization which should embrace the continent. In February, those in Boston and many towns of Massachusetts, of Portsmouth in New Hampshire, acceded to the association of Connecticut and New York, and joined in urging a continental union. In Connecticut the patriots of Norwich welcomed the plan; and a convention of almost all the towns of Litchfield county resolved that the stamp act was unconstitutional, null, and void, and that business of all kinds should go on as usual. The hum of domestic industry was heard more and more: young women would get together, and merrily and emulously drive the spinning-wheel from sunrise till dark; and every day the humor spread for being clad in homespun.

Bancroft, Hist. of the U.S., vol.3, p.198 - p.199

Cheered by the zeal of New England, the Sons of Liberty of New York sent circular letters as far as South Carolina, inviting to the formation of a permanent continental union. But the summons was not waited for. The people of South Carolina grew more and more hearty against the stamp act. "We are a very weak province," reasoned Christopher Gadsden, "yet a rich growing one, and of as much importance to Great Britain as any upon the continent; and a great part of our weakness, though at the same time 'tis part of our riches, consists in having such a number of slaves among us; and we find in our case, according to the general perceptible workings of Providence, where the crime most commonly, though slowly, yet surely, draws down a similar and suitable punishment, that slavery begets slavery. Jamaica and our West India islands demonstrate this observation, which I hope will not be our case now, whatever might have been the consequence, had the fatal attempt been delayed a few years longer, when we had drunk deeper of the Circean draught, and the measures of our iniquities were filled up. I am persuaded, with God's blessing, we shall not fall, nor disgrace our sister colonies at this time."

Bancroft, Hist. of the U.S., vol.3, p.199

The associated freeholders and inhabitants of several of the counties of North Carolina mutually plighted their faith and honor that they would, at any risk whatever, and whenever called upon, unite, and truly and faithfully assist each other to the best of their power in preventing entirely the operation of the stamp act.

Bancroft, Hist. of the U.S., vol.3, p.199

In the Ancient Dominion, men pledged themselves to one another for the same purpose, with equal ardor; and, in case an attempt should be made to arrest an associate, they bound themselves, at the utmost risk of their lives and fortunes, to restore such associate to liberty. The magistrates composing the court for Northampton unanimously decided that the stamp act did not bind the inhabitants of Virginia, and that no penalties would be incurred by those who should transact business as before. The great lawyer, Edmund Pendleton, of Caroline county, gave the opinion that "the stamp act was void for want of constitutional authority in parliament to pass it."

Bancroft, Hist. of the U.S., vol.3, p.199

On Tuesday, the fourth of February, the party of Bedford and the old ministry of Grenville coalesced with the friends of prerogative in the house of lords to exercise over the colonies the power which it had just been resolved that parliament rightfully possessed. The ministry desired to recommend to them to compensate the sufferers by the American riots. The new tory party, by a vote of sixty-three to sixty, changed the recommendation into a parliamentary requisition.

Bancroft, Hist. of the U.S., vol.3, p.199

The next morning, Rockingham and Grafton, much irritated, went to court and proposed the removal from office of one or two of those most hostile to their ministry; but the king refused his assent.

Bancroft, Hist. of the U.S., vol.3, p.200

On the night of the fifth, the same question came up in the house of commons, where Pitt spoke at length, with tact and gentleness; and the house, with considerable unanimity, contented itself with changing the proposition of the ministry into a resolution declaratory of its opinion.

Bancroft, Hist. of the U.S., vol.3, p.200

The house of lords nevertheless persevered; and, on the sixth, it attracted the world to witness its proceedings. To keep up appearances, Bute rose and declared that "the king would not blame him or other lords for obeying the dictates of their conscience on important affairs of state." Encouraged by this indirect promise of the king's good-will, the new coalition, after a solemn debate, carried a vote of fifty-nine against fifty-four in favor of executing the stamp act. For the house of lords now to consent to its repeal would in some sort be an abdication of its co-ordinate authority with the commons.

Bancroft, Hist. of the U.S., vol.3, p.200

The evening of that same day, Grenville made a motion for the execution of all acts. With instant sagacity, Pitt seized the advantage thus offered, and called on the house not to order the enforcement of the stamp act before they had decided the question of repeal. The request was reasonable, was pressed by him with winning candor and strength of argument, and commended itself to the good sense and generous feeling of the independent members.

Bancroft, Hist. of the U.S., vol.3, p.200

"I shudder at the motion," cried the aged General Howard, while the crowded house listened as if awed into silence; "I hope it will not succeed, lest I should be ordered to execute it. If ordered to draw my sword, before I would imbrue my hands in the blood of my countrymen, who are contending for English liberty, I would sheathe it in my own body." Nugent argued that giving way would infuse the spirit of resistance into the Irish. Charles Townshend praised the general purport of Grenville's proposal, and yet censured him vehemently for anticipating the decision of the house. Grenville remained obdurate, and denounced curses on the ministers who should sacrifice the sovereignty of Great Britain over her colonies. He had expected great support; and now, though Lord Granby and all the Scotch lords and the king's friends voted with him, the motion was rejected, in a very full house, by more than two to one.

Bancroft, Hist. of the U.S., vol.3, p.201

The king, when informed of this great majority, was more deeply affected than ever before; and authorized Lord Strange, chancellor of the duchy of Lancaster, "to say that he was for a modification of the stamp act, but not for a repeal of it."

Bancroft, Hist. of the U.S., vol.3, p.201

On the same day, Bedford and Grenville went to an interview with Bute, for whom it was a proud moment to find his aid solicited by his bitterest enemies. He desired that the past might be buried in oblivion, and that all honest men might unite; but he refused to enter upon any conference on the subject of a new administration. The duke of York interposed his offices, and bore to the king the duke of Bedford's "readiness to receive the royal commands, should his majesty be inclined to pursue the modification instead of the total repeal of the stamp act." But the king, who was resolved not to receive Grenville again as his chief minister, disregarded the offer.

Bancroft, Hist. of the U.S., vol.3, p.201

Such were the auspices when, on the thirteenth, Benjamin Franklin was summoned to the bar of the house of commons. The occasion found him full of hope and courage, though he had among his interrogators Grenville and Charles Townshend, and the house of commons for listeners. Choiseul, too, was sure to learn and to weigh all that he should utter.

Bancroft, Hist. of the U.S., vol.3, p.201 - p.202

In answer to questions, Franklin declared that America could not pay the stamp-tax for want of gold and silver, and from want of post-roads and means of sending stamps back into the country; that there were in North America about three hundred thousand white men from sixteen to sixty years of age; that the inhabitants of all the provinces together, taken at a medium, doubled in about twenty-five years; that their demand for British manufactures increased much faster; that in 1723 the whole importation from Britain to Pennsylvania was but about fifteen thousand pounds sterling, and had already become near half a million; that the exports from the province to Britain could not exceed forty thousand pounds; that the balance was paid from remittances to England for American produce, carried to our own islands or to the French, Spaniards, Danes, and Dutch in the West Indies, or to other colonies in North America, or to different parts of Europe, as Spain, Portugal, and Italy; that these remittances were greatly interrupted by new regulations, and by the English men-of-war and cutters stationed all along the coast in America; that the last war was really a British war, commenced for the defence of a purely British trade and of territories of the crown, and yet the colonies contributed to its expenses beyond their proportion, the house of commons itself being the judge; that they were now imposing on themselves many and very heavy taxes, in part to discharge the debts and mortgages on all their taxes and estates then contracted; that if, among them all, Maryland, a single province, had not contributed its proportion, it was the fault of its government alone; that they had never refused, and were always willing and ready to do what could reasonably be expected from them; that, before 1763, they were of the best temper in the world toward Great Britain, and were governed at the expense only of a little pen, ink, and paper; they allowed the authority of parliament in laws except such as should lay internal duties, and never disputed it in laying duties to regulate commerce, and considered that body as the great bulwark and security of their liberties and privileges; but that now their temper was much altered, and their respect for it lessened; and, if the act is not repealed, the consequence would be a total loss of the respect and affection they bore to this country, and of all the commerce that depended on that respect and affection.

Bancroft, Hist. of the U.S., vol.3, p.202

"Do you think it right," asked Grenville, "that America should be protected by this country, and pay no part of the expense?" "That is not the case," answered Franklin; "the colonies raised, clothed, and paid during the last war twenty-five thousand men, and spent many millions." "Were you not reimbursed by parliament?" rejoined Grenville. "Only what, in your opinion," answered Franklin, "we had advanced beyond our proportion; and it was a very small part of what we spent. Pennsylvania, in particular, disbursed about five hundred thousand pounds; and the reimbursements, in the whole, did not exceed sixty thousand pounds."

Bancroft, Hist. of the U.S., vol.3, p.202 - p.203

"Do you think the people of America would submit to pay the stamp duty if it was moderated?" "No, never. They will never submit to it." And when the subject was brought up a second and a third time, and one of Grenville's ministry asked, "May not a military force carry the stamp act into execution?" Franklin answered: "Suppose a military force sent into America; they will find nobody in arms; what are they then to do? They cannot force a man to take stamps who chooses to do without them. They will not find a rebellion: they may, indeed, make one."

Bancroft, Hist. of the U.S., vol.3, p.203

"How would the Americans receive a future tax, imposed on the same principle with that of the stamp act?" "Just as they do this; they would not pay it," was the answer. "What will be the opinion of the Americans on the resolutions of this house and the house of lords, asserting the right of parliament to tax the people there?" "They will think the resolutions unconstitutional and unjust." "How would they receive an internal regulation, connected with a tax?" "It would be objected to. When aids to the crown are wanted, they are, according to the old established usage, to be asked of the assemblies, who will, as they always have done, grant them freely. They think it extremely hard that a body in which they have no representatives should make a merit of giving and granting what is not its own, but theirs, and deprive them of a right which is the security of all their other rights." "Is not the post-office, which they have long received, a tax as well as a regulation?" interposed Grenville to Franklin, the deputy post-master for America; and Charles Townshend repeated the question. "No," replied Franklin, "the money paid for the postage of letters is merely a remuneration for a service."

Bancroft, Hist. of the U.S., vol.3, p.203

"But if the legislature should think fit to ascertain its right to lay taxes, by any act laying a small tax contrary to their opinion, would they submit to pay the tax?" "An internal tax, how small soever, laid by the legislature here on the people there, will never be submitted to. They will oppose it to the last." "The people," he made answer to the same question under many forms, "will pay no internal tax by parliament."

Bancroft, Hist. of the U.S., vol.3, p.203 - p.204

"Is there any kind of difference," continued Grenville's ministry, "between external and internal taxes to the colony on which they may be laid?" "The people," argued Franklin, "may refuse commodities, of which the duty makes a part of the price; but an internal tax is forced from them without their consent. The stamp act says we shall have no commerce, make no exchange of property with each other, neither purchase nor grant, nor recover debts, nor marry, nor make our wills, unless we pay such and such sums; and thus it is intended to extort our money from us, or ruin us by the consequences of refusing to pay it." "But suppose the external duty to be laid on the necessaries of life?" continued Grenville's ministry. And Franklin amazed them by his true answer: "I do not know a single article imported into the northern colonies but what they can either do without or make themselves. The people will spin and work for themselves, in their own houses. In three years there may be wool and manufactures enough."

Bancroft, Hist. of the U.S., vol.3, p.204

"Does the distinction between internal and external taxes exist in the charter of Pennsylvania?" asked a friend of Grenville. "No," said Franklin, "I believe not." "Then," asked Charles Townshend, "may they not, by the same interpretation of their common rights as Englishmen, as declared by Magna Charta and the Petition of Right, object to the parliament's right of external taxation?" And Franklin answered instantly: "They never have hitherto. Many arguments have been lately used here to show them that there is no difference; and that, if you have no right to tax them internally, you have none to tax them externally, or make any other law to bind them. At present, they do not reason so; but, in time, they may be convinced by these arguments."

Bancroft, Hist. of the U.S., vol.3, p.204

On the twentieth, while the newspapers of New York were reiterating the resolves of the Sons of Liberty, that they would venture their lives and fortunes to prevent the stamp act from taking place, that the safety of the colonies depended on a firm union of the whole, the ministers, at a private meeting of their supporters, settled the resolutions of repeal which even Charles Townshend was present to accept, and which, as Burke believed, he intended to support by a speech.

Bancroft, Hist. of the U.S., vol.3, p.204

The next day between four and five hundred members attended. Pitt was ill, but his zeal was above disease. "I must get up to the house as I can," said he; "when in my place, I feel I am tolerably able to remain through the debate, and cry ay to the repeal with no sickly voice;" and, through the huzzas of the lobby, he hobbled into the house on crutches, swathed in flannels.

Bancroft, Hist. of the U.S., vol.3, p.205

Conway moved for leave to bring in a bill for the repeal of the American stamp act. It had interrupted British commerce; jeoparded debts to British merchants; stopped one third of the manufactures of Manchester; increased the rates on land by throwing thousands of poor out of employment. The act, too, breathed oppression. It annihilated juries, and gave vast power to the admiralty courts. The lawyers might decide in favor of the right to tax; but the conflict would ruin both countries. In three thousand miles of territory, the English had but five thousand troops, the Americans one hundred and fifty thousand fighting men. If they did not repeal the act, France and Spain would declare war, and protect the Americans. The colonies, too, would set up manufactories of their own. Why, then, risk the whole for so trifling an object?

Bancroft, Hist. of the U.S., vol.3, p.205

Jenkinson, on the other side, moved a modification of the act, insisting that the total repeal, demanded as it was with menaces of resistance, would be the overthrow of British authority in America. In reply to Jenkinson, Edmund Burke spoke in a manner unusual in the house, connecting his argument with a new kind of political philosophy.

Bancroft, Hist. of the U.S., vol.3, p.205

About eleven, Pitt rose. He conciliated the wavering by allowing good ground for their apprehensions, and, acknowledging his own perplexity in making an option between two ineligible alternatives, he pronounced for repeal, as due to the liberty of unrepresented subjects, and in gratitude to their having supported England through three wars. He spoke with an eloquence which expressed conviction, and with a suavity of manner which could not offend even the warmest friends of the act.

Bancroft, Hist. of the U.S., vol.3, p.205

"The total repeal," replied Grenville, "will persuade the colonies that Great Britain confesses itself without the right to impose taxes on them, and is reduced to make this confession by their menaces. Do the merchants insist that debts to the amount of three millions will be lost, and all fresh orders be countermanded? Do not injure yourselves from fear of injury; do not die from the fear of dying. With a little firmness, it will be easy to compel the colonists to obedience. America must learn that prayers are not to be brought to Caesar through riot and sedition."

Bancroft, Hist. of the U.S., vol.3, p.206

Between one and two o'clock on the morning of the twenty-second of February the division took place. Only a few days before, Bedford had confidently predicted the defeat of the ministry. The king, the queen, the princess dowager, the duke of York, Lord Bute, desired it. The scanty remains of the old tories; all the followers of Bedford and Grenville; the king's friends; every Scottish member except Sir Alexander Gilmore and George Dempster; Lord George Sackville; Oswald, Sackville's colleague as vice-treasurer for Ireland; Barrington, the paymaster of the navy—were all known to be in the opposition.

Bancroft, Hist. of the U.S., vol.3, p.206

The lobbies were crammed with upward of three hundred men, representing the trading interests of the nation, trembling and anxious, as they waited to learn the resolution of the house. Presently it was announced that two hundred and seventy-five had voted for the repeal of the act, against one hundred and sixty-seven for softening and enforcing it. The roof of St. Stephen's rung with the long-continued shouts and cheerings of the majority.

Bancroft, Hist. of the U.S., vol.3, p.206

When the doors were thrown open, and Conway went forth, there was an involuntary burst of gratitude from the grave multitude which beset the avenues; they gathered round him like children round a parent, like captives round a deliverer. As Grenville moved along, swelling with rage and mortification, they pressed on him with hisses. But, when Pitt appeared, the crowd reverently pulled off their hats; and their applause touched him with tender and lively joy. Many followed his chair home with benedictions.

Bancroft, Hist. of the U.S., vol.3, p.206

He felt no illness after his immense fatigue. It seemed as if the gratitude of a rescued people, and the gladness of thousands, now become his own, had restored him to health; but his heartfelt and solid delight was not perfect till he found himself in his own house, with the wife whom he loved, and the children, who all partook of the overflowing pride of their mother. This was the earliest great political lesson received by his second son, then not quite seven years old, the eager and impetuous William, who rejoiced that he was not the eldest-born, but could serve his country in the house of commons, like his father.

Bancroft, Hist. of the U.S., vol.3, p.207

The king treated with great coolness all his servants who voted for the repeal. "We have been beaten," said Bedford to the French minister; "but we made a gallant fight."

Bancroft, Hist. of the U.S., vol.3, p.207

With the Scottish members, elected as they then were by a dependent tenantry, or in boroughs by close corporations, the mind of Scotland was as much at variance as the intelligence of France with Louis XV. Adam Smith, at Glasgow, was teaching the youth of Scotland the natural right of industry to freedom; Reid was constructing a system of philosophy, based upon the freedom of the active powers of man; and now, at the relenting "of the house of commons concerning the stamp act," "I rejoice," said Robertson, the illustrious historian, "from my love of the human species, that a million of men in America have some chance of running the same great career which other free people have held before them. I do not apprehend revolution or independence sooner than these must and should come."

Bancroft, Hist. of the U.S., vol.3, p.207 - p.208

America was firm in her resistance to the stamp act. Massachusetts, Rhode Island, and Maryland had opened their courts. From New York, the governor reported that "every one around him was an abettor of resistance." A merchant, who had signed a stamped bond for a Mediterranean pass, was obliged to stand forth publicly, and ask forgiveness before thousands. The people of Woodbridge, in New Jersey, recommended "the union of the provinces throughout the continent." Delegates from the Sons of Liberty in every town of Connecticut met at Hartford in convention, demonstrating by their example the facility with which America could organize independent governments; they declared for "perpetuating the union" as the only security for liberty. "A firm union of all the colonies" was the watchword of Rhode Island, adopted in a convention of the county of Providence; and it was resolved to oppose the stamp act, even if it should tend to "the destruction of the union" of America with Great Britain. At Boston, Joseph Warren, a young man whom nature had adorned with grace and manly beauty and a courage that bordered on rash audacity, uttered the new war-cry of the world, "FREEDOM AND EQUALITY." "Death," said he, "with all its tortures, is preferable to slavery." "The thought of independence," said Hutchinson, despondingly, "has entered the heart of America."

Bancroft, Hist. of the U.S., vol.3, p.208

Virginia had kindled the flame; Virginia now, by the hand of Richard Bland, through the press, claimed for America freedom from all parliamentary legislation, and pointed to independence as a remedy for a refusal of redress.

Bancroft, Hist. of the U.S., vol.3, p.208

"The colonies," said he, "are not represented in parliament; consequently every act of parliament that imposes internal taxes upon the colonies is an act of power, and not of right? Whenever I have strength, I may renew my claim; or my son, or his son may, when able, recover the natural right of his ancestor. Oppression has produced very great and unexpected events. The Helvetic confederacy, the states of the United Netherlands, are instances in the annals of Europe of the glorious actions a petty people, in comparison, can perform when united in the cause of liberty."

Bancroft, Hist. of the U.S., vol.3, p.208

On the fourth came on the last reading of the bill declaratory of the absolute power of parliament to bind America, as well as that for the repeal of the stamp act. Pitt moved to leave out the claim of right in all cases whatsoever, and reaffirmed that the parliament had no right to tax America while unrepresented. The amendment was rejected; and henceforward it became the law of the British land, that the British parliament was rightfully possessed of universal and absolute legislative power over America.

Bancroft, Hist. of the U.S., vol.3, p.208 - p.209

The final debate on the repeal ensued. "I doubt," said Pitt, who that night spoke most pleasingly, "I doubt if there could have been found a minister who would have dared to dip the royal ermine in the blood of the Americans." Every one felt that Pitt would soon be at the head of affairs. He had spoken throughout the winter with the dignity of conscious pre-eminence; and, being himself of no party, he had no party banded against him. At midnight, the question was disposed of by a vote of two hundred and fifty against one hundred and twenty-two. The Rockingham ministry sanctioned the principles of Grenville, and adopted, half-way, the policy of Pitt. On the next day, Conway, and more than one hundred and fifty members of the house of commons, carried the bill up to the house of lords, where Temple and Lyttelton did not suffer it to receive its first reading without debate.

Bancroft, Hist. of the U.S., vol.3, p.209

On the seventh, the declaratory bill was to have its second reading. "When I spoke last on this subject," said Camden, "I was indeed replied to, but not answered. As the affair is of the utmost importance, and its consequences may involve the fate of kingdoms, I took the strictest review of my arguments; I re-examined all my authorities, fully determined, if I found myself mistaken, publicly to give up my opinion; but my searches have more and more convinced me that the British parliament have no right to tax the Americans.

Bancroft, Hist. of the U.S., vol.3, p.209

"My position is this; I repeat it; I will maintain it to my last hour: taxation and representation are inseparable.

Bancroft, Hist. of the U.S., vol.3, p.209

"Taxation and representation are coeval with, and essential to, this constitution. I wish the maxim of Machiavel was followed—that of examining a constitution, at certain periods, according to its first principles; this would correct abuses and supply defects. I wish the times would bear it, and that the representative authority of this kingdom was more equally settled."

Bancroft, Hist. of the U.S., vol.3, p.209 - p.210

The speech printed in the following year found an audience in America; but, in the house of lords, Mansfield compared it to words spoken in Nova Zembla, which are said to be frozen for a month before anybody can get at their meaning; and then, with the loud applause of the peers, he insisted that the stamp act was a just assertion of the proposition that the parliament of Great Britain has a right to tax the subjects of Great Britain in all the dominions of Great Britain in America. But he treated the bill from the house of commons to ascertain the right of England over America with scorn, as an absurdity from beginning to end, and rendering the legislature ridiculous and contemptible. "It is," said he, "a humiliation of the British legislature to pass an act merely to annul the resolutions of a lower house of assembly in Virginia." "It is only assertion against assertion; and whether it rests in mere declaration, or is thrown into the form of a law, it is still a claim by one only, from which the other dissents; and, having first denied the claim, it will very consistently pay as little regard to an act of the same authority." Yet the bill was passed, with its two clauses: the one affirming the authority of parliament over America, in all cases whatsoever; and the other declaring the opposite resolutions of the American assemblies to be null and void.

Bancroft, Hist. of the U.S., vol.3, p.210

On the eleventh, the bill for the repeal of the stamp act was read a second time. The house of lords was full. Ten peers spoke against the repeal, and the lords sat between eleven and twelve hours, which was later than ever was remembered. Once more Mansfield and Camden exerted all their powers on opposite sides, while Temple indulged in personalities, aimed at Camden. The duke of Bedford closed the debate, and the house of lords divided. For subduing the colonies, if need be, by sword or fire, there appeared sixty-one, including the duke of York and several of the bishops; in favor of the repeal, there were seventy-three; but, adding the voices of those absent peers who voted by proxy, the ministry prevailed by one hundred and five against seventy-one. Northington voted for the repeal, pleading his unwillingness to act on such a question against the house of commons.

Bancroft, Hist. of the U.S., vol.3, p.210 - p.211

Immediately the protest which Lyttelton had prepared against committing the bill was produced, and signed by thirty-three peers, with Bedford at their head. Against the total repeal of the stamp act it maintained that such a strange and unheard-of submission of king, lords, and commons to a successful insurrection of the colonies would make the authority of Great Britain contemptible; that the reason assigned for their disobeying the stamp act extended to all other laws, and, if admitted, must set them absolutely free from obedience to the power of the British legislature; that any endeavor to enforce it hereafter, against their will, would bring on the contest for their total independence, rendered, perhaps, more dangerous and formidable from the circumstances of the other powers of Europe; that the power of taxation, to be impartially exercised, must extend to all the members of the state; that the colonies were able to share the expenses of the army, now maintained in them at the vast expense of almost a shilling in the pound land-tax, annually remitted from England for their special protection; that parliament was the only supreme legislature and common council empowered to act for all; that its laying a general tax on the American colonies was not only right, but expedient and necessary; that it was "a most indispensable duty to ease the gentry and people of this kingdom, as much as possible, by the due exertion of that great right of taxation without an exemption of the colonies."

Bancroft, Hist. of the U.S., vol.3, p.211

The protesting peers further opposed the repeal of the stamp act, "because," say they, "this concession tends to throw the whole British empire into a state of confusion, as the plea of our North American colonies, of not being represented in the parliament of Great Britain, may, by the same reasoning, be extended to all persons in this island who do not actually vote for members of parliament."

Bancroft, Hist. of the U.S., vol.3, p.211

To this famous Bedford protest a larger number of peers than had ever before signed a protest hastened in that midnight hour to set their names. Among them were four in lawn sleeves. It is the deliberate manifesto of the party which was soon to prevail in the cabinet and in parliament, and to rule England for two generations. It is the declaration of the new tory party in favor of the English constitution as it was, against any countenance to the extension of suffrage, the reform of parliament, and the effective exercise of private judgment.

Bancroft, Hist. of the U.S., vol.3, p.211 - p.212

On the seventeenth, the bill passed without a further division; but a second protest, containing a vigorous defence of the policy of Grenville, and breathing in every line the sanguinary desire to enforce the stamp act, was introduced by Temple, and signed by eight-and-twenty peers. Five of the bench of bishops were found ready, in the hour of conciliation, to record on the journals of the house their unrelenting enmity to measures of peace. Nor was the apprehension of a great change in the fundamental principles of the constitution concealed. "If we pass this bill against our opinion," they said, meaning to assert, and with truth, that it was so passed, "if we give our consent to it here, without a full conviction that it is right, merely because it has passed the other house, by declining to do our duty on the most important occasion which can ever present itself, and when our interposition, for many obvious reasons," alluding to the known opinion of the king, "would be peculiarly proper, we in effect annihilate this branch of the legislature, and vote ourselves useless." The people of England had once adopted that opinion. It was certain that the people of America were already convinced that the house of lords had outlived its functions, and was for them become worse than "useless."

Bancroft, Hist. of the U.S., vol.3, p.212

The next morning the king went in state to Westminster, and gave his assent to what, ever after, he regarded as the wellspring of all his sorrows—" the fatal repeal of the stamp act." He returned amid the shouts and huzzas of the applauding multitude. There was a public dinner of the friends of America in honor of the event; Bow bells were set a-ringing; and the ships on the Thames displayed all their colors. At night, a bonfire was kindled, and houses illuminated all over the city. An express was despatched to Falmouth with letters to different provinces, to transmit the news of the repeal as rapidly as possible to the colonies; nor was it at that time noticed that the ministry had carried through the mutiny bill, with the obnoxious American clauses of the last year; and that the king, in giving his assent to the repeal of the stamp act, had given his assent to the act declaratory of the supreme power of parliament over America, in all cases whatsoever.

Bancroft, Hist. of the U.S., vol.3, p.212 - p.213

While swift vessels hurried with the news across the Atlantic, the cider act was modified by the ministry, with the aid of Pitt; general warrants were declared illegal; and Edmund Burke, already famed for "most shining talents" and "sanguine friendship for America," was consulting merchants and manufacturers on the means of improving and extending the commerce of the whole empire. When Grenville, madly in earnest, deprecated any change in "the sacred act of navigation," Burke ridiculed him for holding any act sacred, if it wanted correction. Free ports were therefore established in Jamaica and in Dominica, which meant only that British ports were licensed to infringe the acts of navigation of other powers. Old duties, among them the plantation duties, which had stood on the statute-book from the time of Charles II, were modified; and changes were made in points of detail, though not in principle. The duty on molasses imported into the plantations was fixed at a penny a gallon; that on British coffee, at seven shillings the hundred-weight; on British pimento, one half-penny a pound; on foreign cambric or French lawn, three shillings the piece, to be paid into the exchequer, and disposed of by parliament. The act of navigation was purposely so far sharpened as to prohibit landing non-enumerated goods in Ireland. Under instructions given by the former administration, the governor of Grenada claimed to rule the island by prerogative; and Sir Hugh Palliser at Newfoundland, arrogated the monopoly of the fisheries to Great Britain and Ireland.

Bancroft, Hist. of the U.S., vol.3, p.213

Great Britain not only gave up the stamp-tax, but defrayed the expenses of the experiment out of its sinking fund. The treasury asked what was to be done with the stamps in those colonies where the stamp act had not taken place; and they were ordered to be returned to England, where for near a century the curious traveller might see bags of them, cumbering the office from which they were issued.

Bancroft, Hist. of the U.S., vol.3, p.213

A change of ministry was more and more spoken of. The nation demanded to see Pitt in the government; and Grafton and Conway continued to insist upon it. But Rockingham, who, during the repeal of the stamp act, had been dumb, was determined it should not be so; and Newcastle and Winchelsea and Egmont concurred with him. To be prepared for the change, and in the hope of becoming, under the new administration, secretary for the colonies, Charles Townshend assiduously courted the duke of Grafton. Pitt, on retiring to recruit the health which his unparalleled exertions in the winter had subverted, made a farewell speech, his last in the house of commons, wishing that faction might cease, and avowing his own purpose of remaining independent of any personal connections whatsoever.

Bancroft, Hist. of the U.S., vol.3, p.213

The joy of the colonies was, for a time, unmixed with apprehension. Virginia voted a statue to the king, and an obelisk on which were to be engraved the names of those who, in England, had signalized themselves for freedom. "My thanks they shall have cordially," said Washington, "for their opposition to any act of oppression." The consequences of enforcing the stamp act, he was convinced, "would have been more direful than usually apprehended."

Bancroft, Hist. of the U.S., vol.3, p.213 - p.214

Otis, at a meeting at the town hall in Boston to fix a time for the rejoicings, told the people that the distinction between inland taxes and port duties was without foundation; and, as the parliament had given up the one, they had given up the other; and the merchants were fools if they submitted any longer to the laws restraining their trade, which ought to be free.

Bancroft, Hist. of the U.S., vol.3, p.214

A bright day in May was set apart for the display of the public gladness, and the spot where resistance to the stamp act began was the centre of attraction. At one in the morning, the bell nearest Liberty Tree was the first to be rung; at dawn, colors and pendants rose over the house-tops all around it; and the steeple of the nearest meeting-house was hung with banners. During the day, all prisoners for debt were released by subscription. In the evening, the town shone as though night had not come; an obelisk on the common was brilliant with a loyal inscription; the houses round Liberty Tree exhibited illuminated figures of the king, of Pitt and Camden and Barre; and Liberty Tree was decorated with lanterns, till its boughs could hold no more.

Bancroft, Hist. of the U.S., vol.3, p.214

Never was there a more rapid transition of a people from gloom to transport. They compared themselves to a bird escaped from the net of the fowler, and once more striking its wings in the upper air; or to Joseph, the Israelite, whom Providence had wonderfully redeemed from the bondage into which he was sold by his elder brethren.

Bancroft, Hist. of the U.S., vol.3, p.214

The clergy from the pulpit joined in the fervent joy. "The Americans would not have submitted," said Chauncy. All the continent was cherishing the name of Pitt, the greatest statesman of England, the conqueror of Canada and the Ohio, the founder of empire, the apostle of freedom, "the genius and guardian of Britain and British America." "To you," said Mayhew, speaking to him across the ocean from the heart of the people, "grateful America attributes that she is reinstated in her former liberties. America calls you over and over again her father; live long in health, happiness, and honor; be it late when you must cease to plead the cause of liberty on earth."

Chapter 17:

The Charter of Massachusetts in Peril,

The Fall of the Rockingham Whigs,

The Earl of Chatham,

May-October 1766

Bancroft, Hist. of the U.S., vol.3, p.215

THE repeal of the stamp act "planted thorns" under the pillow of the king who preferred losing the colonies to tempering the British claim of absolute authority over them. Their denial of that claim and their union were ascribed by his friends to the fatal compliance of his ministers, whose measures, they insisted, had prevailed "by artifices" against the real opinion of parliament, and "the coming hour" was foretold "when the British Augustus would grieve for the loss, not of a province, but of an empire; not of three legions, but of nations."

Bancroft, Hist. of the U.S., vol.3, p.215 - p.216

A reaction necessarily followed. Pitt had erected no stronger bulwark for America than the shadowy partition which divides internal taxation from imposts regulating commerce, and Rockingham had broken down this slight defence by declaring that the power of parliament extends of right to all cases whatsoever. But they who give absolute power give the abuse of absolute power; they who draw the bolts from the doors and windows let in the robber. When the opinions of Bedford and Grenville became sanctioned as just principles of constitutional law, the question that remained was but of the expediency of its exercise, and country gentlemen, if they had a right to raise a revenue from America, were sure that it was expedient to ease themselves of one fourth of their land-tax by exercising the right. "The administration is dead, and only lying in state," was the common remark. Conway was eager to resign, and Grafton not only threw up his office, but, before the house of lords, called on the prime minister to be content with an inferior station, for the sake of accomplishing a junction with Pitt.

Bancroft, Hist. of the U.S., vol.3, p.216

In May, on the resignation of Grafton, Conway, with his accustomed indecision, remained in office, but escaped from the care of America to the northern department. There appeared a great and general backwardness to embark with Rockingham. Lord North had hardly accepted a lucrative post before he changed his mind and excused himself. Lord Howe would not serve, unless under Pitt. Lord Hardwicke refused the place left vacant by Grafton; so did his brother, Charles Yorke; and so did Egmont, till at last it fell to the husband of Conway's stepdaughter, the liberal, self-confident duke of Richmond, who added grace and courtesy of manners to firm affections, but was swayed by an ambition that far outran his ability. He, too, shunned the conduct of American affairs, and they were made over to a new department of state, which Dartmouth was to accept. Once, to delay his fall, Rockingham suggested a coalition with the duke of Bedford. Female politicians, at their game of loo, divined the nun of the ministry, and were zealots for governing the colonies by force.

Bancroft, Hist. of the U.S., vol.3, p.216 - p.217

In America, half-suppressed murmurs mingled with its transport. Taxation by parliament began to be compared with restrictions on industry and trade, and the latter were found to be "the more slavish thing of the two," and "the more inconsistent with civil liberty." The protesting lords had affirmed that, if the provinces might refuse obedience to one statute, they might to all; that there was no abiding-place between unconditional universal submission and independence. Alarmed that so desperate an alternative should be forced upon them, the colonists, still professing loyalty to a common sovereign, were driven nearer and nearer to a total denial of the power of the British legislature; but, for the present, they confined their case to the power of taxation. "I will freely spend nineteen shillings in the pound," said Franklin, "to defend my right of giving or refusing the other shilling; and, after all, if I cannot defend that right, I can retire cheerfully with my little family into the boundless woods of America, which are sure to afford freedom and subsistence to any man who can bait a hook or pull a trigger." "The Americans," said Thomson Mason, the ablest lawyer of that day in Virginia, "are hasty in expressing their gratitude, if the repeal of the stamp act is not at least a tacit compact that Great Britain will never again tax us. The different assemblies, without mentioning the proceedings of parliament, should enter upon their journals as strong declarations of their own rights as words can express. Thus one declaration of rights will stand against another, and matters will remain as they were, till some future weak minister, equally a foe to Britain and her colonies, shall, by aiming at popularity, think proper to revive the extinguished flame."

Bancroft, Hist. of the U.S., vol.3, p.217

To the anxious colonies, Boston proposed union as the means of security. While within its own borders it sought "the total abolishing of slavery," and encouraged learning, as the support of the constitution and the handmaid of liberty, its representatives were charged to keep up a constant intercourse with the other English governments on the continent, to conciliate any difference that should arise; ever preferring their friendship and confidence to the demands of rigorous justice. Henceforth its watchword was union, which the rash conduct of the dismayed officers of the crown contributed to establish. Bernard was elated at having been praised in the house of lords by Camden for one set of his opinions, and quoted as an oracle in the Bedford protest for the other. There was even a rumor that he was to be made a baronet. His superciliousness rose with his sense of personal safety, and he boasted that, on the meeting of the legislature, he would play out his part as governor.

Bancroft, Hist. of the U.S., vol.3, p.217 - p.218

In choosing the new house in Massachusetts, many towns, stimulated by the "rhapsodies" of Otis, put firm patriots in the places of the doubtful and the timid. Plymouth sent James Warren, the brother-in-law of Otis; and Boston, at the suggestion of Samuel Adams, gave one of its seats to John Hancock, a popular young merchant, of large fortune. At their organization on the last Wednesday in May, the representatives elected James Otis their speaker, and Samuel Adams their clerk. Otis was still the most influential member of the house, had long been held in great esteem throughout the province, had been its delegate to the New York congress, and had executed that trust to universal acceptance. Though irritable, he was placable, and at heart was truly loyal to his king. Bernard ostentatiously negatived the choice. The negative, as unwise as it was unusual, excited undefined apprehensions of danger; but the house, deferring to legal right, acquiesced without complaint, and substituted as its speaker the respectable but irresolute Thomas Cushing.

Bancroft, Hist. of the U.S., vol.3, p.218

In the afternoon of the same day, at the choice of the council, the four judges of the supreme court, of whom Hutchinson was the chief, the king's attorney, and Oliver, the secretary and late stamp-master, all members of the last year's board, were not re-elected, for, said Samuel Adams, "upon the principle of the best writers, a union of the several powers of government in one person is dangerous to liberty." The ballot had conformed strictly to the charter and to usage, and the successful candidates were men of prudence, uprightness, and loyalty. But Bernard "resented" the exclusion of the crown officers by negativing six of the ablest "friends of the people in the board." He had legally the power to do so, and the legislature submitted without a murmur.

Bancroft, Hist. of the U.S., vol.3, p.218

Here the altercation should have terminated. But, on the following day, Bernard, an "abject" coward where courage was needed, and now insolent when he should have been conciliatory, undertook to force the election of Hutchinson and Oliver as the condition of an amnesty, and accused the house of having determined its votes from "private interests."

Bancroft, Hist. of the U.S., vol.3, p.218

Concurrently, Rigby, as the leader of the Bedford party, on the third of June, proposed in the British house of commons an address to the king, censuring America for its "rebellious disposition," and pledging parliament to the coercion of the colonies.

Bancroft, Hist. of the U.S., vol.3, p.218 - p.219

From the ministerial benches, Charles Townshend, professing to oppose the motion, spoke substantially in its favor. "It has long been my opinion," said he, in conclusion, "that America should be deprived of its militating and contradictory charters, and its royal governors, judges, and attorneys be rendered independent of the people. I therefore expect that the present administration will, in the recess of parliament, take all the necessary previous steps for compassing so desirable an event. The madness and distractions of America have demanded the attention of the supreme legislature; and the colony charters have been considered, and by judges of the realm declared inconsistent and actually forfeited by the audacious and unpardonable resolves of subordinate assemblies. This regulation must no longer be trusted to accidental obedience. If I should differ in judgment from the present administration on this point, I now declare that I must withdraw, and not longer co-operate with persons of such narrow views in government; but I hope and expect otherwise, trusting that I shall be an instrument among them of preparing a new system."

Bancroft, Hist. of the U.S., vol.3, p.219

Rigby was ably supported by Lord North and Thurlow; and especially by Wedderburn, who railed mercilessly at the ministers in a mixed strain of wit, oratory, and abuse: so that, notwithstanding a spirited speech from Conway and a negative to the motion without a division, America was taken out of their control and made the sport of faction.

Bancroft, Hist. of the U.S., vol.3, p.219

The very same day on which Townshend proclaimed a war of extermination against American charters, similar threats were uttered at Boston. In communicating the circular letter from Conway, proposing "to forgive and forget" the incidents of the stamp act, and directing the several governors to "recommend" to the colonial legislatures an indemnification of all sufferers by the riots which it occasioned, Bernard renewed his complaints that the principal crown officers had been dropped from the Council, and held out a menace of a change in the charter of the province, if Hutchinson should not be elected to the board.

Bancroft, Hist. of the U.S., vol.3, p.219

"The requisition is founded upon a resolution of the house of commons," he continued, employing the word which that body, after debate, as well as Conway, had purposely avoided. "The authority with which it is introduced should preclude all disputation about complying with it."

Bancroft, Hist. of the U.S., vol.3, p.219

Bernard's speeches fell on the ear of Samuel Adams as not less "infamous and irritating" than the worst "that ever came from a Stuart to the English parliament;" and, with sombre joy, he called the province happy in having for its governor one who left to the people no option but between perpetual watchfulness and total ruin.

Bancroft, Hist. of the U.S., vol.3, p.220

"The free exercise of our undoubted privileges," replied the house, "can never, with any color of reason, be adjudged an abuse of our liberty. We have strictly adhered to the directions of our charter and the laws of the land. We made our election with special regard to the qualifications of the candidates. We cannot conceive how the assertion of our clear charter right of free election can tend to impeach that right or charter. We hope your excellency does not mean openly and publicly to threaten us with a deprivation of our charter privileges, merely for exercising them according to our best judgment."

Bancroft, Hist. of the U.S., vol.3, p.220

"No branch of the legislature," insisted the council, "has usurped or interfered with the right of another. Nothing has taken place but what has been constitutional and according to the charter. An election duly made, though disagreeable to the chair, does not deserve to be called a formal attack upon government or an oppugnation of the king's authority."

Bancroft, Hist. of the U.S., vol.3, p.220

Mayhew, of Boston, mused anxiously over the danger, which was now clearly revealed, till, in the morning watches of the next Lord's day, light dawned upon his active mind, and the voice of wisdom spoke from his warm heart, which was so soon to cease to beat. "You have heard of the communion of churches," he wrote to Otis; "while I was thinking of this in my bed, the great use and importance of a communion of colonies appeared to me in a strong light. Would it not be decorous for our assembly to send circulars to all the rest, expressing a desire to cement union among ourselves? A good foundation for this has been laid by the congress at New York; never losing sight of it may be the only means of perpetuating our liberties." The patriot uttered this great word of counsel on the morning of his last day of health in Boston. From his youth he had consecrated himself to the service of colonial freedom in the state and church; he died, overtasked, in the unblemished beauty of manhood, consumed by his fiery zeal, foreseeing independence. Whoever repeats the story of American liberty renews his praise.

Bancroft, Hist. of the U.S., vol.3, p.220 - p.221

The time for intercolonial correspondence was not come; but, to keep up a fellow-feeling with its own constituents, the house, setting an example to be followed by all representative bodies, opened a gallery for the public to attend its debates. It sent a grateful address to the king, and voted thanks to Pitt and to Grafton; and, among many others, to Conway and Barre, to Camden and Shelburne; to Howard, who had refused to draw his sword against the colonies; to Chesterfield, who left retirement for their relief. But, as to compensating the sufferers by the late disturbances, it upheld its right of deliberating freely, and would only promise at its next session to act as should then appear just and reasonable.

Bancroft, Hist. of the U.S., vol.3, p.221

Connecticut, overjoyed at the repeal of the stamp act and expressing satisfaction at being connected with Great Britain, took the precaution to elect as its governor the discreet and patriotic William Pitkin, in place of the loyalist Fitch.

Bancroft, Hist. of the U.S., vol.3, p.221

The legislature of South Carolina, retaining, like Georgia, its avowed sentiments on internal taxation, marked its loyalty by granting every requisition, even for doubtful purposes; at the same time, it asked for the pictures of Lynch, Gadsden, and Rutledge; and, on the motion of Rawlins Lowndes, remitted a thousand pounds toward a statue of Pitt. Still they felt keenly that they were undeservedly distinguished from their happier fellow-subjects in England by the unconstitutional tenure of their judges during the king's pleasure. They complained, too, that ships laden with their rice for ports north of Cape Finisterre were compelled, on their outward and return voyage, to touch at some port in England; and they prayed for modifications of the navigation act, which would equally benefit Great Britain and themselves.

Bancroft, Hist. of the U.S., vol.3, p.221

At New York, on the king's birthday, the bells rang merry peals to the strains of martial music and the booming of artillery; the Fields near the Park were spread for feasting; and a tall mast was raised to George III, William Pitt, and Liberty. At night, enormous bonfires blazed; and all was as loyal and happy as though freedom had been brought back, with ample pledges for her stay.

Bancroft, Hist. of the U.S., vol.3, p.221 - p.222

The assembly came together in the best spirit. They passed over the claims of Colden, who was held to have been the cause of his own griefs; but resolved by a majority of one to indemnify James, who had given impartial testimony before the house of commons. They voted to raise on the Bowling Green an equestrian statue of George III, and a statue of William Pitt, twice the preserver of his country. But the clause of the mutiny or billeting act, directing colonial legislatures to make specific contributions toward the support of the army, placed New York, where the head-quarters were established, in the dilemma of submitting immediately and unconditionally to the authority of parliament, or taking the lead in a new career of resistance. The rescript was, in theory, worse than the stamp act. For how could one legislative body command what another legislative body should enact? And, viewed as a tax, it was unjust, for it threw all the burden on the colony where the troops chanced to be collected. The requisition of the general, made through the governor, "agreeably to the act of parliament," was therefore declared to be unprecedented in its character and unreasonable in its amount; yet, in the exercise of the right of free deliberation, everything asked for was voted, except such articles as were not provided in Europe for British troops when in barracks.

Bancroft, Hist. of the U.S., vol.3, p.222

The general and the governor united in accepting the grant; but, in reporting the affair, the well-meaning, indolent Moore reflected the opinions of the army, whose officers still compared the Americans to the rebels of Scotland, and wished them a defeat like that of Culloden. "My message," said he, at the end of his narrative, "is treated merely as a requisition made here; and they have carefully avoided the least mention of the act on which it is founded. It is my opinion that every act of parliament, when not backed by a sufficient power to enforce it, will meet with the same fate."

Bancroft, Hist. of the U.S., vol.3, p.222

From Boston, Bernard, without any good reason, chimed in with the complainers. "This government," said he, "quickened and encouraged by the occurrences at New York, cannot recover itself by its own internal powers." "The making the king's council annually elective is the fatal ingredient in the constitution. The only anchor of hope is the sovereign power, which would secure obedience to its decrees, if they were properly introduced and effectually supported." And he gave himself no rest in soliciting the interposition of parliament and the change of the charter of Massachusetts.

Bancroft, Hist. of the U.S., vol.3, p.222 - p.223

The obnoxious clauses of the billeting act had been renewed inadvertently by ministers, who had designed to adopt a system of lenity. They proposed to remove Bernard from Massachusetts, in favor of Hutchinson, whom Conway had been duped into believing a friend to colonial liberty. Reviving against Spain the claim for the ransom of the Manillas, they suggested in lieu of it a cession of the island of New Orleans; though the Spanish ambassador took fire at the thought, saying: "New Orleans is the key to Mexico." With equally vain endeavors, they were forming new and milder instructions for the government of Canada, in the hope to combine respect for the municipal customs and religion of its old inhabitants with the safeguards of the English criminal law. The conquest of New France subjected to England one more country, whose people had not separated from the church of Rome; and the British government was soon compelled to take initiatory steps toward Catholic emancipation. Canadians, without altering their faith, were permitted to serve as jurors; and it was proposed to make them eligible as justices of the peace and as judges. But Northington, in very ill-humor, thrust forward vague objections; and, as his colleagues persevered, he repaired to the king to advise their change.

Bancroft, Hist. of the U.S., vol.3, p.223

The time was come for the eclipse of the genius of William Pitt. Unrelenting disease and the labors of the winter session had wrecked his constitution. Yet had he remained out of place, and appeared at intervals in the house of commons, he would have left a name needing no careful and impartial analysis of facts for his apology. As it is, I have to record how vainly he labored to diminish the aristocratic ascendency in England, and guide a great people in the career of freedom. The charms of rural life in Somersetshire could not obliterate the memory of days when his life was the life of the British people. His eager imagination bore him back to the public world, though to him it was become a riddle, which not even the wisest interpreter could solve.

Bancroft, Hist. of the U.S., vol.3, p.223 - p.224

While he was in this tumult of emotions, a letter of the seventh of July was brought from the king's own hand, reminding him that his last words in the house of commons had been a declaration of freedom from party ties, and inviting him to form an independent ministry. The feeble invalid, whose feverishness inflamed his hopes, flew, as he expressed it, "on wings of expedition, to lay at the king's feet the poor but sincere offering of the remnant of his life, body, heart, and mind."

Bancroft, Hist. of the U.S., vol.3, p.224

He arrived in London on Friday, the eleventh of July, by no means well; but fever bewildered his judgment and increased his self-confidence. On Saturday, he was barely able to have a short interview with the king, and obtain consent to take the actual administration as the groundwork of his own, even though Newcastle and Rockingham should retire. True to his affections, he next invited Temple, the beloved brother of his wife, the head of her family and their common benefactor, to become the first lord of the treasury. But Temple, who had connected himself with Grenville and the party of Bedford, refused to unite with the friends of Rockingham; and, having told the king "he would not go into the ministry like a child, to come out like a fool," he returned to Stowe, repeating this speech to the world, dictating a scurrilous pamphlet against his brother-in-law, and enjoying the notoriety of having been solicited to take office and been found impracticable.

Bancroft, Hist. of the U.S., vol.3, p.224 - p.225

The discussion with Temple and its issue aggravated the malady of Pitt. He was too ill on the eighteenth to see the king, or even the duke of Grafton; and yet, passing between all the factions of the aristocracy, he proceeded to form a ministry. Grafton, to whom, on the nineteenth, he offered the treasury, went directly to Charles Townshend, by whose assiduous court and rare abilities he had been "captivated," and found him "eager to give up the paymaster's place for the office of chancellor of the exchequer," which must have seemed to him "the readiest road to the upper seat." When informed of this proposal, Pitt said everything to dissuade him from taking such a man as his second, warning him of the many unexpected disappointments which he was preparing. But "I was weak enough, very unwisely, to persist in my desire," Grafton afterward wrote, more anxious to manifest the integrity of his intentions than to conceal the consequences of his advice. Pitt loved to oblige those in whom he confided, and gave way, though much against his inclination as well as his opinion; insisting, however, that Townshend was not to be called to the cabinet. On learning this exclusion, Townshend hesitated; but finally, on the twenty-sixth, pleading "the express commands" of the king, he acquiesced. "I sacrifice," said he, "with cheerfulness and from principle, all that men usually pursue." Affecting to trust that this merit would be acknowledged by posterity, he pledged himself, in every measure of business and every act of life, to cultivate Pitt's confidence and esteem; and to Grafton he said: "My plan is a plan of union with your grace; words are useless; God prosper our joint labors, and may our mutual trust, affection, and friendship grow from every act of our lives."

Bancroft, Hist. of the U.S., vol.3, p.225

The lead in the house of commons was assigned to Conway, as one of the secretaries of state; the care of America, to the earl of Shelburne. The seals of the highest judicial office were confided to Camden, who had called taxing America by act of parliament, a robbery; Northington, the former chancellor, became president of the council; while the prime minister's own infirmities, which should have forbidden him to take office at all, made him reserve for himself the quiet custody of the privy seal. Taken as a whole, the cabinet, of which the members were Pitt, Camden, Grafton, Conway, Shelburne, and the now inactive Northington, was the most liberal that had been composed in England. "If ever a cabinet," wrote a sagacious observer, "can hope for the rare privilege of unanimity, it is this, in which Pitt will see none but persons whose imagination he has subjugated, whose premature advancement is due to his choice, whose expectations of permanent fortune rest on him alone."

Bancroft, Hist. of the U.S., vol.3, p.225

Of the friends of Rockingham, Lord John Cavendish set the example of refusing to serve under Grafton; but he insisted to Conway that acts of civility would satisfy the heads of his party. At this suggestion, Pitt, on the twenty-seventh of July, went to pay Rockingham a visit of respect; and had passed the threshold, when the young chief of the great whig families refused to receive the venerable man of the people. But he was never afterward able to resume office, except with the friends of the minister he now insulted.

Bancroft, Hist. of the U.S., vol.3, p.225 - p.226

The old whig party, which in 1746 deserted the public service only to force its restoration on its own terms, which eleven years later kept England, in time of war, in a state of anarchy for ten weeks till its demands could be satisfactorily compromised, had, in 1765, owed office to the king's favor, and now fell powerless, when left to itself. The administration of Rockingham brought Cumberland into the cabinet; took the law from Mansfield; restored Lord George Germain to public life; and would willingly have coalesced with Bedford. Yet a spirit of humanity ruled its intentions and pervaded its measures, while most pernicious errors sprung from the attempt at a compromise with the principles of its predecessors. The rights of persons were confirmed by the condemnation of general warrants, and those friends of liberty who had run hazards in its cause were restored and upheld. The members of the government abstained from some of the worst methods of corruption usual to their party in its earlier days; they sold no employments and obtained no reversions. Opposed by placemen and pensioners, they had support in the increasing confidence and good-will of the nation. Still, they had entered the cabinet in violation of their essential doctrine, at the wish of the king superseding men who were dismissed only for maintaining privilege against prerogative; and, if they mitigated taxation in America by repealing the stamp act, they boasted of the increase of the revenue raised there from trade, renewed the unconstitutional method of making parliamentary requisitions on colonial assemblies, and in the declaratory act placed in the statute-book a law, tyrannical in principle, false in fact, and impossible in practice.

Bancroft, Hist. of the U.S., vol.3, p.226 - p.227

The incapacity of Pitt's new administration was apparent from its first day, when he announced to his astonished and disheartened colleagues his purpose of placing himself as the earl of Chatham in the house of lords. During the past year, such an elevation in rank had often been suggested. He was too much "shattered" to lead the commons; and he might wish to secure dignity for his age. But, in ceasing to be the great commoner, he veiled his superiority. "My friend," said Frederic of Prussia on hearing of it, "has harmed himself by accepting a peerage." "It argues," said the king of Poland, "a senselessness to glory to forfeit the name of Pitt for any title." "The strength of the administration," thought all his colleagues, "lay in his remaining with the commons." "There was but one voice among us," said Grafton, "nor, indeed, throughout the kingdom." The lion had left the forest, where he roamed as monarch, and had walked into a cage. His popularity vanished, and with it the terror of his name. He was but an English earl and the shadow of a prime minister; he no longer represented the British people. He had, moreover, offended the head of every faction, whose assistance he yet required; Camden had not the qualities of a great statesman; Grafton was indolent and easily misled; Conway always vacillated; Shelburne, his able and sincere friend, was disliked at court; and the king agreed with his minister in nothing but the wish to humble the aristocracy.

Bancroft, Hist. of the U.S., vol.3, p.227 - p.228

In August, just at the time of Chatham's taking office, Choiseul, having assigned the care of the navy to his brother, had resumed that of foreign affairs. He knew the gigantic schemes of colonial conquests which Pitt had formerly harbored, and weighed the probabilities of a new war against France and Spain. The agent whom he had sent, in 1764, on a tour of observation through the British colonies, was just returned, and reported how they abounded in corn, cattle, flax, and iron; in trees fit for masts; in pine timber, lighter than oak, easily wrought, not liable to split, and incorruptible; how the inhabitants, already numerous, and doubling their numbers every twenty years, were opulent, warlike, and conscious of their strength; how they followed the sea, especially at the North, and engaged in great fisheries; how they built annually one hundred and fifty vessels to sell in Europe and the West Indies, at the rate of seven pounds sterling the ton; and how they longed to throw off the restraints imposed on their navigation. New York stood at the confluence of two rivers, of which the East was the shelter to merchant vessels; its roadstead was a harbor, where a navy could ride at anchor. The large town of Philadelphia had rope-walks and busy ship-yards; manufactures of all sorts, especially of leather and of iron. In the province to which it belonged, the Presbyterians outnumbered the Quakers; and Germans openly declared that Pennsylvania would one day be called Parva Germania. In all New England there were no citadels, from the people's fear of their being used to compel submission to acts of parliament infringing colonial privileges. The garrison at Boston was in the service of the colony. The British troops were so widely scattered in little detachments as to be of no account. "England," reasoned the observer, "must foresee a revolution, and has hastened its epoch by relieving the colonies from the fear of France in Canada."

Bancroft, Hist. of the U.S., vol.3, p.228

Choiseul read in the "Gazette" of Leyden the answer lately made by the assembly of Massachusetts to its governor, and learned with astonishment that colonies, which were supposed to have no liberties but by inference, spoke boldly and firmly of rights and a constitution.

Bancroft, Hist. of the U.S., vol.3, p.228

Chatham in health would have mastered all difficulties, or fallen with dignity. Jealous of the Bourbon courts, he urged the improvement of the harbor of Pensacola, which, it was said, could shelter at least forty ships of the line, and hold in check the Commerce of Vera Cruz.

Bancroft, Hist. of the U.S., vol.3, p.228

The rival statesmen, with eyes fixed on America, competed for European alliances. No sooner had Chatham entered on the ministry than he rushed into the plan of a great northern league to balance the power of the Bourbons, and hastily invited Frederic of Prussia and Catharine of Russia to connect themselves intimately with England; but Frederic, doubting the permanency of his ministry, put the invitation aside. Choiseul was as superior in diplomacy as his opponent had been in war; and was establishing such relations with every power of Europe that, in the event of new hostilities respecting America, France would have Spain for its partner, and no enemy but England.

Bancroft, Hist. of the U.S., vol.3, p.228 - p.229

Chatham grew sick at heart, as well as decrepit. To be happy, he needed the consciousness of standing well with his fellow-men; but he whose voice had been a clarion to the Protestant world no longer enjoyed popularity at home, or influence abroad, or the trust of the colonies. The sense of his loneliness, on his return to power, crushed his vigor of will. The most imperative of statesmen knew not how to resolve. Once, at Grafton's earnest solicitation, Charles Townshend was permitted to attend a consultation on European alliances. The next day, Chatham, with the cheerful consent of the king, retreated to Bath; but its springs had no healing for him. He desired to control France by a northern union, and stood before Europe without one power as an ally. He loved to give the law to the cabinet, and was just admitting into it a restless intriguer, who would traverse his policy. He gloried in the confidence of his sovereign; and the king wanted nothing of him but "his name." he longed for the love of the people of England; and he had left them for an earldom. He would have humbled the aristocracy; and "the nobility" not only "hated him," but retained strength to overwhelm him.

Bancroft, Hist. of the U.S., vol.3, p.229

Yet the cause of liberty was advancing, though Chatham had lost his way. Philosophy spread the knowledge of the laws of nature. The empress of Russia with her own hand minuted an edict for universal tolerance. "Can you tell me," writes Voltaire, in October, to D'Alembert, "what will come, within thirty years, of the revolution which is taking effect in the minds of men from Naples to Moscow? I, who am too old to hope to see anything, commend to you the age which is forming." But, though far stricken in years, Voltaire shall himself witness and applaud the greatest step in this progress; shall see insurgent colonies become a republic, and welcome its envoy to Paris and the academy of France.

Bancroft, Hist. of the U.S., vol.3, p.229

Meantime, Choiseul dismissed from the council of his king all former theories about America, alike in policy and war; and looked more nearly into the condition of the British colonies, that his new system might rest on the surest ground.

Chapter 18:

Charles Townshend Usurps the Lead in Government,

Administration of Chatham,

October 1766-March 1767

Bancroft, Hist. of the U.S., vol.3, p.230

THE people of Massachusetts lulled themselves into the belief that they were "restored once more" to the secure enjoyment "of their rights and liberties;" but their secret enemies combined to obtain an American army and an American tribute, as necessary for the enforcement of the navigation acts, and even for the existence of government. When the soldiers stationed in New York had, in the night of the tenth of August 1766, cut down the flagstaff of the citizens, the general reported the ensuing quarrel as a proof of "anarchy and confusion," and the need of troops for the support of "the laws." Yet the New York association of the Sons of Liberty had dissolved itself; and all efforts to keep up "its glorious spirit" were subordinated to loyalty. "A few individuals" at Boston, having celebrated the anniversary of the outbreak against the stamp act, care was taken to report how healths had been drunk to Otis, "the American Hampden, who first proposed the congress;" "to the Virginians," who sounded the alarm to the country; to Paoli and the struggling Corsicans; to the spark of liberty that was thought to have been kindled in Spain. From Bernard, who made the restraints on commerce intolerable by claiming the legal penalty of treble forfeits from merchants whom his own long collusion had tempted to the infraction of a revenue law, came unintermitted complaints of illicit trade. At Falmouth, now Portland, an attempt to seize goods, under the disputed authority of writs of assistance, had been defeated by a mob; and the disturbance was made to support a general accusation against the province. At Boston, Charles Paxton, the marshal of the court of admiralty, came, with the sheriff and a similar warrant, to search the house of Daniel Malcom for a second time; but the stubborn patriot refused to open his doors, which they dared not break down, so doubtful were they of their right; and, when the altercation attracted a crowd, they withdrew, pretending to have been obstructed by a riotous assemblage. These incidents, by themselves of little moment, were secretly reported as a general rising against the execution of the laws of trade. But the cabal relied most on personal importunity; and, in October, the untiring Paxton, who had often visited England, and was known to possess as much of the friendship of Charles Townshend as a selfish client may obtain from an intriguing patron, was sent over by the colonial crown officers, with special authority to appear as the friend of Oliver and of Hutchinson.

Bancroft, Hist. of the U.S., vol.3, p.231 - p.232

We are drawing near the measures which compelled the insurrection of the colonies; but all the stars in their courses were harbingers of American independence. No sooner were the prairies of Illinois in the possession of England than Croghan, a deputy Indian agent, who from personal observation knew their value, urged their immediate colonization. Sir William Johnson, William Franklin the royalist governor of New Jersey, several fur-traders of Philadelphia, even Gage himself, eagerly took part in a project by which they were to acquire vast estates in the most fertile valley of the world. Their proposal embraced the territory bounded by the Mississippi, the Ohio, a line along the Wabash and Maumee to Lake Erie, and thence across Michigan, Green Bay, and the Fox river, to the mouth of the Wisconsin. The tract was thought to contain sixty-three millions of acres, the like of which could nowhere be found. Franklin favored the enterprise, which promised to America some new security for a mild colonial administration. It was the wish of Shelburne, who loved to take counsel with the great philosopher on the interests of humanity, that the valley of the Mississippi might be occupied by colonies enjoying English liberty. But the board of trade, to which Hillsborough had returned, insisted that emigrants to so remote regions would establish manufactures for themselves, and in the heart of America found a power which distance must emancipate. They adhered, therefore, to the proclamation of 1763, and to the range of the Alleghanies as the frontier of British settlements.

Bancroft, Hist. of the U.S., vol.3, p.232

But the prohibition only set apart the great valley as the sanctuary of the unhappy, the adventurous, and the free; of those whom enterprise or curiosity, or disgust at the forms of life in the old plantations, raised above royal edicts; of the homeless, who would run all risks to take possession of the soil between the Alleghanies and the Ohio. The boundless West became the poor man's city of refuge, where the wilderness guarded his cabin as inviolably as the cliff or the cedar-top holds the eagle's eyrie. The few who occupied lands under grants from the crown could rely only on themselves for the protection of their property, and refused to pay quit-rents till their legal right should be acknowledged. The line of "straggling settlements" beyond the mountains extended from Pittsburg up the Monongahela and its tributaries to the banks of the Greenbrier and the New river, and to the well-known upper valley of the Holston, where the military path from Virginia led to the country of the Cherokees. Explorers or hunters went still farther to the west; for it is recorded that in 1766 "eight men were killed on Cumberland river."

Bancroft, Hist. of the U.S., vol.3, p.232

In North Carolina, the people along the upland frontier, many of whom had sprung from Scotch-Irish Presbyterians, suffered from the illegal exactions of sheriffs and officials, whose pillaging was supported by the whole force of government. To meet this flood of iniquity, the most approved advice came from Herman Husbands, an independent farmer, who dwelt on Sandy Creek, where his fields of wheat and his "clover meadow" were the admiration of all observers. Each neighborhood throughout Orange county elected delegates to a general meeting, who were to "examine" into "abuses of power and into the public taxes, and inform themselves by what laws and for what uses they are laid."

Bancroft, Hist. of the U.S., vol.3, p.232 - p.233

In October, "the honest freeholders," about twelve in number, assembled on Enoe river, just outside of Hillsborough. But, to their repeated invitations to the officers to meet them, no answer came, except from Edmund Fanning. A favorite of Governor Tryon, he was at that time the representative of the county, one of its magistrates, holding the highest commission under the crown in its militia, and was amassing a fortune by oppression as an attorney and extortion as registrar, loading titles to estates with doubts, and charging illegal prices for recording deeds. He was, above all others, justly obnoxious to the people, and his message to them ran that their proposition to inquire "judiciously" looked more like an insurrection than a settlement. "We meant," replied the meeting, "no more than wisefully, carefully, and soberly to examine the matter in hand." Their wrongs were flagrant and undeniable; and, since their "reasonable request" for explanations was unheeded, they resolved on "a meeting for a public and free conference yearly, and as often as the case might require," that so they might reap the profit of their right, under "the constitution, of choosing representatives and of learning what uses their money was called for." Yet how could unlettered farmers succeed against the undivided administrative power of the province and how long would it be before some indiscretion would place them at the mercy of their oppressors? The apportionment of members of the colonial legislature was grossly unequal; the governor could create boroughs; the actual legislature, whose members were in part unwisely selected, in part unduly returned, rarely called together, and liable to be continued or dissolved at the pleasure of the executive, increased the poor man's burdens by voting an annual poll-tax to raise five thousand pounds, and the next year ten thousand more, to build a house for the governor at Newbern.

Bancroft, Hist. of the U.S., vol.3, p.233

Moffat, of Rhode Island, asked of its legislature relief for his losses by the riot against the stamp act, founding his claim on the resolves of the British house of commons and the king's recommendation. "Neither of them," said the speaker of the assembly, "ought to influence the free and independent representatives of Rhode Island colony." Moffat had leave to withdraw his first petition and substitute an inoffensive one, which was received, but referred to a future session.

Bancroft, Hist. of the U.S., vol.3, p.233 - p.234

In Boston, the general court received like petitions. The form of its answer, in November, was suggested by Joseph Hawley, the member for Northampton. He was the only son of a school-master, himself married, but childless; a very able lawyer, of whose singular disinterestedness his native town still preserves the tradition. Content with a small patrimony, he lived in frugal simplicity, closing his house-door by a latch, without either bar or bolt. Inclined by temperament to moods of melancholy, his mind would again kindle with a brighter lustre, and be borne onward by resistless impulses. All parties revered his purity of life and ardent piety, and no man in his neighborhood equalled him in the public esteem. He opposed relief, except on condition of a general amnesty. "Of those seeking compensation," said he, "the chief is a person of unconstitutional principles, as one day or other he will make appear." The resolves of parliament were cited in reply. "The parliament of Great Britain," retorted Hawley, "has no right to legislate for us." At these words, Otis, rising in his place, bowed, and thanked him, saying: "he has gone further than I have as yet done in this house." For the first time the power of parliament was totally denied in a colonial legislature. "No representation, no taxation," had become a very common expression; the colonies began to cry: "No representation, no legislation." Having never shown bitterness of party spirit, Hawley readily carried the assembly with him, from their great opinion of his understanding and integrity; and a bill was framed, "granting compensation to the sufferers and pardon to the offenders," even to the returning of the fines which had been paid. A recess was taken, that members might consult their constituents. Before the adjournment complaint was made of the new zeal of Bernard in enforcing the navigation acts and sending to England injurious affidavits secretly taken. "I knew the time," interposed a member, "when the house would have readily assisted the governor in executing the laws of trade." "The times," replied Otis, "are altered; we now know our rights."

Bancroft, Hist. of the U.S., vol.3, p.234 - p.235

Meantime, Shelburne sought to recover the affections of the colonies. "Assure the assembly of Massachusetts," he said with "frankness" to their correspondent, "they may be perfectly easy about the enjoyment of their rights and privileges under the present administration." He enjoined moderation on every governor, and was resolved to make no appointments but of men of "the most generous principles." Through a letter to Bernard, whom he directed to pursue conciliatory measures, he invited the colonial legislature of itself to fall upon measures for terminating all local difficulties. The country people, as they read his words, agreed with one another that the compensation which he recommended should be made. "The king," said they, "has asked this of us as a favor; it would be ungenerous to refuse."

Bancroft, Hist. of the U.S., vol.3, p.235

On the reassembling of the legislature, Hawley's bill prevailed by large majorities; yet it was voted that the sufferers had no just claim on the province, that the grant was of their own "free and good will," and not from deference to "a requisition." The governor assented to an act in which a colonial legislature exercised the prerogative of clemency; and Hutchinson, saying "Beggars must not be choosers," gave thanks at the bar of the house. But he nursed the feeling of revenge, and the next year, taking offence at some publication by Hawley, arbitrarily disbarred him in the superior court.

Bancroft, Hist. of the U.S., vol.3, p.235

The patriots of New England did not doubt Shelburne's attention to its interests and respect for its liberties; but they were exquisitely sensitive to everything like an admission that the power of taxing them resided in parliament. Bernard was rebuked, because, with consent of council, he had caused the billeting act to be printed by the printer of the colony laws; and had made that act his warrant for furnishing supplies at the colony's expense to two companies of artillery, who, in stress of weather, had put into Boston. Otis attributed the taxing of America by parliament to Bernard's advice. The jealous legislature dismissed Richard Jackson from the service of the province, and the house elected the honest but aged Dennys de Berdt as its own particular agent.

Bancroft, Hist. of the U.S., vol.3, p.235 - p.236

This is the time from which Hutchinson dated the revolt of the colonies, and his correspondence and advice conformed to the opinion. Samuel Adams divined the evil designs, now so near their execution. He instructed De Berdt to oppose the establishment of a military force in America, as needless for protection and dangerous to liberty. "Certainly," said he, "the best way for Great Britain to make her colonies a real and lasting benefit is to give them all consistent indulgence in trade, and to remove any occasion of their suspecting that their liberties are in danger. While any act of parliament is in force which has the least appearance of a design to raise a revenue out of them, their jealousy will be awake."

Bancroft, Hist. of the U.S., vol.3, p.236

In December, he wrote to the patriot most like himself, Christopher Gadsden, of South Carolina, inquiring whether the billeting act "is not taxing the colonies as effectually as the stamp act;" and protesting against a standing army, especially in time of peace, as dangerous to the civil community. "Surely," said he, "we cannot consent to their quartering among us; and how hard is it for us to be obliged to pay our money to subsist them!" Gadsden had already met patriots of South Carolina under the Live Oak, which was named their Tree of Liberty; had set before them the declaratory act, explained to them their rights, and leagued with them to oppose all foreign taxation.

Bancroft, Hist. of the U.S., vol.3, p.236

At New York, the soldiery continued to irritate the people by insolent language, and by once more cutting down their flagstaff. Shelburne sought to reconcile their assembly to obedience to the billeting act, holding forth hope of a change of the law on a well-grounded representation of its hardship; and a prudent governor could have avoided a collision. But Moore was chiefly bent on establishing a play-house, against the wishes of the Presbyterians; and his thoughtless frivolity drove the house to a categorical conflict with the act of parliament, when they had really as an act of their own made "provision for quartering two battalions and one company of artillery." Their prudence secured unanimity in the assembly and among their constituents. In New York, as well as over all North America, the act declaratory of the absolute power of parliament was met by "the principle of the supreme power of the people in all cases whatsoever."

Bancroft, Hist. of the U.S., vol.3, p.236 - p.237

In England, a spirit was rising very different from that which had prevailed in the previous winter. "So long as I am in office," said Charles Townshend, on the floor of the house of commons, "the authority of the laws shall not be trampled upon." He did not fear to flatter the king, and court Grenville and Bedford; for Chatham was incurring the hatred of every branch of the aristocracy. Eight or nine whigs resigned their employments, on account of his headstrong removal of Lord Edgecombe from an unimportant post. Saunders and Keppel left the admiralty, and Keppel's place fell to Jenkinson. The Bedford party knew the weakness of the English Ximenes, and scorned his moderate bid for their support; but the king cheered him on "to rout out" the grandees of England, now "banded together." "Their unions," said Chatham, "give me no terrors;" "the king is firm, and there is nothing to fear."

Bancroft, Hist. of the U.S., vol.3, p.237

To Shelburne, who was charged with the care of the colonies, Chatham gave his confidence and support. He claimed for the supreme government the right of dominion over the conquests in India, and the disposition of its territorial revenue; and, as Townshend crossed his plans by leaning to the East India company, early in December he proposed to Grafton the dismissal of Townshend as "incurable." Burke, indulging in derision of "the great person, so immeasurably high" as not to be reached by argument, travestied the litany in a solemn invocation to "the minister above." The next day, in the house of lords, Chatham marked his contempt of all such mockery by saying to the duke of Richmond: "When the people shall condemn me, I shall tremble; but I will set my face against the proudest connection of this country." "I hope," cried Richmond, "the nobility will not be browbeaten by an insolent minister;" and Chatham retorted the charge of insolence.

Bancroft, Hist. of the U.S., vol.3, p.237

This is the last time during his ministry that he appeared in the house of lords. His broken health was unequal to the conflict which he had invited. On the eighteenth of December he repaired to Bath, with a nervous system so weak that he was easily fluttered and moved to tears; yet still he sent to the representatives of Massachusetts his friendly acknowledgment of their vote of gratitude.

Bancroft, Hist. of the U.S., vol.3, p.237 - p.238

Townshend saw his opportunity, and no longer concealed his intention. Knowing the king's dislike of Shelburne, he took advantage of his own greater age, his authority as the ablest orator in the house of commons, his long acquaintance with American affairs, and the fact that they turned chiefly on questions of finance, to assume their direction. His ambition deceived him into the hope of succeeding where Grenville had failed; and in concert with Paxton, from Boston, he was devising a scheme for a board of customs in America, and duties to be collected in its ports for an American civil list. He expected his dismissal, if Chatham regained health; and he saw the clearest prospect of advancement by setting his colleagues at defiance. He therefore prepared to solve the questions of Asia and America in his own way, and trod the ground which he had chosen with fearless audacity. On the twenty-sixth of January 1767, the house of commons, in committee of supply, considered the estimates for the land forces and garrisons in the plantations. Grenville seized the occasion to declaim on the repeal of the stamp act. He enforced the necessity of relieving Great Britain from a burden which the colonies ought to bear, and which with contingencies exceeded four hundred thousand pounds, reminding the country gentleman that this sum was nearly equal to one shilling in the pound of the land tax. He spoke elaborately, and against Chatham was even more rancorous than usual.

Bancroft, Hist. of the U.S., vol.3, p.238 - p.239

"Administration," replied Townshend, "has applied its attention to give relief to Great Britain from bearing the whole expense of securing, defending, and protecting America and the West India islands; I shall bring into the house some propositions that I hope may tend, in time, to ease the people of England upon this head, and yet not be heavy in any manner upon the people in the colonies. I know the mode by which a revenue may be drawn from America without offence." As he spoke, the house shook with applause; "hear him!" "hear him!" now swelling loudest from his own side, now from the benches of the opposition. "I am still," he continued, "a firm advocate for the stamp act, for its principle, and for the duty itself, only the heats which prevailed made it an improper time to press it. I laugh at the absurd distinction between internal and external taxes. If we have a right to impose the one, we have a right to impose the other; the distinction is ridiculous in the opinion of everybody except the Americans." Looking up where the colony agents usually sat, he added: "I speak this aloud, that all you who are in the galleries may hear me; and, after this, I do not expect to have my statue erected in America." Then, laying his hand on the table in front of him, he declared to the house: "England is undone if this taxation of America is given up."

Bancroft, Hist. of the U.S., vol.3, p.239

Grenville demanded of him to pledge himself to his declaration: he did so most willingly; and his promise received a tumultuous welcome.

Bancroft, Hist. of the U.S., vol.3, p.239

Lord George Sackville pressed for a revenue that should be adequate; and Townshend engaged himself to the house to find a revenue, if not adequate, yet nearly sufficient to meet the military expenses, when properly reduced. The loud burst of rapture dismayed Conway, who sat in silent astonishment at the unauthorized but premeditated rashness of his colleague.

Bancroft, Hist. of the U.S., vol.3, p.239

The next night, the cabinet questioned the insubordinate minister "how he had ventured to depart, on so essential a point, from the profession of the whole ministry;" and he browbeat them all. "I appeal to you," said he, turning to Conway, "whether the house is not bent on obtaining a revenue of some sort from the colonies." Not one of the ministry then in London had sufficient authority to advise his dismission; and nothing less could have stopped his measures.

Bancroft, Hist. of the U.S., vol.3, p.239

In January 1767, the day after Townshend braved his colleagues, the legislature of Massachusetts convened. Hutchinson, having received compensation as a sufferer by the riots, restrained his ambition no longer, and took a seat in the council as though it of right belonged to the lieutenant-governor. The house resented his intrusion into an elective body of which he had not been chosen a member; the council, by a unanimous vote, denied his pretensions. The language of the charter was too explicit to admit of a doubt; yet Bernard urged the interposition of the central government.

Bancroft, Hist. of the U.S., vol.3, p.239 - p.240

With unshaken confidence in Hawley, Otis, and Samuel Adams, the people scanned every measure that could imply consent to British taxation. When the governor professed, "in pursuance of the late act of parliament," to have made provision at the colony's expense for troops which had recently touched at Boston harbor, they did not cease their complaints till they wrung from him the declaration that his supply "did not include articles prescribed by that act," but was "wholly conformable to the usage of the province." Upon this concession, the house acquiesced in the expenditure; and declared their readiness to grant of their own free accord such aids as the king's service should require.

Bancroft, Hist. of the U.S., vol.3, p.240

Under the same act of parliament, Gage demanded of the governor of Connecticut quarters for one hundred and fifty-eight recruits; but that magistrate refused compliance till he should be duly authorized by the colonial assembly.

Bancroft, Hist. of the U.S., vol.3, p.240

To check every aspiration after independence, Carleton, the able governor of Canada, advised to grant no legislative immunities to its people; to keep Crown Point and Ticonderoga in good repair; to have a citadel and place of arms in New York, as well as a citadel in Quebec; and to link the two provinces so strongly together that, on the beginning of an outbreak, ten or fifteen thousand men could be moved without delay from the one to the other, or to any part of the continent. No pains, no address, no expense, he insisted, would be too great for the object, which would divide the northern and southern colonies, as well as secure the public magazines.

Bancroft, Hist. of the U.S., vol.3, p.240

Chatham could not suspend the act of parliament; but, through Shelburne, he enjoined the American commander-in-chief to make its burden as light, both in appearance and in reality, as was consistent with the public service. He saw that the imperfect compliance of New York would open a fair field to the arraigners of America; and, between his opinions as a statesman and his obligations as minister, he knew not what to propose. The declaratory act was as a barren fruit-tree, cumbering the earth only to spread a noxious shade.

Bancroft, Hist. of the U.S., vol.3, p.240

Shelburne was aware that, if the Americans "should be tempted to resist in the last instance," France and Spain would no longer defer breaking the peace of which they began to number the days. Spain was resolved not to pay the Manilla ransom, was planning how to drive the English from the Falkland islands, and called on France to prepare to go to war in two years; "for Spain," said Grimaldi, "cannot longer postpone inflicting chastisement on English insolence." "This is the rhodomontade of a Don Quixote," said Choiseul.

Bancroft, Hist. of the U.S., vol.3, p.240 - p.241

Executive moderation might still have saved England from a conflict. Shelburne proceeded diligently to make himself master of each American question, and to prepare its solution. To form an American fund without exercising rigor in respect to quit-rents long due, he proposed to break up the system of forestalling lands by speculators, to require of the engrossing proprietors the fulfilment of the conditions of their grants, and to make all future grants on a system of quit-rents, which should be applied to defray the American expenses then borne by the British exchequer.

Bancroft, Hist. of the U.S., vol.3, p.241

Relief to the mother country being thus derived from an income which had chiefly been squandered among favorites, he proposed to leave the Indian trade to be regulated under general rules by the respective provinces, at their own cost.

Bancroft, Hist. of the U.S., vol.3, p.241

Resisting those who advised to concentrate the American army in the principal towns, he wished it posted on the frontiers, where its presence might be desired.

Bancroft, Hist. of the U.S., vol.3, p.241

The people of America, even a majority of those who adhered to the church of England, feared an American episcopate, lest ecclesiastical courts should follow; Shelburne expressed his opinion openly that there was no occasion for American bishops.

Bancroft, Hist. of the U.S., vol.3, p.241

He reprobated the political dependence of the judges in the Colonies, and advised that their commissions should conform to the usage in England.

Bancroft, Hist. of the U.S., vol.3, p.241

The grants of lands in Vermont, under the seal of New Hampshire, he confirmed; and this decision was not less prudent than just.

Bancroft, Hist. of the U.S., vol.3, p.241

Massachusetts and New York were in controversy about limits, which had led to disputed land-titles and bloodshed on the border: instead of keeping the question open as a means of setting one colony against another, he directed that it should be definitively settled.

Bancroft, Hist. of the U.S., vol.3, p.241

The billeting act for America, which the Rockingham ministry had continued till the twenty-fourth of March 1768, was contrary to the tenor of British legislation for Ireland, and to all former legislation for America. Shelburne disapproved its principle, and sought to reconcile the wants of the army with the rights of America, being resolved "not to establish a precedent, which might hereafter be turned to purposes of oppression."

Bancroft, Hist. of the U.S., vol.3, p.241 - p.242

The American continent was interested in the settlement of Canadian affairs; Shelburne listened to the hope of restoring tranquillity by calling an assembly that should assimilate to the English laws such of the French laws as it was necessary to retain, and by rendering the Canadian Catholics eligible to the assembly and council.

Bancroft, Hist. of the U.S., vol.3, p.242

But the more Shelburne showed wise moderation, the more the court spoke of him as "an enemy." The king who was accustomed "to talk a great deal about America" told him plainly that the billeting act "should be enforced," though he declined "to suggest the mode." Besides, the dependence of the colonies was believed to be at stake; and New York "underwent the imputation of rebellion."

Bancroft, Hist. of the U.S., vol.3, p.242

The difficulties that beset Shelburne were increased by the condition of parties in Great Britain. The old whig aristocracy was passing out of power with so ill a grace that they preferred the immediate gratification of their passions to every consideration of wisdom and expediency. America was the theme in all companies, yet was discussed according to its bearings on personal ambition. Men struggled for a momentary victory more than for any system of government; and the liberties of two millions of their countrymen, the interests of a continent, the unity of the British empire, were swayed by the accidents of a parliamentary skirmish.

Bancroft, Hist. of the U.S., vol.3, p.242

Merchants of New York had sent a very temperate petition, setting forth some of the useless grievances of the acts of trade, and praying for the free exportation of their lumber and an easier exchange of products with the West Indies. Grenville and his friends perversely appealed to the reasonable request as fresh evidence that nothing would give satisfaction to the colonists but a repeal of all restrictions on trade, and freedom from all subordination and dependence; and Chatham had cause to denounce Townshend thrice as "incurable." Nothing but Chatham's presence could restore activity to the administration, and the gout had returned upon him at Marlborough, on his way to London.

Bancroft, Hist. of the U.S., vol.3, p.242 - p.243

Business would not wait. On the eighteenth of February, there appeared in the account of the extraordinaries a large and unusual American expenditure. Grenville advised to lessen it, and charge upon the colonies the whole of what should remain. There was a general agreement that America ought to alleviate the burdens of England. Every speaker of the opposition inveighed against Chatham, whom no one rose to defend. Rigby reproached the ministers with being but the servile instruments of their absent chief, incapable of acting but on orders from his lips. To prove his independence, Townshend explained his own system for America, and combated that of Chatham of the year before. "I would govern the Americans," said he, "as subjects of Great Britain. I would restrain their trade and their manufactures as subordinate to the mother country. These, our children, must not make themselves our allies in time of war and our rivals in peace." And he adopted the suggestions for retrenchment and an American duty. The mosaic opposition watched every opportunity to push the ministry upon extreme measures.

Bancroft, Hist. of the U.S., vol.3, p.243 - p.244

By this time, the friends of Grenville, of Bedford, and of Rockingham—men the most imbittered against each other by former contests, and the most opposite in character and tendencies—were ready to combine against the existing ministry, whatever might be the consequence of its destruction. During the war, and ever since, the land-tax had been at the nominal rate of four shillings in the pound, in reality at but about ninepence in the pound. On the twenty-seventh of February, Dowdeswell, the leader of the Rockingham party, regardless of his own policy when in the treasury and his knowledge of the public wants, proposed a reduction in the land-tax, nominally of a shilling, but really of only about nine farthings in the pound. Grenville supported the proposal, which would bring in its train a tax on the colonies. The question was debated between the Americans and the landed interest of England, and the chancellor of the exchequer was reminded of his pledge to derive this year some revenue from America. On the division, Edmund Burke, "too fond of the right" to vote against his conscience, and not enough fond of it to vote against his party, stayed away; the united factions of the aristocracy mustered two hundred and six against one hundred and eighty-eight for the ministry. But not one of those who planned this impolitic act derived from it any advantage. The good sense of the country condemned it; the city dreaded the wound given to public credit; Grenville, who joyfully accepted the congratulations of the country gentlemen, deceived himself in expecting a junction with Rockingham, and did not moderate the enmity of the king. The ancient whig connection compromised its principles by creating an apparent excuse for American taxes, and, for a momentary parliamentary triumph, doomed itself more surely to a fruitless opposition; and for so small a benefit as a reduction of nine farthings in the pound on but one year's rental, the oligarchy of landlords risked a continent.

Bancroft, Hist. of the U.S., vol.3, p.244

This was the first overthrow, on an important question, which the government had sustained for a quarter of a century. On hearing the news, Chatham rose from his bed, and, ill as he was, hastened to London. Charles Townshend "was warm in the sunshine of majesty;" but, as Chatham wished to dismiss him, the king readily assented, and Lord North was invited to become chancellor of the exchequer. Townshend knew well what was passing, and, with easy defiance, said openly: "I expect to be dismissed for it." But Lord North would not venture to supersede him. Whom will Chatham next recommend? asked the king, through Grafton; and no other could be named. Here was a new humiliation. Chatham saw the shaft which his enfeebled hand hurled at a defenceless adversary fall harmless at his own feet. He could endure no more. "We cannot remain in office together," said he of Townshend, and, on the eleventh of March, he bade the duke of Grafton call the next council at his own house. Accumulated grief destroyed what little health remained to him; he withdrew from business, and became invisible even to Camden and to Grafton. Here, in fact, his administration was at an end. With every question of domestic, foreign, and colonial policy unsettled, the British Agamemnon retired to his tent, leaving subordinate chiefs to quarrel for the direction.

Chapter 19:

Parliament Will Have an American Army and an American Revenue,

Administration of Grafton,

March-July 1767

Bancroft, Hist. of the U.S., vol.3, p.245

THE eclipse of Chatham left Charles Townshend the lord of the ascendant. He was a man of wonderful endowments, dashed with follies and indiscretion. Impatient of waiting, his ruling passion was present success. He was ever carried away by the immediate object of his desires. In the house of commons, his brilliant oratory took its inspiration from the prevailing opinion; and, careless of consistency, heedless whom he deserted or whom he joined, he followed the floating indications of the loudest cheers. Applause was the temptation which he had no power to resist. Gay, volatile, and fickle, he lived for the hour and shone for the hour, without the thought of founding an enduring name. Finding Chatham not likely to reappear, his uncontrolled imagination was devising schemes to forward his own ambition, and he turned to pay the greatest court wherever political appearances were most inviting.

Bancroft, Hist. of the U.S., vol.3, p.245

In the cabinet meeting, held on the twelfth of March 1767, at the house of Grafton, Townshend assumed to dictate to the ministry its colonial policy, and threatened an appeal from its disapproval to the house. A letter from Shelburne urged Chatham to remove him; but Chatham was too ill to do so, or to give advice. Shelburne continued to protect American liberty as well as he could, but was powerless to control events, for Grafton and even Camden yielded to Townshend's impetuosity.

Bancroft, Hist. of the U.S., vol.3, p.245 - p.246

The disappearance of Chatham reanimated the dissatisfied factions of the aristocracy; Rockingham gave assurances that his friends, without whom, he persuaded himself, nothing could be carried by the Bedfords, would not join in anything severe against America; but he was all the while contributing to the success of the policy which he most abhorred. Since the last winter, America had lost friends both in and out of parliament. Conway, who kept his old ground, was only laughed at. "He is below low-water mark," said Townshend to Grenville.

Bancroft, Hist. of the U.S., vol.3, p.246

On the thirtieth of March, two days after news had arrived that in one of their messages the representatives of Massachusetts had given a formal defiance to parliament, as well as encouraged the resistance of New York to the billeting act, the American papers which Bedford had demanded were taken into consideration by the house of lords. Camden, accepting the right of parliament to tax America as established by its own declaratory statute, presented New York as delinquent. Grafton said well that "the present question was too serious for faction," and promised that the ministers would bring forward a suitable measure. But the lords wearied themselves all that day and all the next in scolding all the colonies with indiscriminate bitterness. They were called "undutiful, ungracious, and unthankful;" "rebels," "traitors," were epithets liberally bestowed. Some wished to make of New York an example that might terrify all the others; it was more generally proposed by act of parliament to remodel the government of them all. America had not yet finished the statues which it was raising to Chatham, when Mauduit maliciously sent over word that the plan for reducing America would be sanctioned by his name.

Bancroft, Hist. of the U.S., vol.3, p.246

On the tenth of April, Massachusetts was selected for censure; and Bedford came to the house of lords to move an address that the king in council would declare the Massachusetts act of amnesty null and void. The ministry contended truly that the motion was needless, as the act would be rejected in the usual course of business. "Perhaps we had best look into the Massachusetts charter before we come to a decision," said one of the administration. "No!" cried Lord Townshend; "let us deliberate no longer; let us act with vigor now, while we can call the colonies ours. If you do not, they will very soon be lost forever."

Bancroft, Hist. of the U.S., vol.3, p.247

Lord Mansfield descanted "upon the folly and wickedness of the American incendiaries," and drew an animated picture of the fatal effects which the "deplorable event of their disjunction must produce to England and to the Colonies. His words carried conviction to the house of lords, and hastened the event which he deprecated.

Bancroft, Hist. of the U.S., vol.3, p.247

In the six hours' debate the resistance of New York and Massachusetts had been so highly colored, that Choiseul began to think the time for the great American insurrection was come. He resolved, therefore, to send an emissary across the Atlantic, and selected for that purpose the brave and upright John Kalb. A Protestant and a German, son of a peasant who dwelt in the old land of the Franks, not far from Erlangen, he had gained in the service of France an honorable name and the brevet rank of lieutenant-colonel. His written instructions, dated on the twenty-second of April, enjoined him, after preliminary inquiries at Amsterdam, to go to the English colonies; to ascertain their wants, in respect of engineers and artillery officers, munitions of war and provisions; the strength of their purpose to withdraw from the British government; their resources in troops, citadels, and intrenched posts; their project of revolt, and their chiefs. "The commission which I give you," said Choiseul, "is difficult, and demands intelligence. Ask of me the means which you think necessary for its execution; I will furnish you with them all." Kalb brought to his work close observation and cautious judgment, but not the sagacity which could measure the movement of a revolution.

Bancroft, Hist. of the U.S., vol.3, p.247

From this time Choiseul sought in every quarter accurate accounts of the progress of opinion in America, alike in the writings of Franklin, in the judgment of the best-informed merchants, and in New England sermons, from which curious extracts are to this day preserved among the state papers of France. His judgment on events was more impartial and clear than that of any British minister who succeeded Shelburne.

Bancroft, Hist. of the U.S., vol.3, p.247

It still seemed easy to postpone revolution; as yet, the points in issue were trifling. The late deliberation of the peers was but a frivolous cavilling on the form of a royal veto.

Bancroft, Hist. of the U.S., vol.3, p.247 - p.248

The people of Massachusetts, seeing a disposition to mar its charter and use military power in its government, needed more than ever an agent in England. Bernard insisted that no one should receive that appointment without his approval, and repeatedly negatived the dismissal of the last incumbent. But Shelburne held that the right of nomination belonged essentially to the representatives, so that this dispute could not become serious while he remained in the ministry.

Bancroft, Hist. of the U.S., vol.3, p.248

The lieutenant-governor, in spite of his want of an election, had taken a seat in the council, pleading the charter as his warrant for doing so; but the attorney-general in England, to whom the case was referred, was of opinion that "the right could not be claimed by virtue of anything contained in the charter or the constitution of the province."

Bancroft, Hist. of the U.S., vol.3, p.248

Bernard gave out that, by the use of his veto, he would always keep places open in the council for Hutchinson and Oliver. The menace was a violation of the spirit of the constitution; its only effect was to preserve two perpetual vacancies in the council.

Bancroft, Hist. of the U.S., vol.3, p.248

Bernard advised to alter the council itself from an elective body to one of royal nomination. The change would have been a causeless breach of faith; of no colony had the council more uniformly shown loyalty than that of Massachusetts. Hutchinson at heart disapproved the proposal which from personal motives he promoted. The perfidious advice would be harmless if England would only respect the charter which nearly a century's possession had confirmed.

Bancroft, Hist. of the U.S., vol.3, p.248

There remained no grounds of imminent variance except the navigation acts, the billeting act, the acts restraining industry, and the slave-trade.

Bancroft, Hist. of the U.S., vol.3, p.248

To the slave-trade Virginia led the opposition. Towns at the North, especially Worcester, in Massachusetts, protested against it; but opinion through the country was divided; and complaints of the grievance had not been made in concert.

Bancroft, Hist. of the U.S., vol.3, p.248

The restraints on manufactures, especially of wool and iron, were flagrant violations of natural rights; but they were not of recent date, and, as they related to products which it was still the interest of the people to import, were in a great degree inoperative and unobserved.

Bancroft, Hist. of the U.S., vol.3, p.248 - p.249

By the billeting act, Great Britain exposed its dignity to the discretion or the petulance of provincial assemblies. There was no bound to the impropriety of parliament's enacting what those legislatures should enact, and accompanying the statute by a requisition from the throne. Is the measure compulsory and final? Then it should not be addressed to assemblies which are not executive officers. Does it not compel obedience? Then the assemblies have a right to deliberate, to accept in whole or in part, or to reject. And, indeed, the demand of quarters and provisions, without limitation of time or of the number of troops, was a reasonable subject for deliberation. Such was the opinion of the very few in England who considered the question on its merits, and not as a test of authority. Besides, no province had refused to comply with the spirit of the act. A slight modification, leaving some option to the colonies, would have remedied the disagreement.

Bancroft, Hist. of the U.S., vol.3, p.249

The navigation acts were a source of just and ever-increasing discontent. But no public body in America had denied their validity; the relaxations which America most desired were very moderate, relating chiefly to intercourse with the West Indies, and the free export of such of its products as Great Britain would not receive. The illicit trade was partly owing to useless laws, but more to the prevailing corruption among the servants of the crown. No practical question existed, except that which Otis had raised, on the legality of the writs of assistance; and the attorney- and solicitor-general of England confirmed his opinion that they were not warranted by law.

Bancroft, Hist. of the U.S., vol.3, p.249

"In America," said Andrew Eliot, of Boston, "the people glory in the name, and only desire to enjoy the liberties of Englishmen. Nothing could influence us to desire independence but such attempts on our liberties as I hope Great Britain will be just enough never to make. Oppression makes wise men mad."

Bancroft, Hist. of the U.S., vol.3, p.249 - p.250

To tranquillize America, no more was wanting than a respect for its rights, and some accommodation to its confirmed habits and opinions. The colonies had, each of them, a direction of its own and a character of its own, which required to be harmoniously reconciled with the motion impressed upon it by the imperial legislature. But this demanded study, self-possession, and candor. The parliament of that day, recognising no reciprocity of obligations, thought nothing so wrong as thwarting its will. A good system would have been a consummate work of deliberative wisdom; the principle of despotic government acted with more speed and uniformity, having passion for its interpreter, and a statesman like Townshend to execute its impulses.

Bancroft, Hist. of the U.S., vol.3, p.250

The committee of American merchants and friends to the colonies, with Trecothick at its head, interposed with Townshend; but he answered: "I do not in the least doubt the right of parliament to tax the colonies internally; I know no difference between internal or external taxes; yet, since the Americans are pleased to make that distinction, I am willing to indulge them, and for that reason choose to confine myself to regulations of trade, by which a sufficient revenue may be raised." "Perhaps the army," rejoined Trecothick, "may with safety be withdrawn from America, in which case the expense will cease, and then there will be no further occasion for a revenue." "I will hear nothing on that subject," such was Townshend's peremptory declaration; "the moment a resolution shall be taken to withdraw the army, I will resign my office and have no more to do in public affairs. I insist it is absolutely necessary to keep up a large army there and here. An American army and consequently an American revenue are essential; but I am willing to have both in the manner most easy to the people."

Bancroft, Hist. of the U.S., vol.3, p.250

On the thirteenth of May, Townshend came to the house of commons, in the consciousness of his supremacy. When the resolutions for the stamp act were voted, parliament was unenlightened. Now it had had the experience of taxing America, and of repealing the tax through fear of civil war. What is done now cannot easily be revoked. A secret consciousness prevailed that a great wrong was about to be inflicted. The liberty and interests of America were at issue; and yet the doors of the house of commons were, by special order, shut against every agent of the colonies, and even against every American merchant.

Bancroft, Hist. of the U.S., vol.3, p.250 - p.251

Townshend opened the debate with professions of candor and the air of a man of business. Exculpating alike Pennsylvania and Connecticut, he named, as delinquent colonies, Massachusetts, which had invaded the king's prerogative by a general amnesty, and in a message to its governor had used expressions in derogation of the authority of parliament; Rhode Island, which had postponed but not refused an indemnity to the sufferers by the stamp act; and New Jersey, which had evaded the billeting act, but had yet furnished the king's troops with every essential thing to their perfect satisfaction. Against these colonies it was not necessary to institute severe proceedings. But New York, in the month of June last, beside appointing its own commissary, had limited its supplies to two regiments, and to those articles only which were provided in the rest of the king's dominions; and, in December, had refused to do more. Here was such clear evidence of a direct denial of the authority of parliament, and such overt acts of disobedience to one of its laws, that an immediate interposition was most strongly called for, as well to secure the just dependence of the province as to maintain the majesty and authority of government.

Bancroft, Hist. of the U.S., vol.3, p.251

It became parliament not to engage in controversy with its colonies, but to assert its sovereignty, without uniting them in a common cause. For this end, he proposed to proceed against New York, and against New York alone. To levy a local tax would be to accept a penalty in lieu of obedience. He should therefore move that New York, having disobeyed parliament, should be restrained from any legislative act of its own till it should comply.

Bancroft, Hist. of the U.S., vol.3, p.251

He then brought forward the establishment of a board of commissioners of the customs, to be stationed in America.

Bancroft, Hist. of the U.S., vol.3, p.251 - p.252

"Our right of taxation," he continued, "is indubitable; yet, to prevent mischief, I was myself in favor of repealing the stamp act. But there can be no objections to port duties wine oil, and fruits, if allowed to be carried to America directly from Spain and Portugal; on glass, paper, lead, and colors; and especially on tea. Owing to the high charges in England, America has supplied itself with tea by smuggling it Dutch possessions; to remedy this, duties hitherto it in England are to be given up, and a specific in America itself. A duty on china can be obtained by repealing the drawback. On salt it was at first intended to lay an impost; but this is abandoned, from the difficulty of adjusting the drawback to be allowed on exports of cured fish and provisions, and on salt for the fisheries."

Bancroft, Hist. of the U.S., vol.3, p.252

The American revenue, it was further explained, was to be placed at the disposal of the king for the payment of his civil officers. To each governor, an annual salary was to be assigned of two thousand pounds sterling; to each chief justice, of five hundred pounds.

Bancroft, Hist. of the U.S., vol.3, p.252

The minister was to have the irresponsible power of establishing by sign manual a general civil list in every American province, and at his pleasure to grant salaries and pensions, limited only by the amount of the American revenue; the national exchequer was to receive no more than the crumbs that fell from the table. The proposition bore on its face the mark of owing its parentage to the holders and patrons of American offices; and yet it was received in the house with general favor. Richard Jackson was not regarded when he spoke against the duties themselves, and foretold the mischiefs that would ensue.

Bancroft, Hist. of the U.S., vol.3, p.252

Grenville heard with malignant joy one of the repealers of his stamp act propose a revenue from port duties. "You are deceived," said he; "the Americans will laugh at you for your distinctions." He spoke against legalizing a direct trade between Portugal and America. As to taxes, he demanded more; all that were promised were trifles. "I," said he, "will tell the honorable gentleman of a revenue that will produce something valuable in America: issue paper bearing interest upon loan there, and apply the interest as you think proper." Townshend, perceiving that the suggestion pleased the house, stood up again, and said that that was a proposition of his own; the bill for it was already prepared.

Bancroft, Hist. of the U.S., vol.3, p.252 - p.253

The debate would not have continued long if there had not been a division of opinion as to the mode of coercing New York. Edmund Burke, approving a local tax on importations into that province, opposed the general system. "You will never see a single shilling from America," said he, prophetic ally; "it is not by votes and angry resolutions of this house, but by a slow and steady conduct, that the Americans are to be reconciled to us." Dowdeswell described the new plan as worse than to have softened and enforced the stamp-tax. "Do like the best of physicians," said Beckford, who alone seemed to understand the subject, and whom nobody minded; "heal the disease by doing nothing."

Bancroft, Hist. of the U.S., vol.3, p.253

Others thought there should be an amendment to the billeting act itself, directing the civil magistrates to quarter upon private houses, where the assemblies of America did not fulfil the present requirements. Grenville advised to invest the governor and council of each colony with power to draw on the colonial treasurer, who, in case of refusal to answer such bills out of the first aids in his hands, howsoever appropriated, should be judged guilty of a capital crime, and be tried and punished in England. And, since the colonies persisted in the denial of the parliamentary right of taxation, he offered for consideration that every American, before entering into office, should subscribe a political test nearly in the words of the declaratory act, acknowledging the unlimited sovereignty of Great Britain.

Bancroft, Hist. of the U.S., vol.3, p.253

These several points were discussed till one in the morning, when a question was so framed by Grenville that the Rockinghams could join him in the division; but their united voices were no more than ninety-eight against one hundred and eighty.

Bancroft, Hist. of the U.S., vol.3, p.253

"The new measures for the colonies," observed Choiseul, "meet with opposition in both houses of parliament; but their execution will encounter still more considerable resistance in America."

Bancroft, Hist. of the U.S., vol.3, p.253

On the fifteenth, Townshend reported his resolutions to the house, when a strenuous effort was made to have them recommitted; the friends of Rockingham pretending to wish a more lenient measure, yet joining with Grenville, who spoke for one more severe, effective, and general. But Townshend, by surpassing eloquence, brought the house back to its first resolutions, which were adopted without a division.

Bancroft, Hist. of the U.S., vol.3, p.253 - p.254

Grenville then moved that many of the colonies denied and oppugned the sovereignty of Great Britain; in other words, were in a state of open rebellion; and wished that they might be reduced to submission by force; but a large majority was against him. In the midst of one of his speeches he stopped short, and, looking up to the gallery, said: "I hope there are no American agents present; I must hold such language as I would not have them hear." "I have expressly ordered the sergeant to admit none," said the speaker, "and you may be assured there are none present." Yet Johnson, of Connecticut, had braved the danger of an arrest, and sat in the gallery to record the incidents of the evening for the warning of his countrymen. Grenville next moved his test for America; but the house dreaded to reproduce a union of the colonies. "At least, then," renewed Grenville, "take some notice of those in America who have suffered for their loyal support of your sovereignty;" and, naming Ingersoll, Hutchinson, Oliver, Howard, and others, he moved an address in their favor; and this, being seconded by Lord North, passed without dissent.

Bancroft, Hist. of the U.S., vol.3, p.254

After ordering the bill to disfranchise New York, as well as sanctioning the new system of colonial revenue and administration, the house rose, unconscious that it had taken steps which pride would not allow to be recalled, and which, if not retracted, would unite the colonies for independence.

Bancroft, Hist. of the U.S., vol.3, p.254

The bitterness against America grew with its indulgence. On the twenty-first, news came that Georgia had refused compliance with the billeting act; and this, from a colony that had been established at the public expense, was held to be "unexampled insolence." The secretary at war, therefore, as if to insure confusion, introduced a bill, extending the obnoxious law a year beyond the time when it would have expired by its own limitation.

Bancroft, Hist. of the U.S., vol.3, p.254

The moment was inviting to the opposition. Raising some trivial questions on the form in which the amnesty act of Massachusetts had been disallowed, the united factions of Rockingham, Bedford, and Temple on one division left the ministry a majority of but six, and on another of but three.

Bancroft, Hist. of the U.S., vol.3, p.254 - p.255

On both these occasions the king made two of his brothers vote with the ministry. He wished to enforce the absolute authority of parliament in America, and to consummate his victory over the aristocracy in England. For the one, he needed to dismiss Shelburne; for the other, to employ the name of Chatham. Grafton readily adopted a plan to lead the aristocracy into disputes among themselves; and then, separating the Bedfords from the rest, to introduce a part of them to power. Keen observers predicted a "mosaic" ministry.

Bancroft, Hist. of the U.S., vol.3, p.255

To proceed securely, Grafton required some understanding with Chatham; but Chatham refused to see him, pleading his disability. The king himself, in a letter framed with cool adroitness, but which seemed an effusion of confidence and affection, charged the earl, who had given in the house of lords defiance to the whole nobility, by his "duty, affection, and honor," not to "truckle" now, when the "hydra" was at the height of its power; for success, nothing was wanted but that he should have "five minutes' conversation" with Grafton.

Bancroft, Hist. of the U.S., vol.3, p.255

Chatham yielded to such persuasion, though suffering from a universal tremor, which application to business visibly increased. Grafton was filled with grief at "the sight of his great mind bowed down and thus weakened by disorder;" but he obtained from him the declaration that "he would not retire except by his majesty's command."

Bancroft, Hist. of the U.S., vol.3, p.255

At a second interview in June, Grafton, at the wish of the king, urged that Shelburne "could not be allowed to continue in his office." Chatham summoned spirit to vindicate his friend, and to advise the dismission of Townshend. He was with great difficulty led to believe that a junction was necessary with either the Bedfords or the Rockinghams; but, of the two, Grafton thought him inclined to prefer the former. After an interview of two full hours, the ministers parted with the most cordial professions of mutual attachment.

Bancroft, Hist. of the U.S., vol.3, p.255

Grafton was left in the position of prime minister; but, from this time, the king controlled his ministers and directed affairs in hostility to public freedom, even where protected by usage and law. Liberty, nevertheless, continued to grow in strength. "Men are opening their eyes," said Voltaire, "from one end of Europe to the other. Fanaticism, which feels its humiliation and implores the arm of authority, makes the involuntary confession of its defeat. This happy revolution which has taken place in the minds of men of probity within fifteen or twenty years has exceeded my hopes."

Bancroft, Hist. of the U.S., vol.3, p.255 - p.256

That a greater change hung over America could not escape Jonathan Trumbull, the deputy governor of Connecticut. He was a model of a rural magistrate, never weary of business, profoundly religious, grave in manner, discriminating in judgment, fixed in his principles, steadfast in purpose, and, by his ability and patriotism, enchaining respect and confidence. His opinion was formed, that, if "methods tending to violence should be taken to maintain the dependence of the colonies, it would hasten a separation;" that the connection with England could be preserved by "gentle and insensible methods," rather than "by power or force." But not so reasoned Townshend, who, after the Whitsuntide holidays, "stole" his bill through both houses. The stamp act had called an American revenue "just and necessary," and had been repealed as impolitic. Townshend's preamble to his bill granting duties in America on glass, red and white lead, painters' colors and paper, and threepence a pound on tea, declared a "certain and adequate" American revenue "expedient." By another act, a board of customs was established at Boston; and general writs of assistance were legalized. For New York, an act of parliament suspended the functions of its representatives till they should render obedience to the imperial legislature.

Bancroft, Hist. of the U.S., vol.3, p.256

On such an alternative, it was thought that that province would submit without delay; and that the Americans, as their tea would now come to them at a less price than to the consumers in England, would pay the impost in their own ports with only seeming reluctance.

Bancroft, Hist. of the U.S., vol.3, p.256 - p.257

But the new measures were even more subversive of right than those of Grenville, who left the civil officers dependent on the local legislators, and preserved the proceeds of the American tax in the exchequer. Townshend's revenue was to be disposed of under the sign manual at the king's pleasure, and could be burdened at will by pensions to Englishmen. In so far as it provided an independent support for the crown officers, it did away with the necessity of colonial legislatures. Governors would have little inducement to call them, and an angry minister might dissolve them without inconvenience. Henceforward, "no native" of America could hope to receive any lucrative commission under the crown unless he were one of the martyrs to the stamp act. Places would be filled by "some Briton-born," who should have exhibited proof of a readiness to govern the Americans, on the principle of bringing them to the most exact obedience to the instructions of the king.

Bancroft, Hist. of the U.S., vol.3, p.257

The man who, at this moment of Chatham's illness, seized on the administration of the colonies, saw nothing but what at the moment lay near him. England had excelled all other states in founding colonies, because she sent out her sons with free institutions like her own; and now her minister of an hour, blind alike to her interest and her glory, was undoing her noblest work. Less than two centuries before, the English was heard nowhere but among the inhabitants of the larger part of one island and a few emigrants among the Celts of another. It had now seated itself on a continent beyond the Atlantic; and a comely and industrious race, as it climbed the eastern slope of the Alleghanies, carried with it the English speech and laws and letters and love of liberty. With superior wisdom and foresight, Hume contemplated the ever-expanding settlements of those who spoke the same tongue with himself, wished for them the freest and happiest development, and invited Gibbon, his great compeer, to observe that at lease "the solid and increasing establishments in America promised superior stability and duration to the English language."

Chapter 20:

Coalition of the King and the Aristocracy,

July-November 1767

Bancroft, Hist. of the U.S., vol.3, p.258

THE anarchy in the ministry enabled the king to govern as well as to reign. Grafton made no tedious speeches in the closet, and approved the late American regulations; persuading himself that the choice of tea as the subject of taxation was his own; that the law suspending the legislative functions of New York was marked by moderation and dignity; and that abrogating the charters of the American colonies would be their emancipation from "fetters."

Bancroft, Hist. of the U.S., vol.3, p.258

The king, who had looked into Conway's heart to learn how to wind and govern him, attached him by the semblance of perfect confidence, showing him all Chatham's letters, and giving him leave to treat with his own old associates.

Bancroft, Hist. of the U.S., vol.3, p.258

But Rockingham, who never opened his eyes to the light that was springing from the increased intelligence of the masses, and left out of view that his glory as a statesman had come from his opposition to Grenville and Bedford, governed himself exclusively by the ancient principle of his party "to fight up against the king and against the people," and set about cementing the shattered fragments of the old whig aristocracy. He began with Bedford. "Bedford and Grenville are one," said Rigby, by authority; "and neither of them will ever depart from the ground taken, to assert and establish the entire sovereignty of Great Britain over her colonies." But Rockingham satisfied himself by declaring for a "wide and comprehensive" system, and, after a week's negotiation, with no plan but to support privilege against prerogative, he announced to Grafton his readiness to form a new administration.

Bancroft, Hist. of the U.S., vol.3, p.259

The king, whom Rockingham had now to encounter, was greatly his superior in sagacity and consistency. Implacable toward Grenville, he surveyed calmly the condition of the checkered factions; and, seeing that his own consent to their union would set them at variance among themselves, he gave Rockingham leave to revive, if he could, the exclusive rule of the great whig families. He was master of the field, and he knew it. "The king may make a page first minister," said Lord Holland. But the people demanded more and more to know what was passing in parliament; and, with the ready support of the press, prepared to intervene through the force of public opinion. "Power," thought a French observer, "has passed into the hands of the populace and the merchants. The country is exceedingly jealous of its liberty."

Bancroft, Hist. of the U.S., vol.3, p.259

On the twentieth of July 1767, the leaders of the two branches of the oligarchy met at the house of the duke of Newcastle. Rockingham explained the purpose of the meeting. Bedford, on behalf of Temple and Grenville, declared their readiness to support a comprehensive administration, provided it adopted the capital measure of asserting and establishing the sovereignty of Great Britain over its colonies. At this, Rockingham flew into a violent passion. Bedford insisted with firmness on the declaration. Sandwich interposed to reconcile the difference by substituting words which might be interpreted either way. The difficulty recurred on discussing the division of employments. Rockingham was inflexible against Grenville as the leader of the house of commons, and Bedford equally determined against Conway. So the meeting broke up without any result. The next day, at a second meeting, the difficulty about America could not be got over, " and we broke up," says Bedford, "with our all declaring ourselves free from all engagements to one another."

Bancroft, Hist. of the U.S., vol.3, p.259

The king admitted Rockingham to an audience, to make his confession that the country required a strong, united, and permanent administration, and that he could not form one of any kind. The king was in the best humor. He bowed very graciously, and Rockingham bowed, and so they parted. "What did the king say to you?" asked Grafton and Conway, eagerly, as Rockingham came out; and the answer was: "Nothing."

Bancroft, Hist. of the U.S., vol.3, p.260

Once more Rockingham was urged to join with the friends of Chatham, but he was impracticable. A leader of a party had never done more to diminish its influence; his intellect bore no analogy to his virtues, nor his conduct to his good intentions. Without ability to plan a system suited to his times, he left the field open to those who wished ill to liberty in America and in England. The king was never in better spirits.

Bancroft, Hist. of the U.S., vol.3, p.260

Grafton won the credit of moderation by his readiness to retire; and, after the failure of all his offers to Rockingham, people saw him at the head of the treasury with less dissatisfaction. He retained the expectation of an alliance with Bedford, who could not keep his party together without official patronage; but, for the moment, he depended on Townshend.

Bancroft, Hist. of the U.S., vol.3, p.260

So Charles Townshend remained in the cabinet, treating everything in jest, scattering ridicule with full hands, and careless on whom it fell. Grafton was apparently the chief; but the king held the helm, and, as the dissolution of parliament drew near, was the more happy in a dependent ministry. The patronage of the crown amounted to an annual disbursement of six millions sterling; and the secret service money was employed to cover the expenses of elections, at a time when less than ten thousand voters chose a majority of the house of commons. As merchants and adventurers, rich with the profits of trade or the spoils of India, competed for boroughs, the price of votes within twenty years had increased threefold. Edmund Burke grumbled because the moneyed men of his party did not engage more of "the venal boroughs."

Bancroft, Hist. of the U.S., vol.3, p.260 - p.261

"May the anarchy in the British government last for ages," wrote Choiseul. "Your prayer will be heard," answered Durand, then minister in London. "The opposition during this reign will always be strong, for the cabinet will always be divided; but the genius of the nation, concentrating itself on commerce and colonies, compensates the inferiority of the men in power, and makes great advances without their guidance." "My position," observed Choiseul, as he contemplated, alike in Asia and in America, the undisputed ascendency of the nation which he called his "enemy," "is the most vexatious possible; I see the ill; I do not see the remedy." Anxious to send accurate accounts, Durand made many inquiries of Franklin, and asked for all his political writings. "That intriguing nation," said Franklin, "would like very well to blow up the coals between Britain and her colonies; but I hope we shall give them no opportunity."

Bancroft, Hist. of the U.S., vol.3, p.261

"In England," Durand reported, "there is no one who does not own that its American colonies will one day form a separate state. The Americans are jealous of their liberty, and will always wish to extend it. The taste for independence must prevail among them; yet the fears of England will retard its coming, for she will shun whatever can unite them." "Let her but attempt to establish taxes in them," rejoined Choiseul, "and those countries, greater than England in extent, and perhaps becoming more populous, having fisheries, forests, shipping, corn, iron, and the like, will easily and fearlessly separate themselves from the mother country." "Do not calculate," replied Durand, "on a near revolution in the American colonies. They aspire not to independence, but to equality of rights with the mother country. A plan of union will always be a means in reserve by which England may shun the greater evil. The loss of the colonies of France and of Spain will be the consequence of the revolution in the colonies of England."

Bancroft, Hist. of the U.S., vol.3, p.261

The idea of emancipating the whole colonial world was alluring to Choiseul; and he judged correctly of the nearness of the conflict. "The Rubicon is passed," said men in Boston, on hearing the revenue act had been carried through. "We will form one universal combination, to eat nothing, drink nothing, and wear nothing imported from Great Britain." The fourteenth of August was commemorated as the anniversary of the first resistance to the stamp act. Of the intention of using the new revenue to make the crown officers independent of the people, the patriots said: "Such counsels will deprive the prince who now sways the British sceptre of millions of free subjects." And, when it was considered that Mansfield and the ministry declared some of the grants in colonial charters to be nugatory on the ground of their extent, the press of Boston and New York, following the precedent of Molineux for Ireland, reasoned the matter through to its logical conclusion.

Bancroft, Hist. of the U.S., vol.3, p.261 - p.262

"Liberty," said the writer, "is the inherent right of all mankind. Ireland has its own parliament, and makes laws; and English statutes do not bind them, says Lord Coke, because they send no knights to parliament. The same reason holds good as to America. Consent only gives human laws their force. Therefore, the parliament of England cannot extend their jurisdiction beyond their constituents. Advancing the powers of the parliament of England, by breaking the rights of the parliaments of America, may in time have its effects."

Bancroft, Hist. of the U.S., vol.3, p.262

The dangerous example of suspending the legislative functions of New York inflamed the discontent; "our strength," said the patriots of Boston, "consists in union. Let us, above all, be of one heart and one mind. Call on our sister colonies to join with us." An intimate correspondence grew up between New York and Boston. They would nullify Townshend's revenue act by consuming nothing on which he had laid a duty, and avenge themselves on England by importing no more of its goods.

Bancroft, Hist. of the U.S., vol.3, p.262

In September of this year, Franklin was at Paris. His examination before the house of commons had given him a wide European reputation. He was presented to various members of the French academy, as the American who would one day disembarrass France of these English. Malesherbes recognised "his extraordinary talents for politics;" and was led to extol "the American governments, because they permitted the human mind to direct its efforts toward those important objects which promote the prosperity and happiness of the people."

Bancroft, Hist. of the U.S., vol.3, p.262 - p.263

Just then Charles Townshend was seized with fever; and, after a short illness, during which he met danger with the levity that had marked his conduct of the most serious affairs, he died, at the age of forty-one, famed alike for talents and instability. Where were now his gibes; his flashes of merriment, that set the table in a roar; his eloquence, which made him the wonder of parliament? If his indiscretion forbade esteem, his good humor dissipated hate. He had been courted by all parties, but never possessed the confidence of any of them. He followed no guide, and he had no plan of his own. No one wished him as an adversary; no one trusted him as an associate. He sometimes spoke with boldness; but at heart he was as timid as he was versatile. He had clear conceptions, depth of understanding, great knowledge of every branch of administration, and indefatigable assiduity in business. He had obtained the lord-lieutenancy of Ireland for his brother, and a peerage for his wife, to descend to his children; and with power, fortune, affection, and honors gathering around him, he fell in the bloom of manhood, the most celebrated statesman who has left nothing but errors to account for his fame.

Bancroft, Hist. of the U.S., vol.3, p.263

The choice of his successor would decide on the continuance of the ministry, of which his death seemed to presage the overthrow. Choiseul esteemed Grenville by far the ablest financier in England, and greatly feared his return to office. Dreading nothing so much as to be ruled, the king directed that the vacant place should be offered to Lord North.

Bancroft, Hist. of the U.S., vol.3, p.263

At that time, Lord North was thirty-five years old, having seen the light in the same year with Washington. While the great Virginian employed himself as a careful planter, and musing on the destinies of his country resolved to preserve its liberty, Lord North entered the cabinet, in which he was to remain for fifteen most eventful years. He was a minister after the king's own heart; not brilliant, but of varied knowledge; good humored and able; opposed to republicanism, to reform, and to every popular measure. He had voted for the stamp act, and against its repeal; and had been foremost in the pursuit of Wilkes. Though choleric, he was of an easy temperament; a friend to peace, yet not fearing war; of great passive courage; rarely violent; never enterprising; and of such moderation in his demands that he seemed comparatively disinterested. His judgment was clear and his perceptions quick; but his will was feeble, a weakness which endeared him to his royal master. He took a leading part in the conduct of affairs, just as the people of America were discussing the new revenue act, which remained as the fatal bequest of Charles Townshend.

Bancroft, Hist. of the U.S., vol.3, p.263 - p.264

Never was a community more divided by fear and hope than the town of Boston, to which the continent was looking for an example. "Should we be told to perceive our inability to oppose the mother country," wrote the youthful Quincy, "we answer that, in defence of our civil and religious rights, with the God of armies on our side, we fear not the hour of trial." As the lawyers of England decided that American taxation by parliament was legal and constitutional, the press of Boston sought support in "the law of nature, which," said they, "is the law of God, irreversible itself and superseding all human law." Men called to mind the words of Locke, that, when the constitution is broken by the obstinacy of the prince, "the people must appeal to heaven." A petition to the governor to convene the legislature having been rejected with "contempt," the inhabitants of Boston, assembling on the twenty-eighth of October in town meeting, voted to forbear the importation and use of a great number of articles of British produce and manufacture, appointed a committee for obtaining a general subscription to such an agreement, and ordered their resolves to be sent to the several towns in the province, and to all the other colonies.

Bancroft, Hist. of the U.S., vol.3, p.264

Otis, heretofore so fervid, on this occasion warned against giving offence to Great Britain. The twentieth of November, on which day the tax act was to go into effect, passed away in quiet. Images and placards were exhibited, but were removed by the friends of the people. In a town meeting convened to discountenance riot, Otis went so far as to assert the king's right to appoint officers of the customs in what manner and by what denominations he pleased, and he advised the town to make no opposition to the new duties.

Bancroft, Hist. of the U.S., vol.3, p.264

But province called to province. "A revolution must inevitably ensue," said a great student of Scripture prophecies, in a village of Connecticut. "We have discouraging tidings from a mother country," thought Trumbull. "The Americans have been firmly attached to Great Britain; nothing but severity will dissolve the union."

Bancroft, Hist. of the U.S., vol.3, p.264

On the banks of the Delaware, John Dickinson, the illustrious Fanner, who had been taught from his infancy to love humanity and liberty, came before the continent to plead for American rights. He accepted the undefined relations of the parliament to the colonies as a perpetual compromise, which neither party was to disturb by pursuing an abstract theory to its ultimate conclusions.

Bancroft, Hist. of the U.S., vol.3, p.264 - p.265

"If once we are separated from the mother country," he asked in the sincerity of sorrow, "what new form of government shall we adopt? Torn from the body to which we were united by religion, liberty, laws, affections, relation, language, and commerce, we must bleed at every vein." Examining the statutes relating to America from its first settlement, he admitted that parliament possessed a legal authority to regulate the trade of every part of the empire; he found every one of them rested on that principle till the administration of Grenville. Never before this did the British commons think of imposing duties in the colonies for the purpose of raising a revenue. Grenville first asserted, in the preamble of one act, that it was "just and necessary" for them to give and grant such duties; and, in the preamble of another, that it was "just and necessary" to raise a further revenue in the same way; while the preamble of the last act, granting duties upon paper, glass, colors, and tea, disregarding ancient precedents under cover of these modern ones, declared that it was, moreover, "expedient" that a revenue should be so raised. "This," said the Farmer, "is an INNOVATION, and a most dangerous innovation. Great Britain claims and exercises the right to prohibit manufactures in America. Once admit that she may lay duties upon her exportations to us, for the purpose of levying money on us only, she then will have nothing to do but to lay those duties on the articles which she prohibits us to manufacture, and the tragedy of American liberty is finished. We are in the situation of a besieged city, surrounded in every part but one. If that is closed up, no step can be taken but to surrender at discretion.

Bancroft, Hist. of the U.S., vol.3, p.265

"I would persuade the people of these colonies—immediately, vigorously, and unanimously—to exert themselves in the most firm but the most peaceable manner for obtaining relief. If an inveterate resolution is formed to annihilate the liberties of the governed, English history affords examples of resistance by force."

Bancroft, Hist. of the U.S., vol.3, p.265

The Farmer's Letters carried conviction through all the thirteen colonies.

Chapter 21:

Massachusetts Consults Her Sister Colonies,

Administration of Grafton,

Hillsborough Secretary for the Colonies,

November 1767-April 1768

Bancroft, Hist. of the U.S., vol.3, p.266

ON the twenty-fourth of November, the twelfth parliament came together for the last time previous to its dissolution. Its members were too busy in preparing for the coming elections to interfere with America, about which the king's speech was silent, and, when Grenville descanted on two or three papers in the "Boston Gazette," as infamous libels on parliament, the house showed weariness. Bedford objected to Grenville's test for America, and "preferred making an example of some one seditious fellow." The king kept the ministry from breaking, and proved himself the most efficient man among them. "He makes each of them," said Mansfield, "believe that he is in love with him, and fools them all. They will stand their ground," he added, "unless that mad man, Lord Chatham, should come and throw a fireball in the midst of them." But Chatham's long illness had for the time overthrown his powers. When his health began to give out, it was his passion to appear possessed of the unbounded confidence of the king. A morbid restlessness led him to vie in expense with his equals in the peerage, who were the inheritors of vast estates. He would drive out with ten outriders, and with two carriages, each drawn by six horses. His vain magnificence deceived no one. "He is allowed to retain office as a livelihood," observed Bedford. The king complained of him as "a charlatan, who in difficult times affected ill-health to render himself the more sought after," and, saying that politics was a vile trade, more fit for a hack than for a gentleman, he proceeded to construct a ministry that would be disunited and docile.

Bancroft, Hist. of the U.S., vol.3, p.267

On the fifth of December, Bedford, just before the removal of cataracts from his eyes, renounced his connection with Grenville, saying by way of excuse, that his age, his infirmities, and his tastes disinclined him to war on the court, which was willing to enter into a treaty with him, and each member of the opposition would do well to exercise a like freedom. "He chooses to give bread to his kinsmen and friends," said those whom he deserted. Grenville could not conceal his despair. To his junction with Bedford he had sacrificed the favor of the king. Rejected by the ally for whom he had been a martyr, the famed financier saw "the nothingness of the calculations of party," and the little that remained to him of life became steeped in bitterness. At the time when the public indignation was roused by the news of the general agreement which the town of Boston was promoting, the ministry was revolutionized, but without benefit to Grenville. The colonies were taken from Shelburne and consigned to a separate department of state, with Lord Hillsborough as its secretary. Conway made room for Lord Weymouth, a vehement but not forcible speaker, yet a man of ability. Gower became president of the council; the post-office was assigned to Sandwich, the ablest of them all, as well as the most malignant against America; while Rigby was made vice-treasurer of Ireland, till he could get the pay-office. All five were friends of the duke of Bedford, and united in opinion respecting America. Jenkinson, whose noiseless industry at the treasury board exercised a prevailing influence over the negligence of Grafton and the ease of Lord North, formed the bond between the treasury and the officeholders in Boston.

Bancroft, Hist. of the U.S., vol.3, p.267 - p.268

To maintain the authority of parliament over America was the principle on which the friends of Bedford entered the ministry. Their partisans professed to think it desirable that "the colonies should forget themselves still further." "Five or six frigates," they clamored, "acting at sea, and, three regiments on land, will soon bring them to submission. "The waves," replied Franklin, "never rise but when the winds blow," and, addressing the British public, he showed that the new system of politics tended to dissolve the bonds of union between the two countries. "What does England gain by conquests in America," wrote the French minister, "but the danger of losing her own colonies? Things cannot remain as they are; the two nations will become more and more imbittered, and their mutual griefs increase. In four years the Americans will have nothing to fear from England, and will be prepared for resistance." He thought of Holland as a precedent; yet "America," he observed, "has no recognised chieftain, and, without the qualities united in the house of Orange, Holland would never have thrown off the yoke of Spain."

Bancroft, Hist. of the U.S., vol.3, p.268

In January 1768, on Hillsborough's taking possession of his newly created office, Johnson, the faithful agent of Connecticut, a churchman, and one who from his heart wished to avoid a rupture between the colonies and England, waited upon him to offer congratulations on his advancement. "Connecticut," declared Hillsborough, "may always depend upon my friendship and affection."

Bancroft, Hist. of the U.S., vol.3, p.268

"Connecticut," said Johnson, "is a loyal colony." "You are a very free colony," rejoined Hillsborough; "generally you have used your very extraordinary powers with moderation; but you are very deficient in your correspondence, so that we have too little connection with you." "That," answered the agent, "is owing to the good order and tranquillity which have so generally prevailed in a quiet colony, where the government is wisely administered and the people easy and happy. Add to this: from the nature of our constitution, fewer occasions arise of troubling the king's ministers with our affairs than in the governments immediately under the crown."

Bancroft, Hist. of the U.S., vol.3, p.268 - p.269

"A request for a copy of your colony laws," said Hillsborough, "has been repeatedly made; but I cannot find that any obedience has been paid to the requisition." "The colony," replied Johnson, "has several times sent over copies of the printed law book; there is one or more at the plantation office." "It is the duty of the government," resumed Hillsborough, "to transmit, from time to time, not only the laws that pass, but all the minutes of the proceedings of the council and assembly, that we may know what you are about, and rectify whatever may be amiss." "If your lordship," rejoined the agent, "wants a copy of our laws for private perusal, for the information of your clerks, or for reference, the colony will send you one of their law books; and you will find it as good a code of laws, almost, as could be devised for such an infant country. But, if your lordship means to have the laws transmitted for approbation or disapprobation by his majesty in council, it is what the colony has never done, and, I am persuaded, will never submit to. By the charter which King Charles II granted, the colony was invested with a power of legislation, not subject to revision. In point of fact, your lordship well knows that those laws have never been re-examined here; that the colony has for more than a century been in the full exercise of those powers, without the least check or interruption, except in a single instance, in such times and under such circumstances as I believe you will not mention but with detestation, much less consider as a precedent."

Bancroft, Hist. of the U.S., vol.3, p.269

"I have read your charter," said Hillsborough; "it is very full and expressive, and I know what powers you have exercised under it. But there are such things as extravagant grants, which are therefore void. You will admit there are many things which the king cannot grant, as the inseparable incidents of the crown. Some things which King Charles pretended to grant may be of that nature, particularly the power of absolute legislation, which tends to the absurdity of creating an independent state."

Bancroft, Hist. of the U.S., vol.3, p.269 - p.270

"Nobody," replied Johnson, "has ever reckoned the power of legislation among the inseparable incidents of the crown. All lawyers are agreed that it is an undisputed prerogative of the crown to create corporations, and the power of law-making is, in some degree at least, incident to every corporation; depending not merely on the words of the grant, but founded in the reason of things, and coextensive with the purposes for which the body is created. Every corporation in England enjoys it as really, though not as extensively, as the colony of Connecticut. Since, therefore, no question can be made of the right of the crown to create such bodies and grant such powers in degree, it would be very difficult to limit the bounty of the prince. The law has not done it, and who can draw the line? Surely not the ministers of the prince. The colony charters are of a higher nature, and founded on a better title, than those of the corporations of England. These are mere acts of grace and favor, whereas those in America were granted in consideration of very valuable services done or to be performed. The services having been abundantly executed at an immense expense by the grantees in the peopling and cultivation of a fine country, the vast extension of his majesty's dominion, and the prodigious increase of the trade and revenues of the empire, the charters must now be considered as grants upon valuable considerations, sacred and most inviolable. And even if there might have been a question made upon the validity of such a grant as that to Connecticut in the day of it, yet parliament as well as the crown having, for more than a century, acquiesced in the exercise of the power claimed by it, the colony has now a parliamentary sanction, as well as a title by prescription added to the royal grant, by all which it must be effectually secured in the full possession of its charter rights."

Bancroft, Hist. of the U.S., vol.3, p.270

"These are matters of nice and curious disquisition," said Hillsborough, evasively; "but at least your laws ought to be regularly transmitted for the inspection of the privy council and for disapprobation, if found repugnant to the laws of England."

Bancroft, Hist. of the U.S., vol.3, p.270

"An extra-judicial opinion of the king's minister," answered Johnson, "or even of the king's privy council, cannot determine whether any particular act is within that proviso or not; this must be decided by a court of law having jurisdiction of the matter, about which the law in question is conversant. If the general assembly of Connecticut should make a law flatly contradictory to the statute of Great Britain, it may be void; but a declaration of the king in council would still make it neither more nor less so, but be as void as the law itself, for other words in the charter clearly and expressly exclude them from deciding about it."

Bancroft, Hist. of the U.S., vol.3, p.270 - p.271

"I have not seen these things," replied Hillsborough, "in the light in which you endeavor to place them. You are in danger of being too much a separate, independent state, and of having too little subordination to this country." And then he spoke of the equal affection the king bore his American subjects, and of the great regard of the ministers for them as Britons, whose rights were not to be injured.

Bancroft, Hist. of the U.S., vol.3, p.271

"Upon the repeal of the stamp act," said Johnson, "we had hoped these were the principles adopted, but the new duties imposed last winter, and other essential regulations in America, have damped those expectations and given alarm to the colonies."

Bancroft, Hist. of the U.S., vol.3, p.271

"Let neither side," said Hillsborough, "stick at small matters. As to taxes, you are infinitely better off than any of your fellow-subjects in Europe. You are less burdened than even the Irish."

Bancroft, Hist. of the U.S., vol.3, p.271

"I hope that England will not add to our burdens," said Johnson; "you would certainly find it redound to your own prejudice."

Bancroft, Hist. of the U.S., vol.3, p.271

Thus, for two hours together, they reasoned on the rights of Connecticut, whose charter Hillsborough wished to annul; not on the pretence that it had been violated or misused, but because by the enjoyment of it the people were too free.

Bancroft, Hist. of the U.S., vol.3, p.271

Connecticut so united caution with patriotism that successive British ministers were compelled to delay abrogating its charter, for want of a plausible excuse. The apologists of the new secretary called him honest and well meaning; he was passionate and ignorant and full of self-conceit; alert in conducting business; wrong-headed in forming his opinions, and pompously stiff in adhering to them. He proposed, as his rule of conduct, to join inflexibility of policy with professions of tenderness; and, in a man of his moderate faculties, this attempt to unite firmness with suavity became a mixture of obstinacy and deceit.

Bancroft, Hist. of the U.S., vol.3, p.271

His first action respecting Massachusetts betrayed his character. Hutchinson, through Jenkinson, obtained an annual grant of two hundred pounds sterling; Hillsborough gave to the grant the form of a secret warrant under the king's sign manual on the commissioners of the customs at Boston. That a chief justice, holding office during pleasure and constantly employing his power for political purposes, should receive money secretly from the king, was fatal to the independence of the bench.

Bancroft, Hist. of the U.S., vol.3, p.272

The reflecting people in Boston dreaded the corrupt employment of the new revenue. "We shall be obliged," said they, "to maintain in luxury sycophants, court parasites, and hungry dependants, who will be sent over to watch and oppress those who support them. If large salaries are given, needy poor lawyers from England and Scotland, or some tools of power of our own, will be placed on the bench. The governors will be men rewarded for despicable services, hackneyed in deceit and avarice; or some noble scoundrel, who has spent his fortune in every kind of debauchery.

Bancroft, Hist. of the U.S., vol.3, p.272

"Unreasonable impositions tend to alienate the hearts of the colonists. Our growth is so great, in a few years Britain will not be able to compel our submission. Who thought that the four little provinces of Holland would have been able to throw off the yoke of that powerful kingdom of Spain? Yet they accomplished it by their desperate perseverance." "Liberty is too precious a jewel to be resigned."

Bancroft, Hist. of the U.S., vol.3, p.272 - p.273

The attempt at concerting an agreement not to import had thus far failed; and, unless the assembly of Massachusetts should devise methods of resistance, the oppressive law would gradually go into effect. Of the country members, Hawley, than whom no one was abler or more determined, lived far in the interior; and his excitable nature, now vehement, now desponding, unfitted him to guide. The irritability of Otis had so increased that he indulged himself in "rhapsodies" and "flashes" of eloquence, but could not frame deliberate plans of conduct. Besides, his mind had early embraced the idea "of a general union of the British empire, in which every part of its wide dominions should be represented under one equal and uniform direction and system of law; and though the congress of New York drew from him a tardy concession that an American representation was impossible yet his heart still turned to his original opinion; and, in his prevailing mood, he shrunk from the thought of independence. The ruling passion of Samuel Adams, on the contrary, was the preservation of the distinctive institutions of New England. He understood the tendency of the measures adopted by parliament; approved of making the appeal to heaven, if freedom could not otherwise be preserved; and valued the liberties of his country more than its temporal prosperity, more than his own life, more than the lives of all. His theory, on which the colonies were to rest their defence of their separate rights till the dawn of better days, as a small but gallant army waits for aid within well-chosen lines, he embodied in the form of a letter from the assembly of the province to their agent. On the sixth of January, and for the evening and morning of many succeeding days, the paper was under severe examination in the house. Seven times it was revised; every word was weighed; every sentence considered; and each seemingly harsh expression tempered and refined. At last, on the twelfth of January 1768, the letter was adopted, to be sent to the agent, communicated to the British ministry, and published to the world.

Bancroft, Hist. of the U.S., vol.3, p.273

Disclaiming the most distant thought of independence of the mother country, provided they could have the free enjoyment of their rights, the house affirmed that "the British constitution hath its foundation in the law of God and nature; that, in every free state, the supreme legislature derives its power from the constitution," and is bounded and circumscribed "by its fundamental rules."

Bancroft, Hist. of the U.S., vol.3, p.273

That the right to property exists by a law of nature, they upheld, on the one side, against "Utopian schemes of a community of goods;" on the other, against all acts of the British parliament taxing the colonists.

Bancroft, Hist. of the U.S., vol.3, p.273

"In the time of James II," they continued, "the crown and its ministers, without the intervention of parliament, demolished charters and levied taxes in the colonies at pleasure. Our case is more deplorable and remediless. Our ancestors found relief by the interposition of parliament; but by the intervention of that very power we are taxed, and can appeal from their decision to no power on earth."

Bancroft, Hist. of the U.S., vol.3, p.273

They further set forth the original contract between the king and the first planters, as the royal promise in behalf of the English nation; their title by the common law and by statute law to all the liberties and privileges of natural-born subjects of the realm; and the want of equity in taxing colonies whose manufactures were prohibited and whose trade was restrained.

Bancroft, Hist. of the U.S., vol.3, p.273 - p.274

Still more, they objected to the appropriation of the revenues from the new duties to the support of American civil officers and an American army, as introducing an absolute government. The judges in the colonies held their commissions at the pleasure of the crown; if their salaries were to be independent, a corrupt governor might employ men who would "deprive a bench of justice of its glory, and the people of their security." Nor need the money be applied by parliament to protect the colonists; they were never backward in defending themselves, and, when treated as free subjects, they always granted aids of their own accord, to the extent of their ability, and even beyond it. Nor could a standing army among them secure their dependence; they had toward the mother country an English affection, which would forever keep them connected with her, unless it should be erased by repeated unkind usage.

Bancroft, Hist. of the U.S., vol.3, p.274

They objected to the establishment of commissioners of the customs, as an expense needless in itself, and dangerous to their liberties from the increase of crown officers. Still more, they expressed alarm at the act conditionally suspending the powers of the assembly of New York.

Bancroft, Hist. of the U.S., vol.3, p.274

"King James and his successors," thus they proceeded, "broke the copartnership of the supreme legislative with the supreme executive, and the latter could not exist without the former. In these remote dominions there should be a free legislative; otherwise, strange effects are to be apprehended, for the laws of God and nature are invariable."

Bancroft, Hist. of the U.S., vol.3, p.274

To Shelburne, Chatham, Rockingham, Conway, Camden, the treasury board, at which sat Grafton, Lord North, and Jenkinson, the house of representatives next addressed letters which enforced the impracticability of an American representation in the British parliament. But no memorial was sent to the lords; no petition to the house of commons. The colonial legislature joined issue with the British parliament, and, adopting the draft of Samuel Adams, approached the king with their petition.

Bancroft, Hist. of the U.S., vol.3, p.274 - p.275

To him, in beautifully simple language, they recounted the story of the colonization of Massachusetts; the forfeiture of their first charter; and the confirmation to them, on the revolution, of their most essential rights and liberties; the principal of which was that most sacred right of being taxed only by representatives of their own free election. They complained that the acts of parliament, "imposing taxes in America, with the express purpose of raising a revenue, left them only the name of free subjects."

Bancroft, Hist. of the U.S., vol.3, p.275

Relief by an American representation in parliament they declare to be "utterly impracticable;" and they referred the consideration of their present circumstances to the wisdom and clemency of the king.

Bancroft, Hist. of the U.S., vol.3, p.275

In the several papers which, after a fortnight's anxious deliberation, were adopted by the assembly, not one line betrays haste or hesitation. It remained for the house "to inform the other governments with its proceedings against the late acts, that, if they thought fit, they might join therein." But this, it was said in a house of eighty-two members, would be considered, in England, as appointing a second congress; and the negative prevailed by a vote of two to one.

Bancroft, Hist. of the U.S., vol.3, p.275

At this appearance of indecision, Bernard conceived "great hopes;" but the hesitancy in the assembly had proceeded not from timidity, but caution. The members spoke with one another in private, till they more clearly perceived the imminence and extent of the public danger. On the fourth day of February, a motion was made to reconsider the vote against writing to the other colonies. The house was counted; eighty-two were again found to be present; the question was carried by a large majority, and the former vote erased from the journals.

Bancroft, Hist. of the U.S., vol.3, p.275

On the same day, the house, after debate, appointed a committee to inform each house of representatives or burgesses on the continent of the measure which it had taken; and on the eleventh they accepted, almost unanimously, a masterly circular letter which Samuel Adams had drafted.

Bancroft, Hist. of the U.S., vol.3, p.275 - p.276

Expressing a firm confidence that the united supplications of the distressed Americans would meet with the favorable acceptance of the king, they set forth the importance that proper constitutional measures respecting the acts of parliament imposing taxes on the colonies should be adopted; and that the representatives of the several assemblies upon so delicate a point should harmonize with each other. They made known their "disposition freely to communicate their mind to a sister colony, upon a common concern."

Bancroft, Hist. of the U.S., vol.3, p.276

They then embodied the substance of all their representations to the ministry: that the legislative power of parliament is circumscribed by the constitution, and is self-destroyed whenever it overleaps its bounds; that allegiance, as well as sovereignty, is limited; that the right to property is an essential, unalterable one, engrafted into the British system, and to be asserted, exclusive of any consideration of charters; that taxation of the colonies by the British parliament, in which they are not represented, is an infringement of their natural and constitutional rights; that an equal representation of the American people in parliament is forever impracticable; that their partial representation would be worse even than taxation without their consent. They further enumerated as grievous the independent civil list for crown officers; the billeting act; and the large powers of the resident commissioners of the customs.

Bancroft, Hist. of the U.S., vol.3, p.276

"Your assembly," they continued, "is too generous and liberal in sentiment to believe that this letter proceeds from an ambition of taking the lead, or dictating to the other assemblies. They freely submit their opinions to the judgment of others, and shall take it kind in you to point out to them anything further that may be thought necessary."

Bancroft, Hist. of the U.S., vol.3, p.276

A fair copy of this circular was transmitted to England, to be produced in proof of its true spirit and design; they drew their system of conduct from reason itself, and despised concealment.

Bancroft, Hist. of the U.S., vol.3, p.276 - p.277

The day after the circular was adopted, the board of commissioners of the revenue at Boston, co-operating with Bernard, addressed to their superiors in England a secret memorial. Expressing apprehensions for their own safety, they complained of the American press, especially of the seeming moderation, parade of learning, and most mischievous tendency of the Farmer's Letters; of New England town meetings, "in which," they said, "the lowest mechanics discussed the most important points of government with the utmost freedom;" of Rhode Island, as if it had even proposed to stop the revenue money; of Massachusetts, for having invited every province to discountenance the consumption of British manufactures. "We have every reason," they added, "to expect that we shall find it impracticable to enforce the execution of the revenue laws until the hand of government is properly strengthened. At present, there is not a ship-of-war in the province, nor a company of soldiers nearer than New York."

Bancroft, Hist. of the U.S., vol.3, p.277

The alternative was thus presented to the ministry and the king. On the one side, Massachusetts asked relief from taxation without representation, and invited the several colonies to unite in the petition; the crown officers, on the other, sent their memorial for a fleet and regiments.

Bancroft, Hist. of the U.S., vol.3, p.277

But what could an armed force find to do? The opposition was passive. The house left no doubt of its purpose not to arrest the execution of any law; on the twenty-sixth of February, by a vote of eighty-one to the one vote of Timothy Ruggles, it discouraged the use of superfluities; and gave a preference to American manufactures in resolves which, said Bernard, "were so decently and cautiously worded that at another time they would scarcely have given offence." Could an army compel a colonist to buy a new coat, or to drink tea, or to purchase what he was resolved to do without? Grafton, North, even Hillsborough, disapproved of Townshend's revenue act. Why will they not quiet America by its revocation? Sending regiments into Boston will be a summons to America to make the last appeal.

Bancroft, Hist. of the U.S., vol.3, p.277

Grenville and his friends insisted on declaring meetings and associations like those of Boston illegal and punishable, and advised some immediate chastisement. "I wish," said he, "every American in the world could hear me. I gave the Americans bounties on their whale fishery, thinking they would obey the acts of parliament;" and he now spoke for a prohibition of their fisheries. Some of the ministry were ready to proceed at once against Massachusetts. When America was mentioned, nothing could be heard but bitterest invectives. That it must submit, no one questioned.

Bancroft, Hist. of the U.S., vol.3, p.277 - p.278

While Hillsborough was writing encomiums on Bernard, praising his own "justice and lenity," and lauding the king as the tender father of all his subjects, Choiseul discerned the importance of the rising controversy; and, that he might unbosom his thoughts with freedom, he appointed to the place of ambassador in England his own most confidential friend, the Count du Chatelet, son of the celebrated woman with whom Voltaire had been connected. The new diplomatist was a person of quick perceptions, courage, and knowledge of the world, and was deeply imbued with the philosophy of his age.

Bancroft, Hist. of the U.S., vol.3, p.278

The difficulty respecting taxation was heightened by personal contentions, which exasperated members of the legislature of Massachusetts. The house discovered that their leaving the crown officers out of the council had been misrepresented by Bernard to Shelburne; and, in the most temperate language, they wisely suggested the recall of the governor, of whose accusatory letters they asked for copies. A paper in the "Boston Gazette," written by Warren, exposed "the obstinate malice, diabolical thirst for mischief, effrontery, guileful treachery, and wickedness" of Bernard. The council censured the publication. The governor called on the house to order a prosecution of the printers. The house on the fourth of March answered: "The liberty of the press is the great bulwark of freedom." On proroguing the legislature, Bernard chid in public its leading members. "There are men," said he, "to whose importance everlasting contention is necessary. Time will soon pull the masks off those false patriots who are sacrificing their country to the gratification of their own passions. I shall defend this injured country from the machinations of a few, very few, discontented men." "The flagitious libel," he wrote home, "blasphemes kingly government itself;" but it was only a coarse sketch of his own bad qualities. "I told the grand jury," said Hutchinson, "almost in plain words, that they might depend on being damned if they did not find against the paper, as containing high treason." The jury refused. "Oaths and the laws have lost their force," wrote Hutchinson; while "the honest and independent grand jurors" became the favorite toast of the Sons of Liberty.

Bancroft, Hist. of the U.S., vol.3, p.278

On the day on which the general court was prorogued, merchants of Boston began a subscription to renounce commerce with England, and invited the merchants of the continent to a universal passive resistance.

Bancroft, Hist. of the U.S., vol.3, p.278 - p.279

Kalb, who was astonished at the prosperity of the colonies and the immense number of merchant vessels in all the waters from the Chesapeake to Boston, thought for a moment that, if the provinces could jointly discuss their interests by deputies, an independent state would soon be formed. The people were brave, and their militia not inferior to regular troops. And yet, after studying the spirit of New England, he was persuaded that all classes sincerely loved their mother country, and would never accept foreign aid. "It is my fixed opinion," said he, "that the firebrands will be worsted, and that the colonies will, in the end, obtain all the satisfaction which they demand. Sooner or later, the government must recognise its being in the wrong."

Bancroft, Hist. of the U.S., vol.3, p.279

The crown officers in Boston persevered in their intrigues. "The annual election of councillors," wrote Bernard, "is the canker-worm of the constitution of this government, whose weight cannot be put in the scale against that of the people." "To keep the balance even," argued Hutchinson, "there is need of aid from the other side of the water."

Bancroft, Hist. of the U.S., vol.3, p.279 - p.280

How to induce the British government to change the charter and send over troops was the constant theme of discussion; and it was concerted that the eighteenth of March, the anniversary of the repeal of the stamp act, should be made to further the design. Reports were industriously spread of an intended insurrection on that day; of danger to the commissioners of the customs. The Sons of Liberty, on their part, were anxious to preserve order. At daybreak, the effigy of Paxton and that of another revenue officer were found hanging on Liberty Tree; they were instantly taken down by the friends of the people. The governor endeavored to magnify "the atrociousness of the insult," and to express fears of violence; the council justly insisted there was no danger of disturbance. The day was celebrated by a temperate festival, at which toasts were drunk to the freedom of the press; to Paoli and the Corsicans; to the joint freedom of America and Ireland; to the immortal memory of Brutus, Cassius, Hampden, and Sidney. Those who dined together broke up early. There was no bonfire lighted; and "in the evening," wrote Hutchinson within the week of the event, "we had only such a mob as we have long been used to on the fifth of November, and other holidays." Gage, who afterward made careful inquiry in Boston, declared the disturbance to have been "trifling." But Bernard reported a "great disposition to the utmost disorder," hundreds "parading the streets with yells and outcries; a very terrible night to those who thought themselves objects of the popular fury." "I can afford no protection to the commissioners," he continues. "I have not the shadow of authority or power. I am obnoxious to the madness of the people, yet left exposed to their resentment, without any possible resort of protection;" thus hinting the need of "troops, as well to support the king's government as to protect the persons of his officers."

Bancroft, Hist. of the U.S., vol.3, p.280

To insure the arrival of an armed force, the commissioners of the customs applied directly to the naval commander at Halifax, and sent a second memorial to the lords of the treasury. They said that a design had certainly been formed to bring them, on the eighteenth of March, to Liberty Tree, and oblige them to renounce their commissions. "The governor and magistracy," they add, "have not the least authority or power in this place. We depend on the favor of the mob for our protection. We cannot answer for our security for a day, much less will it be in our power to carry the revenue laws into effect."

Bancroft, Hist. of the U.S., vol.3, p.280

These letters went from Boston to the ministry in March. The tales of riots were false. The people were opposed to the revenue system of the British parliament, and hoped for redress; if the ministry should refuse it, they were resolved to avoid every act of violence, to escape paying the taxes, and to induce their repeal by never buying the goods on which they were imposed. England had on her side the general affection of the people, the certainty that the country could not as yet manufacture for itself, and the consequent certainty that schemes of non-importation would fail. Would she but substitute a frank and upright man for Bernard, the wants of the colonists might weary them of their self-denial.

Bancroft, Hist. of the U.S., vol.3, p.280 - p.281

But the administration of public affairs had degenerated into a system of patronage which had money for its object; and was supported by the king, from the love of authority. The government of England had more and more ceased to represent the noble spirit of England. The twelfth parliament, which had taxed America and was now near its dissolution, exceeded all former ones in profligacy. Direct gifts of money were grown less frequent, as public opinion increased in power; but there never was a parliament so shameless in its corruption as this twelfth parliament, which virtually severed America from England. It had its votes ready for the minister of any party. It gave an almost unanimous support to Pitt, when, for the last time in seventy years, the foreign politics of England were on the side of liberty. It had a majority for Newcastle after he had ejected Pitt; for Bute, when he dismissed Newcastle; for Grenville, so long as he was the friend of Bute; for Grenville, when he became Bute's implacable foe; and for the inexperienced Rockingham. When Charles Townshend, rebelling in the cabinet, seemed likely to become minister, he commanded its applause. When Townshend died, North easily restored subordination.

Bancroft, Hist. of the U.S., vol.3, p.281

Nor was it more scrupulous as to any measure which the minister of the hour might propose. It promoted the alliance with the king of Prussia, and deserted him; it protected the issue of general warrants, and utterly condemned them; it passed the stamp act, and repealed the stamp act; it began to treat America with tenderness, then veered about, imposed new taxes, changed American constitutions, and trifled with the freedom of the American legislative. It was corrupt, and knew itself to be corrupt, and made a jest of its corruption; and when it was gone, and had no more chances at prostitution, men wrote its epitaph as of the most scandalously abandoned body that England had ever known.

Bancroft, Hist. of the U.S., vol.3, p.281 - p.282

Up to a recent time, the colonists had looked to parliament as the bulwark of their liberties; henceforward, they knew it to be their most dangerous enemy. They avowed that they would not pay taxes which it assumed to impose. Some still allowed it a right to restrain colonial trade, but the advanced opinion among the patriots was that each provincial legislature must be perfectly free; that laws were not valid unless sanctioned by the consent of America herself. Without disputing what the past had established, they were resolved to oppose any minister that should attempt to "innovate" a single iota in their privileges. "Almighty God himself," wrote Dickinson, "will look down upon your righteous contest with approbation. You will be a band of brothers, strengthened with inconceivable supplies of force and constancy by that sympathetic ardor which animates good men, confederated in a good cause. You are assigned by Divine Providence, in the appointed order of things, the protector of unborn ages, whose fate depends upon your virtue."

Bancroft, Hist. of the U.S., vol.3, p.282

The men of Boston, whose fathers came to the wilderness for freedom to say their prayers, would not fear to take up arms against a preamble which implied their servitude. At a town-meeting, in March 1768, Malcom moved their thanks to the ingenious author of the Farmer's Letters; and Hancock, Samuel Adams, and Warren were of the committee to greet him in the name of the town as "the friend of Americans and the benefactor of mankind."

Bancroft, Hist. of the U.S., vol.3, p.282

"They may with equal reason make one step more," wrote Hutchinson to the duke of Grafton: "they may deny the regal as well as the parliamentary authority, although no man as yet has that in his thoughts."

Bancroft, Hist. of the U.S., vol.3, p.282 - p.283

Du Chatelet, in England, having made his inquiries into the resources of America, was persuaded that, even if the detailed statements before him were one half too large, England could not reduce her colonies, should they raise the standard of rebellion. "Their population is so great," said he to Choiseul, "that a breath would scatter the troops sent to enforce obedience. The ever-existing attractions of an entire independence and of a free commerce cannot fail to keep their minds continually in a state of disgust at the national subjection. The English government may take some false step, which will in a single day set all these springs in activity. A great number of chances can hasten the revolution which all the world foresees without daring to assign its epoch. I please myself with the thought that it is not so far off as some imagine, and that we should spare neither pains nor expense to co-operate with it. We must nourish his Catholic majesty's disposition to avenge his wrongs. The ties that bind America to England are three fourths broken. It must soon throw off the yoke. To make themselves independent, the inhabitants want nothing but arms, courage, and a chief. If they had among them a genius equal to Cromwell, this republic would be more easy to establish than the one of which that usurper was the head. Perhaps this man exists; perhaps nothing is wanting but happy circumstances to place him upon an exalted theatre."

Bancroft, Hist. of the U.S., vol.3, p.283

At Mount Vernon, conversation with Arthur Lee fell on the dangers that overhung the country. "Whenever my country calls upon me," said Washington, "I am ready to take my musket on my shoulder."

Bancroft, Hist. of the U.S., vol.3, p.283

"Courage, Americans!" So, in April 1768, said William Livingston, one of the famed New York "triumvirate" of antiprelatic lawyers, through the press. "Liberty, religion, and sciences are on the wing to these shores. The finger of God points out a mighty empire to your sons. The land we possess is the gift of heaven to our fathers, and Divine Providence seems to have decreed it to our latest posterity. The day dawns in which the foundation of this mighty empire is to be laid, by the establishment of a regular American constitution. All that has hitherto been done seems to be little beside the collection of materials for this glorious fabric. 'Tis time to put them together. The transfer of the European part of the family is so vast, and our growth so swift, that, BEFORE SEVEN YEARS ROLL OVER OUR HEADS, the first stone must be laid."

Chapter 22:

Will Massachusetts Rescind?

Administration of Grafton,

Hillsborough Secretary for the Colonies,

April-July 1768

Bancroft, Hist. of the U.S., vol.3, p.284

"SEND over an army and a fleet to reduce them to reason," was the cry at court and the public offices in England, on every rumor of the discontents of the Americans. On the fifteenth of April 1768, the circular letter of Massachusetts reached the ministers, and their choleric haste dictated most impolitic measures. A letter was sent by Hillsborough to the governors of each of the twelve other colonies, with a copy of the circular, which was described as "of a most dangerous and factious tendency," calculated "to inflame the minds" of the people, "to promote an unwarrantable combination, and to excite open opposition to the authority of parliament." "You will therefore," said he, "exert your utmost influence to prevail upon the assembly of your province to take no notice of it, which will be treating it with the contempt it deserves. If they give any countenance to this seditious paper, it will be your duty to prevent any proceedings upon it by an immediate prorogation or dissolution." This order he sent even to the governor of Pennsylvania, who, by its charter, had no power to prorogue or dissolve an assembly. Massachusetts was told that the king considered "their resolutions contrary to the sense of the assembly, and procured by surprise. You will therefore," such was the command to Bernard, "require of the house of representatives, in his majesty's name, to rescind the resolution which gave birth to the circular letter from the speaker, and to declare their disapprobation of that rash and hasty proceeding." "If the new assembly should refuse to comply, it is the king's pleasure that you should immediately dissolve them."

Bancroft, Hist. of the U.S., vol.3, p.285

The petition of the assembly of Massachusetts to the king was received by Hillsborough for perusal, but was never officially presented. To the agent of Massachusetts the secretary said: "I had settled the repeal of these acts with Lord North; but the opposition of the colonies renders it absolutely necessary to support the authority of parliament."

Bancroft, Hist. of the U.S., vol.3, p.285

The commander-in-chief in America was ordered to maintain the public tranquillity. But it was characteristic of Massachusetts that the peace had not been broken; the power of parliament was denied, but not resisted.

Bancroft, Hist. of the U.S., vol.3, p.285

On the second of April, the assembly of Virginia read the circular letter from Massachusetts, and referred it to a committee of the whole house. The petitions of freeholders of the counties of Chesterfield, Henrico, Dinwiddie, and Amelia pointed to the act of parliament suspending the legislative power of New York, as of a tendency fatal to the liberties of a free people. The county of Westmoreland dwelt on the new revenue act, as well as on the billeting act. The freeholders of Prince Williams enumerated all three, which, like the stamp act, would shackle North America with slavery. On the seventh, Bland reported resolutions reaffirming the exclusive right of the American assemblies to tax the American colonies, and they were unanimously adopted. A committee of twelve, including Bland and Archibald Cary, prepared a petition to the king, a memorial to the house of lords, and a remonstrance to the house of commons, which, after being carefully considered and amended, were unanimously adopted. On the fifteenth, Bland invited a conference with the council, and the council, with Blair, the acting president after Fauquier's death, agreed to the papers which the house had prepared, and which were penned in a still bolder style than those from Massachusetts.

Bancroft, Hist. of the U.S., vol.3, p.285 - p.286

After this, the burgesses of Virginia, to fulfil all their duty, not only applauded Massachusetts for its attention to American liberty, but directed their speaker to make known their proceedings to the speaker of every assembly on the continent, and to intimate how necessary they thought it that the colonies should unite in a firm but decent opposition to every measure which might affect their rights and liberties.

Bancroft, Hist. of the U.S., vol.3, p.286

In the midst of these proceedings of a representative body, which truly reflected the sentiments of a people, the thirteenth British parliament, the last which ever legislated for America, was returned. Of the old house, one hundred and seventy failed to be rechosen. Boroughs were sold openly, and votes purchased at advanced prices. The market value of a seat in parliament was four thousand pounds. Contested elections cost the candidates twenty to thirty thousand pounds apiece, and it was affirmed that in Cumberland one person lavished a hundred thousand pounds. The election was the most expensive ever known. The number of disputed seats exceeded all precedent, as did the riots on election days.

Bancroft, Hist. of the U.S., vol.3, p.286

Wilkes was returned for Westminster. "The expulsion of Wilkes must be effected," wrote the king to Lord North, who stood ready to obey the unconstitutional mandate.

Bancroft, Hist. of the U.S., vol.3, p.286

At the opening, in May, the question was raised, if strangers should be excluded from the debates. "I ever wished," said Grenville, "to have what is done here well known." The people no longer acquiesced in the secrecy of the proceedings of their professed representatives; this is the last parliament of which the debates are not reported.

Bancroft, Hist. of the U.S., vol.3, p.286

Out of doors, America was not without those who listened to her complaints. The aged Oglethorpe, founder of the colony of Georgia, busied himself with distributing pamphlets in her behalf among the most considerable public men. Franklin, in London, collected and printed the Farmer's Letters. "They are very wild," said Hillsborough of them; many called them treasonable and seditious; yet Edmund Burke approved their principle. Translated into French, they were much read in Parisian saloons; their author was compared with Cicero; Voltaire joined the praise of "the farmers of Pennsylvania " to that of the Russians who aspired to liberate Greece.

Bancroft, Hist. of the U.S., vol.3, p.286 - p.287

"In America, the Farmer is adored," said the governor of Georgia; "and no mark of honor and respect is thought equal to his merit." At that time Georgia was the most flourishing colony on the continent. Lands there were cheap, and labor dear; it had no manufactures; though, of the poorer families one in a hundred, perhaps, might make its own coarse clothing of a mixture of cotton and wool. Out of twenty-five members of the newly elected legislature, at least eighteen were "Sons of Liberty," "enthusiasts" for the American cause, zealous for "maintaining their natural rights." They unanimously made choice of Benjamin Franklin as their agent, and nothing but their prorogation prevented their sending words of sympathy to Massachusetts. New Jersey expressed its desire to correspond and unite with the other colonies. The Connecticut assembly, in May, after a solemn debate, concluded to petition the king only; "because," said they, "to petition the parliament would be a tacit confession of its right to lay impositions upon us, which right and authority we publicly disavow." Nor would the court issue writs of assistance, although it was claimed that they were authorized by Townshend's revenue act. Some grew alarmed for consequences, but others "were carried above fear."

Bancroft, Hist. of the U.S., vol.3, p.287

At New York, the merchants held a meeting to join with the inhabitants of Boston in the agreement not to import from Great Britain; and, against the opinion of the governor, the royal council decided that the meetings were legal; that the people did but establish among themselves certain rules of economy, and had a right to dispose of their own fortune as they pleased.

Bancroft, Hist. of the U.S., vol.3, p.287

While Massachusetts received encouragement from its sister colonies, its crown officers continued and extended their solicitations in England for large and fixed salaries, as the only way to keep the Americans in their dependence. Grenville's influence was the special resource of Hutchinson and Oliver, who had supported his stamp act and suffered as his martyrs; and they relied on Whately to secure for them his attention and favor, which they valued the more, as it seemed to them probable that he would one day supersede Grafton.

Bancroft, Hist. of the U.S., vol.3, p.287 - p.288

Bernard, on his part, addressed his importunities to Hillsborough, and asked leave to become an informer, but under an assurance that no exposure should be made of his letters. Yet how could public measures be properly founded on secret communications, known only to the minister and the king? Should the right of the humblest individual to confront witnesses against him be held sacred? and should rising nations be exposed to the loss of chartered privileges and natural rights on concealed accusations? With truer loyalty toward the mother country, Samuel Adams, through the agent, advised the repeal of the revenue acts, and the removal of a governor in whom the colonies could never repose confidence.

Bancroft, Hist. of the U.S., vol.3, p.288

But Bernard went on, persuading Hillsborough that America had grown refractory in consequence of the feeble administration of the colonies during the time of Conway and Shelburne; that it required "his lordship's distinguished abilities" to accomplish the "arduous task of reducing them into good order." "It only needs," said Hutchinson," one steady plan, pursued a little while." At that moment the people of Massachusetts, confidently awaiting a favorable result of their appeal to the king, revived their ancient spirit of loyalty. At the opening of the political year, on the last Wednesday in May, the new house of representatives came together, with a kindlier disposition toward England than had existed for several years. The two parties were nearer an equality. On the day of election, after hearing a sermon in which Shute, of Hingham, denied the supreme authority of parliament and justified resistance to laws not based on equity, the legislature seemed willing to restore Hutchinson to the council; and, on the first ballot, he had sixty-eight votes where he needed but seventy-one.

Bancroft, Hist. of the U.S., vol.3, p.288 - p.289

As the convention were preparing to ballot a second time, Samuel Adams rose to ask whether the lieutenant-governor was a pensioner; on which Otis, the other "chief head of the faction," stood up and declared that Hutchinson had received a warrant from the lords of the treasury for two hundred pounds a year out of the proceeds of the new duties; and, distributing votes for Artemus Ward, he cried out: "Pensioner or no pensioner, surely the house will not think a pensioner of the crown a fit person to sit in council." "But for the warrant," confessed Hutchinson, "I should have been elected." "And that," added Bernard, "would have put quite a new face upon public affairs." "The government," repeated Bernard, "should insist upon it that the lieutenant-governor and secretary should have seats and votes at the council-board without an election." "This annual election of the council spoils the constitution," wrote Hutchinson. "They will not come to a right temper until they find that, at all events, the parliament will maintain its authority." These representations were made in concert by the two for no end but to promote their own petty interests, with equal disregard of the honor and welfare of Britain and the rights of the province. Deceived by their seeming zeal in his service, Hillsborough resolved to reward Bernard's zeal with the lucrative post of lieutenant-governor of Virginia, and to leave the government of Massachusetts in the hands of Hutchinson.

Bancroft, Hist. of the U.S., vol.3, p.289

In June, the ministry in England received the letters of March from the commissioners of the customs and from Bernard; and, totally misconceiving the state of things, Hillsborough, on the eighth of June, ordered Gage to send a regiment to Boston, for the assistance of the civil magistrates and the officers of the revenue. The admiralty was directed to send one frigate, two Sloops, and two cutters to remain in Boston harbor; and the castle of William and Mary was to be occupied and repaired.

Bancroft, Hist. of the U.S., vol.3, p.289

This first preparation for the use of arms by Great Britain was adopted at a time when America thought of nothing more than peaceable petitioning and a non-importation agreement, which the adverse interests of the merchants had as yet rendered void.

Bancroft, Hist. of the U.S., vol.3, p.289

The Romney, a ship of fifty guns, sent from Halifax at their request, had, for about a month, lain at anchor in the harbor of Boston, and impressed New England men returning from sea. The request to accept a substitute for another the captain rejected with a storm of abuse; and he continued impressments, in violation, as the lawyers and the people believed, of an explicit statute. On Friday, the tenth of June, one man who had been impressed was rescued. On the same day, the sloop Liberty, belonging to John Hancock, was seized, as it seems justly, by the officers of the customs. The collector thought she might remain at the wharf; but, according to previous concert, boats from the man-of-war cut her moorings and towed her away to the Romney, near sunset, just as the laborers had broken off work.

Bancroft, Hist. of the U.S., vol.3, p.290

A crowd "of boys and negroes" gathered at the heels of the custom-house officers, and threw about stones, bricks, and dirt, alarming but not hurting them. A mob broke windows in the house of the comptroller and of an inspector, burned a boat of the collector's on Boston common, and, at near one o'clock, dispersed. The next day nothing indicated a recurrence of riots; and the council appointed a committee to ascertain the facts attending the seizure.

Bancroft, Hist. of the U.S., vol.3, p.290

The commissioners had not been approached nor menaced, but they chose to consider the incident of the last evening an insurrection, and four of the five went on board the Romney; perhaps a little from panic, but more to insure the interposition of the British government. Temple, one of their number, who in later days inherited two baronetcies, a devoted client of Grenville and the family of Lord Temple, one who thoroughly understood the duplicity and feebleness of mind and character of Bernard, and the hypocrisy as well as the ability of Hutchinson, refused to take part in the artifice.

Bancroft, Hist. of the U.S., vol.3, p.290

On Sunday, while all the people were at church, the fugitive officers, pretending that "the honor of the crown would be hazarded by their return to Boston," informed Bernard by letter that they could not, "consistent with the honor of their commission, act in any business of the revenue under such an influence as prevailed" in Boston, and declared their wish to withdraw to the castle. "They have abdicated," said the people of Boston, and "may they never return." Everybody knew they were in no danger. The council found that the riot of Friday had been only "a small disturbance." "Dangerous disturbances," reported Gage, whose information came from royalists, "are not to be apprehended."

Bancroft, Hist. of the U.S., vol.3, p.290

On the fourteenth, the attendance was so great at a legal town-meeting that they adjourned from Faneuil Hall to the Old South meeting-house, where Otis, with rapturous applause, was elected moderator.

Bancroft, Hist. of the U.S., vol.3, p.290 - p.291

An address to the governor was unanimously agreed upon, which twenty-one men were appointed to deliver. On adjourning to the next afternoon, Otis, the moderator, strongly recommended peace and good order; and did not despair that their grievances might, in time, be removed. "If not," said he, "and we are called on to defend our liberties and privileges, I hope and believe we shall, one and all, resist even unto blood; but I pray God Almighty that this may never so happen."

Bancroft, Hist. of the U.S., vol.3, p.291

The committee moved in a procession of eleven chaises to the house of the governor in the country, to present the address, in which the town claimed for the province the sole right of taxing itself, expressed a hope that the board of customs would never reassume the exercise of their office, commented on impressment, and demanded the removal of the Romney from the harbor. In words which Otis approved and probably assisted to write, they said: "To contend with our parent state is the most dreadful extremity, but tamely to relinquish the only security we and our posterity retain for the enjoyment of our lives and properties, without one struggle, is so humiliating and base that we cannot support the reflection. It is at your option to prevent this distressed and justly incensed people from effecting too much, and from the shame and reproach of attempting too little."

Bancroft, Hist. of the U.S., vol.3, p.291

Bernard received this address with obsequious courtesy, and the next day gave them a written answer, clearing himself of the measures complained of, promising to stop impressments, and desiring nothing so much as to be an instrument of conciliation between them and the parent state.

Bancroft, Hist. of the U.S., vol.3, p.291

No sooner had he sent this message than he and the lieutenant-governor and other officers of the crown conspired to get regiments ordered to Boston. The commissioners of the customs besought protection of Gage and Hood, the chiefs of the British army and navy in North America.

Bancroft, Hist. of the U.S., vol.3, p.291

"If there is not a revolt," wrote Bernard to Hillsborough, "the leaders of the Sons of Liberty must falsify their words and change their purposes." Hutchinson sounded the alarm to various correspondents, and, through Whately, to Grenville. To interpret and enforce the correspondence, Hallowell, the comptroller, was despatched to London.

Bancroft, Hist. of the U.S., vol.3, p.291 - p.292

The town divined the purpose of its enemies; and, at its legal meeting on the seventeenth, instructed its representatives in these words prepared by John Adams: "After the repeal of the last American stamp act, we were happy in the pleasing prospect of a restoration of tranquillity and harmony. But the principle on which that detestable act was founded continues in full force, and a revenue is still demanded from America, and appropriated to the maintenance of swarms of officers and pensioners in idleness and luxury. It is our fixed resolution to maintain our loyalty and due subordination to the British parliament, as the supreme legislative in all cases of necessity for the preservation of the whole empire. At the same time, it is our unalterable resolution to assert and vindicate our dear and invaluable rights and liberties, at the utmost hazard of our lives and fortunes; and we have a full and rational confidence that no designs formed against them will ever prosper.

Bancroft, Hist. of the U.S., vol.3, p.292

"Every person who shall solicit or promote the importation of troops at this time is an enemy to this town and province, and a disturber of the peace and good order of both."

Bancroft, Hist. of the U.S., vol.3, p.292

The next morning, the general court, which was in session, appointed a joint committee to inquire "if measures had been taken, or were taking, for the execution of the late revenue acts of parliament by a naval or military force." In the midst of these scenes arrived Hillsborough's letter, directing Massachusetts to rescind and disapprove its resolution which gave birth to their circular letter of the preceding session; and, on the twenty-first, after timid consultations between Bernard, Hutchinson, and Oliver, it was communicated to the house.

Bancroft, Hist. of the U.S., vol.3, p.292

The assembly were aware that they were deliberating upon more important subjects than had ever engaged the attention of an American legislature. They were consoled by the sympathy of Connecticut and New Jersey. But the letter from Virginia gave courage more than all the rest. "This is a glorious day," said Samuel Adams on receiving it, using words which, seven years later, he was to repeat. The merchants of Boston renewed the agreement not to import from England.

Bancroft, Hist. of the U.S., vol.3, p.292 - p.293

The house, employing the pen of Samuel Adams, without altering one word in his draft, reported a letter to Lord Hillsborough, in which they showed that their circular letter was, indeed, the declared sense of a large majority of the body by which it was issued; and they relied on the clemency of the king, that to petition him would not be deemed inconsistent with respect for the British constitution, nor to acquaint their fellow-subjects of their having done so be discountenanced as an inflammatory proceeding.

Bancroft, Hist. of the U.S., vol.3, p.293

Then came the great question, taken in the fullest house ever remembered. The votes were given by word of mouth; and, against seventeen that were willing to yield, ninety-two refused to rescind. They finished their work by a message to the governor, thoroughly affirming the doings from which they had been ordered to dissent. On this, Bernard prorogued, and then dissolved them.

Bancroft, Hist. of the U.S., vol.3, p.293

The people of Massachusetts had no intention but to defend their liberties, which had the sanction of natural right and of historic tradition; and yet from July they were left without a legislature. "The Americans," observed the clear-sighted Du Chatelet, "see in the projects of their metropolis measures of tyranny and oppression." "I apprehend a breach between the two countries," owned Franklin, who could not understand what the Boston people meant by the "due subordination" of their assembly to parliament, and had reached the conclusion that the colonies and Great Britain were separate states, with the same king, but different legislatures.

Bancroft, Hist. of the U.S., vol.3, p.293

"The whole body of the people of New Hampshire were resolved to stand or fall with the Massachusetts." "It is best," counselled John Langdon, of Portsmouth, "for the Americans to let the king know the danger of a violent rending of the colonies from the mother country." "No assembly on the continent," said Roger Sherman, of Connecticut, "will ever concede that parliament has a right to tax the colonies." "We cannot believe," wrote William Williams, of Lebanon, in the same province, "that they will draw the sword on their own children; but, if they do, our blood is more at their service than our liberties."

Bancroft, Hist. of the U.S., vol.3, p.293 - p.294

In New York, the merchants still held those meetings which Hillsborough condemned. "The circumstances of the colonies demand a firmer union," said men of Pennsylvania. The assembly of Maryland treated Lord Hillsborough's letter with the contempt he had ordered them to show for the circular of Massachusetts, and they sent their thanks to "their sister colony, in whose opinion they exactly coincided." As for South Carolina, they could not enough praise the glorious ninety-two who would not rescind, toasting them at banquets, and marching by night through the streets of Charleston, in processions to their honor, by the blaze of two-and-ninety torches.

Bancroft, Hist. of the U.S., vol.3, p.294

English statesmen were blind to the character of events which were leading to the renovation of the world. Not so the Americans. Village theologians studied the Book of Revelation to see which seal was next to be broken, which angel was next to sound his trumpet. "Is not God preparing the way in his providence," thus New England ministers communed together, "for some remarkable revolutions in Christendom, both in polity and religion?"

Bancroft, Hist. of the U.S., vol.3, p.294

Who will deny that humanity has a life and progress of its own, swaying its complex mind by the guiding truths which it develops as it advances? While New England was drawing from the Bible truth of the nearness of the overthrow of tyranny, Turgot, at Paris, explained to David Hume the perfectibility and onward movement of the race. "The British government," said he, "is very far from being an enlightened one. As yet none is thoroughly so. But tyranny, combined with superstition, vainly strives to stifle light and liberty by methods alike atrocious and useless; the world will be conducted through transient disorders to a happier condition."

Bancroft, Hist. of the U.S., vol.3, p.294 - p.295

In that progress, the emancipation of America was to form a glorious part, and was the great object of the French minister for foreign affairs. "We must put aside scheming and attend to facts," wrote Choiseul to Du Chatelet in July, after a conversation of six hours with a person intimately acquainted with America. "My idea, which perhaps is but a reverie, is to examine the possibility of a treaty of commerce both of importation and exportation, of which the obvious advantages might attract the Americans. According to the prognostications of sensible men, who have had opportunity to study their character and to measure their progress from day to day in the spirit of independence, the separation of the American colonies from the metropolis, sooner or later, must come. The plan I propose hastens its epoch. It is the true interest of the colonies to secure forever their entire liberty, and establish their direct commerce with France and with the world. We have every reason to hope that the government on this side will conduct itself in a manner to increase the breach, not to close it up. Such is its way. True, some sagacious observers think it not only possible, but easy, to reconcile the interests of the colonies and the mother country; but the course pursued thus far by the British government seems to me completely opposite to what it ought to be to effect this conciliation."

Bancroft, Hist. of the U.S., vol.3, p.295

While time and humanity, the principles of English liberty, the impulse of European philosophy, and the policy of France were all assisting to emancipate America, the British colonial administration, which was to stop the force of moral causes in their influence on the affairs of men, vibrated in its choice of measures between terror and artifice. American affairs were left by the other ministers very much to the management of Hillsborough, and he took his opinions from Bernard. That favorite governor was promising the council of Massachusetts, if they would omit to discuss the question of the power of parliament, he would support their petition for relief. The council followed the advice, and Bernard, as a fulfilling of his engagement, wrote a letter which he showed to several of them, recommending that part of the petition praying relief against such acts as were made "for the purpose of drawing a revenue from the colonies." Then, in a secret despatch of the same date, he sent an elaborate argument against the repeal or any mitigation of the late revenue act, quieting his conscience for the fraud by saying that "drawing a revenue from the colonies" meant carrying a revenue out of them, and that he wished to see the revenue from the port duties expended on the resident officers of the crown.

Bancroft, Hist. of the U.S., vol.3, p.295

Great Britain at that time had a colonial secretary who encouraged this duplicity, and wrote an answer to be shown the council, keeping up the deception, and even using the name of the king, as a partner in the falsehood. Hillsborough greedily drank in the flattery offered him, and affected distress at showing the king the expressions of the partiality of Bernard. In undertaking the "very arduous task of reducing America into good order, "he congratulated himself on "the aid of a governor so zealous, able, and active," who, having educated Hutchinson for his successor, was now promised the rank of a baronet and the administration of Virginia.

Chapter 23:

Union of Bedford and the King,

The Regulators of North Carolina,

Hillsborough Secretary for the Colonies,

July-September 1768

Bancroft, Hist. of the U.S., vol.3, p.296

THE people of Boston had gone out of favor with almost everybody in England. Even Rockingham said, the Americans were determined to leave their friends on his side the water, without the power of advancing in their behalf a shadow of excuse. This was the state of public feeling when, on the nineteenth of July 1768, Hallowell arrived in London, with letters giving an exaggerated account of what had happened in Boston on the tenth of June. London, Liverpool, and Bristol grew anxious; stocks fell. There arose rumors of a suspension of commerce, and America owed the merchants and manufacturers of England four millions sterling.

Bancroft, Hist. of the U.S., vol.3, p.296

Nearly all the ministers united in denouncing "vengeance against that insolent town" of Boston. "If the government," said they, "now gives way, as it did about the stamp act, it will be all over with its authority in America." As Grafton was in the country, Hallowell was examined at the treasury chambers before Lord North and Jenkinson. He represented that the determination to break the revenue laws was not universal; that the revenue officers who remained there were not insulted; that the spirit displayed in Boston did not extend beyond its limits; that Salem and Marblehead made no opposition to the payment of the duties; that the people in the country would not join, if Boston were actually to resist government; but that the four commissioners at the castle could not return to town till measures were taken for their protection.

Bancroft, Hist. of the U.S., vol.3, p.297

The memorial of the commissioners to the lords of the treasury announced that "there had been a long concerted and extensive plan of resistance to the authority of Great Britain; that the people of Boston had hastened to acts of violence sooner than was intended; that nothing but the immediate exertion of military power could prevent an open revolt of the town, which would probably spread throughout the provinces." The counter memorial in behalf of Boston, proving that the riot had been caused by the imprudent and violent proceedings of the officers of the Romney, met little notice. At the same time letters arrived from Virginia, with petitions and memorial, which, in the calmest language of "modesty and beautiful submission," uttered a protest against the right of parliament to tax America for a revenue.

Bancroft, Hist. of the U.S., vol.3, p.297

Bedford and his party spoke openly of the necessity of employing force to subdue the inhabitants of Boston, and to make a striking example of the most seditious, in order to inspire the other colonies with terror. This policy, said Weymouth, will be adopted.

Bancroft, Hist. of the U.S., vol.3, p.297

Shelburne, on the contrary, observed that people very much exaggerated the difficulty; that it was understood in its origin, its principles, and its consequences; that it would be absurd to wish to send to America a single additional soldier or vessel of war to reduce colonies which would return to the mother country of themselves from affection and from interest, when once the form of their contributions should be agreed upon. But his opinions had no effect, except that the king became "daily" more importunate with Grafton that Shelburne should be dismissed.

Bancroft, Hist. of the U.S., vol.3, p.297

Moreover, the cabinet were "much vexed" at Shelburne's reluctance to engage in secret intrigues with Corsica, which resisted its cession by Genoa to France. The subject was therefore taken out of his hands, and the act of bad faith conducted by his colleagues. Unsolicited by Paoli, the general of the insurgents, they sent to him Dunant, a Genevese, as a British emissary, with written as well as verbal instructions.

Bancroft, Hist. of the U.S., vol.3, p.297 - p.298

Paoli was found destitute of everything; but he gave assurances of the purpose of the Corsican people to defend their liberty, and persuaded the British ministry that, if provided with what he needed, he could hold out for eighteen months. "A moment was not lost in supplying most of the articles requested by the Corsicans," "in the manner that would least risk a breach with France;" "and many thousand stands of arms were furnished from the stock in the Tower, yet so as to give no indication that they were sent from government." While British ministers were enjoying the thought of success in their intrigues, they had the vexation to find Paoli himself obliged to retire by way of Leghorn to England. But their notorious interference was remembered in France as a precedent.

Bancroft, Hist. of the U.S., vol.3, p.298

When, on the twenty-seventh of July, the cabinet definitively agreed on the measures to be pursued toward America, it sought to unite all England by resting its policy on Rockingham's declaratory act, and to divide America by proceeding only against Boston.

Bancroft, Hist. of the U.S., vol.3, p.298

For Virginia, it was resolved that the office of its governor should no longer remain a sinecure, as it had been for three quarters of a century; and Amherst, who would not go out to reside there, was displaced. In selecting a new governor, the choice fell on Lord Botetourt; and it was a wise one, not merely because he had a pleasing address and was attentive to business, but because he was sure to write truly respecting Virginia, and sure never to ask the secretary to conceal his reports. He was to be conducted to his government in a seventy-four, and to take with him a coach of state. He was to call a new legislature, to closet its members as well as those of the council, and to humor them in almost anything except the explicit denial of the authority of parliament. It would have been ill for American independence if a man like him had been sent to Massachusetts.

Bancroft, Hist. of the U.S., vol.3, p.298

But "with Massachusetts," said Camden, "it will not be very difficult to deal, if that is the only disobedient province." For Boston, even his voice did not entreat mercy. The cry was, it must be made to repent of its insolence, and its town meetings no longer be suffered to threaten and defy the government of Great Britain. Two additional regiments, of five hundred men each, and a frigate, were at once to be sent there; the ship of the line, which was to take Botetourt to Virginia, might remain in those seas. A change in the charter of Massachusetts was resolved on by Hillsborough, and he sent orders to inquire "if any persons had committed acts which, under the statute of Henry VIII against treason committed abroad, might justify their being brought to England to be tried in the king's bench." Salem, a town whose representative—contrary, however, to the judgment of their constituents—voted in favor of rescinding, was indicated as the future capital of the province.

Bancroft, Hist. of the U.S., vol.3, p.299

At this time, Bernard received from Gage an offer of troops; but the council, after a just analysis of the late events, gave their opinion that it was not for his majesty's service or the peace of the province that any should be required. Bernard dared not avow his own opinion; but, in his spite, he wrote to Hillsborough for "positive orders" not to call "a new assembly until the people should get truer notions of their rights and interests."

Bancroft, Hist. of the U.S., vol.3, p.299

The advice of the council was inspired by loyalty. All attempts at a concert to cease importations had hitherto failed; the menace of the arrival of troops revived the design, and, early in August, most of the merchants of the town of Boston subscribed an agreement that they would not send for any kind of merchandise from Great Britain, some few articles of necessity excepted, during the year following the first day of January 1769; and that they would not import any tea, paper, glass, paints, or colors, until the act imposing duties upon them should be repealed.

Bancroft, Hist. of the U.S., vol.3, p.299

The inhabitants of Boston promised themselves that all ages would applaud their courage; and, on the anniversary of the fourteenth of August, its streets resounded with lines by Dickinson:

Come, join hand in hand, brave Americans all,

By uniting we stand, by dividing we fall;

To die we can bear, but to serve we disdain;

For shame is to freedom more dreadful than pain.

In freedom we're born, in freedom we'll live;

Our purses are ready; steady, boys, steady;

Not as slaves, but as freemen, our money we'll give.

Bancroft, Hist. of the U.S., vol.3, p.300

The British administration was blind to its dangers, and believed American union impossible. "You will learn what transpires in America infinitely better in the city than at court," wrote Choiseul to the French minister in England. "Never mind what Lord Hillsborough says; the private accounts of American merchants to their correspondents in London are more trustworthy."

Bancroft, Hist. of the U.S., vol.3, p.300

The obedient official sought information in every direction, especially of Franklin. "He has for years been predicting to the ministers the necessary consequences of their American measures," said the French envoy; "he is a man of rare intelligence and well-disposed to England; but, fortunately, is very little consulted." While the British government neglected the opportunities of becoming well informed respecting America, Choiseul continued to collect newspapers, documents, resolves, instructions of towns, and sermons of the Puritan clergy, and proceeded to construct his theory.

Bancroft, Hist. of the U.S., vol.3, p.300

"The forces of the English in America are scarcely ten thousand men, and they have no cavalry:" thus reasoned the dispassionate statesmen of France; "but the militia of the colonies numbers four hundred thousand men, and among them several regiments of cavalry. The people are enthusiastic for liberty, and have inherited a republican spirit, which the consciousness of strength and circumstances may push to extremities. They will not be intimidated by the presence of troops, too insignificant to cause alarm." It was therefore inferred that it would be hazardous for England to attempt reducing the colonies by force.

Bancroft, Hist. of the U.S., vol.3, p.300 - p.301

"But why," asked Choiseul, "are not deputies from each colony admitted into parliament as members?" And it was answered that "the Americans objected to such a solution, because they could not obtain a representation proportioned to their population, because their distance made regular attendance in parliament impossible, and because they knew its venality and corruption. They had no other representatives than agents at London, who kept them so well informed that no project to their disadvantage could come upon them by surprise." By this reasoning Choiseul was satisfied that an American representation in parliament was not practicable; that "no other method of conciliation" would prove less difficult, and that unanimity in America would compel the British government to risk the most violent measures, or to yield.

Bancroft, Hist. of the U.S., vol.3, p.301

When, on the nineteenth of August, England heard that Massachusetts had, by a vast majority of its representatives, refused to rescind the resolutions of the preceding winter, Lord Mansfield was of the opinion that all the members of the late legislative assembly at Boston should be sent for to give an account of their conduct, and that the rigors of the law should be exercised against those who should persist in refusing to submit to parliament. "Where rebellion begins," said he, "the laws cease, and they can invoke none in their favor."

Bancroft, Hist. of the U.S., vol.3, p.301

To the ambassador of Spain he expressed in September the opinion that the affair of the colonies was the gravest and most momentous that England had had since 1688, and he saw in America the beginning of a long and even infinite series of revolutions. "The Americans," he insisted, "must first be compelled to submit to the authority of parliament; it is only after having reduced them to the most entire obedience that an inquiry can be made into their real or pretended grievances." The subject was watched in Madrid, and was the general theme of conversation in Paris, where Fuentes, the Spanish minister, expressed the hope that "the English might master their colonies, lest the Spanish colonies should catch the flame."

Bancroft, Hist. of the U.S., vol.3, p.301

"I dread the event," said Camden, "because the colonies are more sober, and, consequently, more determined in their present opposition, than they were upon the stamp act." "What is to be done?" asked Grafton; and Camden answered: "Indeed, my dear lord, I do not know. The parliament cannot repeal the act in question, because that would admit the American principle to be right, and their own doctrine erroneous. Therefore it must execute the law. How to execute it, I am at a loss. Boston is the ringleading province; and, if any country is to be chastised, the punishment ought to be levelled there."

Bancroft, Hist. of the U.S., vol.3, p.301

But the system which made government subordinate to the gains of patronage was everywhere producing its natural results. In South Carolina, the profits of the place of provost-marshal were enjoyed under a patent as a sinecure by a resident in England, whose deputy had the monopoly of serving processes throughout the province, and yet was bound to attend courts nowhere but at Charleston. As a consequence, the herdsmen near the frontier adjudicated their own disputes and REGULATED their own police, even at the risk of a civil war.

Bancroft, Hist. of the U.S., vol.3, p.302

The blood of "rebels" against oppression was first shed among the settlers on the branches of the Cape Fear river. The emigrants to the rich upland of North Carolina had little coin or currency; yet, as the revenue of the province was raised by a poll-tax, the poorest laborer among them must contribute as much as the richest merchant. The sheriffs were grown insolent and arbitrary, often distraining property even quadruple the value of the tax, and avoiding the owner, till it was too late for its redemption. All this was the more hateful, as a part of the amount was expended by the governor in building himself a palace; and a part was notoriously embezzled. The collecting officers and all others, encouraged by the imperious example of Fanning, continued their extortions, sure of support from the hierarchy of men in place. Juries were packed; the grand jury was almost the agent of the extortioners. The cost of suits at law, under any circumstances exorbitant, was enhanced by unprecedented appeals from the county court to the remote superior court, where a farmer of small means would be ruined by the expense of attendance with his witnesses. "We tell you in the anguish of our souls," said they to the governor, "we cannot, dare not go to law with our powerful antagonists; that step, whenever taken, will terminate in the ruin of ourselves and families." Besides, the chief justice was Martin Howard, a profligate time-server, raised to the bench as a convenient reward for having suffered in the time of the stamp act, and ever ready to use his place as a screen for the dishonest profits of men in office, and as the instrument of political power. Never yet had the tribunal of justice been so mocked.

Bancroft, Hist. of the U.S., vol.3, p.302 - p.303

Goaded by oppression and an intuitive jealousy of frauds, men associated as "regulators," binding themselves to avoid, if possible, all payment of taxes, except such as were levied and were to be applied according to law; and "to pay no more fees than the law allows, unless under compulsion, and then to bear open testimony against it." They proposed to hold a general meeting quarterly; but they rested their hopes of redress on the independent use of their elective franchise. "An officer," said the inhabitants of the west side of Haw river, "is a servant to the public; and we are determined to have the officers of this country under a better and honester regulation."

Bancroft, Hist. of the U.S., vol.3, p.303

It was easy to foresee that the rashness of ignorant though well-meaning husbandmen, maddened by oppression, would expose them to the inexorable vengeance of their adversaries. As one of the regulators rode to Hillsborough, his horse was, in mere wantonness, seized for his levy, but was soon rescued by a party, armed with clubs and eleven muskets. Some one at Fanning's door showed pistols, and threatened to fire among them, upon which four or five unruly persons in the crowd discharged their guns into the roof of the house, making two or three holes, and breaking two panes of glass without further damage. At Fanning's instance, a warrant was issued by the chief justice to arrest three of the rioters, and bring them all the way to Halifax.

Bancroft, Hist. of the U.S., vol.3, p.303

Raising a clamor against the odiousness of rebellion, Fanning himself, as military commander in Orange, called out seven companies of militia; but not above one hundred and twenty men appeared with arms, and, of these, all but a few stood neutral, or declared in favor of the regulators. In Anson county, on the twenty-first of April, a mob interrupted the inferior court; and, moreover, bound themselves by oath to pay no taxes, and to protect each other against warrants of distress or imprisonment.

Bancroft, Hist. of the U.S., vol.3, p.303 - p.304

In Orange county, the discontented did not harbor a thought of violence, and were only preparing a petition to the governor and council. "They call themselves regulators," said Fanning, "but by lawyers they must be termed rebels and traitors;" and he calumniated them as plotting to take his life, and lay Hillsborough in ashes. Meantime, Tryon, who, as the king's representative, should have joined impartiality with lenity, while he advised the people to petition the provincial legislature, empowered Fanning to call out the militia of eight counties besides Orange, and suppress insurrections by force.

Bancroft, Hist. of the U.S., vol.3, p.304

The people of Orange, and equally of Anson, Rowan, and Mecklenburg, were unanimous in their resolution to claim relief of the governor. Fanning drafted for them a petition which rather invoked pardon than demanded redress, and his agent wrote to Herman Husbands, "one couched in any other terms cannot go down with the governor." But he vainly sought to terrify the rustic patriot by threats of confiscation of property, perpetual imprisonment, and even the penalties for high treason.

Bancroft, Hist. of the U.S., vol.3, p.304

On the last day of April, the regulators of Orange county, peacefully assembled on Rocky river, appointed twelve men, on their behalf, "to settle the several matters of which they complained," instructed "the settlers" to procure a table of the taxables, taxes, and legal fees of public officers, and framed a petition to the general assembly for a fair hearing and redress.

Bancroft, Hist. of the U.S., vol.3, p.304

Fanning, on his side, advertised their union as a daring insurrection, and bade them expect "no mitigation of punishment for their crimes;" at the same time, twenty-seven armed men of his procuring, chiefly sheriffs and their dependants and officers, were suddenly despatched on secret service, and, after travelling all night, arrived near break of day, on Monday the second of May, at Sandy creek, where they made prisoners of Herman Husbands and William Butler.

Bancroft, Hist. of the U.S., vol.3, p.304

Against Husbands there was no just charge whatever. He had never so much as joined "the regulation," had never been concerned in any tumult, and was seized at home on his own land. The "astonishing news" of his captivity set the county in a ferment. Regulators and their opponents, judging that none were safe, prepared alike to go down to his rescue, but were turned back by "the glad tidings" that the governor himself had promised to receive their complaints.

Bancroft, Hist. of the U.S., vol.3, p.304 - p.305

Hurried to jail, insulted, tied with cords, and threatened with the gallows, Husbands succeeded, by partial concessions, the use of money, and by giving bonds, to obtain his liberty. But it seemed to him that "he was left alone;" and how could an unlettered farmer contend against so many? In his despair, he "took the woods;" but, hearing that the governor had promised that the extortioners might be brought to trial, he resolved to impeach Fanning.

Bancroft, Hist. of the U.S., vol.3, p.305

The regulators prepared their petition, which was signed by about five hundred men, fortified it with a precise specification of acts of extortion, confirmed in each instance by oath, and presented it to the governor, with their plain and simple narrative, in the hope that "naked truth," though offered by the ignorant, might weigh as much as the artful representations of their "powerful adversary." Their language was that of loyalty to the king, and, with a rankling sense of their wrongs, breathed affection to the British government, "as the wholesomest constitution in being." It is Tryon himself who relates that, "in their commotions, no mischief had been done," and that "the disturbances in Anson and Orange had subsided." The regulators awaited the result of the suits at law. But Tryon would not wait; and, repairing to Hillsborough, demanded of them unconditional and immediate submission, and that twelve of them should give bonds, in a thousand pounds each, for the peaceful conduct of them all. An alarm went abroad, the first of the kind, that Indians, as well as men from the lower counties, were to be raised to cut off the inhabitants of Orange county as "rebels." About fifteen hundred men were actually in arms; and yet when, in September, the causes came on for trial in the presence of Tryon and with such a display of troops, Husbands was acquitted on every charge; and Fanning, who had been a volunteer witness against him, was convicted on six several indictments. A verdict was given against three regulators. The court punished Fanning by a fine of one penny on each of his convictions; the regulators were sentenced to pay fifty pounds each, and be imprisoned for six months.

Bancroft, Hist. of the U.S., vol.3, p.305

Tryon would have sent troops to reduce the regulators by fire and sword, but was overruled. At the next election North Carolina changed thirty of its delegates; yet its people desponded, and saw no way for their extrication.

Chapter 24:

The Towns of Massachusetts Meet in Convention,

A French Commonwealth in Louisiana,

Hillsborough Secretary for the Colonies,

September-October 1768

Bancroft, Hist. of the U.S., vol.3, p.306

THE approach of military rule convinced Samuel Adams of the necessity of American independence. He gave himself to his work as devotedly as though he had in his keeping the liberties of mankind. "He was," said Bernard, "one of the principal and most desperate of the chiefs of the faction;" "the all in all," wrote Hutchinson, who wished him "taken off," and who has left on record that his purity was always above all price. To promote the independence of his country, he was ready to serve, and never claim the reward of service. From a town of merchants and mechanics, Boston grew with him to be the hope of the world; and the sons of toil, as they perilled fortune and life for the liberties they inherited, rose to be, and to feel themselves to be, the champions of human freedom.

Bancroft, Hist. of the U.S., vol.3, p.306 - p.307

With the people of Boston, in the street, at public meetings, at the ship-yards, wherever he met them, he reasoned that it would be just to destroy every soldier whose foot should touch the shore. "The king," he would say, "has no right to send troops here to invade the country; if they come, they will come as foreign enemies." "We will not submit to any tax," he spoke out, "nor become slaves. We will take up arms, and spend our last drop of blood before the king and parliament shall impose on us, or settle crown officers, independent of the colonial legislature, to dragoon us." Not reverence for kings, he would say, brought the ancestors of New England to America. They fled from kings and bishops, and looked up to the King of kings. "We are free, therefore," he concluded, "and want no king." "The times were never better in Rome than when they had no king, and were a free state." He saw that the vast empire which was forming in America must fashion its own institutions, and reform those of England.

Bancroft, Hist. of the U.S., vol.3, p.307

Bernard had hinted that instructions might be given to reduce the province to submission by the indefinite suspension of its legislature. Was there no remedy? The men of Boston and the villages round about it were ready to spring to arms. But of what use were "unconnected" movements?

Bancroft, Hist. of the U.S., vol.3, p.307

On the fifth of September 1768, there appeared in the "Boston Gazette" a paper in the form of queries, directing attention to the original charter of the colony, which left to the people the choice of their governor and legislature, and reserved to the crown no negative on their laws.

Bancroft, Hist. of the U.S., vol.3, p.307

On the seventh, the Senegal left the port. The next day, the Duke of Cumberland sailed for Nova Scotia, and Bernard let it be known that both vessels of war were gone to fetch three regiments. Sullen discontent appeared on almost every brow. On the ninth, a petition was signed for a town-meeting "to consider of the most wise, constitutional, loyal, and salutary measures" in reference to the expected arrival of troops.

Bancroft, Hist. of the U.S., vol.3, p.307

Union was the heart's desire of Boston; union first with all the towns of the province, and next with the sister colonies; and the confidence which must precede union could be established only by self-control. On Saturday, Otis, Samuel Adams, and Warren met at the house of Warren, and drew up the plan for the town-meeting, the resolves, and the order of the debates. Otis had long before pointed out the proper mode of redress in the contingency which had now occurred.

Bancroft, Hist. of the U.S., vol.3, p.307 - p.308

On Monday, the twelfth, the inhabitants of Boston gathered in a town-meeting at Faneuil Hall, where the arms belonging to the town, to the number of four hundred muskets, lay in boxes on the floor. After a fervid prayer from Cooper, minister of the congregation in Brattle street, and the election of Otis as moderator, a committee inquired of the governor the grounds of his apprehensions that regiments of his majesty's troops were daily to be expected; and requested him to issue precepts for a general assembly.

Bancroft, Hist. of the U.S., vol.3, p.308

On the next morning, at ten o'clock, report was made to the town that Bernard refused an assembly, and that troops were expected. Rashness of the people of Boston would have forfeited the confidence of their own province, and the sympathies of the rest, while feebleness would have overwhelmed their cause with ridicule. It was necessary for them to halt, but to find a position where it was safe to do so; and they began their defences with the declaration that "it is the first principle in civil society, founded in nature and reason, that no law of the society can be binding on any individual, without his consent, given by himself in person, or by his representative of his own free election." They appealed to the precedents of the revolution of 1688; to the conditions on which the house of Hanover received the throne; to the bill of rights of William and Mary; and to their own charter; and then they proceeded to resolve, "That the inhabitants of the town of Boston will, at the utmost peril of their lives and fortunes, maintain and defend their rights, liberties, privileges, and immunities." To remove uncertainty respecting these rights, they voted "that money could not be levied, nor a standing army be kept up in the province, but by their own free consent."

Bancroft, Hist. of the U.S., vol.3, p.308

This report was divers times distinctly read and considered, and it was unanimously voted that it be accepted and recorded. The record remains to the honor of Boston among all posterity.

Bancroft, Hist. of the U.S., vol.3, p.308 - p.309

"There are the arms," said Otis, pointing to the chests in which they lay. "When an attempt is made against your liberties, they will be delivered." One man cried out impatiently that they wanted a head; another, an old man, was ready to rise and resume all power; a third reasoned that liberty, like life, may be defended against the aggressor. But every excessive opinion was overruled or restrained; and the town, following the precedent of 1688, proposed a convention in Faneuil Hall. To this body they elected Cushing, Otis, Samuel Adams, and Hancock a committee to represent them; and directed their selectmen to inform the several towns of the province of their design. It was voted by a very great majority that every one of the inhabitants should provide himself with fire-arms and ammunition. A cordial letter was read from the merchants of New York, communicating their agreement to cease importing British goods.

Bancroft, Hist. of the U.S., vol.3, p.309

It was unanimously voted that the selectmen wait on the several ministers of the gospel within the town, to desire that the next Tuesday might be set apart as a day of fasting and prayer; and it was so kept by all the Congregational churches.

Bancroft, Hist. of the U.S., vol.3, p.309

On the fourteenth, just after a vessel had arrived in forty days from Falmouth, bringing news how angry people in England were with the Americans, that three regiments were coming over, that fifty state prisoners were to be sent home, the selectmen issued a circular, repeating the history of their grievances, and inviting every town in the province to send a committee to the convention, to give "sound and wholesome advice" and "prevent any sudden and unconnected measures." The city of London had never done the like in the great rebellion.

Bancroft, Hist. of the U.S., vol.3, p.309

The proceedings of the meeting in Boston tended more toward revolution than any previous measures in any of the colonies. Bernard professed his belief that, but for the Romney, a rebellion would have broken out; he reported a design against the castle, and "that his government was subdued." The offer of a baronetcy and the vice-government of Virginia coming to hand, he accepted them "most thankfully," and hoped to embark for England in a fortnight. He had hardly indulged in this day-dream for twenty-four hours when his expectations were dashed by the account of Botetourt's appointment, and he began to fear that he should lose Massachusetts. Of a sudden he was become the most anxious and unhappy man in Boston.

Bancroft, Hist. of the U.S., vol.3, p.309 - p.310

On the nineteenth, Bernard announced to the council that two regiments were expected from Ireland, two others from Halifax, and desired that for one of them quarters might be prepared within the town. The council, after an adjournment of three days, during which "the militia were under arms, exercising and firing," spoke out plainly, that, as the barracks at Castle William were sufficient to accommodate both regiments ordered from Halifax, the act of parliament required that they should be quartered there. Upon this, Bernard produced the letter of General Gage, by which it appeared that one only of the coming regiments was ordered for the present to Castle William, and one to the town of Boston. "It is no disrespect to the general," answered the council, "to say that no order whatsoever, coming from a general or a secretary of war, or any less authority than his majesty and parliament, can supersede an act of parliament;" and they insisted that General Gage could not have intended otherwise, for the act provided "that, if any military officer should take upon himself to quarter soldiers in any of his majesty's dominions in America otherwise than was limited and allowed by the act, he should be ipso facto cashiered, and disabled to hold any military employment in his majesty's service."

Bancroft, Hist. of the U.S., vol.3, p.310

The council, who were conducted in their opposition by James Bowdoin, rightly interpreted the law; but Bernard only drew from their conduct a new reason for urging the forfeiture of the colony's charter.

Bancroft, Hist. of the U.S., vol.3, p.310

On the twenty-second of September, the anniversary of the king's coronation, about seventy persons, from sixty-six towns, came together in Faneuil Hall in convention; and their number increased, till ninety-six towns and eight districts, nearly every settlement in the colony, were represented. By the mere act of assembling, they showed that, if the policy of suppressing the legislature should be persisted in, legislative government could still be instituted; and they elected the speaker and clerk of the late house of representatives to the same offices in the convention.

Bancroft, Hist. of the U.S., vol.3, p.310

"They have committed treason," shouted all the crown officers in America. "At least the selectmen, in issuing the circular for a convention, have done so;" and pains were taken to get at some of their original letters with their signatures. "Boston," said Gage, "is mutinous," "its resolves treasonable and desperate. Mad people procured them; mad people govern the town and influence the province."

Bancroft, Hist. of the U.S., vol.3, p.310 - p.311

The convention requested the governor to summon the constitutional assembly of the province, in order to consider of measures for preventing an unconstitutional encroachment of military power on the civil establishment. The governor refused to receive this petition; and he admonished "the gentlemen assembled at Faneuil Hall, under the name of a convention," to break up instantly and separate themselves, or they should be made to "repent of their rashness." The message was received with derision.

Bancroft, Hist. of the U.S., vol.3, p.311

The council, adhering to their purpose of conforming strictly to the billeting act, reduced to writing the reasons for their decision to provide no quarters in town till the barracks at the castle should be full; and, on the twenty-sixth, communicated the paper to Bernard, published it in the "Boston Gazette," and sent a copy to Lord Hillsborough. It proved a disregard for an act of parliament by the very men who assumed to enforce parliamentary authority. On the side of the province, no law was violated; only men would not buy tea, glass, colors, or paper: on the side of Hillsborough, Bernard, and Gage, requisitions were made contrary to the words and the indisputable intent of the statute. In the very beginning of coercive measures, Boston gained a moral victory: it placed itself on the side of law, and proved its enemies to be lawbreakers. The immediate effect of the publication was, says Bernard, "the greatest blow that had been given to the king's government." "Nine tenths of the people considered the declaration of the council just."

Bancroft, Hist. of the U.S., vol.3, p.311

The convention, which remained but six days in session, repeated the protest of Massachusetts against taxation of the colonies by the British parliament; against a standing army; against the danger to "the liberties of America from a united body of pensioners and soldiers." They renewed their petition to the king. They resolved to preserve good order, by the aid of the civil magistrate alone. Then, "relying on Him who ruleth according to his pleasure, with unerring wisdom and irresistible influence, in the hearts of the children of men," they dissolved themselves, leaving the care for the public to the council.

Bancroft, Hist. of the U.S., vol.3, p.311 - p.312

This was the first example in America of the restoration of affairs by delay. Indiscreet men murmured; but the intelligent perceived the greatness of the result. When the attorney and solicitor-general of England were called upon to find traces of high treason in what had been done, De Grey as well as Dunning, the attorney- and solicitor-general, joined in the opinion that the statute of the thirty-fifth of Henry VIII was the only one by which criminals could be tried in England for offences committed in America; that its provisions extended only to treasons; and that there was no sufficient ground to fix the charge of high treason upon any persons named in the papers laid before them. "Look into the papers," said De Grey in the house of commons, "and see how well these Americans are versed in the crown law; I doubt whether they have been guilty of an overt act of treason, but I am sure they have come within a hair's breadth of it."

Bancroft, Hist. of the U.S., vol.3, p.312

At noon of the twenty-eighth of September, just after the convention broke up, the squadron from Halifax anchored in Nantasket bay. It brought not two regiments only, but artillery, which Bernard, by a verbal message, had specially requested. Dalrymple, their commander, "expressed infinite surprise that no quarters had been prepared." On the twenty-ninth, the council, at which Smith, the commanding officer of the fleet, and Dalrymple, were present, after much altercation, adhered to the law; and the governor declared his want of power to act alone. "Since that resolution was taken to rise in arms in open rebellion," wrote Gage, "I don't see any cause to be scrupulous." On the following day, the squadron anchored off Castle William to intimidate the council, but without success. At that moment, Montresor, the engineer, arrived, with an order from General Gage to land both the regiments within the settled part of Boston.

Bancroft, Hist. of the U.S., vol.3, p.312

On the first of October, the day for executing the order, the governor stole away into the country, leaving Dalrymple to despise "his want of spirit," and "to take the whole upon himself." As if they were come to an enemy's country, eight ships-of-war, with loaded cannon and springs on their cables, were anchored in the harbor so as to command the town, after which the fourteenth and twenty-ninth regiments, and a part of the fifty-ninth, with a train of artillery and two pieces of cannon, effected their landing on the Long Wharf. Each soldier having received sixteen rounds of shot, they marched, with drums beating, fifes playing, and colors flying, through the streets, and by four in the afternoon they paraded on Boston common.

Bancroft, Hist. of the U.S., vol.3, p.313

"All their bravadoes ended as may be imagined," said an officer. "Men are not easily brought to fight," wrote Hutchinson, "when they know death by the sword or the halter will be the consequence." "Great Britain," remarked a wiser observer, "will repent her mistaken policy."

Bancroft, Hist. of the U.S., vol.3, p.313

Dalrymple encamped the twenty-ninth regiment, which had field equipage; for the rest, he demanded quarters of the selectmen. They knew the law too well to comply; but, as the night was cold, the Sons of Liberty, from compassion, allowed them to sleep in Faneuil hall.

Bancroft, Hist. of the U.S., vol.3, p.313

On the third, Bernard laid before the council Dalrymple's requisition for the enumerated allowances to troops in barracks. "We," answered the council, "are ready, on our part, to comply with the act of parliament, if the colonel will on his."

Bancroft, Hist. of the U.S., vol.3, p.313

"Tyranny begins," said Samuel Adams, "if the law is transgressed to another's harm. We must not give up the law and the constitution, which is fixed and stable, and is the collected and long digested sentiment of the whole, and substitute in its room the opinion of individuals, than which nothing can be more uncertain."

Bancroft, Hist. of the U.S., vol.3, p.313

While Hood meditated embarking for Boston to winter there, Gage came from New York to demand, in person, quarters for the regiments in the town. The council would grant none till the barracks at the castle were filled.

Bancroft, Hist. of the U.S., vol.3, p.313

The governor and the sheriff attempted to get possession of a ruinous building, belonging to the province; but its occupants had taken the best legal advice, and kept them at bay.

Bancroft, Hist. of the U.S., vol.3, p.313 - p.314

Bernard next summoned the acting justices to meet him, and renewed the general's demand for quarters. "Not till the barracks are filled," they answered, conforming to the law. "The clause," wrote Gage, "is by no means calculated for this country, where every man studies law." "I am at the end of my tether," said Bernard to his council; and he asked them to join him in naming a commissary. "To join in such appointment," answered the council, "would be an admission that the province ought to be charged with the expense." The officers could not put the troops into quarters; for they would, under the act, be cashiered, on being convicted of the fact before two justices of the peace. "Before two justices," exclaimed Gage, "the best of them the keeper of a paltry tavern."

Bancroft, Hist. of the U.S., vol.3, p.314

At last, the weather growing so severe that the troops could not remain in tents, "the commanding officer was obliged to hire houses at very dear rates," as well as procure, at the expense of the crown, all the articles required by act of parliament of the colony. The main guard was established opposite the state-house, so that cannon were pointed toward the rooms in which the legislature was accustomed to sit. But, as the town gave an example of respect for law, there was nothing for the troops to do. Two regiments were there as idle lookers-on, and two more were coming to share the same inactivity. Every one knew that they could not be employed except on a requisition from a civil officer; and there was not a magistrate in the colony that saw any reason for calling in their aid, nor a person in town disposed to act in a way to warrant it.

Bancroft, Hist. of the U.S., vol.3, p.314

The commissioners of the customs, having received orders to return to Boston, wished to get from the council some excuse for their departure, as well as for their return. "They had no just reason for absconding from their duty," said Bowdoin; and the council left them to return of themselves; but, in an address to Gage, adopted by a vote of fifteen out of nineteen, they explained how trivial had been the disorders on which the request for troops had been grounded. Gage became convinced by his inquiries that the disturbance in March was trifling; that on the tenth of June the commissioners were neither attacked nor menaced; that more obstructions had arisen to the service from the servants of government than from any other cause. And yet he advised barracks and a fort on Fort Hill to command the town, while Bernard owned that "troops would not restore the authority of government," and urged anew a forfeiture of the charter.

Bancroft, Hist. of the U.S., vol.3, p.314 - p.315

A troublesome anxiety took possession of Bernard, who began to fear his recall, and intercede to be spared. "These red coats make a formidable appearance," said Hutchinson, buoyant with the prospect of rising one step higher. The soldiers liked the country they were come to, and, sure that none would betray them, deserted in numbers. The commissioners, more haughty than before, gratified their malignity by arresting Hancock and Malcolm on charges confidently made, but never established.

Bancroft, Hist. of the U.S., vol.3, p.315

Yielding to the "daily" importunities of the king, Grafton prepared to dismiss Shelburne. Camden encouraged Grafton to slight their benefactor, as "brooding over his own suspicions and discontent." "I will never retire upon a scanty income," he added, "unless I should be forced by something more compelling than the earl of Shelburne's removal. You are my pole-star, Chatham being eclipsed."

Bancroft, Hist. of the U.S., vol.3, p.315

Grafton repaired to Hayes to gain Chatham's acquiescence in the proposed change. "My lord's health," answered the countess, "is too weak to admit of any communication of business; but I am able to tell your grace, from my lord himself, that Lord Shelburne's removal will never have his consent." The king awaited anxiously the result of the interview; and, notwithstanding the warning, Shelburne was removed. To Camden's surprise, the resignation of Chatham instantly followed. Grafton and the king interposed with solicitations, but he remained inflexible. Camden remained in office, and even advised a public declaration from the king, that Townshend's revenue act should be executed, and "Boston," "the ringleading province," be "chastised."

Bancroft, Hist. of the U.S., vol.3, p.315

"Depend upon it," said Hillsborough to the agent of Connecticut, who had presented him the petition of that colony, "parliament will not suffer their authority to be trampled upon. We wish to avoid severities toward you; but, if you refuse obedience to our laws, the whole fleet and army of England shall enforce it."

Bancroft, Hist. of the U.S., vol.3, p.315

The inhabitants of Boston resolved more than ever not to pay money without their own consent, and to use no article from Britain till the obnoxious acts should be repealed and the troops removed.

Bancroft, Hist. of the U.S., vol.3, p.315 - p.316

At that time Shelburne was planning a joint intervention with France to prevent the downfall of Poland. His removal opened the cabinet to the ignorant and incapable earl of Rochford, who owed his selection to his submissive mediocrity. He needed money, and once told Choiseul, with tears in his eyes, that, if he lost the embassy which he then filled, he should be without resources. He had a passion to play a part, and would boast of his intention to rival not Chatham, he would say, but Pitt; though he could not even for a day adhere steadily to one idea. "His meddlesome disposition," said Choiseul, "makes him a worse man to deal with than one of greater ability." After his accession, the administration was the weakest and the worst which England had known since the revolution. It had no sanction in public opinion, and the subservient parliament was losing the reverence of the nation.

Bancroft, Hist. of the U.S., vol.3, p.316

In October 1768, the reform of parliament was advocated by Grenville. "The number of electors," such was his publicly declared opinion, "is become too small in proportion to the whole people, and the colonies ought to be allowed to send members to parliament." "What other reason than an attempt to raise discontent," replied Edmund Burke, as the organ of the Rockingham whigs, "can he have for suggesting that we are not happy enough to enjoy a sufficient number of voters in England? Our fault is on the other side." And he mocked at an American representation as the vision of a lunatic.

Bancroft, Hist. of the U.S., vol.3, p.316

On the banks of the Mississippi, uncontrolled impulses unfurled the flag of a republic. The treaty of Paris left two European powers sole sovereigns of the continent of North America. Spain accepted Louisiana with reluctance, for she lost France as her bulwark, and, to keep the territory from England, assumed new expenses and dangers. Its inhabitants loved the land of their ancestry; by every law of nature and human freedom, they had the right to protest against the transfer of their allegiance. No sooner did they hear of the cession of their country to the Catholic king than, in October 1768, an assembly sprang into being, representing every parish in the colony; and, at the instance of Lafreniere, they unanimously resolved to entreat the king of France to be touched with their affliction and their loyalty, and not to sever them from his dominions.

Bancroft, Hist. of the U.S., vol.3, p.316 - p.317

At Paris, their envoy, John Milhet, the wealthiest merchant of New Orleans, met with a friend in Bienville, the time-honored founder of New Orleans; and, assisted by the tears and the well-remembered early services of the venerable octogenarian, he appealed to the heart of Choiseul. "It may not be," answered Choiseul; "France cannot bear the charge of supporting the colony's precarious existence."

Bancroft, Hist. of the U.S., vol.3, p.317

On the tenth of July 1765, the austere and unamiable Antonio De Ulloa, by a letter from Havana, announced to the superior council at New Orleans his orders to take possession of that city for the Catholic king; but the flag of France was left flying, and continued to attract Acadian exiles. On the fifth of March 1766, during a violent thunder-gust and rain, Ulloa landed, with civil officers, three capuchin monks, and eighty soldiers. His reception was cold and gloomy. He brought no orders to redeem the seven million livres of French paper money, which weighed down a colony of less than six thousand white men. The French garrison of three hundred refused to enter the Spanish service, the people to give up their nationality, and Ulloa was obliged to administer the government under the French flag by the old French officers, at the cost of Spain.

Bancroft, Hist. of the U.S., vol.3, p.317

In May of the same year, the Spanish restrictive system was applied to Louisiana; in September, an ordinance compelled French vessels having special permits to accept the paper currency in pay for their cargoes, at an arbitrary tariff of prices. "The extension and freedom of trade," remonstrated the merchants, "far from injuring states and colonies, are their strength and support." The ordinance was suspended, but not till the alarm had destroyed all commerce. Ulloa retired from New Orleans to the Balise. Only there, and opposite Natchez, and at the river Iberville, was Spanish jurisdiction directly exercised.

Bancroft, Hist. of the U.S., vol.3, p.317 - p.318

This state of things continued for a little more than two years. But the arbitrary and passionate conduct of Ulloa, the depreciation of the currency with the prospect of its becoming an almost total loss, the disputes respecting the expenses incurred since the session of 1762, the interruption of commerce, a captious ordinance which made a private monopoly of the traffic with the Indians, uncertainty of jurisdiction and allegiance, agitated the colony from one end to the other. It was proposed to make of New Orleans a republic, like Amsterdam or Venice, with a legislative body of forty men, and a single executive. The people of the country parishes crowded in a mass into the city, joined those of New Orleans, and formed a numerous assembly, in which Lafreniere, John Milhet, Joseph Milhet, and the lawyer Doucet were conspicuous. "Why," said they, "should the two sovereigns form agreements which can have no result but our misery, without advantage to either?" On the twenty-fifth of October 1768, they adopted an address to the Superior council, written by Lafreniere and Caresse, rehearsing their griefs; and, in their petition of rights, they claimed freedom of commerce with the ports of France and America, and the expulsion of Ulloa from the colony. The address, signed by five or six hundred persons, was adopted the next day by the council, in spite of the protest of Aubry; when the French flag was displayed on the public Square, children and women ran up to kiss its folds, and it was raised by nine hundred men, amid shouts of "Long live the king of France! we will have no king but him." Ulloa retreated to Havana, and sent his representations to Spain. The inhabitants elected their own treasurer and syndics, sent envoys to Paris with supplicatory letters to the duke of Orleans and the prince of Conti, and memorialized the French monarch to stand as intercessor between them and the Catholic king, offering no alternative but to be a colony of France or a free commonwealth.

Bancroft, Hist. of the U.S., vol.3, p.318

In February of the next year, Du Chatelet wrote to Choiseul: "The success of the people of New Orleans in driving away the Spaniards is a good example for the English colonies; may they set about following it."

Chapter 25:

The King and Parliament Against the Town of Boston,

Hillsborough Secretary for the Colonies,

October 1768-February 1769

Bancroft, Hist. of the U.S., vol.3, p.319

AGAINST the advice of Shelburne, and to the great joy of Spain, every post between Mobile and Fort Chartres was abandoned. The occupation of the country between the Alleghanies and the Mississippi was opposed by the British government. John Finley, a backwoodsman of North Carolina, who, in 1768, passed through Kentucky, found not one white man's cabin in all the enchanting wilderness. Gage even advised the retirement from Fort Chartres and Pittsburg. But this policy encountered difficulties from the existence of French settlements in Illinois and on the Wabash, the roving disposition of the Americans, and the avarice of British officers who coveted profit from concessions of lands.

Bancroft, Hist. of the U.S., vol.3, p.319 - p.320

The Spanish town of St. Louis was fast rising into importance, as the centre of the fur-trade with the Indian nations on the Missouri; but the population of Illinois had declined, and scarcely amounted to more than one thousand three hundred and fifty-eight, of whom rather more than three hundred were Africans. Kaskaskia counted six hundred white persons, and three hundred and three negroes. At Kahokia, there were about three hundred persons; at Prairie du Rocher, one hundred and twenty-five; at St. Philip, fifteen, and not more at Fort Chartres. To Hillsborough's great alarm, the adult men had been formed into military companies. Vincennes, the only settlement in Indiana, had rapidly and surprisingly increased. Its own population, consisting of two hundred and thirty-two white persons, ten negro and seventeen Indian slaves, was recruited by one hundred and sixty-eight "strangers." Detroit had now about six hundred souls. The western villages abounded in wheat, Indian corn, and swine; of beeves, there was more than one to each human being, and more than one horse to every two, counting slaves and children.

Bancroft, Hist. of the U.S., vol.3, p.320

The course of the rivers inclined the French in the West to send their furs to New Orleans, or across the river by night to St. Louis, where they could be exchanged for French goods. All English merchandise came burdened with the cost of land carriage from Philadelphia to Fort Pitt. In November 1768, Wilkins, the new commandant in Illinois, following suggestions from Gage, appointed seven civil judges to decide local controversies, yet without abdicating his own overruling authority. He was chiefly intent on enriching some Philadelphia fur-traders, who were notorious for their willingness to bribe, and, in less than a year after his arrival, executed, at their request, inchoate grants of large tracts of land, of which one sixth part was reserved for himself. The procedure contravened the orders of Hillsborough, who renewed imperatively the instruction to extend an unbroken line of Indian frontier from Georgia to Canada, as an impassable barrier to emigration.

Bancroft, Hist. of the U.S., vol.3, p.320

This purpose was strenuously opposed by Virginia. From its second charter, the discoveries of its people, the authorized grants of its governors since 1746, the encouragement of its legislature to settlers in 1752 and 1753, the promise of lands as bounties to officers and soldiers who served in the French war, and the continued emigration of its inhabitants, the Ancient Dominion derived its title to occupy the great West. Carolina stopped at the line of thirty-six and a half degrees; on the north, New York could at most extend to Lake Erie; Maryland and Pennsylvania were each limited by definitive boundaries. Virginia alone claimed the Ohio lands, south of the line of Connecticut. But, in spite of her objections, Stuart was ordered to complete the demarcation with the Indians, and to accept no new territory from the Cherokees.

Bancroft, Hist. of the U.S., vol.3, p.320 - p.321

Faithful to his superior, the agent, without regarding the discontent of Virginia, which declined cooperating with him, met the chiefs of the upper and lower Cherokees in council, at Hard Labor in Western South Carolina; and, on the fourteenth of October 1768, concluded a treaty by which the Cherokees; who had no right to lands in Kentucky, were made to establish as the western boundary of Virginia a straight line drawn from Chiswell's mine, on the eastern bank of the Great Kanawha, in a northerly course to the confluence of that river with the Ohio.

Bancroft, Hist. of the U.S., vol.3, p.321

To thwart the negotiation of Stuart, Virginia had appointed Thomas Walker its commissioner to the congress held at Fort Stanwix with the Six Nations. Sir William Johnson, the Indian agent for the northern district, was thoroughly versed in the methods of making profit by his office. William Franklin, of New Jersey, readily assisted in obtaining the largest cessions of lands. The number of Indians who appeared was but little short of three thousand. Unusual largesses won over the chiefs of the Six Nations; the line that was established on the fifth of November began at the north, where Canada creek joins Wood creek; on leaving New York, it passed from the nearest fork of the West Branch of the Susquehannah to Kittaning on the Alleghany, whence it followed that river and the Ohio. Had it stopped at the month of the Kanawha, the Indian frontier would have been marked all the way from northern New York to Florida. But, instead of following his instructions, Sir William Johnson, assuming groundlessly a right of the Six Nations to the largest part of Kentucky, continued the line down the Ohio to the Tennessee river, which was thus constituted the western boundary of Virginia.

Bancroft, Hist. of the U.S., vol.3, p.321 - p.322

While the congress was in session, Botetourt, the new governor of Virginia, arrived on the James river, in the delicious season of the fall of the leaf. He was charmed with the scenes on which he entered; his house seemed admirable; the grounds around it well planted and watered by beautiful rills. Everything was just as he could have wished. Coming up without state to an unprovided residence, he was asked abroad every day; and, as a guest, gave pleasure and was pleased. He thought nothing could be better than the disposition of the colony, and augured well of everything that was to happen. Received with frankness, he dealt frankly with the people to whom he was deputed. He wrote to Hillsborough that they would never willingly submit to being taxed by the mother country; but he justified them by their universal avowal of a most ardent desire to assist upon every occasion, if they might do it as formerly only on requisition. The duties complained of were collected in every part of the colony, without a shadow of resistance. He was persuaded that the new assembly would come together in good humor, which he was resolved not wantonly to disturb.

Bancroft, Hist. of the U.S., vol.3, p.322

The western boundary invited immediate attention. Botetourt entered heartily into the wishes of Virginia, and put in pledge his life and fortune to carry its jurisdiction to the Tennessee river where it strikes the parallel of thirty-six and a half degrees. "This boundary," it was said, "will give some room to extend our settlements for ten or twelve years."

Bancroft, Hist. of the U.S., vol.3, p.322

England, at this time, began to think reconciliation with Massachusetts hopeless, when news arrived that the troops had landed at Boston without opposition, that the convention had dissolved, and that all thoughts of resistance were at an end. "They act with highest wisdom and spirit," said Thomas Hollis; "they will extricate themselves with firmness and magnanimity." But most men expressed contempt for them, as having made a vain bluster. No one doubted that, on the arrival of the additional regiments from Ireland, Otis and Cushing and sixteen other members of the late political assemblies would be arrested. Hillsborough hastened to send Bernard's despatches to the attorney- and solicitor-general, asking what crimes had been committed, and if the guilty were to be impeached by parliament.

Bancroft, Hist. of the U.S., vol.3, p.322

The king, on his opening parliament in November, railed at "the spirit of faction breaking out afresh in some of the colonies." "Boston," said he, "appears to be in a state of disobedience to all law and government, with circumstances that might manifest a disposition to throw off its dependence on Great Britain."

Bancroft, Hist. of the U.S., vol.3, p.322

In the house of commons, Lord Henly, moving the address, signalized the people of Boston for their "defiance of all legal authority." "I gave my vote to the revenue act of Charles Townshend," thus he was seconded by Hans Stanley, "that we might test the obedience of the Americans to the declaratory law of 1766. Men so unsusceptible of all middle terms of accommodation call loudly for our correction. The difficulties in governing Massachusetts are insurmountable, unless its charter and laws shall be so changed as to give to the king the appointment of the council, and to the sheriffs the sole power of returning juries." Samuel Adams, at Boston, weighed well the meaning of these words, uttered by an organ of the ministry; but England hardly noticed the menace of the subversion of chartered rights and of the independence of juries.

Bancroft, Hist. of the U.S., vol.3, p.323

Edmund Burke poured out a torrent of invective against Camden for the inconsistency of his former opposition to the declaratory act with his present support of the ministry. "My astonishment at the folly of his opinions," he said, "is lost in indignation at the baseness of his conduct." Grenville agreed with him that the order, requiring the Massachusetts assembly to rescind a vote under a penalty, was illegal and unconstitutional. "I wish the stamp act had never been passed," said Barrington; "but the Americans are traitors against the legislature. The troops are to bring rioters to justice." Wedderburn, who at that moment belonged to himself, and spoke in opposition to enhance his price, declaimed against governing by files of musketeers; and condemned the ministerial mandate as illegal. "Though it were considered wiser," said Rigby, "to alter the American tax than to continue it, I would not alter it so long as the colony of the Massachusetts bay continues in its present state." "Let the nation return to its old good nature and its old good humor," were the words of Alderman Beckford, whom nobody minded, and who spoke more wisely than they all; "it were best to repeal the late act, and conciliate the colonies by moderation and kindness."

Bancroft, Hist. of the U.S., vol.3, p.323 - p.324

Lord North made reply: "America must fear you before she can love you. If America is to be the judge, you may tax in no instance, you may regulate in no instance. We shall go through our plan, now that we have brought it so near success. I am against repealing the last act of parliament, securing to us a revenue out of America; I will never think of repealing it until we see America prostrate at our feet." The irrevocable words spoke the feeling of parliament. The address was carried in the commons without a division; the peers seemed unanimous; and scarcely more than five or six in both houses defended the Americans from principle. Everybody expected "the chastisement of Boston."

Bancroft, Hist. of the U.S., vol.3, p.324

But the employment of soldiery failed from the beginning. There were, on the tenth of November, more than four regiments in Boston; what could be given them to do? They had been sent over to bring "to justice" those whom Barrington called "rioters," whom the king described as "turbulent and mischievous persons." But the statesmen who guided Boston through its difficulties acted with a prudence equal to their vigor. No breach of the law could be charged against them; and, besides, the pusillanimity of the governor of Massachusetts was so remarkable that it was his fixed rule not to assume the responsibility of giving the word to any military officer; and without such authority everybody knew that the regiments for which he had asked could not be employed. The troops found no rebellion at Boston; could they make one?

Bancroft, Hist. of the U.S., vol.3, p.324

Each American assembly, as it came together, denied the right of parliament to impose taxes on America, and embodied its denial in petitions to the king. The king, instead of hearing the petitions, disapproved and rejected them; Virginia was soothingly reprimanded; Pennsylvania, Rhode Island, Connecticut, Maryland, received, as their answer, copies of the addresses of parliament, and assurances that "wicked men," who questioned the supreme authority of that body, would not be listened to.

Bancroft, Hist. of the U.S., vol.3, p.324 - p.325

The governor of South Carolina invited its assembly to treat the letters of Massachusetts and Virginia "with the contempt they deserved;" a committee, composed of Parsons, Gadsden, Pinkney, Lloyd, Lynch, Laurens, Rutledge, Elliott, and Dart, reported them to be "founded upon undeniable, constitutional principles;" and the house, sitting with its doors locked, unanimously directed its speaker to signify to both provinces its entire approbation. The governor, that same evening, dissolved the assembly by beat of drum; but the general toast at Charleston remained, "The UNANIMOUS TWENTY-SIX, who would not rescind the Massachusetts circular." The assembly of New York was in session, fully resolved to go beyond the common example; and Hillsborough had only opened the way to a complaint from the colonies, that the king would not even receive their petitions.

Bancroft, Hist. of the U.S., vol.3, p.325

The refusal of America to draw supplies from England was an invitation to other powers to devise the means of sharing her commerce; the three secretaries of state were therefore called upon to issue orders to the ministers, consuls, and agents of the British government in the ports of Europe, Madeira, and the Azores, to watch the coming in of an American ship or the sailing of any ship for the continent of America.

Bancroft, Hist. of the U.S., vol.3, p.325

"Can the ministry reduce the colonies?" asked Du Chatelet. "Of what avail is an army in so vast a country? The Americans have made these reflections, and they will not give way." "To the menace of rigor," replied Choiseul, "they will never give way, except in appearance and for a time. The fire will be but imperfectly extinguished unless other means than those of force conciliate the interests of the metropolis and its colonies. The Americans will not lose out of view their rights and privileges; and, next to fanaticism for religion, the fanaticism for liberty is the most daring in its measures and the most dangerous in its consequences."

Bancroft, Hist. of the U.S., vol.3, p.325

The simplest mode of taking part with the colonists was by a commerce of the French and Spanish colonies with the British colonies on the continent of North America; and on this subject Choiseul sent to Du Chatelet an elaborate digest of all the materials he had collected. But the simple-hearted king of Spain, though he enjoyed the perplexity of "the natural enemy" of the two crowns, showed no disposition to interfere.

Bancroft, Hist. of the U.S., vol.3, p.325

"What a pity," resumed Du Chatelet to Choiseul, "that neither Spain nor France is in a condition to take advantage of so critical a conjuncture! Precipitate measures on our part might reconcile the colonies to the metropolis; but if the quarrel goes on, a thousand opportunities cannot fail to offer, of which decisive advantage may be taken. The objects presented to you, to the king, and to his council, demand the most profound combinations, the most inviolable secrecy. A plan which shall be applicable to every circumstance of change should be concerted in advance with Spain."

Bancroft, Hist. of the U.S., vol.3, p.325 - p.326

At the same time, Du Chatelet studied intercolonial commerce; and continued to seek information from the American agents, particularly from Franklin, whom he more and more extolled as "upright and enlightened, one of the wisest and most sagacious men that could be found in any country."

Bancroft, Hist. of the U.S., vol.3, p.326

The agents had separately waited on Lord Hillsborough. On the sixth of December, he communicated to them in a body the result of a cabinet council: "Administration will enforce the authority of the legislature of Great Britain over the colonies in the most effectual manner, but with moderation and lenity. All the petitions we have received are very offensive, for they contain a denial of the authority of parliament. We have no fondness for the acts complained of; particularly, the late duty act is so anticommercial that I wish it had never existed; and it would certainly have been repealed had the colonies said nothing about it, or petitioned against it only on the ground of expediency: but the principle you proceed upon extends to all laws; and we cannot therefore think of repealing it, at least this session of parliament, or until the colonies shall have dropped the point of right. Nor can the conduct of the people of Boston pass without a severe censure." A very long discussion ensued; but he was inflexible.

Bancroft, Hist. of the U.S., vol.3, p.326

The attention of parliament was to be confined to the colony of the Massachusetts bay; Beckford and Trecothick, as friends to America, demanded rather such general inquiry as might lead to measures of relief. "The question of taxation is not before us," interposed Lord North; "but the question is, whether we are to lay a tax one year when America is at peace, and take it off the next when America is in arms against us. The repeal of the act would spread an alarm, as if we did it from fear. The encouragement it would give our enemies and the discouragement it would give our friends bind us not to take that question into consideration again. The expression of the united opinion of Great Britain must awe Boston into obedience."

Bancroft, Hist. of the U.S., vol.3, p.326 - p.327

"The Americans believe," rejoined Beckford, "that there is a settled design in this country to rule them with a military force." "I never wish for dominion, unless accompanied by the affection of the people governed," said Lord John Cavendish. "Want of knowledge, as well as want of temper," said Lord Beauchamp, "has gradually led us to the brink of a precipice, on which we look down with horror." Phipps, a captain in the army, added: "My heart will bleed for every drop of American blood that shall be shed, while their grievances are unredressed. I wish to see the Americans in our arms as friends, not to meet them as enemies." "Dare you not trust yourselves with a general inquiry?" asked Grenville. "How do we know, parliamentarily, that Boston is the most guilty of the colonies?" "I would have the Americans obey the laws of the country, whether they like them or not," said Lord Barrington.

Bancroft, Hist. of the U.S., vol.3, p.327

Out of two hundred who were present, one hundred and twenty-seven divided with the government to confine the inquiry. The king set himself, his ministry, parliament, and all Great Britain to subdue to his will one stubborn town on the sterile coast of the Massachusetts bay. The odds against it were fearful; but it showed a life inextinguishable, and had been chosen to keep guard over the liberties of mankind.

Bancroft, Hist. of the U.S., vol.3, p.327

The Old World had not its parallel. It counted about sixteen thousand inhabitants of European origin, all of whom learned to read and write. Good public schools were the foundation of its political system; and Benjamin Franklin, one of their pupils, in his youth apprenticed to the art which makes knowledge the common property of mankind, had gone forth from them to stand before the nations as the representative of the modern industrial class.

Bancroft, Hist. of the U.S., vol.3, p.327

As its schools were for all its children, so the great body of its male inhabitants of twenty-one years of age, when assembled in a hall which Faneuil, of Huguenot ancestry, had built for them, was the source of all municipal authority. In the meeting of the town, its taxes were voted, its affairs discussed and settled, its agents and public servants annually elected by ballot, and abstract political principles freely debated. A property qualification was attached to the right of voting, but it was so small that it did not change the character of the suffrage. There had never existed a considerable municipality, approaching so nearly to a pure democracy; and, for so populous a place, it was undoubtedly the most orderly and best governed in the world.

Bancroft, Hist. of the U.S., vol.3, p.327 - p.328

Its ecclesiastical polity was in like manner republican. The great mass were Congregationalists, of whom each church formed an assembly by voluntary agreement, self-constituted, self-supported, and independent. They were clear that no person or church had power over another church. There was not a Roman Catholic altar in the place; the usages of "papists" were looked upon as worn-out superstitions, fit only for the ignorant. But the people were not merely the fiercest enemies of "popery and slavery," they were Protestants even against Protestantism; and, though the English church was tolerated, Boston kept up the fight against prelacy. Its ministers were still its prophets and its guides; its pulpit, in which now that Mayhew was no more Cooper was admired above all others for eloquence and patriotism, inflamed by its weekly appeals alike the fervor of piety and of liberty. In the "Boston Gazette" it enjoyed a free press, which gave currency to its conclusions on the natural right of man to self-government.

Bancroft, Hist. of the U.S., vol.3, p.328 - p.329

Its citizens were inquisitive, seeking the causes of existing institutions in the laws of nature. Yet they controlled their speculative turn by practical judgment, exhibiting the seeming contradiction of susceptibility to enthusiasm and calculating shrewdness. They were adventurous, penetrating, and keen in the pursuit of gain; yet their avidity was tempered by a well-considered and continuing liberality. Nearly every man was struggling to make his own way in the world and his own fortune; and yet, individually and as a body, they were public-spirited. In the seventeenth century, the community had been distracted by those who were thought to pursue the great truth of justification by faith to Antinomian absurdities; the philosophy of the eighteenth century had influenced theological opinion; and, though the larger number still acknowledged the fixedness of the divine decrees and the resistless certainty from all eternity of election and of reprobation, some, even among the clergy, framed, from the self-direction of the active powers of man, a protest against predestination and election. Still more were they boldly speculative on questions respecting their constitution. Every house was a school of politics; every man discussed the affairs of the world, studied more or less the laws of his own land, and was sure of his ability to ascertain and to make good his rights. The ministers, whose prayers, being from no book, caught the hue of the times; the merchants, cramped in their enterprise by legal restrictions; the mechanics, who by their skill in ship-building bore away the palm from all other nations, and by their numbers ruled the town—all alike, clergy and laity, in the pulpit or closet, on the wharf or in the counting-room, at their ship-yards or in their social gatherings, reasoned upon government. As the descendants of the Puritans of England, they had no more superstitious veneration for monarchy than for priestcraft. They unconsciously developed the theory of an independent representative commonwealth; and such was their instinctive capacity for organization, that they had actually seen a convention of the people of the province start into life at their bidding. While the earth was still wrapt in gloom, they welcomed the daybreak of popular freedom, and looked undazzled into the beams of the morning.

Bancroft, Hist. of the U.S., vol.3, p.329

The opinion of parliament was hardly pronounced when Du Chatelet again pressed America on the attention of Choiseul. "Without exaggerating the projects or the union of the colonies," said he, "the time of their independence is very near. Their prudent men believe the moment not yet come; but, if the English government undertakes vigorous measures, who can tell how far the fanaticism for liberty may carry an immense people, dwelling for the most part in the interior of a continent, remote from imminent danger? And, if the metropolis should persevere, can the union, which is now their strength, be maintained without succor from abroad? Even if the rupture should be premature, can France and Spain neglect the opportunity which they may never find again?

Bancroft, Hist. of the U.S., vol.3, p.329

"Three years ago the separation of the English colonies was looked upon as an object of attention for the next generation; the germs were observed, but no one could foresee that they would be so speedily developed. This new order of things, which will necessarily have the greatest influence on the political system of Europe, will probably be brought about within a very few years."

Bancroft, Hist. of the U.S., vol.3, p.329

"Your views," replied Choiseul, "are as acute as they are comprehensive and well considered. The king is perfectly aware of their sagacity and solidity; and I will communicate them to the court of Madrid."

Bancroft, Hist. of the U.S., vol.3, p.330

The statesmen of France had their best allies in the British ministry. "The matter is now brought to a point," said Hillsborough, in the house of lords. "Parliament must give up its authority over the colonies, or bring them to effectual submission. Not the amount of the duties, which will not be more than ten thousand pounds per annum in all North America, but the principle upon which the laws are founded, is complained of. Legislation and taxation will stand or fall together. The notion of the Americans is a polytheism in politics, absurd, fatal to the constitution, and never to be admitted. The North Americans are a very good set of people, misled by a few wicked, factious, and designing men. I will, therefore, for the present only propose several resolutions which may show the sense of the legislature. If this is not sufficient, the whole force of the country must be exerted to bring the colonies into subjection." The resolutions condemned the assembly of Massachusetts, its council, and still more its convention; approved of sending a military force to Boston; and foreshadowed the abrogation of the municipal liberties of that town, and a change in the charter of the province.

Bancroft, Hist. of the U.S., vol.3, p.330

Hillsborough was seconded by Bedford, who further proposed an address to the king, to bring to "condign punishment the chief authors and instigators of the late disorders;" and, if sufficient ground should be seen, to put them on trial for "treason" before a special commission in England, "pursuant to the statute of Henry VIII." The resolutions and address were adopted, with no opposition except from Richmond and Shelburne.

Bancroft, Hist. of the U.S., vol.3, p.330

"The semblance of vigor," said Choiseul, "covers pusillanimity and fear. If those who are threatened with a trial for high treason are not alarmed, the terror and discouragement will affect nobody but the British ministers; the main question of taxing the colonies is as far from a solution as ever."

Bancroft, Hist. of the U.S., vol.3, p.330 - p.331

Samuel Adams, whom it was especially desired to "take off" for treason, was "unawed by the menaces of arbitrary power." "I must," said he, "tell the men, who on both sides of the Atlantic charge America with rebellion, that military power will never prevail on an American to surrender his liberty;" and, through the press, he taught that a standing army, kept up in the colonies in time of peace without their consent, was as flagrant a violation of the constitution as the tax on paper, glass, painters' colors, and tea. He called upon the magistrates of Boston to govern, restrain, and punish "soldiers of all ranks," according to the laws of the land. The justices of the peace for Suffolk at their quarter sessions, and the grand jury, over which the crown had no control, found indictments against soldiers and officers for their frequent transgressions of the law; and the convicted escaped punishment only through the favoritism of a higher court.

Bancroft, Hist. of the U.S., vol.3, p.331

Georgia approved the correspondence of Massachusetts and Virginia. New York unanimously asserted its legislative rights with unsurpassed distinctness, and appointed an intercolonial committee of correspondence.

Bancroft, Hist. of the U.S., vol.3, p.331

At this time, Choiseul, incensed at the public subscription in England in aid of the Corsicans, was threatening the British minister that he would requite the grievance by opening subscriptions in France for the inhabitants of New York. The new year brought a dissolution of the assembly of that province; and, in the following elections, the government party employed every art to create confusion. It excused the violence of recent disputes. It sought to gratify the cravings of every interest. It connived at importations from St. Eustatius and Holland, and supported an increase of the paper currency. It encouraged the tenantry in their wish to vote by ballot; and in New York city, for the old cry of "No Presbyterian," it raised that of "No Lawyer." The Delanceys, who had long seemingly led the opposition in the province, were secretly won over to the side of authority. Add to this, that all parties still hoped for an escape from strife by some plan of union to which Grafton was believed to be well disposed; that the population was not homogeneous in religion, language, customs, or origin; that the government and the churchmen acted together; that the city was a corporation in which the mayor was appointed by the king—and the reasons appear why, at the hotly contested election, which was the last ever held in New York under the crown, the coalition gained success over John Morin Scott and the Sons of Liberty.

Bancroft, Hist. of the U.S., vol.3, p.331 - p.332

In Massachusetts, Bernard kept up the ferment. He knew it to be a part of Lord Hillsborough's system that there never should be another election of councillors; he and Hutchinson most secretly furnished lists of persons whose appointment they advised. They both importuned the ministry to remove Temple, who would not conceal his opinion that the affection of the colonists for the mother country was wasting away through the incapacity and "avarice" of his associates. The wily Hutchinson opposed the repeal of the revenue act; recommended to remove the main objection to parliamentary authority by the offer to the colonists of such "a plan of representation" in the British parliament as he knew they must reject; informed against the free constitutions of Massachusetts, Connecticut, and Rhode Island, as tending to produce another congress; and advised and solicited and importuned for such an extension of the laws of treason as would have rendered every considerable man in Boston liable to its penalties. In letters communicated to Grenville, Lord Temple, and others, he declared that "measures which he could not think of without pain were necessary for the peace and good of the colony," that "there must be an abridgment of what are called English liberties." He avowed his desire to see some further restraint, lest otherwise the connection with Great Britain should be broken; and he consoled himself for his advice by declaring it impossible for so distant a colony to "enjoy all the liberty of the parent state." He had put many suggestions on paper, but behind all he had further "thoughts, which he dared not trust to pen and ink."

Bancroft, Hist. of the U.S., vol.3, p.332

"Poison will continue to be instilled into the minds of the people," wrote Oliver, "if there be no way found to take off the original incendiaries." The Bedford address for shipping American traitors to England having come to hand, a way was open for "taking them off." Bernard and Oliver and Hutchinson, with the attorney-general, collected evidence against Samuel Adams; and affidavits, sworn to before Hutchinson, were sent to England, to prove him fit to be transported under the act of Henry VIII. Edes and Gill, "the trumpeters of sedition," and through them "all the chiefs of the faction, all the authors of numberless treasonable and seditious writings," were to be called to account.

Bancroft, Hist. of the U.S., vol.3, p.333

While Hutchinson was taking depositions, so that "the principal actors might be compelled to answer" for "proceedings amounting to treason," those whom he sought to arraign as traitors, aware of his designs, reproached him for his baseness in performing "the office of an informer" while he held the post of chief justice, and avowed their opinions more boldly than ever. "Parliament will offer you a share in the representative body," said the royalists; and the suggestion was spurned, since a true representation was impossible. "Boston may be deprived of its trade," thus they foreshadowed the policy adopted five years later. "What then?" it was asked. "Will the decline of British credit be remedied by turning our seaports into villages?" "Governor Bernard has been spoken of with great respect," reported the official journal. "And so has Otis," rejoined the "Boston Gazette;" "and has been compared to the Pyms, the Hampdens, the Shippens of Britain." "The opposition to government is faction," said the friends to government. "As well," answered Samuel Adams, "might the general uneasiness that introduced the revolution by William III, or that settled the succession in the house of Hanover, be called a faction." Since Britain persisted in enforcing her revenue act, he knew no remedy for America but independence.

Bancroft, Hist. of the U.S., vol.3, p.333 - p.334

Lord North, though he feared to strike, wished to intimidate. He would not allow a petition from the council of Massachusetts for the repeal of Townshend's act to be referred with the other American papers; nor would he receive a petition which denied that the act of Henry VIII extended to the colonies; and on the twenty-sixth of January, after a delay of many weeks, he asked the house of commons to agree with the resolves and address of the house of lords. "No lawyer," said Dowdeswell, "will justify them; none but the house of lords, who think only of their dignity, could have originated them." "Suppose," said Edmund Burke, "you do call over two or three of these unfortunate men; what will become of the rest? Let me have the heads of the principal leaders, exclaimed the duke of Alva; these heads proved hydra's heads. Suppose a man brought over for high treason; if his witnesses do not appear, he cannot have a fair trial. God and nature oppose you." Grenville scoffed at the whole plan, as no more than "angry words," and "the wisdom fools put on." Lord North, assuming the responsibility of the measure, refused "ever to give up an iota of the authority of Great Britain," and promised good results in America from the refusal to repeal the revenue act.

Bancroft, Hist. of the U.S., vol.3, p.334

"It is not a question of one refractory colony," cried Barre; "the whole country is ripe for revolt. Let us come to the point. Are the Americans proper objects of taxation? I think they are not. I solemnly declare, I think they will not submit to any law imposed upon them for revenue.

Bancroft, Hist. of the U.S., vol.3, p.334

"On a former occasion, the noble lord told us that he would listen to no proposition for repeal until he saw America prostrate at his feet. But does any friend of his country really wish to see America thus humbled? In such a situation, she would serve only as a monument of your vengeance and your folly. For my part, the America I wish to see is America increasing and prosperous, raising her head in graceful dignity, with freedom and firmness asserting her rights at your bar, vindicating her liberties, pleading her services, and conscious of her merit. This is the America that will have spirit to fight your battles, to sustain you when hard pushed by some prevailing foe, and by her industry will be able to consume your manufactures, support your trade, and pour wealth and splendor into your towns and cities. If we do not change our conduct toward her, America will be torn from our side. I repeat it: unless you repeal this law, you run the risk of losing America."

Bancroft, Hist. of the U.S., vol.3, p.334

His reasoning was just; his action animated; warmed by the nobleness of his subject, he charmed all that heard him; yet the resolutions and address were adopted by a large majority.

Bancroft, Hist. of the U.S., vol.3, p.334 - p.335

"An attempt to seize the defenders of American liberties," wrote the watchful French ambassador to Choiseul, "would precipitate the revolution. How great will be the indignation of the Americans when they learn that Britain, without receiving their representations, without hearing their agents, treats them as slaves and condemns them as rebels! They never will recognise the right claimed by parliament; their hearts will own no other country than the wilderness which their industry has made productive. The bonds of their dependence will be severed on the first opportunity. Spain and France, even at the risk of transient inconveniences, should depart from the ancient prohibitory laws of commerce. The two courts must consider whether it is for their interest to second the revolution which menaces England, at the risk of the consequences which may a little later result from it for the totality of the New World, and whether the weakening of a common enemy can compensate the risk of such an example to their own colonies.

Bancroft, Hist. of the U.S., vol.3, p.335

"If this question is answered in the affirmative, no precautions must be omitted to profit by the favorable circumstances, which imprudence alone could have created, and which human wisdom could hardly have foreseen. The inflammatory remedies applied by the parliament of England, the spirit of revolt, and still more the spirit of contempt shown by a factious people for a vacillating and humiliated administration, the disunion and indecision which reign in the British cabinet, the acknowledged weakness and instability of the principles of the king's government—all presage coming calamities to England; the only man whose genius might still be feared is removed from affairs and enfeebled by gout, and his state of mind is a problem. Of the others, whom birth, credit, wealth, or eloquence may destine to high places, not one appears likely to become a formidable enemy."

Bancroft, Hist. of the U.S., vol.3, p.335

This letter from Du Chatelet to Choiseul was inspired by the philosophy of the eighteenth century, the ripened wisdom of the ages from Descartes to Turgot, uttering its oracles and its counsels in the palaces of absolute monarchs. It excited the most attentive curiosity of Louis XV and of every one of his council. An extract of it was sent to Madrid, to ascertain the sentiments of the Catholic king; the minister of the marine and the minister of finance were directed to consult the chambers of commerce of the kingdom; while Choiseul, aware of the novelty of a system founded on the principle of a free trade, looked about him on every side for prevailing arguments against hereditary prepossessions.

Bancroft, Hist. of the U.S., vol.3, p.335 - p.336

On the eighth of February the Bourbon kings were still deliberating, the state of America was again the theme of conversation in the house of commons, and strenuous efforts were once more made to prove the illegality and cruelty of fetching Americans across the Atlantic for trial.

Bancroft, Hist. of the U.S., vol.3, p.336

"They may save themselves," said Rose Faller, "by going still further, and bringing the question to the point of arms." "You have no right to tax the colonies," repeated Beckford; "the system has not produced a single shilling to the exchequer; the money is all eaten up by the officers who collect it." "Your measures," cried Phipps, after an admirable statement, "are more calculated to raise than to quell a rebellion. It is our duty to stand between the victim and the altar." "The statute of the thirty-fifth year of Henry VIII," observed Frederic Montagu, "was passed in the worst times of the worst reign, when the taste of blood had inflamed the savage disposition of Henry." "The act," declared Sir William Meredith, "does not extend to America; and, were I an American, I would not submit to it." Yet the British parliament, by a great majority, requested the king to make inquisition at Boston for treason; and "ample information" was promptly sent by Hutchinson and others, so that the principal Sons of Liberty might be arraigned in Westminster Hall and hanged at Tyburn.

Bancroft, Hist. of the U.S., vol.3, p.336

The press gave to the world an elaborate reply to the Farmer's Letters, by Knox, to whom the board of trade furnished materials, and Grenville the constitutional argument. "I am tempted," owned Knox, "to deny that there is any such thing as representation at all in the British constitution; until this notion of representation is overthrown, it will be very difficult to convince either the colonies or the people of England that wrong is not done the colonies."

Bancroft, Hist. of the U.S., vol.3, p.336 - p.337

While England was enforcing its restrictive commercial system, Du Chatelet continued his intercession with Choiseul, to employ free trade as the great liberator of colonies. "The question," he pleaded, "cannot be submitted to the decision of the chambers of commerce. They regard everything in colonial commerce which does not turn exclusively to the benefit of the kingdom as contrary to the end for which colonies were established, and as a theft from the state. To practice on these maxims is impossible. The wants of trade are stronger than the laws of trade. The north of America can alone furnish supplies to its south. This is the only point of view under which the cession of Canada can be regarded as a loss for France; but that cession will one day be amply compensated, if it shall cause in the English colonies the rebellion and independence, which become every day more probable and more near." The Parisian world was alive with admiration for the Americans and their advocates.

Bancroft, Hist. of the U.S., vol.3, p.337

But Spain had been the parent of the protective system, and remained the supporter of that restrictive policy by which, in the midst of every resource of wealth, she had been impoverished. From the first proposal of throwing colonial commerce open, she feared the contraband exportation of gold and silver. "Besides," thus Grimaldi, the Spanish minister, gave his definitive answer, "the position and strength of the countries occupied by the Americans excite a just alarm for the rich Spanish possessions on their borders. Their interlopers have already introduced their grain and rice into our colonies. If this should be legalized and extended to other objects, it would increase the prosperity of a neighbor already too formidable. Moreover, this neighbor, if it should separate from its metropolis, would assume the republican form of government; and a republic is a government dangerous from the wisdom, the consistency, and the solidity of the measures which it would adopt for executing such projects of conquests as it would naturally form."

Bancroft, Hist. of the U.S., vol.3, p.337

The opinion of Spain was deliberately pronounced and sternly adhered to. She divided the continent of North America with England, and loved to see "her enemy" embarrassed by war with its colonies; but she already feared America more than she feared England, and, for a neighbor, preferred a dependent colony to an independent republic.

Chapter 26:

Virginia Comes to the Aid of Massachusetts,

Grafton's Administration,

Hillsborough Colonial Minister,

March-August 1769

Bancroft, Hist. of the U.S., vol.3, p.338

THE decision of the king of Spain had been hastened by tidings of the rebellion in New Orleans. The cabinet, with but one dissentient, agreed that Louisiana must be retained, as a granary for Havana and Porto Rico, a precaution against the contraband trade of France, and a barrier to keep off English encroachments by the indisputable line of a great river.

Bancroft, Hist. of the U.S., vol.3, p.338 - p.339

"Still more," said the duke of Alva, "the world, and especially America, must see that the king can and will crush even an intention of disrespect." "If France should recover Louisiana," said Masones de Lima, "she would annex it to the English colonies, or would establish its independence." "A republic in Louisiana," such was Aranda's carefully prepared opinion," would be independent of the European powers, who would all cultivate her friendship and support her existence. She would increase her population, enlarge her limits, and grow into a rich, flourishing, and free state, contrasting with our exhausted provinces. From the example before them, the inhabitants of our vast Mexican domain would be led to consider their total want of commerce, the extortions of their governors, the little esteem in which they themselves are held, the few offices which they are permitted to fill; they would hate still more the Spanish rule, and would think to brave it with security. If, by improving the government of the Mexican provinces and the condition of their inhabitants, we should avoid the fatal revolution, Louisiana would still trade with the harbors on our coast, and by land with Texas and New Mexico, and through them with Old Mexico. Between Louisiana and Mexico there are no established limits; the rebels, if they remain as they are, will have a pretext for claiming an arbitrary extension of territory." He therefore advised to subdue the colony, but to keep New Orleans in such insignificance as to tempt no attack.

Bancroft, Hist. of the U.S., vol.3, p.339

The king accepted the decision of his cabinet, adding his fear lest the example of Louisiana should influence the colonies "of other powers," in which he already discerned the "spirit of sedition and independence."

Bancroft, Hist. of the U.S., vol.3, p.339

Choiseul watched the rising spirit of colonial independence with joy; and the paper which he sent for the consideration of the French ambassador at London reasoned as follows: "Here is the happy opportunity of dividing the British empire, by placing before its colonies the interesting spectacle of two potentates who pardon, who protect, and who deign in concert to utter the powerful word of liberty. War between France and England would bind these countries more firmly to their metropolis. The example of happiness will allure them to the independence toward which they tend. By leading them to confide in France and Spain, they will dare more and dare sooner. Nothing can better persuade to this confidence than to establish liberty in Louisiana, and to open the port of New Orleans to men of all nations and all religions.

Bancroft, Hist. of the U.S., vol.3, p.339

"The passion for extended dominion must not hide from Spain that a discontented and ill-guarded colony cannot arrest the march of the English, and will prove an unprofitable expense. Were we to take back Louisiana, our best efforts could effect less than the charm of liberty. Without the magic of liberty, the territory will never become more than a simple line of demarcation. Severity would throw it into despair and into the arms of the English. To give voluntarily what the British parliament haughtily refuses, to assimilate New Orleans in its form to the freest of the British colonies, to adopt for it from each of them whatever is the dearest to them, to do more—to enfranchise it and maintain invariably privileges capable of intoxicating the English and the Americans—this is to arm English America against England."

Bancroft, Hist. of the U.S., vol.3, p.339 - p.340

The idea and the reasoning in its support pleased Du Chatelet infinitely. "Spain," said he, "can never derive benefit from Louisiana. She neither will nor can take effective measures for its colonization and culture. She has not inhabitants enough to furnish emigrants; and the religious and political principles of her government will always keep away foreigners, and even Frenchmen. Under Spanish dominion, the vast extent of territory ceded by France to Spain on the banks of the Mississippi will soon become a desert.

Bancroft, Hist. of the U.S., vol.3, p.340

"The expense of colonies is requited only by commerce; and the commerce of Louisiana, under the rigor of the Spanish prohibitive laws, will every day become more and more a nullity. Spain then will make an excellent bargain, if she accords liberty to the inhabitants of Louisiana, and permits them to form themselves into a republic. Nothing can so surely keep them from falling under English rule as making them cherish the protection of Spain and the sweetness of independence. The example of a free and happy nation, under the guardianship of two powerful monarchs, without restraint on its commerce, without any taxes but those which the wants of the state and of the common defence would require, without any dependence on Europe but for necessary protection, would be a tempting spectacle for the English colonies; and, exhibited at their very gates, would hasten the epoch of their revolution."

Bancroft, Hist. of the U.S., vol.3, p.340

But, while the statesmen of France indulged the thought of founding at New Orleans a commercial republic like Venice or Amsterdam, as a place of refuge for the discontented of every creed and tongue, Spain took counsel only of her pride. "The world must see that I," said the Catholic king, "unaided, can crush the audacity of sedition." Aware of the wishes of the French ministers, he concealed his purpose by making no military preparations at Cadiz, and despatched Alexander O'Reilly in all haste for Cuba, with orders to extirpate the sentiment of independence at New Orleans.

Bancroft, Hist. of the U.S., vol.3, p.340 - p.341

England had proved herself superior in war to the combined power of Spain and France. Could not she crush the insolent town of Boston, suppress its free schools, shut up its town-hall, sequester its liberties, drag its patriots to the gallows, and, for the life, restless enterprise, fervid charities, and liberal spirit of that moral and industrious town, substitute the monotony of obsequious obedience? England could not do what a feebler despotism might have undertaken without misgivings. She stood self-restrained. A part of the ministry wished the charter of Massachusetts abrogated; and the lawyers declared that nothing had been done to forfeit it. They clamored for judicial victims; the lawyers said that treason had not been committed. Few and fluctuating as was the opposition in parliament, they uttered the language of the British constitution when they spoke for freedom; and they divided the ministry, when they counselled moderation. England was a land of liberty and law; and the question between her and her colonies must be argued at the bar of reason. Spain could send an army and a special tribunal to sequester estates and execute patriots. England must arraign its accused before a jury; and the necessity of hunting up an enactment of Henry VIII discovered the supremacy of law, of which the petulant ministry must respect the bounds.

Bancroft, Hist. of the U.S., vol.3, p.341

The patriots of Boston were confident of recovering their rights either with the consent of England or by independence. John Adams, though anxious for advancement, scorned the service of the king; and his associates at the bar rendered "themselves unfit for the favor of government" by "abetting" "the popular party." The people of Lexington came into a resolution to drink no more tea till the unconstitutional revenue act should be repealed. On the anniversary of the repeal of the stamp act, Samuel Adams held up to public view the grievances inflicted on Americans, by combining taxation with a commercial monopoly, and enforcing both by fleets, armies, commissioners, guarda-costas, judges of the admiralty, and a host of insolent and rapacious petty officers. He pointed out, on the one hand, the weakness of Great Britain, arising from its corruption, its debt, its intestine divisions, its insufficient supply of food, its want of affiances; and, on the other, the state of the American colonies, their various climates, soils, produce, rapid increase of population, and the virtue of their inhabitants, and drew the inference that the conduct of Old England was "permitted and ordained by the unsearchable wisdom of the Almighty for hastening" American independence.

Bancroft, Hist. of the U.S., vol.3, p.342

The intrepid patriot knew the end at which he aimed; the British ministry of the moment had no system; but Thomas Pownall wrote to Cooper of Boston, describing the opinion of all parties: "We have but one word, and that is our sovereignty, and it is like some word to a madman, which, whenever mentioned, throws him into his ravings and brings on a paroxysm. The representation of New York, though carefully written, was rejected by the house of commons, because it questioned the right of parliament to tax America. But this sovereignty being asserted, the ministry of Grafton, terrified by the recovery of Chatham and by the diminution of exports, wished the controversy with the colonies well over. Hillsborough's plan for altering the charter of Massachusetts was laid aside; discretionary orders were transmitted to Gage to "send back to Halifax the two regiments, which were brought from that station, and to send two others to Ireland." Bernard was to be superseded by Hutchinson, a town-born citizen of Boston. New York was to be soothed by a confirmation of its jurisdiction over Vermont, and the permission to issue paper money; Virginia, by a more extended boundary at the West.

Bancroft, Hist. of the U.S., vol.3, p.342

At the same time, England professed to seek a good understanding with France. But Choiseul remembered too well the events of 1755, when, during peaceful negotiations and without a declaration of war, she sent out a squadron to attack French ships on their way to America. He witnessed the effort of England to counterbalance the influence of France by a northern alliance. It was Rochford's fixed desire that the empress of Russia should derive advantage from the war against the Turks, should be able to dispose of the whole North by main strength or by predominant influence, and should then enter into an alliance with the court of London.

Bancroft, Hist. of the U.S., vol.3, p.342 - p.343

"The English secretary," reasoned Choiseul, "does not look at these objects from the higher point of view, which should engage the attention of a great minister. Nothing can be more dangerous for the repose of humanity, nor more to be feared for the principal powers of Europe, than the success of the ambitious projects of Russia. Far from seeking, on such a supposition, the alliance of the empress, it would become their most essential interest to unite to destroy her preponderance. If the pretended balance of power can be annihilated, it will be by the prodigious increase of the material and moral strength of Russia. She is now laboring to enslave the North; she will next encroach on the liberty of the South, unless an effective check is seasonably put to her inordinate passion of despotism. Instead of contributing to the aggrandizement of Russia, the principal courts ought jointly to restrain her cupidity, which may in some respects realize the chimerical idea, once attributed to France, of aiming at universal monarchy."

Bancroft, Hist. of the U.S., vol.3, p.343

The rivalry of England and France met at every point; yet how changed were their relations! The cabinet of France desired to loosen the bonds that shackled trade; that of England, to hold them close. France desired the independence of all colonial possessions; England, to retain her own in complete dependence. Both needed peace; but Choiseul, fearing a rupture at any moment, "never lost out of sight that, to preserve peace, it was necessary to be in a condition to sustain a war;" while England more and more forgot that her greatness sprung from her liberty.

Bancroft, Hist. of the U.S., vol.3, p.343

The publication of American letters, which had been laid before parliament and copied for Beckford, unmasked Bernard's duplicity. The town of Boston repelled the allegation that they were held to their allegiance only by "terror and force of arms." In their representation to the king, which Barre presented, they entreated the removal of the troops, a communication of the charges against them, and an opportunity to make their defence. The council calmly and unanimously proved their own undeviating respect for law: they set in a strong light Bernard's duplicity and petty malice; his notoriously false assertions; his perpetual conspiracy for "the destruction of their constitution."

Bancroft, Hist. of the U.S., vol.3, p.343 - p.344

While the people of Massachusetts were filled with grief and indignation at the conspiracy against their charter, which was dearer to them than fortune and life, they and all the colonies, one after another, matured agreements for passive resistance to parliamentary taxation. On the tenth of April, the general assembly of New York, at the motion of Philip Livingston, thanked the merchants of the city and colony for suspending trade with Great Britain. He would next have renewed the resolves, which had occasioned the dissolution of the last assembly; but he was himself ousted from the present one, for want of a residence within the manor for which he had been returned. Yet the system of non-importation was rigorously carried out. The merchants of Philadelphia unanimously adopted the agreement, which a few months before they had declined.

Bancroft, Hist. of the U.S., vol.3, p.344

At Mount Vernon, Washington tempered yet animated his neighbors. "Our lordly masters in Great Britain," said he, "will be satisfied with nothing less than the deprivation of American freedom. Something should be done to maintain the liberty which we have derived from our ancestors. No man should hesitate a moment to use arms in defence of so valuable a blessing. Yet arms should be the last resource. We have proved the inefficacy of addresses to the throne and remonstrances to parliament; how far their attention to our rights and privileges is to be awakened by starving their trade and manufactures, remains to be tried." And, counselling with his friend George Mason, he prepared a scheme to be offered at the coming session of the Virginia house of burgesses.

Bancroft, Hist. of the U.S., vol.3, p.344

While the British ministry was palsied by indecision, Thomas Pownall urged "parliament at once, in advance of new difficulties, to repeal the act, end the controversy, and give peace to the two countries." Trecothick seconded the motion, dwelling on commercial reasons. "We will not consent," replied Lord North, "to go into the question, on account of the combinations in America. To do so would be to furnish a fresh instance of haste, impatience, levity, and fickleness. I see nothing uncommercial in making the Americans pay a duty upon tea."

Bancroft, Hist. of the U.S., vol.3, p.344 - p.345

The Rockingham party were willing that the act should remain to embarrass the ministers. Conway proposed, as a middle course, to defer its consideration to the next session. "I approve the middle course," said Beckford. "The duty upon tea, with a great army to collect it, has produced in the southern part of America only two hundred and ninety-four pounds, fourteen shillings; in the northern part, it has produced nothing." "For the sake of a paltry revenue," cried Lord Beauchamp, "we lose the affection of two millions of people." "We have trusted to terror too long," observed Jackson. "Washing my hands of the charge of severity," answered Lord North, "I will not vote for holding out hopes that may not be realized." "If you are ready to repeal this act," retorted Grenville, "why keep it in force for a single hour? You ought not to do so from anger or ill-humor. Why dally and delay in a business of such infinite importance? Why pretend that this is not the time, when the difficulty is every day increasing? If the act is wrong, or you cannot maintain it, give it up like men. If you do not mean to bind the colonies by your laws in cases of taxation, tell the Americans so fairly, and conciliate their affections." "The British administration will come to no decision," such was Du Chatelet's report to Choiseul, "till the Americans consolidate their union, and form a general plan of resistance."

Bancroft, Hist. of the U.S., vol.3, p.345

America was not alone in asserting the right of representation. In England, the freeholders of Middlesex elected Wilkes to represent their shire in parliament. The king wished him expelled; and the house of commons expelled him. The city of London made him one of its magistrates; by the unanimous vote of Middlesex, he was again returned. The house of commons voted the return to be null and void. "Supporters of the bill of rights" united to pay his debts and his election expenses. The third time his intended competitor proved too much of a craven to appear, and he was returned unanimously. Once more his election was annulled. At a fourth trial, he was opposed by Luttrell, but polled nearly three fourths of all the votes. The house of commons this time treated him as a person incapacitated to be a candidate, and admitted Luttrell. In disfranchising Wilkes by their own resolution, without authority of law, they violated the vital principle of representative government; by admitting Luttrell, they sequestered and usurped the elective franchise of Middlesex. In this way the administration of Grafton set against itself the more liberal part of parliament. It was further imperilled by the widely extending passive resistance of the Americans. Besides, Chatham might reappear; and Grafton and Camden, in their constant dread of his rebuke, insisted that some attempt should be made to conciliate the colonies.

Bancroft, Hist. of the U.S., vol.3, p.346

On the first day of May, just on the eve of the prorogation of parliament, the cabinet discussed the policy which it should definitively adopt. All agreed that the duties on the British manufactures of glass, paper, and painters' colors, were contrary to the true principles of commerce, and should be repealed: there remained of Charles Townshend's revenue act nothing but the duty on tea; and this, evaded by smuggling or by abstinence from its use, yielded in all America not fifteen hundred dollars, not three hundred pounds a year. Why should it be retained, at the cost of the affections of thirteen provinces and two millions of people? Grafton, the head of the treasury board, spoke first and earnestly for its repeal; Camden seconded him with equal vigor; Granby and Conway gave their voice and their vote on the same side; and Sir Edward Hawke, whom illness detained from the meeting, was of their opinion. Had not Grafton and Camden consented to remove Shelburne, the measure would have been carried, and American independence indefinitely postponed. But Rochford, with Gower and Weymouth, adhered to Hillsborough. The responsibility of deciding fell to Lord North. He was known to be at heart for the repeal of the tax on tea; yet his ambition and consequent desire of the favor of the king swayed him to give his deciding vote in the cabinet against the repeal.

Bancroft, Hist. of the U.S., vol.3, p.346

Neither the Bedford party nor the king meant to give up the right to tax; and they clung to the duty on tea as an evidence of lordly superiority. "We can grant nothing to the Americans," said Hillsborough, "except what they may ask with a halter round their necks." "They are a race of convicts," said the famous Samuel Johnson, "and ought to be thankful for anything we allow them short of hanging." A circular was sent forthwith to all the colonies, promising, on the part of the ministry, to lay no more taxes on America for revenue, and to repeal those on paper, glass, and colors. It was pitiful in Camden to blame the paper as not couched in terms so conciliatory as those in the minute of the cabinet, for the substance of the decision was truly given. More honeyed words would have been useless hypocrisy. When Camden acquiesced in the removal of Shelburne, he prepared his own humiliation.

Bancroft, Hist. of the U.S., vol.3, p.347

On the day of the prorogation of parliament the legislature of Virginia assembled at Williamsburg. Great men were there; some who were among the greatest—Washington, Patrick Henry, and, for the first time, Jefferson. Botetourt, who opened the session in state, was in perfect harmony with the council, received from the house of burgesses a most dutiful address, and entertained fifty-two guests at his table on the first day, and as many more on the second. He took care to make "a judicious use" of the permission which he had received to negotiate an extended boundary with the Cherokees. Presiding in the highest court in Virginia, he concurred with the council in deciding that the grant of a writ of assistance to custom-house officers was not warranted by act of parliament. But the assembly did not forget its duty, and devised a measure which became the example for the continent.

Bancroft, Hist. of the U.S., vol.3, p.347

It claimed the sole right of imposing taxes on the inhabitants of Virginia. With equal unanimity, it asserted the lawfulness and expediency of a concert of the colonies in defence of the violated rights of America. It laid bare the flagrant tyranny of applying to America the obsolete statute of Henry VIII; and it warned the king of "the dangers that would ensue" if any person in any part of America should be seized and carried beyond sea for trial. It consummated its work by communicating its resolutions to every legislature in America, and asking their concurrence. The resolves were concise, simple, and effective; so calm in manner and so perfect in substance that time finds no omission to regret, no improvement to suggest. The menace of arresting patriots lost its terrors; and Virginia's declaration and action consolidated union.

Bancroft, Hist. of the U.S., vol.3, p.347 - p.348

Is it asked who was the adviser of the measure? None can tell. Great things were done, and were done tranquilly and modestly, without a thought of the glory that was their due. Had the Ancient Dominion been silent, I will not say that Massachusetts might have faltered; but mutual trust would have been wanting. The assembly had but one mind, and their resolves were the act of Virginia. Had they been framed by the men of Massachusetts, "they could not have been better adapted to vindicate their past proceedings, and encourage them to perseverance."

Bancroft, Hist. of the U.S., vol.3, p.348

The next morning, the assembly had just time to adopt an address to the king, when the governor summoned them, and said: "I have heard of your resolves, and augur ill of their effects; you have made it my duty to dissolve you, and you are dissolved accordingly."

Bancroft, Hist. of the U.S., vol.3, p.348

Upon this, the burgesses met together as patriots and friends, with their speaker as moderator. They adopted the resolves which Washington had brought with him from Mount Vernon, and which formed a well-digested, stringent, and practicable scheme of non-importation, until all the "unconstitutional" revenue acts should be repealed. Such, too, was their zeal against the slave-trade that they made a special covenant with one another not to import any slaves, nor purchase any imported. These associations were signed by Peyton Randolph, Richard Bland, Archibald Cary, Robert Carter Nicholas, Richard Henry Lee, Washington, Carter Braxton, Henry, Jefferson, Nelson, and all the burgesses of Virginia there assembled; and were then sent throughout the country for the signature of every man in the colony.

Bancroft, Hist. of the U.S., vol.3, p.348

The voice of the Old Dominion roused the merchants of Pennsylvania to approve what had been done. The assembly of Delaware adopted the Virginia resolves word for word; and every colony south of Virginia followed the example.

Bancroft, Hist. of the U.S., vol.3, p.348 - p.349

For more than ten months, Massachusetts remained without an assembly. Of five hundred and eight votes that were cast in Boston at the ensuing choice of its representatives, Otis, Cushing, Samuel Adams, and Hancock, the old members, received more than five hundred. They were instructed to insist on the departure of the army from the town and province, and not to pay anything toward its support. Of the ninety-two representatives in the former assembly who voted not to rescind, eighty-one, probably all who were candidates, were reelected; of the seventeen rescinders, only five. Especially Salem condemned the conduct of its former representatives, and substituted two Sons of Liberty. Cambridge charged Thomas Gardner, its representative, "to use his best endeavors that all their rights might be transmitted inviolable to the latest posterity." Nor let history omit the praise of a husbandman like him; for he was rich in the virtues of daily life, of calm and modest courage, trustworthy and unassuming, and, when sent from cultivating his fields to take part in legislation, he carried to his larger task a discerning mind, a guileless heart, and fidelity even to death. The town of Roxbury recommended a correspondence between the house of representatives in Massachusetts and the assemblies of other provinces.

Bancroft, Hist. of the U.S., vol.3, p.349

Meantime, Bernard received his letters of recall. The blow came on him unexpectedly, as he was engaging settlers for his lands, and promising himself a long enjoyment of office under military protection. True to his character, he remained, to get, if he could, an appropriation for his own salary for a year, and to bequeath confusion to his successor. The legislature, before even electing a clerk or a speaker, complained to him of the presence of "the armament by sea and land, in the port and the gates of the city, during the session of the assembly." On the election of councillors, he disapproved of no less than eleven; among them, of Brattle and Bowdoin, who had been chosen by a unanimous vote. The house then considered the presence among them of troops, over whom the governor avowed that the civil power in the province did not extend. In a message to him, they represented that the employment of the military to enforce the laws was inconsistent with the spirit of a free constitution; that a standing army, in so far as it was uncontrollable by the civil government of the province, was an absolute power. Gage had at that time discretionary authority to withdraw all the forces from Boston; he had ordered two regiments to Halifax, and was disposed to send away the rest; but Bernard, after consultation with the crown officers, gave his written opinion that it would be ruinous to remove them.

Bancroft, Hist. of the U.S., vol.3, p.349 - p.350

To worry the house into voting him, on the eve of his departure, a full year's salary, he adjourned the legislature to Cambridge; the house, by a unanimous vote, one hundred and nine members being present, petitioned the king to remove him forever from the government. Another week passes. Bernard threatened to give his assent to no act which the grant of his salary did not precede. The house, disdainfully rejecting his renewed demand, adopted, nearly word for word, the three resolutions of Virginia on taxation, intercolonial correspondence, and trial by a jury of the vicinage.

Bancroft, Hist. of the U.S., vol.3, p.350

For the troops thus quartered in Boston against the will of the province, Bernard vainly demanded the appropriations which the billeting act required. "Be explicit and distinct," said he, in a second message, "that there may be no mistake." After grave deliberation in a most unusually numerous house of one hundred and seven, they made answer: "As representatives, by the royal charter and the nature of our trust, we are only empowered to grant such aids as are reasonable, of which we are free and independent judges, at liberty to follow the dictates of our own understanding, without regard to the mandates of another. As we cannot, consistently with our honor or interest, and much less with the duty we owe our constituents, so we shall NEVER make provision for the purposes mentioned in your messages.

Bancroft, Hist. of the U.S., vol.3, p.350

"To his majesty," rejoined Bernard in his last words, "and, if he pleases, to his parliament, must be referred your invasion of the rights of the imperial sovereignty. By your own acts you will be judged." And he prorogued the general court.

Bancroft, Hist. of the U.S., vol.3, p.350

Newport, Rhode Island, witnessed bolder resistance. A vessel with a cargo of prohibited goods was rescued from the revenue officers, whose ship, named Liberty, was destroyed.

Bancroft, Hist. of the U.S., vol.3, p.350

Just as this was heard of at Boston, Hillsborough's circular, promising relief from all "real" grievances and a repeal of the duties on glass, paper, and colors, as contrary to the true principles of commerce, was made public by Bernard. The merchants, assembling on the twenty-seventh of July, unanimously voted this partial repeal insufficient, since the duty reserved on tea was to save "the right" of taxing, and they resolved to send for no more goods from Great Britain, a few specified articles excepted, unless the revenue acts should be repealed. The inhabitants were to purchase nothing from violators of this engagement; the names of recusant importers were to be published, and a committee was appointed to state the embarrassments to commerce, growing out of the late regulations.

Bancroft, Hist. of the U.S., vol.3, p.350 - p.351

On the last evening of July, Bernard, having completed his pecuniary arrangements with Hutchinson, who was to be his successor, left Boston. "He was to have sent home whom he pleased," said the Bostonians; "but, the die being thrown, poor Sir Francis Bernard was the rogue to go first."

Bancroft, Hist. of the U.S., vol.3, p.351

Trained as a wrangling proctor in an ecclesiastical court, he had been as governor a quarrelsome disputant. His parsimony went to the extreme of meanness; his avarice was restless and insatiable. So long as he connived at smuggling, he reaped a harvest in that way; when Grenville's sternness inspired alarm, his greed was for forfeitures and penalties. Assuming to respect the charter, he was unwearied in zeal for its subversion; professing to the colony opposition to taxation by parliament, he most assiduously urged the measure on the ministry; asserting solemnly that he had never asked for troops, he persistently importuned for ships-of-war and an armed force. His reports were often false, partly with design, partly from the credulity of panic. He placed everything in the most unfavorable light, and was at all times ready to magnify trivial incidents into acts of treason. The officers of the army and the navy openly despised him for his cowardly duplicity. "He has essentially served us," said the clergyman Cooper; "had he been wise, our liberties might have been lost."

Bancroft, Hist. of the U.S., vol.3, p.351

As he departed, the bells were rung and cannon fired from the wharfs, Liberty Tree was gay with flags, and at night a great bonfire was kindled upon Fort Hill. When he reached England, he found that the ministry had promised the London merchants never again to employ him in America.

Chapter 27:

Growth of Republicanism in Louisiana, Kentucky, and Massachusetts,

Lord North Forms an Administration,

May 1769-January 1770

Bancroft, Hist. of the U.S., vol.3, p.352

WHILE Boston was driven toward republicanism, the enthusiasm which had made the revolution at New Orleans could not shape for that colony a tranquil existence. A new petition to France expressed the resolve of the inhabitants to preserve the dear and inviolable name of French citizens, at the peril of their lives and fortunes. They applied to the English; but the governor at Pensacola abstained from offending powers with which his sovereign was at peace. The dread of Spain inspired the design of founding a republic, with an elective council of forty and a protector. When, near the end of July, O'Reilly arrived at the Balise with an overwhelming force, despair prevailed for a moment; and white cockades were distributed by the republicans. "O'Reilly is not come to ruin the colony," said Aubry, who had received instructions to feign ingenuous candor. "If you submit," he repeated publicly and by authority, "the general will treat you with kindness, and you may have full confidence in the clemency of his Catholic majesty." These promises won faith; and, with Aubry's concurrence, a committee of three, Lafreniere for the council, Marquis for the colonists, and Milhet for the merchants, waited on O'Reilly at the Balise, to recognise his authority and implore his mercy.

Bancroft, Hist. of the U.S., vol.3, p.352

O'Reilly welcomed the deputies with the fairest promises, detained them to dine, and dismissed them confident of a perfect amnesty. Villere, who had escaped, returned to the city.

Bancroft, Hist. of the U.S., vol.3, p.352 - p.353

On the morning of the eighth of August, the Spanish squadron of four-and-twenty vessels, bearing three thousand chosen troops, anchored in front of New Orleans; before the day was over, possession was taken in behalf of the Catholic king, and the Spanish flag was raised at every post. On the twentieth, Aubry made a full report of the events of the revolution, and named its chiefs in the enterprise. "It was not easy to arrest them," wrote O'Reilly; "but I contrived to cheat their vigilance." On the twenty-first, he received at his home the principal inhabitants; and he invited the people's syndics, one by one, to pass into his private apartment. Each one accepted the invitation as a special honor, till, finding themselves assembled and alone, they showed signs of anxiety. "For me," says O'Reilly, "I now had none for the success of my plan." Entering his cabinet with Aubry and three Spanish civil officers, he spoke to those who were thus caught in his toils: "Gentlemen, the Spanish nation is venerated throughout the globe. Louisiana is the only country in the universe where it fails to meet with the respect which is its due. His Catholic majesty is greatly provoked at the violence to his governor, and at the publications outraging his government and the Spanish nation. You are charged with being the chiefs of this revolt; I arrest you in his name." The accused were conducted with ostentation to separate places of confinement; Villere, to the frigate that lay at the levee. It is the tradition that his wife vainly entreated admission to him; that Villere, hearing her voice, demanded to see her; became frantic with love, anger, and grief, struggled with his guard, and fell dead from passion or from their bayonets. The official report sets forth that he did not survive the first day of bondage.

Bancroft, Hist. of the U.S., vol.3, p.353

The unexpected blow spread consternation. An amnesty for the people reserved the right of making further arrests. On the twenty-sixth and the following days, the inhabitants of New Orleans and its vicinity took the oath of allegiance to the Catholic king.

Bancroft, Hist. of the U.S., vol.3, p.353 - p.354

Nearly two months passed in collecting evidence against the devoted victims. They denied the jurisdiction of the Spanish tribunal over actions done under the flag of France during the prevalence of French laws. But the estates of the twelve, who were the richest and most considerable men in the province, were confiscated in whole or in part for the benefit of the officers employed in the trial; six were sentenced to imprisonment for six or ten years, or for life; the memory of Villere was declared infamous; the remaining five, Lafreniere, his young son-in-law Noyau, Caresse, Marquis, and Joseph Milhet, were condemned to be hanged.

Bancroft, Hist. of the U.S., vol.3, p.354

The citizens of New Orleans entreated time for a petition to Charles III; the wives, daughters, and sisters of those who had not shared in the revolution appealed to O'Reilly for mercy, but without effect. Tradition will have it that the young and gallant Noyau, newly married, might have escaped; but he refused to fly from his associates. On the twenty-fifth of October, the five martyrs to their love of France and liberty were brought forth pinioned, and, in presence of the troops and the people, were shot. "At length," said O'Reilly, "the insult done to the king's dignity and authority in this province is repaired. The example now given can never be effaced." Spaniards, as well as men of other nations, censured the sanguinary revenge. In the parishes of Louisiana, O'Reilly was received with silent submission. The king of Spain approved his acts. By the intervention of France, the six prisoners were set free.

Bancroft, Hist. of the U.S., vol.3, p.354

The census of the city of New Orleans showed a population of eighteen hundred and one white persons, thirty-one free blacks, sixty-eight free persons of mixed blood, sixty domiciliated Indians, and twelve hundred and twenty-five slaves: in all, three thousand one hundred and ninety souls. The population in the valley of the Mississippi, then subject to the Spanish sway, is estimated at thirteen thousand five hundred. The privileges granted by France were abolished, and the colony was organized like other possessions of Spain. But Spain willingly kept New Orleans depressed, that it might not attract the cupidity of England.

Bancroft, Hist. of the U.S., vol.3, p.354 - p.355

The settlement of the wilderness was promoted by native pioneers. Jonathan Carver, of Connecticut, had in three former years explored the borders of Lake Superior, and the country of the Sioux beyond it; had obtained more accurate accounts of the Great River, which bore, as he reported, the name of Oregon and flowed into the Pacific; and he returned to celebrate the richness of the copper mines of the North-west; to recommend English settlements on the western extremity of the continent; and to propose opening, by aid of lakes and rivers, a passage to the Pacific, as the best route for communicating with China and the East Indies.

Bancroft, Hist. of the U.S., vol.3, p.355

Illinois invited emigrants more than ever, for its aboriginal inhabitants were fast disappearing. In April 1769, Pontiac had been assassinated by an Illinois Indian, in time of peace; the Indians of the North-west sent belts to all the nations to avenge the murder. In vain did five or six hundred of the Illinois crowd for protection round the walls of Fort Chartres; the ruthless spirit of reciprocal slaughter was not appeased till the Illinois tribes were nearly all exterminated.

Bancroft, Hist. of the U.S., vol.3, p.355

Connecticut, which at this time was exercising a disputed jurisdiction in the valley of Wyoming, did not forget that by its charter its possessions extended indefinitely to the west; and a company of "military adventurers," headed by one of its most intelligent sons, was soliciting leave from England to found a colony on the Mississippi.

Bancroft, Hist. of the U.S., vol.3, p.355 - p.356

In his peaceful habitation on the banks of the Yadkin, in North Carolina, Daniel Boone had heard Finley, the memorable pioneer trader, describe a tract of land west of Virginia as the richest in North America, or in the world. In May 1769, having Finley as his pilot, and four others as companions, the young man, then about three-and-twenty, leaving his wife and offspring, wandered forth "in quest of the country of Kentucky," midway between the subjects of the Five Nations and the Cherokees, known to the savages as "the Dark and Bloody Ground." After a fatiguing journey through mountain ranges, the party found themselves in June on the Red river, a tributary of the Kentucky, and from the top of an eminence they surveyed with delight the beautiful plain that stretched to the north-west. Here they built their shelter, and began to reconnoitre the country and to hunt. All the kinds of wild beasts that were natural to America—the stately elk, the timid deer, the antlered stag, the wild-cat, the bear, the panther, and the wolf—couched among the canes, or roamed over the rich grasses which sprung luxuriantly even beneath the thickest shade. The buffaloes cropped fearlessly the herbage, or browsed on the leaves of the reed; sometimes there were hundreds in a drove, and round the salt licks their numbers were amazing.

Bancroft, Hist. of the U.S., vol.3, p.356

The summer, in which for the first time a party of white men remained near the Elkhorn, passed away in explorations and the chase. But Boone's companions dropped off, till he was left alone with John Stewart. These two found unceasing delight in the wonders of the forest, till one evening, near Kentucky river, they were taken prisoners by a band of Indians, wanderers like themselves. They escaped, and were joined by Boone's brother; so that, when Stewart was soon after killed by savages, the first among the hecatombs of white men slain by them in their desperate battling for the lovely hunting-ground, Boone still had his brother to share with him the building and occupying of the first cottage in Kentucky.

Bancroft, Hist. of the U.S., vol.3, p.356

In the spring of 1770, that brother returned to the settlements for horses and supplies of ammunition, leaving the renowned hunter "by himself, without bread, or salt, or sugar, or even a horse, or a dog." "The idea of a beloved wife," anxious for his safety, tinged his thoughts with sadness; but otherwise the cheerful, meditative man, careless of wealth, knowing the use of the rifle, though not the plough, of a strong, robust frame, in the vigorous health of early manhood, ignorant of books, but versed in forest life, ever fond of tracking the deer on foot, away from men, yet in his disposition humane, generous, and gentle, was happy in the uninterrupted succession "of sylvan pleasures."

Bancroft, Hist. of the U.S., vol.3, p.356

He held unconscious intercourse with beauty

Old as creation.

Bancroft, Hist. of the U.S., vol.3, p.356 - p.357

One calm summer's evening, as he climbed a commanding ridge, and looked out upon remote "venerable mountains," the nearer ample plains, and the distant Ohio, his heart overflowed with gladness for the beautiful land which he had found. "All things were still." Not a breeze so much as shook a leaf. Kindling a fire near a fountain of sweet water, he feasted on the loin of a buck. He was no more alone than a bee among flowers, but communed familiarly with the whole universe of life. Nature was his intimate; and, as the contemplative woodsman leaned trustingly on her bosom, she responded to his love. For him, the rocks and the crystal Springs, the leaf and the blade of grass, had life; the cooling air, laden with the wild perfume, came to him as a friend; the dewy morning wrapped him in its embrace; the trees stood up gloriously round about him, as so many myriads of companions. How could he be afraid? Triumphing over danger, he knew no fear. The nightly howling of the wolves, near his cottage or his bivouac in the brake, was his diversion; and by day he had joy in surveying the various species of animals that neighbored him. He loved the solitude better than the thrifty hamlet or rivalry with men. Near the end of July 1770, his faithful brother came back to him at the old camp; and they proceeded together to Cumberland river, giving names to the different waters. He then returned to his wife and children, fixed in his purpose, at the risk of life and fortune, to move them as soon as possible to Kentucky, which he held to be a second paradise.

Bancroft, Hist. of the U.S., vol.3, p.357

Unlike this guileless rover were the plotters against Boston. "The lieutenant-governor well understands my system," wrote Bernard to Hillsborough, as he transferred his government. Hutchinson was descended from one of the earliest settlers of Massachusetts, and loved the land of his birth. A native of Boston, he was its representative for ten years, during three of which he was speaker of the assembly; for more than ten other years he was a member of the council, as well as judge of probate; since June 1758, he had been lieutenant-governor, and since September 1760, chief justice also; and twice he had been chosen colonial agent. No man was so experienced in the affairs of the colony, or so familiar with its history, usages, and laws. In the legislature, he had assisted to raise the credit of Massachusetts by substituting hard money for a paper currency. As a judge, though he decided political questions with the subserviency of a courtier, yet, in approving wills, he was considerate toward the orphan and the widow, and he heard private suits with unblemished integrity. In adjusting points of difference with a neighboring jurisdiction, he was faithful to the province by which he was employed. His advancement to administrative power was fatal to Britain and to himself; for the love of money, which was his ruling passion in youth, had grown with his years.

Bancroft, Hist. of the U.S., vol.3, p.357 - p.358

A nervous timidity, which was a part of his nature, had been increased by age as well as by the riots on account of the stamp act, and at times made him false to his employers. While he cringed to the minister, he trembled before the people. At Boston, he professed zeal for the interests and liberties of the province; had at one time courted its favor by denying the right of parliament to tax America either internally or externally; and had argued with conclusive ability against the expediency and the equity of such a measure. He now redoubled his attempts to deceive; wrote patriotic letters which he never sent, but read to those about him as evidence of his good-will; and professed even to have braved hostility in England for his attachment to colonial liberties while he secretly gave in his adhesion to the absoluteness of metropolitan authority, and suggested a system of coercive measures, which England gradually and reluctantly adopted.

Bancroft, Hist. of the U.S., vol.3, p.358 - p.359

Wherever the colony had a friend, he would set before him such hints as might incline him to harsh judgments. Even to Franklin he vouched for the tales of Bernard as "most just and candid." He paid court to the enemies of American liberty by stimulating them to the full indulgence of their malignity. He sought out great men, and those who stood at the door of great men, the underlings of Grenville or Hillsborough or Jenkinson or the king, and urged incessantly the bringing on of the crisis by the immediate intervention of parliament. He advised the change of the charter of the province, as well as of those of Rhode Island and Connecticut; the dismemberment of Massachusetts; the diminution of the liberties of New England towns; the establishment of a citadel within the town of Boston; the stationing of a fleet in its harbor; the experiment of martial law; the transportation of "incendiaries" to England; the prohibition of the New England fisheries; with other measures, like closing the port of Boston, which he dared not trust to paper, and recommended only by insinuations and verbal messages. At the same time, he entreated the concealment of his solicitations. "Keep secret everything I write," said he to Whately, his channel for communicating with Grenville. "I have never yet seen any rational plan for a partial subjection," he writes to Jenkinson's influential friend, Mauduit, whom he retained as his own agent; "my sentiments upon these points should be concealed." Though he kept back many of his thoughts, he begged Bernard to burn his letters. "It will be happy if, in the next session, parliament make thorough work," he would write to the secretary of the board of trade; and then "caution" him to "suffer no parts of his letters to transpire." "I humbly entreat your lordship that my letters may not be made public," was his ever renewed prayer to successive secretaries of state, so that he conducted the government like one engaged in a conspiracy. But some of his letters could hardly fail to be discovered; and then it would be disclosed that he had laid snares for the life of patriots, and had urged the "thorough" overthrow of English liberty in America.

Bancroft, Hist. of the U.S., vol.3, p.359

In New York, where the agreement of non-importation originated, every one, without so much as a single dissentient, approved it as wise and legal; men in high stations declared against the revenue acts; and the governor wished their repeal. His acquiescence in the associations for coercing that repeal led the moderate men among the patriots of New York to plan a union of the colonies in an American parliament, preserving the governments of the several colonies, and having the members of the general parliament chosen by their respective legislatures. Their confidence of immediate success assisted to make them alike disinclined to independence, and confident of bringing England to reason by suspending trade.

Bancroft, Hist. of the U.S., vol.3, p.359

The people of Boston, stimulated by the scrupulous fidelity of New York, were impatient that a son of Bernard, two sons of Hutchinson, and about five others, would not accede to the agreement. At a meeting of merchants in Faneuil Hall, Hancock proposed to send for Hutchinson's two sons, hinting what was true, that their father was a partner with them in their late importations of tea. As the best means of coercion, it was voted not to purchase anything of the recusants; subscription papers to that effect were carried round from house to house, and everybody signed them.

Bancroft, Hist. of the U.S., vol.3, p.359 - p.360

The anniversary of the fourteenth of August was commemorated with unusual solemnity. Three or four hundred dined together in the open field at Dorchester; and, since the ministry had threatened the leading patriots with death for treason, the last of their forty-five toasts was: "Strong halters, firm blocks, and sharp axes, to such as deserve them." The famous liberty song was sung, and all the company with one heart joined in the chorus. At five in the afternoon they returned in a procession a mile and a half long, entered the town before dark, marched round the state-house, and quietly retired each to his own home.

Bancroft, Hist. of the U.S., vol.3, p.360

Incensed at having been aspersed by the public officers in Boston in letters which had been laid before parliament, Otis, who was become almost irresponsible from his nearness to insanity, provoked an affray, in which he, being alone, was set upon by one of the commissioners of the customs, aided by bystanders, and was grievously injured by a blow on the head.

Bancroft, Hist. of the U.S., vol.3, p.360

Early in October, a vessel, laden with goods shipped by English houses themselves, arrived at Boston. The military officers stood ready to protect the factors; but Hutchinson permitted the merchants to reduce the consignees to submission, and even directed his two sons to give up eighteen chests of tea, and enter fully into the agreement. Only four merchants held out; and their names, with those of the two sons of Hutchinson, whose sincerity was questioned, remain inscribed as infamous in the journals of the town of Boston. On the fifteenth, another ship arrived; again the troops looked on as bystanders, and witnessed the victory of the people.

Bancroft, Hist. of the U.S., vol.3, p.360

New York next invited Boston to extend the agreement against importing until every act imposing duties should be repealed; and on the seventeenth, by the great influence of Molineux, Otis, Samuel Adams, and William Cooper, this new form was adopted.

Bancroft, Hist. of the U.S., vol.3, p.360 - p.361

On the eighteenth, the town, summoned together by lawful authority, made their "Appeal to the World." They refuted and covered with ridicule "the false and malicious aspersions" of Bernard, Gage, Hood, and the revenue officers; and adopted the language and intrepidity of Samuel Adams as their own. "A legal meeting of the town of Boston," these were their words, "is an assembly where a noble freedom of speech is ever expected and maintained; where men think as they please and speak as they think. Such an assembly has ever been the dread, often the scourge of tyrants. We should yet be glad that the ancient and happy union between Great Britain and this country might be restored. The taking off the duties on paper, glass, and painters' colors, upon commercial principles only, will not give satisfaction. Discontent runs through the continent upon much higher principles. Our rights are invaded by the revenue acts; therefore, until they are ALL repealed," "and the troops recalled," "the cause of our just complaints cannot be removed."

Bancroft, Hist. of the U.S., vol.3, p.361

To meet this fearless and candid declaration, Hutchinson, through secret channels, sent word to Grenville, to Jenkinson and Hillsborough, that all would be set right if parliament, within the first week of its session, would change the municipal government of Boston, incapacitate its patriots to hold any public office, and restore the vigor of authority by decisive action. But, foreseeing the inaction of parliament, he wrote orders for a new and large supply of teas for his sons'shop; and instructed his correspondent how to send them to market, so as to elude the vigilance of the Boston committees.

Bancroft, Hist. of the U.S., vol.3, p.361

On the twenty-eighth, a great multitude of people laid hold of an informer, besmeared him with tar and feathers, and, with the troops under arms as spectators, carted him through the town, which was illuminated for the occasion. Dalrymple and the two British regiments could not interfere unless Hutchinson should give the word. Terrified by the commotions, the only importers who had continued to stand out capitulated.

Bancroft, Hist. of the U.S., vol.3, p.361

The local magistrates put the soldiers on trial for every transgression of the provincial laws. "If they touch you, run them through the bodies," said a captain in the twenty-ninth regiment to his soldiers, and he was indicted for the speech. In November, a true bill was found by the grand jury against Thomas Gage, as well as many others, "for slandering the town of Boston." "A military force," Hutchinson owned, "was of no sort of use," and was "perfectly despised." "Troops," said Samuel Adams, "which have heretofore been the terror of the enemies to liberty, parade the streets to become the objects of the contempt even of women and children." The menace that he and his friends should be arrested and shipped to England was no more heeded than idle words.

Bancroft, Hist. of the U.S., vol.3, p.361 - p.362

But a different turn was given to public thought when Botetourt communicated to the assembly of Virginia the ministerial promises of a partial repeal of Townshend's taxes, and with the most solemn asseverations abdicated in the king's name all further intentions of taxing America, adding "that his majesty would rather forfeit his crown than keep it by deceit." The council, in its reply, advised the entire repeal of the existing taxes; the burgesses expressed their gratitude for "information sanctified by the royal word," and considered the king's influence to be pledged "toward perfecting the happiness of all his people." Botetourt was so pleased with their address that he praised their loyalty, and wished them freedom and happiness "till time should be no more."

Bancroft, Hist. of the U.S., vol.3, p.362

The flowing and positive assurances of Botetourt encouraged the expectation that the unproductive tax on tea would be given up; such was his wish; and such the advice of Eden, the new lieutenant-governor of Maryland. To the legislature of New York, Colden, who, on the death of Moore, administered the government, announced "the greatest probability that the late duties imposed by the authority of parliament, so much to the dissatisfaction of the colonies, would be taken off in the ensuing session." The confident promise confirmed the loyalty of the house, though, by way of caution, they adopted and put upon their journals the resolves of Virginia.

Bancroft, Hist. of the U.S., vol.3, p.362

In the seeming tendency to conciliation, the merchants of Boston, seeing that those of Philadelphia confined their agreement for non-importation to the repeal of Townshend's act, gave up their more extensive covenant, and, for the sake of union, reverted to their first stipulations. In the billeting act, the legislature of New York, gratified at the leave to issue bills of credit, sanctioned a compromise by a majority of one.

Bancroft, Hist. of the U.S., vol.3, p.362

So all America confined its issue with Great Britain to the repeal of the act imposing a duty on tea. "Will not a repeal of all other duties satisfy the colonists?" asked one of the ministerial party, of Franklin, in London. And he answered: "I think not; it is not the sum paid in the duty on tea that is complained of as a burden, but the principle of the act, expressed in the preamble."

Bancroft, Hist. of the U.S., vol.3, p.362 - p.363

The question was not a narrow colonial one respecting threepence a pound duty on tea; it involved the reality of representative government. As the cause of the people was everywhere the same, South Carolina in December remitted to London ten thousand five hundred pounds currency to the society for supporting the bill of rights, that the liberties of Great Britain and America might alike be protected.

Bancroft, Hist. of the U.S., vol.3, p.363

In Ireland, Bushe, the friend of Grattan, in imitation of Molineux, published "The Case of Great Britain and America," with a vehement invective against Grenville. "Hate him," said he to Grattan; "I hope you hate him." It was Grenville's speeches and Grenville's doctrine "that roused Grattan to enter on his great career in Ireland." In the history of the English people, this year marks the establishment of public meetings, under the lead of Yorkshire. The principle of representation, trampled upon by a venal parliament, was to be renovated by the influence of voluntary assemblies. "Can you conceive," wrote the anonymous Junius to the king, "that the people of this country will long submit to be governed by so flexible a house of commons? The oppressed people of Ireland give you every day fresh marks of their resentment. The colonists who left their native land for freedom and found it in a desert are looking forward to independence."

Bancroft, Hist. of the U.S., vol.3, p.363

The meeting of parliament in January 1770 would decide whether the British empire was to escape dismemberment. Chatham recommended to the more liberal aristocracy the junction with the people, which, after sixty years, achieved the reform of the British constitution; but in that day it was opposed by the passions of Burke and the reluctance of the highborn.

Bancroft, Hist. of the U.S., vol.3, p.363 - p.364

The debate on the ninth turned on the rights of the people, and involved the complaints of America and of Ireland, not less than the disfranchisement of Wilkes. "It is vain and idle to found the authority of this house upon the popular voice," said Jenkinson. "The discontents that are held up as spectres," said Thomas de Grey, brother of the attorney-general," are the senseless clamors of the thoughtless and the ignorant, the lowest of the rabble. The Westminster petition was obtained by a few despicable mechanics headed by baseborn people." "The privileges of the people of this country," interposed Sergeant Glynn, "do not depend upon birth and fortune; they hold their rights as Englishmen, and cannot be divested of them but by the subversion of the constitution." "Were it not for petition hunters and incendiaries," said Rigby, "the farmers of Yorkshire could not possibly take an interest in the Middlesex election of representatives in parliament. The majority, even of the freeholders, is no better than an ignorant multitude."

Bancroft, Hist. of the U.S., vol.3, p.364

Up rose the representative of Yorkshire, "the spotless" Sir George Saville. "The greatest evil," said be, "that can befall this nation is the invasion of the people's rights by the authority of this house. I do not say that the majority have sold the rights of their constituents; but I do say, I have said, and I shall always say, that they have betrayed them. The people understand their own rights and know their own interests as well as we do; for a large paternal estate, a pension, and support in the treasury are greater recommendations to a seat in this assembly than either the honesty of the heart or the clearness of the head."

Bancroft, Hist. of the U.S., vol.3, p.364

Gilmour invited censure on such unprecedented expressions; Conway excused them as uttered in heat. "I am not conscious," resumed Saville, "that I have spoken in heat; if I did, I have had time to cool, and I again Say, as I said before, that this house has betrayed the rights of its constituents." "In times of less licentiousness," rejoined Gilmour, "members have been sent to the Tower for words of less offence." "The mean consideration of my own safety," answered Saville, "shall never be put in the balance against my duty to my constituents. I will own no superior but the laws, nor bend the knee to any but to Him who made me."

Bancroft, Hist. of the U.S., vol.3, p.364 - p.365

The accusation which Saville brought against the house of commons was the gravest that could be presented; if false, was an outrage, in comparison with which that of Wilkes was a trifle. But Lord North bore the reproach meekly, and soothed the majority into quietude. The debate proceeded, and presently Barre spoke: "The people of England know, the people of Ireland know, and the American people feel, that the iron hand of ministerial despotism is lifted up against them; but it is not less formidable against the prince than against the people." "The trumpeters of sedition have produced the disaffection," replied Lord North, speaking at great length. "The drunken ragamuffins of a vociferous mob are exalted into equal importance with men of judgment, morals, and property. I can never acquiesce in the absurd opinion that all men are equal. The contest in America, which at first might easily have been ended, is now for no less than sovereignty on one side, and independence on the other." The ministry, though vanquished in the argument, carried the house by a very large majority.

Bancroft, Hist. of the U.S., vol.3, p.365

In the house of lords, Chatham, whose voice had not been heard for three years, proposed to consider the causes of the discontent which prevailed in so many parts of the British dominions. "I have not," said he, "altered my ideas with regard to the principles upon which America should be governed. I own I have a natural leaning toward that country; I cherish liberty wherever it is planted. America was settled upon ideas of liberty, and the vine has taken deep root and spread throughout the land. Long may it flourish. Call the combinations of the Americans dangerous, yet not unwarrantable. The discontent of two millions of people should be treated candidly; and its foundation removed. Let us save this constitution, dangerously invaded at home, and extend its benefits to the remotest corners of the empire. Let slavery exist nowhere among us; for whether it be in America, or in Ireland, or here at home, you will find it a disease which spreads by contact, and soon reaches from the extremity to the heart." Camden, whom Chatham's presence awed more than office attracted, awoke to his old friendship for America, and by implication accused his colleagues of conspiring against the liberties of the country.

Bancroft, Hist. of the U.S., vol.3, p.365 - p.366

Lord Mansfield, whose reply to Chatham "was a master piece of art and address," declined giving an opinion on the legality of the proceedings of the house of commons in reference to the Middlesex election, but contended that, whether they were right or wrong, the jurisdiction in the case belonged to them, and from their decision there was no appeal. "I distrust," rejoined Chatham, "the refinements of learning, which fall to the share of so small a number of men. Providence has taken better care of our happiness, and given us, in the simplicity of common sense, a rule for our direction by which we shall never be misled." The words were revolutionary. Scotland, in unconscious harmony with Kant and the ablest minds in Germany, was renovating philosophy by the aid of common sense and reason; Chatham transplanted the theory, so favorable to democracy, into the halls of legislation. "Power without right," he continued, aiming his invective at the venal house of commons, "is a thing hateful in itself, and ever inclining to its fall. Tyranny is detestable in every shape; but in none so formidable as when it is assumed and exercised by a number of tyrants." Though the house of lords opposed him by a vote of more than two to one, the ministry was shattered; and Chatham, feeble and emaciated as he was, sprang forward with the party of Rockingham, to beat down the tottering system, and raise on its ruins a government more friendly to liberty.

Bancroft, Hist. of the U.S., vol.3, p.366

But the king was the best politician of them all. Dismissing Camden, he sent an offer of the chancellor's place to Charles Yorke, who was of the Rockingham connection. Yorke had long coveted the high dignity beyond anything on earth. Now that it was within his reach, he vacillated, wished delay, and put the temptation aside. "If you will not comply," said the king, "it must make an eternal breach between us." Yorke gave way, was reproached by Hardwicke his brother, and by Rockingham; begged his brother's forgiveness, kissed him, and parted friends; and then, with a fatal sensibility to fame, went home to die by his own hand. His appalling fate dismayed the ministry.

Bancroft, Hist. of the U.S., vol.3, p.366 - p.367

On the twenty-second, Rockingham, overcoming his nervous weakness, summoned resolution to make a long speech in the house of lords in favor of restraining the royal prerogative by privilege. While the leader of the great whig party cherished no hope of improvement from any change in the forms of the constitution, Chatham, once more the man of the people, rose to do service to succeeding generations. "Whoever," said he, "understands the theory of the English constitution, and will compare it with the fact, must see at once how widely they differ. We must reconcile them to each other, if we wish to save the liberties of this country. The constitution intended that there should be a permanent relation between the constituent and representative body of the people. As the house of commons is now formed, that relation is destroyed;" and he proceeded to open, as the mature result of long reflection, a most cautious beginning of parliamentary reform. The reform of the English parliament! How much must take place before that event can come about!

Bancroft, Hist. of the U.S., vol.3, p.367

Shrinking from the storm, Grafton threw up his office. The king affected regret, but was prepared for it. He would not hear of frying Rockingham and his friends; and "as for Chatham," said he, "I will abdicate the crown sooner than consent to his requirements." Before the world knew of the impending change, he sent Weymouth and Gower, of the Bedford party, "to press Lord North in the most earnest manner to accept the office of first lord commissioner of the treasury," preceding their visit by a friendly autograph note of his own. Lord North did not hesitate; and the king exerted all his ability and his ten years' experience to establish his choice.

Bancroft, Hist. of the U.S., vol.3, p.367

On the last day of January, the new prime minister, amid great excitement and the sanguine hopes of the opposition, appeared in the house of commons. "The ship of state," said Barre, "tossed on a stormy sea, is scudding under a jury-mast, and hangs out signals for pilots from the other side." "The pilots on board are very capable of conducting her into port," answered North; and he prevailed by a majority of forty. "A very handsome majority," said the king; "a very favorable auspice on your taking the lead in administration. A little spirit will soon restore order in my service." From that night the new tory party ruled the cabinet. Its opponents were divided between those who looked back to privilege as their harbor of refuge, and those who looked forward to an increase of popular power.

Chapter 28:

The Boston "Massacre,"

Lord North's Administration,

January-March 1770

Bancroft, Hist. of the U.S., vol.3, p.368

"THE troops must move to the castle," said Samuel Adams; "it must be the first business of the general court to move them out of town." Otis went about declaiming that "the governor had power to do it by the constitution." "We consider this metropolis, and indeed the whole province, under duress," wrote Cooper, the minister. "The troops greatly corrupt our morals, and are in every sense an oppression;" and his New Year's prayer to heaven asked deliverance from their presence.

Bancroft, Hist. of the U.S., vol.3, p.368

The Massachusetts assembly was to meet on the tenth of January, and distant members were on their journey, when Hutchinson suddenly prorogued it to the middle of March. The delay prevented any support of its petition against Bernard. The reason assigned for the prorogation was neither the good of the colony nor the judgment of the lieutenant-governor, but a pretended instruction from Hillsborough; and of such an instruction, if it had existed, Samuel Adams denied the validity.

Bancroft, Hist. of the U.S., vol.3, p.368 - p.369

The spirit of non-importation had not abated; yet, as tea had advanced one hundred per cent, Hutchinson, who was himself a very large importer of it, could no longer restrain his covetousness. His two eldest sons, therefore, who were his agents, violating their engagement, broke open the lock, of which they had given the key to the committee of merchants, and secretly made sales. "Do they imagine," asked Samuel Adams, "they can still weary the patience of an injured country with impunity?" and avowing that, in the present case, the will of society was not declared in its laws, he called not on the merchants only, but on every individual of every class in city and country, to compel the strictest adherence to the agreement. "This," said Bernard's friends, "is as good a time as any to call out the troops;" for they thought it best to bring matters "to extremities," and Dalrymple ordered his men to equip themselves with twelve rounds for an attack.

Bancroft, Hist. of the U.S., vol.3, p.369

The merchants, in pursuance of a vote at a very full meeting, went in a body to the house of the Hutchinsons. Allowing none of them to enter, the lieutenant-governor himself threw up a window, and pretended to charge them with a tumultuous and menacing application to him as chief magistrate. "We come," they answered, "to treat with your sons, who have violated their own contract, to which they had pledged their honor." "A contract," answered Hutchinson, from the window, "without a valuable consideration is not valid in law;" but he remained in great perplexity, fearing loss of property by riot. Early the next morning, he sent for the upright William Phillips, the moderator of the meeting, and engaged for his sons to deposit the price of the tea that had been sold, and to return the rest. The capitulation was reported to the meeting, and accepted.

Bancroft, Hist. of the U.S., vol.3, p.369 - p.370

"He has now thrown down the reins into the hands of the people," cried the customs' commissioners, "and he can never recover them." "I am a ruined man," said he, despondingly, to Phillips. "I humbly hope," thus he wrote to those who dealt out offices in London, "that a single error in judgment will not cancel more than thirty years' laborious and disinterested services in support of government." He looked to his council; and they would take no part in breaking up the system of non-importation. He called in all the justices who lived within fifteen miles; and they thought it not incumbent on them to interrupt the proceedings. He sent the sheriff into the adjourned meeting of the merchants with a letter to the moderator, requiring them in his majesty's name to disperse; and the meeting, of which justices of peace, selectmen, representatives, constables, and other officers made a part, sent him an answer that their assembly was warranted by law. He saw that the answer was in Hancock's handwriting; and he treasured up the autograph, to be produced should Hancock one day be put on trial.

Bancroft, Hist. of the U.S., vol.3, p.370

"It is hard," said Trumbull, governor of Connecticut, "to break connections with our mother country; but, when she strives to enslave us, the strictest union must be dissolved. The accomplishment of some notable prophecies is at hand."

Bancroft, Hist. of the U.S., vol.3, p.370

The liberty pole raised by the people of New York in the Park stood safely for nearly three years. The soldiery, in February, resolved to cut it down, and, after three repulses, succeeded. The people, assembling in the fields to the number of three thousand, and, without planning retaliation, expressed abhorrence of the soldiers, as enemies to the constitution and to the peace of the city. The soldiers replied by an insulting placard; and, on two successive days, engaged in an affray with the citizens, in which the latter had the advantage. The newspapers loudly celebrated the victory; and the Sons of Liberty, purchasing a piece of land near the junction of Broadway and the high road to Boston, erected a pole, strongly guarded by iron bands and bars, and inscribed "Liberty and Property." At the same time, Macdougall, son of a Presbyterian of the Scottish isle of Ila having publicly censured the act of the assembly in voting supplies to the troops, was indicted for a libel; and, refusing to give bail, this "first Son of Liberty in bonds for the glorious cause" was visited by such throngs in his prison that he was obliged to appoint hours for their reception.

Bancroft, Hist. of the U.S., vol.3, p.370 - p.371

The men of Boston emulously applauded the spirit of the "Yorkers." Hatred of the parliament's taxes spread into every social circle. One week three hundred wives of Boston, the next a hundred and ten more, with one hundred and twenty-six of the young and unmarried of their sex, renounced the use of tea till the revenue acts should be repealed. How could the troops interfere? Everybody knew that it was against the law for them to fire without the authority of a civil magistrate; and the more they paraded with their muskets and twelve rounds of ball, the more they were despised, as men who desired to terrify and had no power to harm. Hutchinson was taunted with wishing to destroy town-meetings, through which he himself had risen; and the press, calling to mind his days of shopkeeping, jeered him as in former days a notorious smuggler.

Bancroft, Hist. of the U.S., vol.3, p.371

Theophilus Lillie, who had begun to sell contrary to the agreement, found a post planted before his door, with a hand pointed toward his house in derision. Richardson, an informer, asked a countryman to break the post down by driving the wheel of his cart against it. A crowd of boys chased Richardson to his own house and threw stones. Provoked but not endangered, he fired among them, and killed a boy of eleven years old, the son of a poor German. At his funeral, five hundred children walked in front of the bier; six of his school-fellows held the pall; and men of all ranks moved in procession from Liberty Tree to the town-house, and thence to the "burying-place." Soldiers and officers looked on with wounded pride. Dalrymple was impatient to be set to work in Boston, or to be ordered elsewhere. The common soldiers of the twenty-ninth regiment were notoriously bad fellows, licentious and overbearing. "I never will miss an opportunity of firing upon the inhabitants," said one of them, Kilroi by name. It was a common feeling in the regiment. A year and a half's training had perfected the people in their part. It was no breach of the law for them to express contempt for the soldiery; they were ready enough to confront them, but they were taught never to do it, except to repel and attack. If any of the soldiers broke the law, which they often did, complaints were still made to the local magistrates, who were ever ready to afford redress. On the other hand, the officers screened their men from legal punishment, and sometimes even rescued them from the constables.

Bancroft, Hist. of the U.S., vol.3, p.371

On Friday, the second day of March, a soldier of the twenty-ninth asked to be employed at Gray's rope-walk, and was repulsed in the coarsest words. He then defied the rope-makers to a boxing match; and, one of them accepting his challenge, he was beaten off. Returning with several of his companions, they too were driven away. A larger number came down to renew the fight with clubs and cutlasses, and in their turn encountered defeat. By this time, Gray and others interposed, and for that day prevented further disturbance.

Bancroft, Hist. of the U.S., vol.3, p.371 - p.372

At the barracks, the soldiers inflamed each other's passions, as if the honor of the regiment were tarnished. On Saturday, they prepared bludgeons, and, being resolved to brave the citizens on Monday night, they forewarned their particular acquaintances not to be abroad. Without duly restraining his men, Carr, the lieutenant-colonel of the twenty-ninth, made complaint to the lieutenant-governor of the insult they had received. The council, deliberating on Monday, seemed of opinion that the town would never be safe from quarrels between the people and the soldiers, as long as soldiers should be quartered among them. In the present case, the owner of the ropewalk gave satisfaction by dismissing the workman complained of. The officers should, on their part, have kept their men within the barracks after nightfall; instead of it, they left them to roam the streets. Hutchinson should have insisted on measures of precaution; but he too much wished the favor of all who had influence at Westminster.

Bancroft, Hist. of the U.S., vol.3, p.372

The evening of the fifth came on. The young moon was shining in a cloudless winter sky, and its light was increased by a new-fallen snow. Parties of soldiers were driving about the streets, making a parade of valor, challenging resistance, and striking the inhabitants indiscriminately with sticks or sheathed cutlasses.

Bancroft, Hist. of the U.S., vol.3, p.372

A band, which poured out from Murray's barracks in Brattle street, armed with clubs, cutlasses, and bayonets, provoked resistance, and a fray ensued. Ensign Maul, at the gate of the barrack yard, cried to the soldiers: "Turn out, and I will stand by you; kill them; stick them; knock them down; run your bayonets through them." One soldier after another levelled a firelock, and threatened to "make a lane" through the crowd. Just before nine, as an officer crossed King street, now State street, a barber's lad cried after him: "There goes a mean fellow who hath not paid my master for dressing his hair;" on which the sentinel, stationed at the westerly end of the custom house, on the corner of King street and Exchange lane, left his post, and with his musket gave the boy a stroke on the head that made him stagger and cry for pain.

Bancroft, Hist. of the U.S., vol.3, p.372 - p.373

The street soon became clear, and nobody troubled the sentry, when a party of soldiers issued violently from the main guard, their arms glittering in the moonlight, and passed on, hallooing: "Where are they? where are they? Let them come." Presently twelve or fifteen more, uttering the same cries, rushed from the south into King street, and so by way of Cornhill, toward Murray's barracks. "Pray, soldiers, spare my life," cried a boy of twelve, whom they met. "No, no, I'll kill you all," answered one of them, and with his cutlass knocked him down. They abused and insulted several persons at their doors and others in the street, "running about like madmen in a fury," crying, "Fire!" which seemed their watchword, and "Where are they? knock them down." Their outrageous behavior occasioned the ringing of the bell at the head of King street.

Bancroft, Hist. of the U.S., vol.3, p.373

The citizens, whom the alarm set in motion, came out with canes and clubs, and, partly by the courage of Crispus Attucks, a mulatto of nearly fifty years old, and some others, partly by the interference of well-disposed officers, the fray at the barracks was soon over. Of the citizens, the prudent shouted, "Home! home!" others, it was said, called out, "Huzza for the main guard! there is the nest;" but the main guard was not molested the whole evening.

Bancroft, Hist. of the U.S., vol.3, p.373 - p.374 - p.375

A body of soldiers came up Royal Exchange lane, crying, "Where are the cowards?" and, brandishing their arms, passed through King street. From ten to twenty boys came after them, asking, "where are they? where are they?" "There is the soldier who knocked me down," said the barber's boy, and they began pushing one another toward the sentinel. He loaded and primed his musket. "The lobster is going to fire," cried a boy. Waving his piece about, the sentinel pulled the trigger. "If you fire, you must die for it," said Henry Knox, who was passing by. "I don't care," replied the sentry; "if they touch me, I'll fire." "Fire!" shouted the boys, for they were persuaded he could not do it without leave from a civil officer, and a young fellow spoke out, "We will knock him down for snapping," while they whistled through their fingers and huzzaed. "Stand off!" said the sentry, and shouted aloud, "Turn out, main guard!" "They are killing the sentinel," reported a servant from the custom-house, running to the main guard. "Turn out! why don't you turn out?" cried Preston, who was captain of the day, to the guard. "He appeared in a great flutter of spirits," and "spoke to them roughly." A party of six, two of whom, Kilroi and Montgomery, had been worsted at the rope-walk, formed with a corporal in front and Preston following. With bayonets fixed, they "rushed through the people" upon the trot, cursing them, and pushing them as they went along. They found about ten persons round the sentry, while about fifty or sixty came down with them. "For God's sake," said Knox, holding Preston by the coat, "take your men back again; if they fire, your life must answer for the consequences." "I know what I am about," said he hastily, and much agitated. None pressed on them or provoked them, till they began loading, when a party of about twelve in number, with sticks in their hands, moved from the middle of the street where they had been standing, gave three cheers, and passed along the front of the soldiers, whose muskets some of them struck as they went by. "You are cowardly rascals," they said, "for bringing arms against naked men." "Lay aside your guns, and we are ready for you." "Are the soldiers loaded?" inquired Palmes of Preston "Yes," he answered, "with powder and ball." "Are they going to fire upon the inhabitants?" asked Theodore Bliss. "They cannot, without my orders," replied Preston; while "the town-born" called out, "Come on, you rascals, you bloody backs, you lobster scoundrels, fire, if you dare. We know you dare not." Just then Montgomery received a blow from a stick which had hit his musket, and the word "Fire!" being given by Preston, he stepped a little on one side, and shot Attucks, who at the time was quietly leaning on a long stick. The people immediately began to move off. "Don't fire!" said Langford, the watchman, to Kilroi, looking him full in the face; but yet he did so, and Samuel Gray, who was standing next Langford, with his hands in his bosom, fell lifeless. The rest fired slowly and in succession on the people, who were dispersing. One aimed deliberately at a boy, who was running in a zigzag line for safety. Montgomery then pushed at Palmes to stab him; on which the latter knocked his gun out of his hand, and, levelling a blow at him, hit Preston. Three persons were killed, among them Attucks the mulatto; eight were wounded, two of them mortally. Of the eleven, not more than one had had any share in the disturbance.

Bancroft, Hist. of the U.S., vol.3, p.375

When the men returned to take up the dead, the infuriated soldiers prepared to fire again, but were checked by Preston, while the twenty-ninth regiment appeared under arms in King street. "This is our time," cried soldiers of the fourteenth, and dogs were never seen more greedy for their prey.

Bancroft, Hist. of the U.S., vol.3, p.375

The bells rung in all the churches; the town drums beat. "To arms! to arms!" was the cry. All the sons of Boston came forth, nearly distracted by the sight of the dead bodies, and of the blood, which ran plentifully in the street, and was imprinted in all directions by foot-tracks on the snow. "Our hearts," says Warren, "beat to arms, almost resolved by one stroke to avenge the death of our slaughtered brethren;" but, self-possessed, they demanded justice according to the law. "Did you not know that you should not have fired without the order of a civil magistrate?" asked Hutchinson, on meeting Preston. "I did it," answered Preston, "to save my men."

Bancroft, Hist. of the U.S., vol.3, p.375

The people would not be pacified or retire till the regiment was confined to the guard-room and the barracks, and Hutchinson himself gave assurances that instant inquiries should be made by the county magistrates. One hundred persons remained to keep watch on the examination, which lasted till three hours after midnight. A warrant was issued against Preston, who surrendered himself to the sheriff, and the soldiers of his party were delivered up and committed to prison.

Bancroft, Hist. of the U.S., vol.3, p.375

The next morning, the selectmen of the town and the justices of the county spoke with Hutchinson at the council chamber. "The inhabitants," said the former, "will presently meet, and cannot be appeased while the troops are among them." Quincy, of Braintree, on behalf of the justices, pointed out the danger of "the most terrible consequences." "I have no power to remove the troops," said Hutchinson, "nor to direct where they shall be placed;" but Dalrymple and Carr, the commanding officers, attended on his invitation in council, and the subject was "largely discussed."

Bancroft, Hist. of the U.S., vol.3, p.375 - p.376

At eleven, the town-meeting was opened in Faneuil Hall with prayer by Cooper; then Samuel Adams and fourteen others, among them Hancock and Molineux, were chosen to proceed to the council chamber, where in the name of the town they delivered this message: "The inhabitants and soldiery can no longer live together in safety; nothing can restore peace and prevent further carnage but the immediate removal of the troops."

Bancroft, Hist. of the U.S., vol.3, p.376

Hutchinson desired to parley with them. "The people," they answered, "not only in this town, but in all the neighboring towns, are determined that the troops shall be removed." "An attack on the king's troops," replied Hutchinson, "would be high treason, and every man concerned would forfeit his life and estate." The committee, unmoved, recalled his attention to their peremptory demand, and withdrew.

Bancroft, Hist. of the U.S., vol.3, p.376

My readers will remember that the instructions from the king, which placed the army above the civil power in America, contained a clause that, where there was no officer of the rank of brigadier, the governor of the colony or province might give the word. Dalrymple accordingly offered to obey the lieutenant-governor, who, on his part, neither dared to bid the troops remain nor order their withdrawal. So the opinion which had been expressed by Bernard during the last summer and at the time had been approved by Dalrymple, was called to mind as the rule for the occasion. The lieutenant-governor acquainted the town's committee that the twenty-ninth regiment, which was particularly concerned in the late differences, should without delay be placed at the castle, and the fourteenth only be retained in town under efficient restraint. Saying this, he adjourned the council to the afternoon.

Bancroft, Hist. of the U.S., vol.3, p.376

As Faneuil Hall could not hold the throng from the surrounding country, the town had adjourned to the Old South meeting-house. The street between the state-house and that church was filled with people. "Make way for the committee!" was the shout of the multitude, as Samuel Adams came out from the council chamber, and, baring his head, which was already becoming gray, moved through their ranks, inspiring confidence.

Bancroft, Hist. of the U.S., vol.3, p.376 - p.377

To the people, who crowded even the gallery and isles of the spacious meeting-house, he made his report, and pronounced the answer insufficient. On ordinary occasions he seemed like ordinary men; but, in moments of crisis, he rose naturally and unaffectedly to the highest dignity, and spoke as if the hopes of humanity hung on his words. The town, after deliberation, raised a new and smaller committee, composed of Samuel Adams, Hancock, Molineux, William Phillips, Warren, Henshaw, and Pemberton, to bear their final message. They found the lieutenant-governor surrounded by the council and by the highest officers of the British army and navy on the station.

Bancroft, Hist. of the U.S., vol.3, p.377 - p.378

Hutchinson had done all he could to get Samuel Adams shipped to England as a traitor; at this most important moment in their lives, the patriot and the courtier stood face to face. "It is the unanimous opinion of the meeting," said Samuel Adams to him, "that the reply made to the vote of the inhabitants in the morning is unsatisfactory; nothing less will satisfy than a total and immediate removal of all the troops." "The troops are not subject to my authority," repeated Hutchinson; "I have no power to remove them." Stretching forth his arm, which slightly shook, as if "his frame trembled at the energy of his soul," in tones not loud, but clear and distinctly audible, Adams rejoined: "If you have power to remove one regiment, you have power to remove both. It is at your peril if you do not. The meeting is composed of three thousand people. They are become very impatient. A thousand men are already arrived from the neighborhood, and the country is in general motion. Night is approaching; an immediate answer is expected." As he spoke he gazed intently on his irresolute adversary. "Then," said Adams, who not long afterward described the scene, "at the appearance of the determined citizens, peremptorily demanding the redress of grievances, I observed his knees to tremble; I saw his face grow pale; and I enjoyed the sight." As the committee left the council chamber, Hutchinson was going back in his reverie to the days of the revolution of 1688. He saw, in his mind, Andros seized and imprisoned, and the people instituting a new government; he reflected that the citizens of Boston and the country about it were become four times as numerous as in those days, and their "spirit full as high." He fancied them insurgent, and himself their captive; and he turned to the council for advice. "It is not such people as formerly pulled down your house who conduct the present measures," said Tyler; "but they are people of the best characters among us, men of estates, and men of religion. It is impossible for the troops to remain in town; there will be ten thousand men to effect their removal, be the consequence what it may."

Bancroft, Hist. of the U.S., vol.3, p.378

Russell of Charlestown, and Dexter of Dedham, a man of superior ability, confirmed what was said. They spoke truly; men were ready to come from the hills of Worcester county and from the vale of the Connecticut. The council unanimously advised sending the troops to the castle forthwith. "It is impossible for me," said Dalrymple again and again, weakening the force of what he said by frequently repeating it, "to go any further lengths in this matter. The information given of the intended rebellion is a sufficient reason against the removal of his majesty's forces."

Bancroft, Hist. of the U.S., vol.3, p.378

"You have asked the advice of the council," said Gray to the lieutenant-governor; "they have given it unanimously; you are bound to conform to it." "If mischief should come, by means of your not joining with us," pursued Irving, "the whole blame must fall upon you; but if you join with us, and the commanding officer after that should refuse to remove the troops, the blame will then be at his door." Hutchinson finally agreed with the council, and Dalrymple assured him of his obedience. The town's committee, being informed of this decision, left the state-house to make their welcome report to the meeting. The inhabitants listened with the highest satisfaction; but, ever vigilant, they provided measures for keeping up a strong military watch of their own, until the regiments should leave the town.

Bancroft, Hist. of the U.S., vol.3, p.378

It was a humiliation to the officers and soldiers to witness the public funeral of the victims of the fifth of March; but they complained most of the watch set over them. The colonel of the town militia had, however, taken good legal advice, and showed the old province law under which he acted; and the justices of the peace in their turns attended every night during its continuance. The British officers gnashed their teeth at the contempt into which they had been brought. The troops came to overawe the people and maintain the laws; and they were sent as law-breakers to a prison rather than to a garrison. "There," said Edmund Burke, "was an end of the spirited way we took, when the question was whether Great Britain should or should not govern America."

Chapter 29:

The King Violates the Charter of Massachusetts,

March-October 1770

Bancroft, Hist. of the U.S., vol.3, p.379

THE removal of the troops from Boston smoothed the way for conciliation. The town was resolved on bringing to trial the officer who had given the command to fire without the sanction of the civil authority and the men who had obeyed the order, that the supremacy of the civil authority might be vindicated; at the same time, it wished to the prisoners every opportunity of defence.

Bancroft, Hist. of the U.S., vol.3, p.379

The instructions which the town of Boston, adopting the language of the younger Quincy, in May 1770, addressed to the representatives of its choice, made a plain reference to the Bedford protest, which appeared in the journals of the house of lords as evidence of "a desperate plan of imperial despotism," which was to be resisted, if necessary, "even unto the uttermost;" and therefore martial virtues and the lasting union of the colonies were recommended.

Bancroft, Hist. of the U.S., vol.3, p.379

Of this document, Hutchinson made an effective use; and its reception contributed to that new set of measures, which hastened American independence by seeking to crush its spirit. England assumed a design for a general revolt, when there only existed a desire to guard against "innovations."

Bancroft, Hist. of the U.S., vol.3, p.379 - p.380

Hutchinson called the first legislature, elected since he became governor, to meet at Cambridge. "Not the least shadow of necessity," said the house in its remonstrance, "exists for it. Prerogative is a discretionary power vested in the king only for the good of the subject." Hutchinson had overacted his part, and found himself embarrassed by his own arbitrary act, for which he dared not assign the true reason, and could not assign a good One. The house censured his conduct by a vote of ninety-six against six, and refused to proceed to any other business than that of organizing the government.

Bancroft, Hist. of the U.S., vol.3, p.380

In July, Hutchinson once more summoned the legislature to Cambridge, for which he continued to offer no other excuse than his instructions. The highest advocate for regal power had never gone so far as to claim that it might be used at caprice, to inflict wanton injury. There was no precedent for the measure but during the worst of times in England, or in France, where a parliament had sometimes been worried into submission by exile. Moreover, the plea was false, for Hillsborough had left him discretionary power; and he acted on the advice of Bernard, whom he feared to disregard.

Bancroft, Hist. of the U.S., vol.3, p.380

The assembly asserted in the strongest terms the superiority of the legislative body to royal instructions; and, in answer to the old question of what is to be done upon the abusive exercise of the prerogative, they went back to the principles of the revolution and the words of Locke: "In this as in all other cases, where they have no judge on earth, the people have no remedy but to appeal to heaven." They drew a distinction between the king and his servants; and attributed to "wicked ministers" the encroachments on their liberty, as well as "the impudent mandate" to one assembly "to rescind an excellent resolution of a former one."

Bancroft, Hist. of the U.S., vol.3, p.380

On the third of August, Hutchinson communicated to the house that the instruction to rescind, which they had called an impudent mandate, was an order from the king himself, whose "immediate attention," he assured them, they would not be able "to escape." In this manner the royal dignity and character were placed on trial before a colonial assembly, and monarchy itself was exposed to contempt.

Bancroft, Hist. of the U.S., vol.3, p.380 - p.381

It was for England to remove the cause of the strife. In the house of lords, Chatham, affirming, as he had done four years before, the subordination of the colonies and the right of parliament to bind their trade and industry, disclaimed the American policy adopted by his colleagues when he was nominally the minister. "The idea of drawing money from the Americans by taxes was ill-judged; trade is your object with them. Those millions are the industrious hive who keep you employed;" and he invited the entire repeal of the revenue act of Charles Townshend.

Bancroft, Hist. of the U.S., vol.3, p.381

On the evening of the fifth of March, in the house of commons, Lord North founded a motion for a partial relief; not on the petitions of America, because they were marked by a denial of the right, but on one from merchants and traders of London. "The subject," said he, "is of the highest importance. The combinations and associations of the Americans for the temporary interruption of trade have already been called unwarrantable in an address of this house; I will call them insolent and illegal. The duties upon paper, glass, and painters' colors bear upon the manufacturers of this country, and ought to be taken off. It was my intention to have extended the proposal to the removal of the other duties; but the Americans have not deserved indulgence. The preamble to the act and the duty on tea must be retained, as a mark of the supremacy of parliament and the efficient declaration of its right to govern the colonies.

Bancroft, Hist. of the U.S., vol.3, p.381 - p.382

"I saw nothing unjust, uncommercial, or unreasonable in the stamp act; nothing but what Great Britain might fairly demand of her colonies; America took flame and united against it. If there had been a permanence of ministers, if there had been a union of Englishmen in the cause of England, that act would at this moment have been subsisting. I was much inclined to yield to the many, who desire that the duty upon tea should be repealed. But tea is, of all commodities, the properest for taxation. The duty is an external tax, such as the Americans have admitted the right of parliament to impose. It is one of the best of all the port duties. When well established, it will go a great way toward giving additional support to our government and judicatures in America. If we are to run after America in search of reconciliation, I do not know a single act of parliament that will remain. Are we to make concessions to these people, because they have the hardihood to set us at defiance? No authority was ever confirmed by the concession of any point of honor or of right. Shall I give up my right? No, not in the first step. New York has kept strictly to its agreements; but the infractions of them by the people of Boston show that they will soon come to nothing. The necessities of the colonies and their want of union will open trade. If they should attempt manufacturing and be likely to succeed, it is in our power to make laws, and so to check the manufactures in America for many years to come. This method I will try before I will give up my right."

Bancroft, Hist. of the U.S., vol.3, p.382

Thomas Pownall moved the repeal of the duty on tea. The house of commons, like Lord North in his heart, was disposed to do the work of conciliation thoroughly. It was known that Grenville would not give an adverse vote. "It is the sober opinion of the Americans," said Mackay, fresh from the military command in Boston, "that you have no right to tax them. When beaten out of every argument, they adduce the authority of the first man of the law, and the first man of the state." Grenville assumed fully the responsibility of the stamp act; but he revealed to the house that taxing America had been the wish of the king. On the present occasion, had the king's friends remained neutral, the duty on tea would have been repealed; with all their exertions, in a full house, the majority for retaining it was but sixty-two. Lord North seemed hardly satisfied with his success; and reserved to himself liberty to accede to the repeal, on some agreement with the East India company.

Bancroft, Hist. of the U.S., vol.3, p.382

The decision came from the king, who was the soul of the ministry, busying himself even with the details of affairs. He had many qualities that become a sovereign: temperance, regularity, and industry; decorous manners and unaffected piety; frugality in his personal expenses, so that his pleasures laid no burden on his people; a moderation which made him averse to wars of conquest; courage, which dared to assume responsibility, and could even contemplate death serenely; a fortitude that rose with adversity.

Bancroft, Hist. of the U.S., vol.3, p.382 - p.383

But he was bigoted, morbidly impatient of being ruled, and incapable of reconciling the need of reform with the establishments of the past. He was the great founder and head of the new tory or conservative party, which had become dominant through his support. In zeal for authority, hatred of reform, and antipathy to philosophical freedom and to popular power, he was inflexibly obstinate and undisguised; nor could he be justly censured for dissimulation, except for that disingenuousness which studies the secret characters of men, in order to use them as its instruments. No one could tell whether the king really liked him. He could flatter, cajole, and humor, or frown and threaten; he could conceal the sense of injuries and forget good service; bribe the corrupt by favors, or terrify deserters by punishment. In bestowing rewards, it was his rule to make none but revocable grants; and he required of his friends an implicit obedience. He was willing to govern through parliament, yet was ready to stand by his ministers, even in a minority; and he was sure that one day the government must disregard majorities.

Bancroft, Hist. of the U.S., vol.3, p.383

With a strong physical frame, he had a nervous susceptibility which made him rapid in his utterance; and so impatient of contradiction that he never could bear the presence of a minister who resolutely differed from him, and was easily thrown into a state of excitement bordering upon madness. Anger, which changed Chatham into a seer, pouring floods of light upon his mind and quickening his discernment, served only to cloud the mind of George III, so that he could not hide his thoughts from those about him, and, if using the pen, could neither spell correctly nor write coherently. Hence the proud, unbending Grenville was his aversion; and his years with the compliant Lord North, though full of public disasters, were the happiest of his life. Conscious of his devotion to the cause of legitimate authority, and viewing with complacency his own correctness of morals, he identified himself with the cause which he venerated. The crown was to him the emblem of all rightful power. He had that worst quality of evil, that he, as it were, adored himself; and regarded opposition to his designs as an offence against integrity and patriotism. He thought no exertions too great to crush the spirit of revolution, and no punishment too cruel or too severe for rebels.

Bancroft, Hist. of the U.S., vol.3, p.383 - p.384

The chaotic state of parties in England, at this period of transition from their ancient forms, favored the king's purposes. The liberal branch of the aristocracy had accomplished the duty it had undertaken, and had not yet discovered the service on which humanity would employ it next. The old whig party, which was fast becoming the party of the past, could hold office only by making an alliance with the party of the future. For eighty years they had fought strenuously alike against the prerogative and against the people; but time, which is the greatest of all innovators, was changing their political relations. The present king found the whig aristocracy divided; and he readily formed a coalition with that part of it which respected the established forms more than the spirit of the revolution. No combination could succeed against this organized conservatism of England, but one which should insist on a nearer harmony between the liberal principles which inspired the revolution and the aristocratic form to which it confined the British constitution. As yet, Rockingham and his adherents avowed the same political creed with Bedford, and were less friendly to reform than Grenville. When Burke and Wedderburn acted together, the opposition wore the aspect of a selfish struggle of the discontented for place; and the old whig aristocracy, continuing its war against the people as well as against the king, fell more and more into disrepute. A few commoners, Chatham and Shelburne and Stanhope among the peers, cried out for parliamentary reform; they were opposed by the members of the great whig connection, who may have had a good will to public liberty, but were too haughty to learn of men of humble birth. The king, therefore, had nothing to fear from an opposition. The changing politicians were eager to join his standard; and, while the great seal was for a time put in commission, Thurlow superseded the liberal Dunning.

Bancroft, Hist. of the U.S., vol.3, p.384

The new solicitor-general, whose "majestic sense" and capacity were greatly overrated, had a coarse nature and a bad heart; was strangely profane in language, and reckless of morals and of decorum in domestic life. He enjoyed the credit of being fearless of the aristocracy, because his manners were rough; but no man was more subservient to their interests. Lord North governed himself on questions of law by his advice; and Thurlow proved the evil genius of that minister and of England. Toward America no man was more unrelenting.

Bancroft, Hist. of the U.S., vol.3, p.384 - p.385

Plans were revived for admitting representatives from the American colonies into the British house of commons; but they attracted little attention. On the ninth of April, one more attempt was made to conciliate America; and Trecothick, supported by Beckford and Lord Beauchamp, by Dowdeswell, Conway, Dunning, and Sir George Saville, proposed the repeal of the duty on tea. The king was indignant at this "debate in the teeth of a standing order," on a proposal which had already been voted down. "I wish to conciliate the Americans, and to restore harmony to the two countries," said Lord North; "but I will never be intimidated by the threats nor compelled by the combinations of the colonies to make unreasonable or impolitic concessions." So the next order of the day was called for by a vote of eighty to fifty-two.

Bancroft, Hist. of the U.S., vol.3, p.385

A few days later, the news of the Boston "massacre," as it was named in Boston, reached England. "God forbid," said Grenville, in the house of commons, on the twenty-sixth of April, "we should send soldiers to act without civil authority." "Let us have no more angry votes against the people of America," cried Lord Beauchamp. "The officers agreed in sending the soldiers to Castle William; what minister," asked Barre, "will dare to send them back to Boston?" "The very idea of a military establishment in America," said William Burke, "is wrong." In a different spirit, Lord Barrington proposed to change the too democratical charter of Massachusetts.

Bancroft, Hist. of the U.S., vol.3, p.385

The American question became more and more complicated with the history and the hopes of freedom in England. The country was suffering from the excess of aristocracy; Edmund Burke prescribed more aristocracy as the cure. Chatham, unable to obtain from Rockingham the acceptance of his own far-reaching views, stepped forward, almost alone, as the champion of the people. "I pledge myself to their cause," said he in the house of lords, on the first of May, "for it is the cause of truth and justice." Stanhope gave the same pledge. "I trust the people of this country," said Camden, "will renew their claims to true and free and equal representation, as their inherent and unalienable right." Shelburne insisted that Lord North, for his agency with regard to the Middlesex elections, deserved impeachment.

Bancroft, Hist. of the U.S., vol.3, p.385 - p.386

In the commons, Burke, arraigning the new minister, spoke merely as a partisan. The chief supporter of Burke was Wedderburn, who said: "Lord Hillsborough is unfit for his office; the nation suffers by his continuance; the people have a right to say they will not be under the authority of the sword. At the close of the last reign, you had the continent of America in one compact country. Not quite ten years have passed over, and, by domestic mismanagement, all America, the fruit of so many years' settlement, is lost to the crown of Great Britain in the reign of George III." Lord North questioned the veracity of Wedderburn, and exposed the ill-cemented coalition as having no plan beyond the removal of the present ministers. "God forgive the noble lord for the idea of there being a plan to remove him," retorted Wedderburn; "I know no man of honor and respectability who would undertake to do the duties of the situation." Burke's resolutions, which were only censures of the past, were defeated by a vote of more than two to one. When like resolutions were brought forward in the house of lords, Chatham would not attend the debate, but placed himself before the nation as the guide to "a more full and equal representation."

Bancroft, Hist. of the U.S., vol.3, p.386 - p.387

Meantime, in America, the difficulty of binding a continent by separate associations for preventing importations was becoming uncontrollable. Carolina and Georgia, and even Maryland and Virginia, had increased their importations; New England and Pennsylvania had imported nearly one half as much as usual; New York alone had been true to its engagement, and its imports had fallen off more than five parts in six. It was impatient of a system of renunciation which was so unequally kept. Merchants of New York, therefore, consulted those of Philadelphia on a general importation of all articles except tea; the Philadelphians favored the proposition, till a letter arrived from Franklin, urging them to persevere on their original plan. Sears and Macdougall in New York resisted concession; but men went from ward to ward to take the opinions of the people, and it was found that eleven hundred and eighty against three hundred were disposed to confine the restriction to tea alone. An appeal was again taken to the people; and, as the majority favored resuming importations, the July packet, which had been detained for a few days, sailed before the middle of the month with orders for all other merchandise. "Send us your old liberty pole, as you can have no further use for it," said the Philadelphians. The students at Princeton, one of whom was James Madison, appeared in their black gowns, and, with the bell tolling, burned the New York merchants' letter in the college yard. Boston tore it into pieces and threw it to the winds. South Carolina, whose patriots had just raised a statue to Chatham, read it with distainful anger. At a meeting of the planters, merchants, and mechanics of Charleston, Thomas Lynch, a man of sense and inflexible firmness, strove to keep alive the spirit of resistance, and even shed tears for the expiring liberty of his country. He was seconded by Gadsden, and by John Mackenzie, whose English education at Cambridge had increased his ability to defend the rights of the colonies. But South Carolina alone could neither continue non-importation nor devise a new system. There was no help; so far, Lord North had reasoned correctly; the non-importation agreement had been enforced by New York alone, and now trade between America and Britain was open in everything but TEA.

Bancroft, Hist. of the U.S., vol.3, p.387 - p.388

The ministry and the king, when they carried the repeal of every measure offensive to the Americans except the tax on tea and its preamble, gained a most commanding position. If the Americans should be able to forego the use of tea, the British exchequer would be in no worse condition than before. It might prove impossible for a people so widely dispersed to act in concert; and opportunities for conciliation and concession would arise with the return of commerce and tranquillity. Never was there a moment when prudence demanded of the supreme power to do nothing but watch and wait. The cardinal policy of New York was the security and development of colonial liberty through an American constitution, resting upon a union of the colonies in one general congress, without dissolving the connection with Great Britain, the very system which is now established for the British colonies to the north of the United States. "They are jealous of the scheme in England," said William Smith; "yet they will find the spirit of democracy so persevering that they will be under the necessity of coming into it." Under the pretext of framing common regulations of trade with the Indians, the assembly of New York, with the concurrence of its lieutenant-governor, had, in the previous December, invited each province to elect representatives to a body which should exercise legislative power for them all. This was a great step toward the American union, which could have amicably fixed the quotas of the several colonies for the common charges of America. Virginia, when she heard of the proposal, which was designed to regulate and preserve the connection with England, directed Patrick Henry and Richard Bland to appear as her representatives. But the British ministry, who saw in union the forerunner of independence, defeated the scheme.

Bancroft, Hist. of the U.S., vol.3, p.388

The measures against the charter of Massachusetts had been rejected by the administration of Grafton, and nothing had happened to invite a revival of them; but, early in July, a most elaborate paper on the disorders in America was laid before the British council. Long and earnest deliberations ensued. Hillsborough pressed impetuously for the abrogation of the charter of Massachusetts as the only means of arresting the progress of America toward independence. But the charter of Massachusetts was the well-considered creation of the British revolution of 1688. It was made after the most careful consultation of the great lawyers of the day; it had the sanction of King William. To destroy it was to condemn the English revolution itself; the king in council gave an order for making a beginning of martial law within the province of Massachusetts Bay, and preparing the way for closing the port of Boston; to abridge or alter it by the prerogative alone had no precedent, but in the times of the Stuarts, and was inconsistent with the British law and the British constitution, as established by the revolution; and yet, on the sixth of July, the king, without previous authority from parliament, transcending the limits of his prerogative, proceeded, by his own order in council, to infringe the charter granted to Massachusetts by William and Mary.

Bancroft, Hist. of the U.S., vol.3, p.388 - p.389

The session of the legislature of Massachusetts had passed without the transaction of any business, when, near the evening of the eighth of September, Hutchinson received the order which had been adopted in July by the king in council. The harbor of Boston was made "the rendezvous of all ships stationed in North America," and the fortress which commanded it was to be delivered up to such officer as Gage should appoint, to be garrisoned by regular troops, and put into a respectable state of defence. But the charter of Massachusetts reserved to its governor the command of its militia and of its forts; the castle had been built and repaired and garrisoned by the colony, at its own expense; to take the command from the civil governor, and bestow it on the commander-in-chief, was a violation of the charter, as well as of immemorial usage. For a day, Hutchinson hesitated; but, on second thoughts, he resolved to obey the order. Enjoining secrecy on the members of the council upon their oaths, he divulged to them his instructions. The council was struck with amazement, for the town was very quiet, and the measure seemed a wanton provocation. "Does not the charter," they demanded of him, "place the command of the castle in the governor?" After a secret discussion, which lasted for two hours, he entered his carriage which was waiting at the door, hurried to the Neck, stole into a barge, and was rowed to the castle. The officers and garrison were discharged without a moment's warning; he then delivered up the keys to Dalrymple, and in the twilight retired to his country house at Milton. But he was in dread of being waylaid; and the next day fled for safety to the castle, as he and Bernard had done five years before, and remained there every night for the rest of the week. The breach of the Massachusetts charter by the delivery of the castle was a commencement of civil war; yet the last appeal was not to be made without some prospect of success.

Bancroft, Hist. of the U.S., vol.3, p.389

"As a citizen of the world," wrote Turgot to Josiah Tucker, the English apostle of free trade, "I see with joy the approach of an event which, more than all the books of the philosophers, will dissipate the puerile and sanguinary phantom of a pretended exclusive commerce. I speak of the Separation of the British colonies from their metropolis, which will soon be followed by that of all America from Europe. Then, and not till then, will the discovery of that part of the world become for us truly useful. Then it will multiply our enjoyments far more abundantly than when we bought them by torrents of blood."

Bancroft, Hist. of the U.S., vol.3, p.389 - p.390

To prevent that separation, Hillsborough thought it necessary, without loss of time, to change "the constitution of the Massachusetts Bay." Conspiring against the liberties of his native country, Hutchinson, in October, advised not a mere change of the mode of electing the council, but "a bill for the vacating or disannulling the charter in all its parts, and leaving it to the king to settle the government by a royal commission." As Hillsborough and the king seemed content with obtaining the appointment of the council, Hutchinson forwarded lists from which the royal councillors were to be named. "If the kingdom," said he, "is united and resolved, I have but very little doubt we shall be as tame as lambs;" and he presented distinctly the option, either to lay aside taxation as inexpedient, or to deal with the inhabitants as being "in a state of revolt." After that should be decided, he proposed to starve the colony into obedience by narrowing its commerce and excluding it from the fisheries. If this should fail, the military might be authorized to act by their own authority, free from the restraints of civil government. Boston, he thought, should be insulated from the rest of the colony, and specially dealt with; and he recommended the example of Rome, which, on one occasion, seized the leading men in rebellious colonies, and detained them in the metropolis as hostages. An act of parliament curtailing Massachusetts of all the land east of the Penobscot was a supplementary proposition.

Bancroft, Hist. of the U.S., vol.3, p.390 - p.391

Less occasion never existed for martial rule than at Boston. At the ensuing trial of Preston, every indulgence was shown him by the citizens. Auchmuty, his counsel, had the assistance of John Adams and Josiah Quincy the foremost patriot lawyers of the town. The prosecution was conducted with languor and inefficiency; important witnesses were sent out of the way; the judges held office at the will of the king, and selected talesmen were put upon the jury. The defence was left to John Adams and Quincy, and was conducted with consummate ability. As the firing upon the citizens took place at night, it was not difficult to raise a doubt whether Preston or some other person had cried to the soldiers to fire; and on that doubt a verdict of acquittal was obtained. The public acquiesced, but was offended at the manifest want of uprightness in the court. "The firmness of the judges" was vaunted, to obtain for them all much larger salaries, to be paid directly by the crown. The chief justice, who was a manufacturer, wanted money in the shape of pay for some refuse products of his workshop.

Bancroft, Hist. of the U.S., vol.3, p.391

The trial of the eight soldiers who were with Preston followed a few weeks after. Two of them were proved to have fired, and were found guilty of manslaughter. As seven guns only were fired, the jury acquitted the other six; choosing that five guilty should escape rather than one innocent be convicted.

Bancroft, Hist. of the U.S., vol.3, p.391

In selecting an agent to lay their complaints before the king, Samuel Adams and about one third of the house, following the advice of Joseph Reed, of Philadelphia, gave their suffrages for Arthur Lee; but, by the better influence of Bowdoin and of the minister Cooper, Benjamin Franklin, greatest of the sons of Boston, was elected. Arthur Lee was then chosen as his substitute. Franklin held under the crown the office of deputy postmaster-general for America, and his son was a royal governor; but his mind reasoned on politics with the same freedom from prejudice which marked his investigations into the laws of nature. At the time when he was thus called by the people of Massachusetts to be their mediator with the mother country, he was sixty-four years of age. Experience had ripened his judgment, and he still retained the vigor of mind, the benignity of manner, genial humor, and comprehensive observation, which made him everywhere welcome. The difficult service demanded of him by the colony of his nativity was attended by embarrassments of all kinds. Hutchinson negatived all appropriations for his salary, and reminded Hillsborough not to recognise him as an agent.

Chapter 30:

The Origin of Tennessee,

October 1770-July 1771

Bancroft, Hist. of the U.S., vol.3, p.392

No one had more vividly discerned the capacity of the Mississippi valley, not only to sustain commonwealths, but to connect them with the world by commerce, than Franklin; and when the ministers would have rejected the Fort Stanwix treaty, which conveyed from the Six Nations an inchoate title to an immense territory south-west of the Ohio, his influence secured its ratification, by organizing a powerful company to plant a province in that part of the country which lay between the Alleghanies and a line drawn from the Cumberland gap to the mouth of the Scioto.

Bancroft, Hist. of the U.S., vol.3, p.392

Virginia resisted the proposed limitation of her jurisdiction, as fatal to her interests, entreating an extension of her borders westward to the Tennessee river. It would be tedious to rehearse the pleas of the colony; the hesitations of Hillsborough; the solicitations of Botetourt; the adverse representations of the board of trade; the meetings of agents with the beloved men of the Cherokees. On the seventeenth of October, two days after the death of Botetourt, a treaty, conforming to the decision of the British cabinet, was made at Lochaber, confining the Ancient Dominion on the north-west to the mouth of the Kanawha, while on the south it extended only to within six miles of the Holston river. When in the following year the line was run by Donelson for Virginia, the Cherokee chief consented that it should cross from the Holston to the Louisa, or Kentucky river, and follow it to the Ohio. But the change was disapproved in England; so that the West, little encumbered by valid titles, was reserved for the self-directed emigrant.

Bancroft, Hist. of the U.S., vol.3, p.393

The people of Virginia and others were exploring and marking the richest lands, not only on the Redstone and other waters of the Monongahela, but along the Ohio, as low as the little Kanawha; and with each year went farther and farther down the river. When Washington, in 1770, having established for the soldiers and officers who had served with him in the French war their right to two hundred thousand acres in the western valley, undertook to select for them suitable tracts, he was obliged to descend to the Great Kanawha. As he floated in a canoe down the Ohio, whose banks he found enlivened by innumerable wild turkeys and other fowl, with deer browsing on the plains, or stepping down to the water's edge to drink, no good land escaped his eye. Where the soil and growth of timber were most inviting, he would walk through the woods, and set his mark on a maple or elm, a hoop-wood or ash, as the corner of a soldier's survey; for he watched over the interests of his old associates in arms as sacredly as if he had been their trustee; and by his exertions, and "by these alone," he had secured to each one of them, or, if they were dead, to their heirs, the full bounty that had been promised. His journey to the wilderness was not without its pleasures; he amused himself with the sports of the forest, or observing new kinds of water-fowl, or taking the girth of the largest trees. His fame had gone before him; the red men received him in council with public honors. Nor did he turn homeward without inquiring of Nicholson, an Indian interpreter, and of Connolly, an intelligent forester, the character of the country farther west. From these eye-witnesses he received glowing accounts of the climate, soil, good streams, and plentiful game of the Cumberland valley, and there he was persuaded a new and most desirable government might be established.

Bancroft, Hist. of the U.S., vol.3, p.393 - p.394

Daniel Boone was then exploring the land of promise. Of forty adventurers who from the Clinch river plunged into the West under the lead of James Knox, and became renowned as "the Long Hunters," some found their way down the Cumberland to the limestone bluff where Nashville stands, and where the gently undulating fields, covered with groves of beech and walnut, were in the possession of countless buffaloes, whose bellowings resounded from hill and forest.

Bancroft, Hist. of the U.S., vol.3, p.394

Sometimes trappers and restless emigrants, boldest of their class, took the risk of crossing the country from Carolina to the Mississippi; but of those who perished, no tradition preserves the names. Others, following the natural highways of the West, descended from Pittsburg, and from Red Stone to Fort Natchez. The pilot who conducted the party, of which Samuel Wells and John MacIntire were the chiefs, was so attracted by the lands round the fort that he promised to remove there in the spring with his wife and family, and believed a hundred families from North Carolina would follow.

Bancroft, Hist. of the U.S., vol.3, p.394

This year, James Robertson, from the home of the regulators in North Carolina, an unlettered forester, of humble birth, but of inborn nobleness of soul, cultivated maize on the Watauga, and trod the soil as its lord. Intrepid, loving virtue for its own sake, and emulous of honorable fame, he had self-possession, quickness of discernment, and a sound judgment. Wherever he was thrown, he knew how to apply all the means within his reach, whether small or great, to their proper end, seeing at a glance the latent capacities of the country, and devising the simplest way to bring them forth; and so he became the greatest benefactor of the early settlers of Tennessee.

Bancroft, Hist. of the U.S., vol.3, p.394 - p.395

He was followed to the West by men from North Carolina, where the courts of law offered no redress against extortion. At the inferior courts, the justices, who themselves were implicated in the pilfering of public money, named the juries. The sheriff and receivers of taxes were in arrears for near seventy thousand pounds, which they had extorted from the people, and of which more than two thirds had been irretrievably embezzled. In the northern part of the colony, where the ownership of the soil had been reserved to one of the old proprietaries, there was no land-office; so that the people who were attracted by the excellence of the land could not obtain freeholds. Every art was employed to increase the expenses of suits at law; and, as some of the people wreaked their vengeance in acts of folly and madness, they were misrepresented as enemies to the constitution; and the oppressor acquired the protection which was due to the oppressed. In March 1770, one of the associate justices reported that they could not enforce the payment of taxes. At the court in September, the regulators appeared in numbers. "We are come down," they said, "with the design to have justice done;" they would have business proceed, but with no attorney except the king's; and, finding that it had been resolved not to try their causes, some of them pursued Fanning and another lawyer, and beat them with cowskin whips.

Bancroft, Hist. of the U.S., vol.3, p.395

The assembly, which convened in December, at Newbern, was chosen under a state of alarm and vague apprehension. Tryon had secured Fanning a seat, by chartering the town of Hillsborough as a borough; but the county of Orange, with great unanimity, selected Herman Husbands as its representative. The rustic patriot possessed a good reputation and a considerable estate, and was charged with no illegal act whatever; yet he was voted a disturber of the public peace; on the twentieth of December, was expelled the house; and, against the opinion of the council, and without evidence that he had been even an accessory to the riots at Hillsborough, Tryon seized him under a warrant concerted with the chief justice, and kept him in prison without bail.

Bancroft, Hist. of the U.S., vol.3, p.395

To conciliate the Presbyterian party, which was the strongest in the house, a law was passed for endowing Queen's college in the town of Charlotte, Mecklenburg county; a deceitful act of tolerance, for it was sure to be annulled by the king in council But the great object of Tryon was the riot act, by which it was declared a felony for more than ten men to remain assembled after being required to disperse. For a riot committed before or after the publication of the act, persons might be tried in any superior court, no matter how distant from their homes; and if within sixty days they did not make their appearance, whether with or without notice, they were to be proclaimed outlaws, and to forfeit their lives with all their property. The governor sent letters into the neighboring counties, to ascertain how many would volunteer to serve in a military expedition against "the rebels;" but the assembly, by withholding grants of money, set itself against civil war.

Bancroft, Hist. of the U.S., vol.3, p.395 - p.396

Tryon had won at the colonial office the reputation of being the ablest governor in the thirteen colonies; the death of Botetourt opened the way for his transfer to New York; the earl of Dunmore, a needy Scottish peer of the house of Murray, passionate, narrow, and unscrupulous in his rapacity, being promoted to the more desirable one of Virginia.

Bancroft, Hist. of the U.S., vol.3, p.396

Dunmore came over to amass a fortune, and, in his passion for sudden gain, cared as little for the policy of the ministers or his instructions from the crown, as for the rights of property, the respective limits of jurisdiction of the colonies, or their civil and political privileges. To get money for himself was his whole system. He did not remain in New York long enough to weary the legislature into a spirited resistance. Its members were steadfast in their purpose to connect loyalty with their regard for American liberty; and, adopting the nomination made by Schuyler a year before, they unanimously elected Edmund Burke their agent in England, allowing "for his services at the rate of five hundred pounds per annum."

Bancroft, Hist. of the U.S., vol.3, p.396

In foreign relations, Lord North was most fortunate. England, following the impulse given by Lord Egmont during the administration of Grenville, had taken possession of the Falkland islands as the key to the Pacific, and had been ejected from them by Spain. Weymouth would have retaken them at all hazards; Lord North gained honor by consenting to abandon Port Egmont, on its temporary restitution and a disavowal of its seizure by the Spanish government. The terms would have been rejected with disdain had not Choiseul, who would not have feared war for a great cause like the emancipation of the colonial world, checked the rashness of Spain. The opposition to the English ministry raised a vehement clamor against the wise settlement of the question. Sir Robert Walpole had yielded to a similar clamor, and had yet lost his place; Lord North resisted it, and, suffering Weymouth to retire, gained strength by securing peace without a compromise of the public dignity. The administration needed for its defence no more than the exposition of the madness of modern wars in the brilliant and forcible language of Samuel Johnson; it obtained the applause of Adam Smith and the approval of the country.

Bancroft, Hist. of the U.S., vol.3, p.396 - p.397

Moreover, by the death of George Grenville in November 1770, a way was opened to the ministry to induce Lord Suffolk, "a young man of thirty-two, unpracticed in business, pompous, ignorant and of no parts," and Wedderburn who owed his seat in parliament to a friend of Grenville, to desert the Grenville connection. Suffolk became secretary of state instead of Weymouth, and took for his under-secretary Thomas Whately, the secretary of the treasury when Grenville was its first lord. Thurlow being promoted, Wedderburn, whose "credit for veracity" Lord North so lately impeached, and who, in his turn, had denied to that minister "honor and respectability," refused to continue upon a forlorn hope, and accepted the office of solicitor-general. "The part of Wedderburn," said Chatham, "is deplorable; of Suffolk pitiable;" and Lord Temple seems to have received the news with equal indignation and contempt.

Bancroft, Hist. of the U.S., vol.3, p.397

By these arrangements Lord North obtained twelve new votes; and still further good luck was in store for him. On the twenty-fourth of December, just as he had rendered to his country the benefit of averting a war without a national object, Choiseul, the ablest French minister of the century, was dismissed from office and exiled to Chanteloupe, not because he was impassioned for war, as his enemies pretended, but because he was the friend of philosophy, freedom of industry, and colonial independence. Thoroughly a Frenchman, as Chatham was thoroughly an Englishman, he longed to renovate France that she might revenge the wounds inflicted on her glory. For this end, he had sought to improve her finances, restore her marine, reform her army, and surround her by allies. Marie Antoinette, the wife of the dauphin, was a pledge for the friendship of Austria; Prussia was conciliated; and, as the family compact was in force at Naples and in the Spanish peninsula, he left France with friends, and friends only, from the Bosphorus to Cadiz. Crowds paid their homage to the retiring statesman; he was dear to the parliaments he had defended, to men of letters he had encouraged, and to Frenchmen whose hearts beat for the honor of their land in its rivalry with England. His policy was so identified with the passions, the sympathies, and the culture of his country, was so thoroughly national and so liberal, that it was sure to return in spite of the royalist party and the court. But for the time dynastic monarchy carried the day; and, had America then risen, she would have found no friends to cheer her on.

Bancroft, Hist. of the U.S., vol.3, p.398

This was the happiest period in the career of Lord North. His government acquired stability, and was sure of majorities. No danger hung over him but from his own love of ease. "Seated on the treasury bench, between his attorney- and solicitor-general," his equals in ability, but most unlike him in character, he indulged in slumber when America required all his wakefulness. As he failed in vigilance at the helm, he was soon thrown upon a lee shore by the selfishness and vainglory of American governors. Hutchinson was lapping himself in the promise of being paid a secure and bountiful salary out of the tax on tea; and Tryon, just before leaving his province, was trampling out all trust in the uprightness of the servants of the crown.

Bancroft, Hist. of the U.S., vol.3, p.398

In February 1771, the regulators of North Carolina gathered together in the woods, on hearing that their representative had been expelled and arbitrarily imprisoned and they themselves menaced with exile or death as outlaws. They had toiled honestly for their own support; not living on the spoils of other men's labors, nor snatching the bread out of other men's hands. They accepted the maxim, that laws, statutes, and customs, which are against God's law or nature, are all null; and that civil officers who exacted illegal taxes and fees from the industrious poor were guilty of a worse crime than open robbery. They asked no more than that extortioners might be brought to fair trials, and "the collectors of the public money called to proper settlements of their accounts." Honor and good faith prompted them to join for the rescue of Husbands.

Bancroft, Hist. of the U.S., vol.3, p.398

Without some sanction of law, Tryon dared no longer detain in custody the sturdy freeholder, who had come down under the safeguard of his unquestioned election to the legislature; be therefore conspired with the chief justice to get Husbands indicted for a pretended libel. But the grand jury refused to do the work assigned them; and the prisoner was set free.

Bancroft, Hist. of the U.S., vol.3, p.398 - p.399

The liberation of Husbands having stopped the march of the regulators, it occurred to some of them on their return to visit Salisbury superior court. On the sixth of March, about four or five hundred of them encamped in the woods near the ferry, west of the Yadkin river. "The lawyers are everything," they complained. "There should be none in the province." "We shall be forced to kill them all." "There never was such an act as the riot act in the laws of England." This last was true; the counsel to the board of trade, making his official report upon that law, declared its clause of outlawry "altogether unfit for any part of the British empire." "We come," said the chiefs in the regulators' camp to an officer from Salisbury, "with no intention to obstruct the court, or to injure the person or property of any one, but only to petition for a redress of grievances against officers taking exorbitant fees." "Why, then," it was asked, "are some of you armed?" "Our arms," said they, " are only to defend ourselves." They were told that no court would be held on account of the disturbances; but the very persons of whom they complained, finding them "peaceably disposed beyond expectation," agreed with them that all differences with the officers of the county of Rowan should be settled by arbitration on the third Tuesday in May. The umpires being named, the regulators marched through Salisbury, gave three cheers, and quietly returned to their homes.

Bancroft, Hist. of the U.S., vol.3, p.399 - p.400

But Tryon and Fanning were bent on revenge. The governor, by a new commission, had called another court for the eleventh of March at Newbern; and by the strictest orders to the sheriffs many of whom were defaulters, and by the indefatigable exertions of his own private secretary, he took care to obtain jurors and witnesses suited to his purpose. On the appointed day, the court opened. With willing witnesses and a unanimous grand jury, sixty-one indictments were found for felonies or riots against the leading regulators in Orange county, who lived two hundred miles off, and many of whom had been at home during the riots of which they were accused. By law, criminal jurisdiction belonged in the first instance to the district within which offences were charged to have been committed; every one of the indictments was illegal; and yet those charged with felony must appear within sixty days, or a merciless governor will declare them outlaws.

Bancroft, Hist. of the U.S., vol.3, p.400

Tryon next received the grand jury at the palace, and volunteered to them to lead troops into the western counties. The obsequious body, passing beyond their functions, applauded his purpose; and the council acquiesced. To obtain the necessary funds, which the legislature had refused to provide, Tryon created a paper currency by drafts on the treasury.

Bancroft, Hist. of the U.S., vol.3, p.400

The northern treasurer declined to sanction the illegal drafts, and, in consequence, the eastern counties took no part in the scenes that followed; but the southern treasurer complied. From Wilmington, a body of militia, under the command of Waddel, was sent to Salisbury, while Tryon himself, having written a harsh rebuke of the agreement in Rowan county for arbitration, marched into Orange county. His progress was marked by the destruction of wheat-fields and orchards, the burning of every house which was found empty; the seizure of cattle, poultry, and all the produce of the plantations. The terrified people ran together like sheep chased by a wolf. Tryon crossed the Eno and the Haw; and the men who had been indicted at Newbern for felonies were already advertised as outlaws, when, on the evening of the fourteenth, he reached the Great Alamance.

Bancroft, Hist. of the U.S., vol.3, p.400

His army was composed of one thousand and eighteen foot soldiers and thirty light-horse, besides the officers. The regulators, who had been drawn together not as insurgents, but from alarm—many, perhaps most of them, without guns—may have numbered rather more, and were encamped about five miles to the west of the stream. They gathered round James Hunter as their "general;" and his capacity and courage won from the unorganized host implicit obedience. They were almost in despair, lest the governor "would not lend a kind ear to the just complaints of the people." Still, on the evening of the fifteenth, they entreated that harmony might yet be restored, that "the presaged tragedy of warlike marching to meet each other might be prevented;" that the governor would give them leave to present "their petition," and treat for peace.

Bancroft, Hist. of the U.S., vol.3, p.400 - p.401

The next day, Tryon crossed Alamance river, and marched out to meet the regulators. As he approached, James Hunter, and Benjamin Merrill, a captain of militia, "a man in general esteem for his honesty, integrity, piety, and moral good life," received from him this answer: "I require you to lay down your arms, surrender up the outlawed ringleaders, submit yourselves to the laws, and rest on the lenity of the government. By accepting these terms in one hour, you will prevent an effusion of blood, as you are at this time in a state of war and rebellion."

Bancroft, Hist. of the U.S., vol.3, p.401

The demands were unjustifiable. No one of the regulators had been legally outlawed, or even legally indicted. The governor acted against law as against right. Yet the regulators reluctantly accepted the appeal to arms; for they had nothing to hope from victory itself.

Bancroft, Hist. of the U.S., vol.3, p.401

The action began before noon, by firing a field-piece into the midst of the people. Many of the regulators, perhaps the larger number, retired; but those who remained disputed the field for two hours, fighting first in the open ground and then from behind trees, till, having nearly expended their ammunition, Hunter and his men were compelled to retreat. Nine of the king's troops were killed and sixty-one wounded. Of the regulators, above twenty fell in battle, besides the wounded. Some prisoners were taken in the pursuit. Before sunset, Tryon returned in triumph to his camp.

Bancroft, Hist. of the U.S., vol.3, p.401

The next day, James Few, one of the prisoners, was, by the governor's order, hanged on a tree as an outlaw; and his parents were ruined by the destruction of their estate. Then followed one proclamation after another, excepting outlaws and prisoners from mercy, and promising it to none but those who should take an oath of allegiance, pay taxes, submit to the laws, and deliver up their arms.

Bancroft, Hist. of the U.S., vol.3, p.401

After this, Tryon proceeded to the Yadkin to join Waddel, who had incurred some danger of being cut off. Waddel then moved through the south-western counties, unmolested, except that in Mecklenburg his ammunition was blown up; while Tryon turned back, living at free quarters on the regulators, burning the houses and laying waste the plantations of every one whom he chose to call an outlaw.

Bancroft, Hist. of the U.S., vol.3, p.401 - p.402

On the ninth of June, he arrived at Hillsborough, where the court awaited him. His first work was a proclamation inviting "every person" to shoot Herman Husbands, or James Hunter, or Redknap Howell, or William Butler; and offering a hundred pounds and a thousand acres of land as a reward for the delivery of either of them alive or dead. Then twelve men, taken in battle, were tried and brought in guilty of treason; and, on the nineteenth of June, six of them were hanged under the eye of the governor, who himself marked the spot for the execution, gave directions for clearing the field, and sketched in general orders the line of march of the army, with the station of each company round the gallows. The victims died bravely. It is yet kept in memory how heroically Benjamin Merrill met his fate, sustained by the affection of his children, and declaring that he died at peace with his Maker, in the cause of his country.

Bancroft, Hist. of the U.S., vol.3, p.402

The next day, Tryon, taking care to make the most of the confiscated lands, which were among the best on the continent, left Hillsborough; and, on the thirtieth, sailed to New York, leaving the burden of an illegally contracted debt of more than forty thousand pounds. His successor dared not trust the people with the immediate election of a new assembly, though terror and despair had brought six thousand of the regulators to submission.

Bancroft, Hist. of the U.S., vol.3, p.402 - p.403

The governors of South Carolina and of Virginia were requested not to harbor the fugitives. But the wilderness offered shelter beyond the mountains. Without concert, instinctively impelled by discontent and the wearisomeness of life exposed to bondage, men crossed the Alleghanies, and, descending into the basin of the Tennessee, made their homes in the valley of the Watauga. There no lawyer followed them with writs; there no king's governor came to be their lord; there the flag of England never waved. By degrees, they extended their settlements to the broader Nolichucky, whose sparkling waters spring out of the tallest mountains in the range. The health-giving westerly wind prevailed at all seasons; in spring, the wild crab-apple filled the air with the sweetest of perfumes. A fertile soil gave to industry good crops of maize; the clear streams flowed pleasantly without tearing floods; where the closest thickets of spruce and rhododendron flung the cooling shade farthest over the river, trout abounded. The elk and the red deer were not wanting in the natural parks of oak and hickory, of maple, elm, black ash, and buckeye. Of quails and turkeys and pigeons, there was no end. The golden eagle built its nest on the topmost ledge of the mountain, wheeling in wide circles high above the pines, or dropping like a meteor upon its prey. The black bear, whose flesh was held to be the most delicate of meats, grew so fat upon the abundant acorns and chestnuts that he could be run down in a race of three hundred yards; and sometimes the hunters gave chase to the coward panther, strong enough to beat off twenty dogs, yet flying from one. To acquire a peaceful title to their lands, the settlers despatched James Robertson to the council of the Cherokees, from whom he obtained promises of confidence and friendship, and a lease of territory. For government, its members, in 1772, came together as brothers in convention and founded a republic by a written association; appointed their own magistrates, Robertson among the first; framed laws for their present occasions; and "set to the people of America the example of erecting themselves into a state, independent of the authority" of the British king.

Bancroft, Hist. of the U.S., vol.3, p.403

Fanning followed Tryon to the North with obsequious adulation. To Lord Hillsborough Tryon boasted that his western expedition tended to establish the royal authority on the frontiers of every colony in British America. The extortionate officers, whom the regulators had vainly sued for redress in the courts, taunted their victims, saying: "Alamance is your court of record." Yet the record was not closed. In the memories of the inhabitants of Orange and Mecklenburg counties in North Carolina and of the troop of mountaineers who planted the commonwealth of Tennessee, a tyrannical governor, hiding his own rapacity under pretended zeal for the crown, had treasured up wrath for the day of wrath.

Chapter 31:

Great Britain Centres in Itself Power Over Its Colonies,

Hillsborough's Retirement,

June 1771-August 1772

Bancroft, Hist. of the U.S., vol.3, p.404

"THE glorious spirit of liberty is vanquished, and left without hope but in a miracle," was the language of desponding patriots in Boston. "I confess," said Samuel Adams, "we have, as Wolfe expressed it, a choice of difficulties. Too many flatter themselves that their pusillanimity is true prudence; but, in perilous times like these, I cannot conceive of prudence without fortitude." John Adams retired from "the service of the people," and, devoting himself to his profession, for a time ceased even to employ his pen in their defence. Otis, disordered in mind and jealous of his declining influence, did but impede the public cause. In Hancock, vanity so mingled with patriotism that the government hoped to win him over.

Bancroft, Hist. of the U.S., vol.3, p.404

The assembly, which for the third year was convened at Cambridge, adopted a protest in which Samuel Adams drew the distinction between a prerogative and its abuse; and inquired what would follow in England if a British king should call a parliament in Cornwall and keep it there seven years. Nor did he omit to expose the rapid consolidation of power in the hands of the executive, by the double process of making all civil officers dependent for support solely on the king, and giving to arbitrary instructions an authority paramount to the charter and the laws.

Bancroft, Hist. of the U.S., vol.3, p.404 - p.405

The protest had hardly been adopted when, in July 1771, the application of its doctrines became necessary. The commissioners of the customs had, through Hutchinson, applied for an exemption of their salaries from the colonial income tax; and Hillsborough, disregarding a usage of more than fifty years, commanded the compliance of the legislature. The engrossed tax bill for the year was of the same tenor with the annual acts from time immemorial. The assessors had, moreover, rated the commissioners with extreme moderation. Persons who had less income were taxed as much as they, so that it did not even appear that any regard was had to their salaries. Paxton's provincial tax, for his personal estate and income, was for the last year less than three pounds sterling; and what he paid to the town and county not much more. To prevent the levy of this inconsiderable, customary, and most moderate tax, Hutchinson, on the fourth of July, greatly against his own judgment, negatived the tax bill, and declared his obligation under his instructions to negative any other drawn in the same usual terms.

Bancroft, Hist. of the U.S., vol.3, p.405

The stopping of supplies by a veto of the crown was unknown in England; an order from the king to exempt special individuals from their share of taxation was unconstitutional; the exemption, if submitted to by the assembly, would have been an acquiescence in an unwarrantable instruction. On the next day the house replied in the words of Samuel Adams: "We know of no commissioners of his majesty's customs, nor of any revenue his majesty has a right to establish in North America; we know and feel a tribute levied and extorted from those who, if they have property, have a right to the absolute disposal of it. To withhold your assent to this bill, merely by force of instruction, is effectually vacating the charter, and giving instructions the force of laws, within this province. If such a doctrine shall be established, the representatives of a free people would be reduced to this fatal alternative: either to have no taxes levied and raised at all, or to have them raised add levied in such a way, and upon" such persons only as "his majesty pleases." At the first meeting of the assembly, loyalty had prevailed; in his rejoinder Hutchinson again kept the ministers out of sight, and brought the king and the colony into direct conflict. "I know," he said, "that your messages and resolves of the last year were very displeasing to the king; I shall transmit my messages, and this your extraordinary answer, to be laid before him."

Bancroft, Hist. of the U.S., vol.3, p.406

Wise men saw the event that was approaching, but not that it was so near. Franklin foretold a bloody struggle, in which "America's growing strength and magnitude" would give her the victory. The letter of the house to its agent, claiming that colonial legislation was independent of parliament and of royal instructions, was drawn by Samuel Adams, who had long before said, in town-meeting: "Independent we are, and independent we will be." "I doubt," wrote Hutchinson, "whether there is a greater incendiary than he in the king's dominions." His language became more explicit as danger drew nearer.

Bancroft, Hist. of the U.S., vol.3, p.406

In August, Boston saw in its harbor twelve vessels of war, carrying more than two hundred and sixty guns, commanded by Montagu, the brother of Lord Sandwich. Yet Eden from Maryland could congratulate Hillsborough on the return of confidence and harmony. "The people," so wrote Johnson, the agent of Connecticut, after his return home, "appear to be weary of their altercations with the mother country; a little discreet conduct on both sides would perfectly reestablish that warm affection and respect toward Great Britain for which this country was once so remarkable." Hutchinson, too, in October, reported "a disposition in all the colonies to let the controversy with the kingdom subside." The king sent word to tempt Hancock by marks of favor. "Hancock and most of the party," said the governor, "are quiet; and all of them, except Adams, abate of their virulence."

Bancroft, Hist. of the U.S., vol.3, p.406 - p.407

While America generally was so tranquil, Samuel Adams continued musing, till the thought of correspondence and union among the friends of liberty ripened in his mind. "It would be an arduous task," he said, meditating a project which required a year's reflection for its maturity, "to awaken a sufficient number in the colonies to so grand an undertaking. Nothing, however, should be despaired of." Through the press, in October, he continued: "We have nothing to rely upon but the interposition of our friends in Britain, of which I have no expectation, or the LAST APPEAL. The tragedy of American freedom is nearly completed. A tyranny seems to be at the very door. They who lie under oppression deserve what they suffer; let them perish with their oppressors. Could millions be enslaved, if all possessed the independent spirit of Brutus, who, to his immortal honor, expelled the tyrant of Rome and his royal and rebellious race The liberties of our country are worth defending at all hazards. If we should suffer them to be wrested from us, millions yet unborn may be the miserable sharers in the event. Every step has been taken but one; and the last appeal would require prudence, unanimity, and fortitude. America must herself, under God, work out her own salvation."

Bancroft, Hist. of the U.S., vol.3, p.407

In the annual proclamation which appointed the November festival of thanksgiving, and which was always read from every pulpit, Hutchinson sought to ensnare the clergy by enumerating as a cause for gratitude "that civil and religious liberties were continued," and "trade enlarged." He was caught in his own toils. All the Boston ministers except one refused to read the paper; when Pemberton, of whose church the governor was a member, began confusedly to do so, the patriots of his congregation, turning their backs on him, walked out of the meeting; and nearly all the ministers agreed on the Thanksgiving day "to implore of Almighty God the restoration of lost liberties."

Bancroft, Hist. of the U.S., vol.3, p.407

Nowise disheartened, Hutchinson waited "to hear how the extravagance of the assembly in their last session would be resented by the king;" now striving to set Hancock against Adams; now seeking to lull the people into security; now boasting of his band of writers on the side of government, Church, a professed patriot, being of the number; now triumphing at the spectacle of Otis who was carried into the country, bound hand and foot as a maniac; now speculating on the sale of cheap teas at high prices; now urging the government in England to remodel all the New England provinces, even while he pretended that they were quiet and submissive. His only fears were lest his advice should become known in America.

Bancroft, Hist. of the U.S., vol.3, p.407 - p.408

Confirmed by the seeming tranquillity in America, and by the almost unprecedented strength of the ministry in parliament, Hillsborough gave free scope to his conceit, wrongheadedness, obstinacy, and passion, and perplexed affairs by the senseless exercise of authority. He still required the legislature of Massachusetts to exempt the commissioners from taxation, or the tax bill should be negatived; and Gage was enjoined to attend to the security of the fortress in Boston harbor.

Bancroft, Hist. of the U.S., vol.3, p.408

In Georgia, Noble Wimberley Jones, a man of exemplary life and character, had been elected speaker. Wright, who reported him to be "a very strong Liberty Boy," would not consent to the choice; and the house voted the interference a breach of their privileges. To crush this claim of the house, Hillsborough directed the governor "to put his negative upon any person whom they should next elect for speaker, and to dissolve the assembly in case they should question the right of such negative."

Bancroft, Hist. of the U.S., vol.3, p.408

The affections of South Carolina were still more thoroughly alienated. Its public men were ruled by their sense of honor, and felt a stain upon it as a wound. From the day when Lyttelton had abruptly dismissed a Carolinian from the king's council, it became the pride of native Carolinians not to accept a seat in that body. The members of the assembly "disdained to take any pay for their attendance." Since March 1771, no legislative act had been perfected, because the governor refused to pass any appropriations which should cover the grant of the assembly to the society for the bill of rights; but patriot planters by their private credit and purses met the wants of colonial agents and committees. To extend the benefit of courts of justice into the interior, the province, at an expense of five thousand pounds, bought the monopoly of Richard Cumberland as provost by patent for the whole; and offered to establish salaries for the judges, if the commissions of those judges were but made permanent as in England. At last, in 1769, trusting to the honor of the crown, they voted perpetual grants of salaries. When this was done, Rawlins Lowndes and others, their own judges, taken from among themselves, were dismissed; and, in 1772, an Irishman, a Scotchman, and a Welshman were sent over by Hillsborough to take their places. "The honors of the state," said the planters, "are all given away to worthless sycophants." The governor, Lord Charles Greville Montagu, had no palace at Charleston; he uttered a threat to convene the South Carolina assembly at Port Royal, unless they would vote him a house to his mind. This is the culminating point of administrative insolence.

Bancroft, Hist. of the U.S., vol.3, p.409

The system of concentrating all colonial power in England was resisted at the West. In Illinois, the corruption and favoritism of the military commander compelled the people to a remonstrance. The removal of them all to places within the limits of some established colony was the mode of pacification which Hillsborough approved, but the Spanish jurisdiction across the river offered so near a sanctuary that such a policy was impracticable. An establishment of government by the crown upon the lowest plan of expense, and without any intermixture of popular power, was thought of. "A regular constitutional government for them," said Gage, "cannot be suggested. They don't deserve so much attention." "I agree with you," replied Hillsborough; "a regular government for that district would be highly improper." The people of Illinois, weary of the shameless despotism which aimed only at forestalling tracts of land, the monopoly of the Indian trade, or the ruin of the French villages, took their cause into their own hands; they demanded institutions like those of Connecticut, and set themselves against any proposal for a government which should be irresponsible to themselves. In 1771, they assembled in a general meeting, and fixed upon their scheme, from which they never departed, "expecting to appoint their own governor and all civil magistrates." Toward the people at Vincennes, Hillsborough was less relenting; for they were at his mercy, with no Spanish shore to which they could fly. In April 1772, they were, by formal proclamation, peremptorily commanded to retire within the jurisdiction of some one of the colonies. But the men of Indiana were as unwilling to abandon their homes in a settlement which they claimed to be already seventy years old, as those of Illinois to give up the hope of freedom. And what allegiance would men of French origin bear to a British king who proposed to take away their estates and deny them liberty?

Bancroft, Hist. of the U.S., vol.3, p.409 - p.410

The people of Virginia were overruled on a subject of vital importance to them and their posterity. Their halls of legislation had resounded with eloquence directed against the terrible plague of negro slavery. The struggle for their own liberty made them more thoughtful of the sorrows of the humble who were oppressed by themselves. An act of 1748 had imposed unequal taxes on the wives and female children of free people of color; in November 1769, the grievance was redressed, because, says the statute-book, "it is found very burdensome to such negroes, mulattoes, and Indians, and is, moreover, derogatory of the rights of free-born subjects." To Jefferson, it did not seem enough to guard the rights of the free-born subjects of African descent; in this same session he brought in a bill for permitting the unrestricted emancipation of slaves. But the abrogation of the slave-trade was regarded by the legislature as the necessary preliminary to successful efforts at getting rid of slavery itself. Again and again they had passed laws restraining the importations of negroes from Africa; but their laws were disallowed. How to prevent them from protecting themselves against the increase of the overwhelming evil was debated by the king in council; and, on the tenth of December 1770, he issued an instruction, under his own hand, commanding the governor, "upon pain of the highest displeasure, to assent to no law by which the importation of slaves should be in any respect prohibited or obstructed." In April 1772, this rigorous order was solemnly debated in the assembly of Virginia. The negro slaves in the low country were double the number of the white people, and gained every year from importations and from births, so as to alarm not only Virginia, but all America. "The people of this colony," it was said, "must fall upon means not only of preventing their increase, but of lessening their number; and the interest of the country would manifestly require the total expulsion of them. Supposing it possible, by rigor and exemplary punishment, to prevent any insurrection, yet, in case of a war, the people, with great reason, tremble at the facility that an enemy would find in procuring such a body of men, attached by no tie to their masters or their country, ready to join the first that would encourage them to revenge themselves, by which means a conquest of this country would inevitably be effected in a very short time." The abhorred instruction, which maintained the nefarious trade in men, sprung directly from the throne; Virginia, therefore, resolved to address the king himself. They entreated of him leave to defend themselves against the crimes of commercial avarice, and these were their words:

Bancroft, Hist. of the U.S., vol.3, p.411

"The importation of slaves into the colonies from the coast of Africa hath long been considered as a trade of great inhumanity; and, under its present encouragement, we have too much reason to fear, will endanger the very existence of your majesty's American dominions. We are sensible that some of your majesty's subjects in Great Britain may reap emoluments from this sort of traffic; but, when we consider that it greatly retards the settlement of the colonies with more useful inhabitants, and may in time have the most destructive influence, we presume to hope that the interest of a few will be disregarded, when placed in competition with the security and happiness of such numbers of your majesty's dutiful and loyal subjects.

Bancroft, Hist. of the U.S., vol.3, p.411

"Deeply impressed with these sentiments, we most humbly beseech your majesty to remove all those restraints on your majesty's governors of this colony which inhibit their assenting to such laws as might check so very pernicious a commerce."

Bancroft, Hist. of the U.S., vol.3, p.411

Thousands in Maryland and in New Jersey were ready to adopt a similar petition; so were the legislatures of North Carolina, of Pennsylvania, of New York. Massachusetts, in its towns and in its legislature, had reprobated the condition of slavery, as well as the sale of slaves. There was no jealousy of one another in the strife against the crying evil; Virginia represented the moral sentiment and policy of them all. How strong were her convictions, how earnest and united the efforts of her statesmen, appears from this, that Dunmore himself, giving utterance to a seemingly unanimous desire, was constrained to plead with the ministry in behalf of the petitioners for leave to prohibit the slave-trade by law.

Bancroft, Hist. of the U.S., vol.3, p.411 - p.412

When the prayer reached England, a slave had just refused to serve his master during his stay in England; whereupon, by his master's orders, he was put on board a ship by force, to be carried out of the kingdom and sold. "So high an act of dominion," said Lord Mansfield in June, 1772, pronouncing the opinion of all the judges present, "must derive its authority, if any such it has, from the law of the kingdom where executed. The state of slavery is of such a nature that it is incapable of being introduced by courts of justice upon mere reasoning, or inferences from any principles natural or political; it must take its rise from positive law, and, in a case so odious as the condition of slaves, must be taken strictly. No master was ever allowed here to take a slave by force to be sold abroad for any reason whatever. We cannot say the cause set forth by this return is allowed or approved of by the laws of this kingdom, therefore the man must be discharged." But the king of England, though avoiding to reject in form the appeal of Virginia to himself, stood forth as the stubborn protector of the African slave-trade.

Bancroft, Hist. of the U.S., vol.3, p.412

"Pharisaical Britain!" said Franklin, through the press; "to pride thyself in setting free a single slave that happened to land on thy coasts, while thy merchants in all thy ports are encouraged by thy laws to continue a commerce whereby so many hundreds of thousands are dragged into a slavery that can scarce be said to end with their lives, since it is entailed on their posterity." Yet the decision of the king's bench was momentous; for it settled the question that slavery, in any part of the British dominions of those days, rested only on local laws.

Bancroft, Hist. of the U.S., vol.3, p.412 - p.413

The great men of Virginia already looked forward to a thorough social change. In January 1773, Patrick Henry, writing to a member of the society of Friends, chid those of them who were "lukewarm in the abolition of slavery." "Is it not amazing," so he expressed himself, "that, at a time when the rights of humanity are defined and understood with precision, in a country above all others fond of liberty, in such an age, we find men professing a religion the most humane, mild, meek, gentle, and generous, adopting a principle as repugnant to humanity as it is inconsistent with the Bible and destructive to liberty? Every thinking honest man rejects it in speculation; but how few in practice, from conscientious motives! Believe me, I shall honor the Quakers for their noble efforts to abolish slavery; they are equally calculated to promote moral and political good. Would any one believe that I am master of slaves of my own purchase? I am drawn along by the general inconvenience of living without them. I will not, I cannot, justify it; however culpable my conduct, I will so far pay my devoir to virtue as to own the excellence and rectitude of her precepts, and to lament my want of conformity to them. I believe a time will come when an opportunity will be offered to abolish this lamentable evil; everything we can do is to improve it, if it happens in our day; if not, let us transmit to our descendants, together with our slaves, a pity for their unhappy lot and an abhorrence of slavery. We owe to the purity of our religion to show that it is at variance with that law which warrants slavery. I exhort you to persevere. I could say many things on this subject, a serious view of which gives a gloomy prospect to future times."

Bancroft, Hist. of the U.S., vol.3, p.413

But the voice of Virginia gained its clearest utterance through one of her sons, who was of a deeper, sadder, and more earnest nature than Henry or Jefferson. Early in 1773, George Mason addressed to its legislature these prophetic words:

Bancroft, Hist. of the U.S., vol.3, p.413

"Mean and sordid, but extremely short-sighted and foolish, is that self-interest which, in political questions, opposeth itself to the public good: a wise man can no other way so effectually consult the permanent welfare of his own family and posterity as by securing the just rights and privileges of that society to which they belong.

Bancroft, Hist. of the U.S., vol.3, p.413 - p.414

"Perhaps the constitution may by degrees work itself clear by its own innate strength, the virtue and resolution of the community; as hath often been the case in our mother country. This last is the natural remedy, if not counteracted by that slow poison which is daily contaminating the minds and morals of our people. Every gentleman here is born a petty tyrant. Practiced in arts of despotism and cruelty, we become callous to the dictates of humanity, and all the finer feelings of the soul. Taught to regard a part of our own species in the most abject and contemptible degree below us, we lose that idea of the dignity of a man which the hand of nature hath planted in us for great and useful purposes. Habituated from our infancy to trample upon the rights of human nature, every generous, every liberal sentiment, if not extinguished, is enfeebled in our minds; and in such an infernal school are to be educated our future legislators and rulers. The laws of impartial Providence may, even by such means as these, avenge upon our posterity the injury done to a set of wretches whom our injustice hath debased to a level with the brute creation. These remarks were extorted by a kind of irresistible, perhaps an enthusiastic impulse; and the author of them, conscious of his own good intentions, cares not whom they please or offend."

Bancroft, Hist. of the U.S., vol.3, p.414

Rhode Island at that day, especially in Newport, had many slaves; in April 1773, Samuel Hopkins unfolded to Ezra Stiles his design of educating negroes to be ministers of the gospel, and sending them on a mission to Guinea; and, in August 1773, they issued a circular in behalf of sending two emancipated slaves as missionaries to Africa. The appeal was renewed in April 1776.

Bancroft, Hist. of the U.S., vol.3, p.414

Inhabitants of Providence, in Rhode Island, had, in March 1772, complained to the deputy governor of Lieutenant Dudingston, commander of the Gaspee. Hopkins, the chief justice, on being consulted, gave the opinion "that any person who should come into the colony and exercise any authority by force of arms, without showing his commission to the governor, and, if a custom-house officer, without being sworn into his office, was guilty of a trespass, if not piracy." The governor, therefore, sent a sheriff on board the Gaspee, to ascertain by what orders the lieutenant acted. Dudingston referred the subject to the admiral, who answered from Boston: "The lieutenant, sir, has done his duty. I shall give the king's officers directions that they send every man taken in molesting them to me. As sure as the people of Newport attempt to rescue any vessel, and any of them are taken, I will hang them as pirates." Dudingston seconded the insolence of his superior officer, insulted the inhabitants, plundered the islands of sheep and hogs, cut down trees, fired at market-boats, detained vessels without a colorable pretext, and made illegal seizures of goods of which the recovery cost more than they were worth.

Bancroft, Hist. of the U.S., vol.3, p.414 - p.415

In the afternoon of the ninth of June, the Providence packet was returning to Providence, and, proud of its speed, went gayly on, heedless of the Gaspee. Dudingston gave chase. The tide being but two hours on ebb, the packet ventured near shore; the Gaspee, confidently following, ran aground on Namquit, a little below Pawtuxet, without a chance of moving before the return of high tide. Informed of the accident, John Brown of Providence instantly raised a party of shipmasters, Whipple, Hopkins, and others, skillful oarsmen, Mawney a physician, Bowen, with other young companions. Embarking after nightfall in six or seven boats, they boarded the stranded schooner, after a scuffle in which Dudingston was wounded took and landed its crew and their personal property, and then set it on fire. The whole was conducted on a sudden impulse; yet Lord Sandwich, who was at the head of the British admiralty, resolved never to leave pursuing the colony of Rhode Island until its charter should be taken away. "A few punished at Execution dock would be the only effectual preventive of any further attempt," wrote Hutchinson, who wished to see a beginning of punishing American offenders in England. There now existed a statute authorizing such a procedure. Two months before, the king had assented to an act for the better securing dock-yards, ships, and stores, which made death the penalty for destroying even the oar of a cutter's boat or the head of an empty cask belonging to the fleet, and subjected the accused to a trial in any county in Great Britain; and this act extended to the colonies.

Bancroft, Hist. of the U.S., vol.3, p.415

For the last five years, there had been no contested election in Boston. Deceived by the apparent tranquillity, the friends of government in 1772 attempted to defeat the choice of Samuel Adams as representative; but he received more than twice and a half as many votes as his opponent.

Bancroft, Hist. of the U.S., vol.3, p.415 - p.416

The legislature was for the fourth year convened at Cambridge; but the governor had grown weary of the strife, and, against his declared purpose, adjourned the session to the accustomed house in Boston. There the assembly gave attention to the gradual change in the constitution of the colony effected by the payment of the king's civil officers through warrants under his sign manual, drawn on a perennial fund raised by an act of parliament. By their charter, which they respected as "a most solemn compact" between them and Great Britain, they maintained that over their governor and judges the power of the king was protected by the right of nomination, the power of the colony by the exclusive right of providing support. These views were embodied by Hawley in a report to the assembly, and, on the tenth of July 1772, adopted by a vote of eighty-five to nineteen. It followed, and was so resolved, that a governor who, like Hutchinson, was not dependent on the people for support, was not such a governor as the people had consented to, at the granting of the charter; the house most solemnly protested "that the innovation was an important change of the constitution, and exposed the province to a despotic administration of government." The inference was unavoidable. If the principle contained in the preamble to Townshend's revenue act should become the rule of administration, obedience would no longer be due to the governor, and the rightful dependence on England would be at an end.

Bancroft, Hist. of the U.S., vol.3, p.416

On the seventh of August, the secretary, with eager haste, announced that the king, with the "entire concurrence of Lord North, had made provision for the support of his law servants in the province of Massachusetts Bay." This act, constituting judges, who held their offices at the king's pleasure, stipendiaries of the crown, was the crisis of revolution.

Bancroft, Hist. of the U.S., vol.3, p.416

Meantime, Hillsborough was left with few supporters except the flatterers who had made his vanity subservient to their selfishness. The king was weary of him; his colleagues conspired to drive him into retirement. The occasion was at hand. Franklin had negotiated with the treasury for a grant to a company of about twenty-three millions of acres of land south of the Ohio and west of the Alleghanies; Hillsborough, from the fear that men in the backwoods would be too independent, opposed the project. Franklin persuaded Hertford, Gower, Camden, the secretaries of the treasury, and others, to become share-holders in his scheme; by their influence, the lords of council disregarded the adverse report of the board of trade, and decided in favor of planting the new province. Hillsborough was too proud to brook this public insult; and the king, soothing his fall by a patent for a British earldom, accepted his resignation; but Thurlow took care that the grant for the western province should never be sealed. The pious and amiable Lord Dartmouth, who succeeded Hillsborough as secretary for the colonies, had been taught to believe, with Lord North and the king, that it was necessary to carry out the policy of consolidation, as set forth in Townshend's preamble.

Chapter 32:

The Towns of Massachusetts Hold Correspondence,

August 1772-January 1773

Bancroft, Hist. of the U.S., vol.3, p.417

"WE must get the colonies into order before we engage with our neighbors," were the words of the king to Lord North in August, 1772; and a cordial understanding sprung up between George III and Louis XV, that monarchy might triumph in France over philosophy, in America over the people.

Bancroft, Hist. of the U.S., vol.3, p.417 - p.418

On the subject of royal authority, Louis XV never wavered. To him Protestants were republicans; and he would not even legalize their marriages. He violated the constitutions of Languedoc and Brittany without scruple, employing military force against their states. The parliament of Paris, even more than the other companies of judges, had become an aristocratic senate, not only distributing justice, but exercising some check on legislation; he demanded their unqualified registry of his edicts. "Sire," remonstrated the upright magistrate Malesherbes, in 1771, "to mark your dissatisfaction with the parliament of Paris, the most essential rights of a free people are taken from the nation. The greatest happiness of the people is always the object and end of legitimate power. God places the crown on the heads of kings to preserve to their subjects the enjoyment of life, liberty, and property. This truth flows from the law of God and from the law of nature, and is peculiar to no constitution. In France, as in all monarchies, there exist inviolable rights, which belong to the nation. Interrogate, sire, the nation itself: the incorruptible testimony of its representatives will at least let you know if the cause which we defend to-day is that of all this people, by whom you reign and for whom you reign." "I will never change," replied Louis. Exiling Malesherbes, he overturned all the parliaments and reconstructed the courts. "The crown is rescued from the dust of the rolls," cried his flatterers. "It is the tower of Babel," said others, "or chaos come again, or the end of the world."

Bancroft, Hist. of the U.S., vol.3, p.418

The king of England, in like manner, had no higher object than to confirm his authority. In September the ministers of Prussia, Austria, and Russia were signing at St. Petersburg the treaty for the first partition of Poland; he did not question its justice. Toward European affairs the British policy, like that of France, was one of inertness and peace. Poland might perish, that Louis XV might confirm his arbitrary power, and George III obtain leisure to reduce America.

Bancroft, Hist. of the U.S., vol.3, p.418

There, in New England, the marriage vow was austerely sacred. There industry created wealth, and, at the death of the parents, divided it among all the children; and none professed that the human race lives for the few. There every man was, or expected to become, a freeholder; the owner of the land held the plough; he who held the plough held the sword; and liberty, acquired by the sacrifices and sufferings of a revered ancestry, was guarded, under the blessing of God, as a sacred trust for posterity. There Hopkins, discoursing from the pulpit to the tillers of the soil, and to merchants and mariners, founded morals on the doctrine of disinterested love, establishing it as the duty of every one to be willing to sacrifice himself for the glory of God, the freedom of his country, the well-being of his race.

Bancroft, Hist. of the U.S., vol.3, p.418

The younger Quincy misunderstood his countrymen when he wrote: "The word of God has pointed the mode of relief from Moabitish oppression: prayers and tears, with the help of a dagger. The Lord of light has given us the fit message to send to a tyrant: a dagger of a cubit in his belly; and every worthy man who desires to be an Ehud, the deliverer of his country, will strive to be the messenger." Hutchinson knew the people too well to be in dread of assassination; but this wild outbreak of frenzy seems to have been brought without delay to the notice of the secretary of state and of the king.

Bancroft, Hist. of the U.S., vol.3, p.418 - p.419

This is a people, said Samuel Adams of his countrymen, "who of all the people on the earth deserve most to be free." Yet, when he first proposed organizing revolution through committees of correspondence, every one of his colleagues in the delegation from Boston dissuaded from the movement. Hancock, who disapproved the measure as rash or insufficient, joined with three or four others of the selectmen of the town; and they rejected the first petition for a town-meeting.

Bancroft, Hist. of the U.S., vol.3, p.419

"America may assert her rights by resolves," insinuated Cushing; "but, before enforcing them, she must wait to grow more powerful." "We are at a crisis," was the answer; "this is the moment to decide whether our posterity shall inherit liberty or slavery." A new petition, signed by one hundred and six inhabitants, explaining how the judges would be corrupted into political partisans by their complete dependence, prevailed with the selectmen; and a meeting of the town of Boston was summoned for the twenty-eighth of October. The day came. "We must now strike a home blow," said the "Boston Gazette," "or sit down under the yoke of tyranny. The people in every town must instruct their representatives to send a remonstrance to the king, and assure him, unless their liberties are immediately restored whole and entire, they will form an independent commonwealth after the example of the Dutch provinces, and offer a free trade to all nations. Should any one province begin the example, the other provinces will follow; and Great Britain must comply with our demands, or sink under the united force of the French and Spaniards. This is the plan that wisdom and Providence point out to preserve our rights, and this alone."

Bancroft, Hist. of the U.S., vol.3, p.419

Toward that design Adams moved with undivided purpose, conducting public measures so cautiously that no step needed to be retraced. The attendance at Faneuil Hall was not great; the town only raised a committee to inquire of the governor if the judges of the province had become the stipendiaries of the crown. "This country," said Samuel Adams, in the interval, "must shake off its intolerable burdens at all events; every day strengthens our oppressors, and weakens us; if each town would declare its sense, our enemies could not divide us;" and he urged Elbridge Gerry, of Marblehead, to convoke the citizens of that port.

Bancroft, Hist. of the U.S., vol.3, p.420

As the governor refused to answer the inquiry of the town, they next asked that he would allow the general assembly to meet on the day to which it had been prorogued.

Bancroft, Hist. of the U.S., vol.3, p.420

A determined spirit began to show itself in the country; yet when, on the second of November, Boston reassembled, no more persons attended than on ordinary occasions. "If in compliance with your petition," such was Hutchinson's message to them, "I should alter my determination, and meet the assembly at such time as you judge necessary, I should, in effect, yield to you the exercise of that part of the prerogative. There would," moreover, "be danger of encouraging the inhabitants of the other towns in the province to assemble from time to time, in order to consider of the necessity or expediency of a session of the general assembly, or to debate and transact other matters, which the law, that authorizes towns to assemble, does not make the business of a town-meeting."

Bancroft, Hist. of the U.S., vol.3, p.420

By denying the right of the towns to discuss public questions, the governor placed himself at variance with the institution of town governments, the oldest and dearest and most characteristic of the established rights of New England, rooted in custom and twined with a thousand tendrils round the faith of the people. The meeting read over the reply several times, and voted unanimously "that its inhabitants have, ever had, and ought to have a right to petition the king or his representative for the redress or the preventing of grievances, and to communicate their sentiments to other towns."

Bancroft, Hist. of the U.S., vol.3, p.420

Samuel Adams then arose, and made that motion which included the whole revolution, "that a committee of correspondence be appointed, to consist of twenty-one persons, to state the rights of the colonists, and of this province in particular, as men, as Christians, and as subjects; to communicate and publish the same to the several towns in this province and to the world, as the sense of this town, with the infringements and violations thereof that have been, or from time to time may be, made; also requesting of each town a free communication of their sentiments on this subject." The assembly was to confirm the doings of the towns, and invite the other colonies to join; and this would lead to a general confederacy against the authority of parliament.

Bancroft, Hist. of the U.S., vol.3, p.421

The motion was readily adopted; but it was difficult to raise the committee. Cushing, Hancock, and Phillips, three of the four representatives of Boston, pleaded private business and refused to serve; so did Scollay and Austin, two of the selectmen. The name of James Otis, who was now but a wreck, appears first on the list, as a tribute to former Services. The two most important members were Samuel Adams and Joseph Warren, the first now recognised as a "masterly states man," and the ablest political writer in New England; the second, a rare combination of gentleness with daring courage, of respect for law with the love of liberty. The two men never failed each other; the one growing old, the other in youthful manhood; thinking one set of thoughts, having one heart for their country, joining in one career of public policy and action; differing only in this, that, while Warren still clung to the hope of conciliation, Adams foresaw and desired the conflict for independence.

Bancroft, Hist. of the U.S., vol.3, p.421

On the third of November, the Boston committee of correspondence met at the representatives' chamber, and organized itself by electing the true-hearted William Cooper its clerk. They next, by a unanimous vote, gave each to the others the pledge of "honor not to divulge any part of the conversation at their meetings to any person whatsoever, excepting what the committee itself should make known." Samuel Adams was then appointed to prepare the statement of the rights of the colonists, and Joseph Warren of the several grievous violations of those rights; while a letter was addressed to the other towns. Meantime, Adams roused his friends throughout the province. No more "complaining," thus he wrote to James Warren, of Plymouth; "it is more than time to be rid of both tyrants and tyranny;" and, explaining "the leading steps" which Boston had taken, he entreated cooperation.

Bancroft, Hist. of the U.S., vol.3, p.421

The flame caught. Plymouth, Marblehead, Roxbury, Cambridge, prepared to second Boston. "God grant," said Samuel Adams, "that the love of liberty, and a zeal to support it, may enkindle in every town." "Their scheme of keeping up a correspondence through the province," wrote Hutchinson, in a letter which was laid before the king, "is such a foolish one that it must necessarily make them ridiculous."

Bancroft, Hist. of the U.S., vol.3, p.422

After the report of the Boston committee was prepared, Otis was appointed to present it to the town. As they chose on this last great occasion of his public appearance to name him with the honors of precedence, history may express satisfaction that he whose eloquence first awakened the thought of resistance should have been able to lend his presence and his name to the grand movement for union. He was a man of many sorrows; familiar with grief, as one who had known little else. The burden of his infirmities was greater than he could bear; his fine intellect became a ruin, which reason wandered over, but did not occupy, and by its waning light showed less the original beauty of the structure than the completeness of its overthrow. The remainder of his life was passed in seclusion; years afterward, when his country's independence had been declared, he stood one summer's day in the porch of the farm-house which was his retreat, watching a sudden shower. One flash, and only one, was seen in the sky; one bolt fell, and, harming nothing else, struck James Otis. In this wise all that was mortal of him perished.

Bancroft, Hist. of the U.S., vol.3, p.422

On the twentieth of November, Boston, in a legal town-meeting, received the report of their committee. Among their natural rights, they claimed a right to life, to liberty, to property; in case of intolerable oppression, to change allegiance for their sake; to resume them, if they had ever been renounced; to rescue and preserve them, sword in hand.

Bancroft, Hist. of the U.S., vol.3, p.422 - p.423

The grievances of which they complained were the assumption by the British parliament of absolute power in all cases whatsoever; the exertion of that power to raise a revenue in the colonies without their consent; the appointment of officers unknown to the charter to collect the revenue; the investing these officers with unconstitutional authority; the supporting them by fleets and armies in time of peace; the establishment of a civil list out of the unconstitutional revenue even for judges whose commissions were held only during pleasure, and whose decisions affected property, liberty, and life; the oppressive use of royal instructions; the enormous extension of the power of the vice-admiralty courts; the infringement of the right derived from God and nature to make use of their skill and industry, by prohibiting or restraining the manufacture of iron, of hats, of wool; the violence of authorizing persons in the colonies to be taken up under pretence of certain offences, and carried to Great Britain for trial; the claim of a right to establish a bishop and episcopal courts without the consent of the colony; the frequent alteration of the bounds of colonies, followed by a necessity for the owners of the land to purchase fresh grants of their property from rapacious governors. "This enumeration," they said, "of some of the most open infringements of their rights will not fail to excite the attention of all who consider themselves interested in the happiness and freedom of mankind, and will by every candid person be judged sufficient to justify whatever measures have been or may be taken to obtain redress."

Bancroft, Hist. of the U.S., vol.3, p.423

Having thus joined issue with the king and parliament, the inhabitants of the town of Boston voted, by means of committees of correspondence, to make an appeal to all the towns in the colony, "that the collected wisdom and fortitude of the whole people might dictate measures for the rescue of their happy and glorious constitution." "These worthy New Englanders," said Chatham, as he read the report, "ever feel as Old Englanders ought to do."

Bancroft, Hist. of the U.S., vol.3, p.423 - p.424

And what was England gaining by the controversy? The commissioners of the stamp office were just then settling their accounts for their expenses in America, which were found to have exceeded twelve thousand pounds, while they had received for revenue only about fifteen hundred, and this almost exclusively from Canada and the West India islands. The result of the tax on tea had been more disastrous. Even in Boston, under the eyes of the commissioners of the customs, seven eighths of the teas consumed were Dutch teas, and in the southern governments the proportion was much greater; so that the whole remittance of the last year for duties on teas and wines and other articles taxed indirectly, amounted to no more than eighty-five or eighty pounds; while ships and soldiers for the support of the collecting officers had cost some hundred thousands, and the East India company had lost the sale of goods to the amount of two and a half millions of dollars annually. England was growing weary of the fruitless strife; Lord North wished it at an end; Dartmouth desired the king to "reign in the affections of his people," and would have regarded conciliation as "the happiest event of his life."

Bancroft, Hist. of the U.S., vol.3, p.424

Temple, the commissioner of customs in America, remained always in strife with his associates in the American board of customs, which Grenville had established; for he never discovered in them the least view to the real interest of the revenue. They were rather guided by an anxious desire to light up a war between the colonies and the mother country, and left no means unattempted to effect it. "I am perfectly of opinion with General Gage," so he wrote, in November 1768, to Grenville, "that the king's cause has been more hurt in this country by some of his own servants than by all the world beside, and time must turn this up to public view." In the latter part of the following year, to the great dismay of Hutchinson, he returned to England, partly to answer the charge made in form against him by his colleagues of favoring the popular party, and partly to charge them and the governor with insolence, indiscretion, and abuse of their powers. Lord Temple acted toward him the part of a real father, and in Lord Chatham, between whom and Lord Temple there had been a reconciliation, he found an able and kind adviser. The return of Temple to England dismayed Hutchinson, who was sure to find in him an implacable enemy. From another source Grenville knew well the purposes of Hutchinson, for Thomas Whately had communicated to his old patron letters which Hutchinson, and Oliver, Hutchinson's brother-in-law, had written to him to stimulate the British government in the policy of coercing the colonies into submission. These letters Grenville showed to Lord Temple, and they were seen by others.

Bancroft, Hist. of the U.S., vol.3, p.424 - p.425

In December 1772, after the death alike of George Grenville and of Thomas Whately, a member of parliament having discovered that every perverse "measure and every grievance complained of took their rise not from the British government, but were projected, proposed to administration, solicited, and obtained by some of the most respectable among the Americans themselves, as necessary for the welfare of that country," endeavored to convince Franklin of the well-ascertained fact. Franklin remaining skeptical, he returned in a few days with these very letters from Hutchinson and Oliver, which Grenville had shown to Lord Temple.

Bancroft, Hist. of the U.S., vol.3, p.425

These, which were but moderate specimens of a most persevering and extensive correspondence of a like nature, Franklin was authorized to send to his constituents, not for publication, but to be retained for some months, and perused by the corresponding committee of the legislature, by members of the council, and by some few others to whom the chairman of that committee might think proper to show them.

Bancroft, Hist. of the U.S., vol.3, p.425 - p.426

Had the conspiracy, which was thus laid bare, aimed at the life of a minister, or the king, any honest man must have immediately communicated the discovery to the secretary of state; to conspire to introduce into America a military government and abridge American liberty, was a still more heinous crime, of which irrefragable evidence had come to light. Franklin, as agent of Massachusetts, made himself the public accuser of those whose conduct was now exposed; and, in an official letter, sent the proofs of their designs to the speaker of the Massachusetts house of representatives, with no concealment or reservation but such as his informer had required. "All good men," wrote Franklin, as he forwarded the letters, "wish harmony to subsist between the colonies and the mother country. My resentment against this country for its arbitrary measures in governing us has been exceedingly abated, since my conviction by these papers that those measures were projected, advised, and called for by men of character among ourselves. I think they must have the same effect with you. As to the writers, when I find them bartering away the liberties of their native country for posts, negotiating for salaries and pensions extorted from the people, and, conscious of the odium these might be attended with, calling for troops to protect and secure the enjoyment of them; when I see them exciting jealousies in the crown, and provoking it to wrath against so great a part of its most faithful subjects; creating enmities between the different countries of which the empire consists; occasioning a great expense to the old country for suppressing or preventing imaginary rebellions in the new, and to the new country for the payment of needless gratifications to useless officers and enemies—I cannot but doubt their sincerity even in the political principles they profess, and deem them mere time-servers, seeking their own private emoluments through any quantity of public mischief; betrayers of the interest not of their native country only, but of the government they pretend to serve, and of the whole English empire."

Bancroft, Hist. of the U.S., vol.3, p.426

While the letters were on their way, the towns in the province were coming together under the invitation from Boston. The people of Marblehead, whose fishermen were returned from their annual excursion to the Grand Banks, at a full meeting, with but one dissentient, expressed "their unavoidable disesteem and reluctant irreverence for the British parliament;" their sense of the "great and uncommon kind of grievance" of being compelled "to carry the produce of Spain and Portugal, received for their fish, to Great Britain, and there paying duties;" how "justly they were incensed at the unconstitutional, unrighteous proceedings" of ministers; how they "detested the name of a Hillsborough;" how ready they were to "unite for the recovery of their violated rights;" and, like Roxbury and Plymouth, they appointed their committee. Warren, of Plymouth, was desponding. "The towns," said he, "are dead, and cannot be raised without a miracle." "I am very sorry to find in you the least approach toward despair," answered Adams. "Nil desperandum is a motto for you and me. All are not dead; and where there is a spark of patriotic fire we will rekindle it." The patriot's confidence was justified. In Plymouth itself "there were ninety to one to fight Great Britain."

Bancroft, Hist. of the U.S., vol.3, p.426 - p.427

In December, the people of Cambridge, in a full meeting, expressed themselves "much concerned to maintain and secure their own invaluable rights, which were not the gift of kings, but purchased with the precious blood and treasure of their ancestors;" and they "discovered a glorious spirit, like men determined to be free." Roxbury, which had moved with deliberation, found "the rights of the colonists fully supported and warranted by the laws of God and nature, the New Testament, and the charter of the province." "Our pious forefathers," said they, "died with the pleasing hope that we their children should live free; let none, as they will answer it another day, disturb their ashes by selling their birthright."

Bancroft, Hist. of the U.S., vol.3, p.427

On Monday, the twenty-eighth of December, towns were in session from the Kennebec to Buzzard's bay. The people of Charlestown beheld their own welfare "and the fate of unborn millions in suspense." "It will not be long," said Rochester, "before our assembling for the cause of liberty will be determined to be riotous, and every attempt to prevent the flood of despotism from overflowing our land will be deemed open rebellion." Woolwich, "an infant people in an infant country," did not "think their answer perfect in spelling or the words placed," yet hearty good feeling got the better of their false shame. Does any one ask who had precedence in proposing a union of the colonies, and a war for independence? The thoughts were the offspring of the time, and were in every patriot's breast. It were as well to ask which tree in the forest is the earliest to feel the reviving year. The first official utterance of revolution did not spring from a congress of the colonies, or the future chiefs of the republic; from the rich who falter, or the learned who weigh and debate. The people of the little interior town of Pembroke, in Plymouth county, unpretending husbandmen, full of the glory of their descent from the pilgrims, concluded a clear statement of their grievances with the prediction that, "if the measures so justly complained of were persisted in and enforced by fleets and armies, they must, they will, in a little time issue in the total dissolution of the union between the mother country and the colonies." In a louder tone the freemen of Gloucester declared their readiness to stand for their rights and liberties, which were dearer to them than their lives, and to join with all others in an appeal to the Great Lawgiver, not doubting of success according to the justice of their cause.

Bancroft, Hist. of the U.S., vol.3, p.427 - p.428

Salisbury, a small town on the Merrimack, counselled an American union. Ipswich, in point of numbers the second town in the province, advised "that the colonies in general, and the inhabitants of their province in particular, should stand firm as one man, to maintain all their just rights and privileges." In the course of December, the earl of Chatham was reading several New England writings "with admiration and love;" among others, an election sermon by Tucker, in which he found "the divine Sidney rendered practical, and the philosophical Locke more demonstrative;" and, on that same day, the people of the town of Chatham, at the extremity of Cape Cod, were declaring their "civil and religious principles to be the sweetest and essential part of their lives, without which the remainder was scarcely worth preserving."

Bancroft, Hist. of the U.S., vol.3, p.428

But the excitement increased when it became known that Thurlow and Wedderburn had reported the burning of the Gaspee to be a crime of a much deeper dye than piracy, and that the king, by the advice of his privy council, had ordered its authors and abettors to be delivered to Rear-Admiral Montagu, and, with the witnesses, brought for "condign punishment" to England. To send an American across the Atlantic for trial for his life was an intolerable violation of justice; Hutchinson urged what was worse, to abrogate the Rhode Island charter. In this hour of greatest peril, the men of Rhode Island, by the hands of Darius Sessions, their deputy governor, and Stephen Hopkins, their chief justice, appealed to Samuel Adams for advice. And he answered immediately that the occasion "should awaken the American colonies, and again unite them in one band; that an attack upon the liberties of one colony was an attack upon the liberties of all, and that, therefore, in this instance all should be ready to yield assistance."

Bancroft, Hist. of the U.S., vol.3, p.428

Employing this event to promote a general union, the Boston committee, as the year went out, were, "by the people's thorough understanding of their civil and religious rights and liberties, encouraged to trust in God that a day was hastening when the efforts of the colonists would be crowned with success, and the present generation furnish an example of public virtue worthy the imitation of all posterity."

Bancroft, Hist. of the U.S., vol.3, p.428 - p.429

In a like spirit, the eventful year of 1773 was rung in by the men of Marlborough. "Death," said they, unanimously, on the first of January, "is more eligible than slavery. A free-born people are not required by the religion of Jesus Christ to submit to tyranny, but may make use of such power as God has given them to recover and support their laws and liberties." And, advising all the colonies to prepare for war, they "implored the Ruler above the skies that he would make bare his arm in defence of his church and people, and let Israel go."

Bancroft, Hist. of the U.S., vol.3, p.429

"As we are in a remote wilderness corner of the earth, we know but little," said the farmers of Lenox; "but neither nature nor the God of nature requires us to crouch, Issachar-like, between the two burdens of poverty and slavery." "We prize our liberties so highly," thus spoke the men of Leicester, with the districts of Spencer and Paxton, "that we think it our duty to risk our lives and fortunes in defence thereof." "For that spirit of virtue which induced your town at so critical a day to take the lead in so good a cause," wrote the town of Petersham, "our admiration is heightened, when we consider your being exposed to the first efforts of power. The time may come when you may be driven from your goodly heritage; if that should be the case, we invite you to share with us in our small supplies of the necessaries of life; and, should we still not be able to withstand, we are determined to retire, and seek repose among the inland aboriginal natives, with whom we doubt not but to find more humanity and brotherly love than we have lately received from our mother country." "We join with the town of Petersham," was the reply of Boston, "in preferring a life among the savages to the most splendid condition of slavery; but heaven will bless the united efforts of a brave people."

Bancroft, Hist. of the U.S., vol.3, p.429

"It is only some people in the Massachusetts Bay making a great clamor, in order to keep their party alive," wrote timeservers to Dartmouth, begging for further grants of salaries, and blind to the awakening of a nation. "This unhappy contest between Britain and America," wrote Samuel Adams, "will end in rivers of blood; but America may wash her hands in innocence." Informing Rhode Island of the design of "administration to get their charter vacated," he advised them to protract, without conceding any of their rights; and to address the assemblies of all the other colonies for support.

Chapter 33:

Virginia Consolidates Union,

January-July 1773

Bancroft, Hist. of the U.S., vol.3, p.430

ON the sixth of January 1773, the day on which the legislature of Massachusetts assembled at Boston, the affairs of America were under consideration in England. The king, who read even the semi-official letters in which Hutchinson described the Boston committee of correspondence as in part composed of "deacons" and "atheists," and "black-hearted fellows whom one would not choose to meet in the dark," "very much approved the temper and firmness" of his governor, and was concerned lest "the inhabitants of Boston should be deluded into acts of disobedience and the most atrocious criminality toward individuals;" he found "consolation" in the assurance that "the influence of the malignant spirits was daily decreasing," and "that their mischievous tenets were held in abhorrence by the generality of the people." But already eighty towns or more, including almost every one of the larger towns, had chosen their committees; and Samuel Adams was planning how to effect a union of all the colonies in congress. When the assembly met, the speaker transmitted the proceedings of the town of Boston for organizing the provincial committees of correspondence to Richard Henry Lee, of Virginia.

Bancroft, Hist. of the U.S., vol.3, p.430 - p.431

The governor, in his speech to the two houses, with calculating malice summoned them to admit or disprove the supremacy of parliament. The disorder in the government he attributed to the denial of that supremacy, which he undertook to establish by arguments derived from the history of the colony, its charter, and English law. "I know of no line," he said, "that can be drawn between the supreme authority of parliament and the total independence of the colonies. It is impossible there should be two independent legislatures in one and the same state." He therefore invited the legislature to adhere to his principles or convince him of his error. Elated with vanity, he thought himself sure in any event of a victory; for, if they should disown the opinions of the several towns, he would gain glory in England; if they should avow them, then, said he in a letter which was to go straight to the king, "I shall be enabled to make apparent the reasonableness and necessity of coercion, and justify it to all the world."

Bancroft, Hist. of the U.S., vol.3, p.431

The speech was printed and industriously circulated in England, and for a short time its indiscretion was not perceived. In Boston, Samuel Adams prepared to "take the fowler in his own snare." No man in the province had reflected so much as he on the question of the legislative power of parliament over the colonies; no man had so early arrived at the total denial of that power. For nine years he had been seeking an opportunity of promulgating that denial as the opinion of the assembly; and caution had always stood in his way. At last the opportunity had come; and the assembly, with one consent, placed the pen in his hand.

Bancroft, Hist. of the U.S., vol.3, p.431 - p.432

Meantime, the towns of Massachusetts were still vibrating from the impulse given by Boston. "The swords which we whet and brightened for our enemies are not yet grown rusty," wrote the town of Gorham. "We offer our lives as a sacrifice in the glorious cause of liberty," was the response of Kittery. "We will not sit down easy," voted Shirley, "until our rights and liberties are restored." The people of Medfield would also "have a final period put to that most cruel, inhuman, and unchristian practice, the slave-trade." Acton spoke out concisely and firmly. "Prohibiting slitting-mills," said South Hadley, "is similar to the Philistines prohibiting smiths in Israel, and shews we are esteemed by our brethren as vassals." "We think ourselves obliged to emerge from our former obscurity, and speak our minds with freedom," declared Lunenburg, "or our posterity may otherwise rise up and curse us." "We of this place are unanimous," was the message from Pepperell; "our resentment riseth against those who dare invade our natural and constitutional rights." With one voice they named Captain William Prescott to be the chief of their committee of correspondence; and no braver heart beat in Middlesex than his. Lynn called for a provincial convention; Stoneham invited the sister colonies to harmony; Danvers would have "strict union of all the provinces on the continent." "Digressions from compacts," said the men of Princeton, "lessen the connection between the mother country and the colonies."

Bancroft, Hist. of the U.S., vol.3, p.432

South Carolina, too remote for immediate concert, was engaged in the same cause. Its assembly elected Rawlins Lowndes their speaker. The governor "directed the assembly to return to their house and choose another;" and, as they persisted in their first choice, he prorogued them, and did it in so illegal a manner that, as a remedy, he dissolved them by a proclamation, and immediately issued writs for choosing a new house. By the order for a new election, he himself brought the subject home to the thoughts of every voter in the province, and consolidated resistance.

Bancroft, Hist. of the U.S., vol.3, p.432

This controversy was local; the answers of the legislature of Massachusetts to the challenge of Hutchinson would be of general importance. That of the council, drafted by Bowdoin, clearly traced the existing discontents to the acts of parliament, subjecting the colonies to taxes without their consent. The removal of this original cause would remove its effects. Supreme or unlimited authority can with fitness belong only to tide Sovereign of the universe; from the nature and end of government, the supreme authority of every government is limited; and from the laws of England, its constitution, and the provincial charter, the limits of that authority do not include the levying of taxes within the province. The council conceded nothing, and yet avoided a conflict with the opinions of Chatham, Camden, and Shelburne.

Bancroft, Hist. of the U.S., vol.3, p.432 - p.433

The house in their reply, which Samuel Adams, aided by the sound legal knowledge of Hawley, had constructed with his utmost skill at sarcasm, and which, after two days' debate, was unanimously adopted and carried up by its author, chose a different mode of dealing with the governor's positions. Like the council, they traced the disturbed state of government to taxation of the colonists by parliament; but, as to the supremacy of that body, they took the governor at his word. "It is difficult, perhaps impossible," they agreed, "to draw a line of distinction between the universal authority of parliament over the colonies and no authority at all;" and, laying out all their strength to prove the only point which Hutchinson's statement required to be proved, that that authority was not universal, they opened the door to his own inference. "If there be no such line," said they, "between the supreme authority of parliament and the total independence of the colonies, then either the colonies are vassals of the parliament or they are totally independent. As it cannot be supposed to have been the intention of the parties in the compact that one of them should be reduced to a state of vassalage, the conclusion is that it was their sense that we were thus independent." "But it is impossible," the governor had insisted, "that there should be two independent legislatures in one and the same state." "Then," replied the house, "the colonies were by their charters made distinct states from the mother country." "Although there may be but one king," Hutchinson had said, "yet the two legislative bodies will make two governments as distinct as the kingdoms of England and Scotland before the union." "Very true," replied the house; "and, if they interfere not with each other, what hinders but that, being united in one head and sovereign, they may live happily in that connection, and mutually support and protect each other?"

Bancroft, Hist. of the U.S., vol.3, p.433

"But is there anything," the governor had asked, "which we have more reason to dread than independence?" And the house answered: "There is more reason to dread the consequences of absolute uncontrolled power, whether of a nation or of a monarch." "To draw the line of distinction," they continue, "between the supreme authority of parliament and the total independence of the colonies would be an arduous undertaking, and of very great importance to all the other colonies; and, therefore, could we conceive of such a line, we should be unwilling to propose it without their consent in congress.

Bancroft, Hist. of the U.S., vol.3, p.433 - p.434

Having thus won an unsparing victory over the logic of Hutchinson by accepting all his premises and fitting to them other and apter conclusions, they rebuked the governor for having reduced them to the alternative either of appearing by silence to acquiesce in his sentiments, or of freely discussing the supreme authority of parliament.

Bancroft, Hist. of the U.S., vol.3, p.434

The governor was overwhelmed with confusion. He had intended to drive them into a conflict with parliament; and they had denied its supremacy by implication from his own premises, in a manner that could bring censure on no one but himself.

Bancroft, Hist. of the U.S., vol.3, p.434

During this controversy, a commission, composed of Admiral Montagu, the vice-admiralty judge at Boston, the chief justices of Massachusetts, New York, and New Jersey, and the governor of Rhode Island, met at Newport to inquire into the affair of the Gaspee. Darius Sessions, the deputy governor, and Stephen Hopkins, formerly governor, now chief justice, were the two pillars on which Rhode Island liberty depended. They notified the commissioners that there had been no neglect of duty or connivance on the part of the provincial government; from which it followed that the presence of the special court was as unnecessary as it was alarming.

Bancroft, Hist. of the U.S., vol.3, p.434

The assembly having met at East Greenwich to watch the commissioners, the governor laid before it his instructions to arrest offenders and send them for trial to England. The order excited general horror and indignation. The chief justice asked directions how he should act. The assembly referred him to his discretion. "Then," said Hopkins, in the presence of both houses, "for the purpose of transportation for trial, I will neither apprehend any person by my own order, nor suffer any executive officers in the colony to do it." "The people would not have borne an actual seizure of persons." The attempt would have produced a crisis.

Bancroft, Hist. of the U.S., vol.3, p.434 - p.435

The commissioners elicited nothing, and in February adjourned with bitterness in their hearts. Smyth, the chief justice of New Jersey, who had just been put on the civil list, threw all blame on the popular government of Rhode Island. Horsmanden, the chief justice of New York, advised to take away the charter of that province, and of Connecticut, and consolidate the "twins in one royal government." Yet Connecticut, the land of steady habits, was at that day the most orderly and quietly governed people in the world; and the charter of Rhode Island, in spite of all its enemies had vitality enough to outlast the unreformed house of commons.

Bancroft, Hist. of the U.S., vol.3, p.435

The doctrines of Massachusetts gained strength in that colony, and extended to others. Hutchinson was embarrassed by the controversy which he had provoked, and would now willingly have ended. Meantime, the house made the usual grants to the justices of the superior court; but the governor refused his assent, because he expected warrants for their salaries from the king. The house replied: "No judge, who has a due regard to justice or even to his own character, would choose to be placed under such an undue bias as they must be under by accepting their salaries of the crown. We are more and more convinced that it has been the design of administration totally to subvert the constitution, and introduce an arbitrary government into this province; and we cannot wonder that the apprehensions of this people are thoroughly awakened." The towns of Massachusetts were all the while continuing their meetings. "The judges," said the men of Eastham, "must reject the detestable plan with abhorrence, if they would have their memories blessed." "We deny the parliamentary power of taxing us, being without the realm of England and not represented there," declared Stoughtenham. "Let the colonies stand firm as one man," voted Winchendon. "Divine Providence and the necessity of things may call upon us and all the colonies to make our last appeal," wrote the farmers who dwelt on the bleak hills of New Salem.

Bancroft, Hist. of the U.S., vol.3, p.435 - p.436

Yet Hutchinson seemed compelled to renew his discussion with the legislature; and in a long argument, which contained little that was new, endeavored to prove that the colony of Massachusetts was holden as feudatory of the imperial crown of England, and was therefore under the government of the king's laws and the king's court. Again Bowdoin for the council, with still greater clearness, affirms that parliamentary taxation is unconstitutional, because imposed without consent; again Samuel Adams for the house, aided briefly, in Hawley's temporary absence, by the strong natural powers of John Adams and his good knowledge of the laws, proves from the governor's own premises that parliament has no supremacy over the colony, because the feudal system admits no idea of the authority of parliament.

Bancroft, Hist. of the U.S., vol.3, p.436

At the same time, both parties looked beyond the province for aid. Hutchinson sought to intimidate his antagonists by telling them "that the English nation would be roused, and could not be withstood;" that "parliament would, by some means or other, maintain its supremacy." To his correspondents in England, he sent word what measures should be chosen; advising a change in the political organization of towns, a prohibition of the commerce of Boston, and the option to the province between submission and the forfeiture of their rights. "I wish," said he, "government may be convinced that something is necessary to be done." "We want a full persuasion that parliament will maintain its supremacy at all events." "Without it, the opposition here will triumph more than ever."

Bancroft, Hist. of the U.S., vol.3, p.436

The people on their part drew from their institution of committees of correspondence throughout the province the hope of a union of all the colonies. "Some future congress," said the Boston orator of the fifth of March, "will be the glorious source of the salvation of America; the Amphictyons of Greece, who formed the diet or great council of the states, exhibit an excellent model for the rising Americans."

Bancroft, Hist. of the U.S., vol.3, p.436 - p.437

Whether that great idea should become a reality rested on Virginia. Its legislature came together in March. Its members had authentic information of the proceedings of the town of Boston; and public rumors had reached them of the commission for inquiry into the affairs of Rhode Island. They had read and approved of the answers which the council and the house of Massachusetts had made in January to the speech of Hutchinson. They formed themselves, therefore, into a committee of the whole house on the state of the colony; and in that committee Dabney Carr, of Charlotte, a young statesman of brilliant genius as well as fervid patriotism, moved a series of resolutions for a system of intercolonial committees of correspondence. His plan included a thorough union of councils throughout the continent. If it should succeed and be adopted by the other colonies, America would stand before the world as a confederacy. The measure was supported by Richard Henry Lee, with an eloquence which never passed away from the memory of his hearers; by Patrick Henry, with commanding majesty. The assembly did what greatness of mind counselled; and they did it quietly, as if it were but natural to them to act with greatness of mind. On Friday, the twelfth, the resolutions were reported to the house and unanimously adopted. They appointed their committee, on which appear the names of Bland and Lee, of Henry and Carr and Jefferson. Their resolves were sent to every colony, with a request that each would appoint its committee to communicate from time to time with that of Virginia. In this manner Virginia laid the foundation of our union. Massachusetts organized a province; Virginia promoted a confederacy. Were the several committees to come together, the world would see an American congress.

Bancroft, Hist. of the U.S., vol.3, p.437

The associates of Dabney Carr were spared for further service to humanity. He himself was cut down in his prime; but the name of him who at this moment of crisis beckoned the colonies onward to union must not perish from the memory of his countrymen.

Bancroft, Hist. of the U.S., vol.3, p.437

The effect of these resolutions of the Old Dominion gladdened every heart in Massachusetts. "Virginia and South Carolina, by their steady perseverance," inspired the hope that the fire of liberty would spread through the continent. "A congress and then an assembly of states," reasoned Samuel Adams, is no longer "a mere fiction in the mind of a political enthusiast." What though "the British nation carry their liberties to market, and sell them to the highest bidder!" "America," said he, repeating the words of Arthur Lee, "shall rise full plumed and glorious from the mother's ashes."

Bancroft, Hist. of the U.S., vol.3, p.437 - p.438

A copy of the proceedings of Virginia was sent to every town and district in Massachusetts, that "all the friends of American independence and freedom" might welcome the intelligence; and, as one meeting after another echoed back the advice for a congress, they could hardly find words to express how their gloom had given way to light, and how "their hearts even leapt for joy." "We trust the day is not far distant," said Cambridge, by the hand of Thomas Gardner, "when our rights and liberties shall be restored unto us, or the colonies, united as one man, will make their most solemn appeal to heaven, and drive tyranny from these northern climes."

Bancroft, Hist. of the U.S., vol.3, p.438

"The colonies must assert their liberties whenever the opportunity offers," wrote Dickinson from Pennsylvania. The opportunity was nearer than he thought; in England, Chatham saw plainly that "things were hastening to a crisis at Boston, and looked forward to the issue with very painful anxiety." It was the king who precipitated the conflict. He had no dread of the interposition of France, for that power, under the ministry of the day, feared lest the enfranchisement of the Anglo-American colonies should create a power dangerous to itself, and was eager to fortify the good understanding with England by a defensive treaty, or at least by a treaty of commerce. Louis XV was resolved at all events to avoid war.

Bancroft, Hist. of the U.S., vol.3, p.438

From the time, therefore, that the representatives of Massachusetts avowed their legislative independence, the king dismissed the thought of obtaining obedience "by argument and persuasion." The most thorough search was made into every colonial law that checked, or even seemed to check, the slave-trade; and an act of Virginia, which put no more obstructions upon it than had existed for a generation, was negatived. Parliamentary taxation was to be enforced.

Bancroft, Hist. of the U.S., vol.3, p.438

The continued refusal of America to receive tea from England had brought distress upon the East India company, which had on hand, wanting a market, great quantities imported in the faith that that agreement could not hold. They were able to pay neither their dividends nor their debts; their stock depreciated nearly one half; and the government must lose their annual payment of four hundred thousand pounds. The bankruptcies, brought on partly by this means, gave such a shock to credit as had not been experienced since the South Sea year; and the great manufacturers were sufferers. The directors came to parliament with an ample confession of their humbled state, together with entreaties for assistance and relief; and particularly praying that leave might be given to export teas free of all duties to America and to foreign ports.

Bancroft, Hist. of the U.S., vol.3, p.438 - p.439

Instead of this, Lord North proposed to give to the company itself the right of exporting its teas. The existing law granted on their exportation to America a drawback of three fifths only of the duties paid on importation. Lord North now offered a drawback of the whole. Trecothick in the committee advised to take off the import duty in America of threepence the pound, as it produced no income to the revenue; but the ministry would not listen to the thought of relieving America from taxation. "Then," added Trecothick in behalf of the East India company, "as much or more may be brought into the revenue by not allowing a full exemption from the duties paid here." But Lord North insisted that no difficulty could arise, that under the new regulation America would be able to buy tea from the company at a lower price than from any other European nation, and that men will always go to the cheapest market.

Bancroft, Hist. of the U.S., vol.3, p.439

The ministry was still in its halcyon days; no opposition was made even by the whigs; and the measure, which was the king's own, and was designed to put America to the test, took effect as a law from the tenth of May. It was immediately followed by a most carefully prepared answer from the king to petitions from Massachusetts, announcing that he "considered his authority to make laws in parliament of sufficient force and validity to bind his subjects in America in all cases whatsoever, as essential to the dignity of the crown, and a right appertaining to the state which it was his duty to preserve entire and inviolate;" that he, therefore, "could not but be greatly displeased with the petitions and remonstrance in which that right was drawn into question;" but that he "imputed the unwarrantable doctrines held forth in the said petitions and remonstrance to the artifices of a few." All this while Lord Dartmouth "had a true desire to see lenient measures adopted toward the colonies," not being in the least aware that he was drifting with the cabinet toward the system of coercion.

Bancroft, Hist. of the U.S., vol.3, p.439

In America, men began to prepare for extreme measures. "Glorious Virginia!" cried the legislature of Rhode Island, glowing with admiration for "its patriotic and illustrious house of burgesses;" and this New England province was the first to follow the example of the Old Dominion, by electing its committees and sending its circular through the land.

Bancroft, Hist. of the U.S., vol.3, p.439 - p.440

In Massachusetts, so soon as the government for the year was organized, the house, on the motion of Samuel Adams, and by a vote of one hundred and nine to four, expressed its gratitude to the burgesses of Virginia for their uniform vigilance, firmness, and wisdom, and its hearty concurrence in their judicious and spirited resolves. And then it elected its committee of correspondence, fifteen in number. New Hampshire and Connecticut did the same, so that all New England and Virginia were now one political body, with an organization inchoate, yet so perfect that on the first emergency they could convene a congress. Every other colony on the continent was sure to follow their example.

Bancroft, Hist. of the U.S., vol.3, p.440

While the patriot party was cheered by the hope of union, the letters of Hutchinson and Oliver, which Franklin had sent over to the speaker of the Massachusetts assembly, were received. "Cool, thinking, deliberate villains; malicious and vindictive, as well as ambitious and avaricious," said John Adams, who this year was chosen into the council, but negatived by the governor. "Bone of our bone, flesh of our flesh, born and educated among us," cried others. Hancock, who was angry at being named in the correspondence, determined to lay bare their hypocrisy; and Cooper from the pulpit preached of "the old serpent, which deceiveth the whole world, but was cast out into the earth, and his angels with him."

Bancroft, Hist. of the U.S., vol.3, p.440

The letters had circulated privately in the province for more than two months, when, on the second of June, Samuel Adams read them to the house in secret session. They showed a thorough complicity with Bernard and the commissioners of the customs, to bring military sway into the province, and to abridge colonial liberties by the interposition of parliament. The house after a debate voted, by one hundred and one against five, "that the tendency and design of the letters was to subvert the constitution of the government, and to introduce arbitrary power into the province." "I have never wrote any public or private letter that tends to subvert the constitution," was Hutchinson's message the next day.

Bancroft, Hist. of the U.S., vol.3, p.440 - p.441

The house, on the fourth, sent him a transcript of their proceedings, with the date of his letters that were before them, and asked for copies of these, and such others as he should think proper to communicate. "If you desire copies with a view to make them public," answered Hutchinson, after five days' reflection, "the originals are more proper for that purpose than the copies;" and he refused to communicate other letters, declaring that it had not been the design of them "to subvert the constitution of the government, but rather to preserve it entire." Then, conscious of guilt, he by the very next packet sent word to his confidential friend in London to burn such of his letters as might raise a clamor; for, said he, "I have wrote what ought not to be made public."

Bancroft, Hist. of the U.S., vol.3, p.441 - p.442

He had written against every part of the constitution, the elective character of the council, the annual choice of the assembly, the New England organization of the towns; had advised and solicited the total dependence of the judiciary on the crown; had hinted at making the experiment of declaring martial law, and of abrogating English liberty; had advised to the restraint of the commerce of Boston and the exclusion of the province from the fisheries; had urged the immediate suppression of the charter of Rhode Island; had for years "been begging for measures to maintain the supremacy of parliament" by making the denial of that supremacy a capital felony: and all for the sake of places for his family, and a salary and a pension for himself. To corrupt pure and good and free political institutions of a happy country and infuse into its veins the slow poison of tyranny, is the highest crime against humanity. And how terribly was he punished! For what is life without the esteem of one's fellow-men! Had he been but honest, how New England would have cherished his memory! Now his gray hairs, which should ever be kept purer than the ermine, were covered with shame; his ambition was defeated, and he suffered all the tortures of avarice trembling for the loss of place. It was Hancock who, taking advantage of the implied permission of Hutchinson, produced to the house copies of the letters, which were then published and scattered throughout New England and the continent. A series of resolves was adopted, expressing their true meaning, and was followed by a petition to the king that he would remove Hutchinson and Oliver forever from the government. The council in like manner, after a thorough analysis of the real intent of the correspondence, joined in the same prayer. So great unanimity had never been known.

Bancroft, Hist. of the U.S., vol.3, p.442

Timid from nature, from age, and from an accusing conscience, Hutchinson expressed his desire to resign. "I hope," he said, "I shall not be left destitute, to be insulted and triumphed over. I fall in the cause of government; and, whenever it shall be thought proper to supersede me, I hope for some appointment;" and, calumniating Franklin as one who wished to supplant him in the government of Massachusetts, he made interest for Franklin's desirable office of deputy posts master-general.

Bancroft, Hist. of the U.S., vol.3, p.442

All the summer long, the insidious letters that had come to light circulated through the province, and were discussed by the single-minded country people during the week, as they made hay or gathered in the early harvest; on Sundays, the ministers discoursed on them, and poured out their hearts in prayer for the preservation of their precious inheritance of liberty. "We devote not only what little we have in the world," said the people of Pearsontown, "but even our lives, to vindicate rights so dearly purchased by our ancestors." The town of Abington became convinced that the boasted connection with Great Britain was "not worth a rush." The natural right of mankind to improve the form of government under which they live was inculcated from the pulpit, and some of the clergy of Boston, so Hutchinson bears witness, predicted that "in fifteen years" the people of America would mould for themselves a new constitution.

Chapter 34:

The Boston Tea-Party,

August-December 1773

Bancroft, Hist. of the U.S., vol.3, p.443

THE East India company, who were now by act of parliament authorized to export tea to America duty free in England, were warned by Americans that their adventure would end in loss; but their scruples were overruled by Lord North, who answered peremptorily: "It is to no purpose making objections, for the king will have it so. The king means to try the question with America."

Bancroft, Hist. of the U.S., vol.3, p.443

The time was short, the danger to Boston imminent, resistance at all hazards was the purpose of its committee of correspondence; violent resistance might become necessary, and to undertake it without a certainty of union would only bring ruin on the town and on the cause.

Bancroft, Hist. of the U.S., vol.3, p.443

A congress, therefore, on "the plan of union proposed by Virginia," was the fixed purpose of Samuel Adams. He would have no delay, no waiting for increased strength; for, said he, "when our liberty is gone, history and experience will teach us that an increase of inhabitants will be but an increase of slaves." Through the press he appealed to the continent for a congress, in order to insist effectually upon such terms with England as would not admit for the interior government of the colonies any other authority than that of their respective legislatures. It was not possible to join issue with the king more precisely.

Bancroft, Hist. of the U.S., vol.3, p.443 - p.444

The first difficulty to be overcome existed in Boston itself. Cushing, the speaker, who had received a private letter from Dartmouth, and was lulled into confiding in "the noble and generous sentiments" of that minister, advised that for the time the people should bear their grievances. "Our natural increase in wealth and population," said he, "will in a course of years settle this dispute in our favor; whereas, if we persist in denying the right of parliament to legislate for us, they may think us extravagant in our demands, and there will be great danger of bringing on a rupture fatal to both countries." He thought the redress of grievances would more surely come "if these high points about the supreme authority of parliament were to fall asleep." Against this feeble advice, the Boston committee of correspondence aimed at the union of the province, and "the confederacy of the whole continent of America." They refused to waive the claim of right, which could only divide the Americans in sentiment and confuse their counsels. "What oppressions," they asked, in their circular to all the other towns, "may we not expect in another seven years, if through a weak credulity, while the most arbitrary measures are still persisted in, we should be prevailed upon to submit our rights, as the patriotic Farmer expresses it, to the tender mercies of the ministry? Watchfulness, unity, and harmony are necessary to the salvation of ourselves and posterity from bondage. We have an animating confidence in the Supreme Disposer of events, that he will never suffer a sensible, brave, and virtuous people to be enslaved."

Bancroft, Hist. of the U.S., vol.3, p.444 - p.445

Sure of Boston and its committee, Samuel Adams next conciliated the favoring judgment of the patriot Hawley, whose influence in the province was deservedly great, and who had shared with him the responsibility of the measures of the assembly. "I submit to you my ideas at this time, because matters seem to me to be drawing to a crisis." Such were his words on the fourth and the thirteenth of October. "The present administration, even though the very good Lord Dartmouth is one of them, are as fixed as any of their predecessors in their resolution to carry their favorite point, an acknowledgment of the right of parliament to make laws binding us in all cases whatever. Some of our politicians would have the people believe that administration are disposed or determined to have all the grievances which we complain of redressed, if we will only be quiet; but this would be a fatal delusion. If the king himself should make any concessions, or take any steps contrary to the right of parliament to tax us, he would be in danger of embroiling himself with the ministry. Under the present prejudices, even the recalling an instruction to the governor is not likely to be advised. The subject-matter of our complaint is not that a burden greater than our proportion was laid upon us by parliament—such a complaint we might have made without questioning the authority of parliament—but that the parliament has assumed and exercised the power of taxing us. His majesty, in his answer to our late petitions, implies that the parliament is the supreme legislature, and that its authority over the colonies is the constitution. All allow the minister in the American department to be a good man. The great men in England have an opinion of us as being a mightily religious people, and suppose that we shall place an entire confidence in a minister of the same character. In fact, how many were filled with the most sanguine expectations, when they heard that the good Lord Dartmouth was intrusted with a share in administration. Yet, without a greatness of mind equal, perhaps superior, to his goodness, it will be impossible for him singly to stem the torrent of corruption. This requires much more fortitude than he is possessed of. The safety of the Americans depends upon their pursuing their wise plan of union in principle and conduct."

Bancroft, Hist. of the U.S., vol.3, p.445 - p.446

Such were the thoughts which Samuel Adams unbosomed to his faithful fellow-laborer. The press, which he directed, continued to demand an annual "congress of American states to frame a bill of rights," or to "form an independent state, an American commonwealth." Union was the first, the last, the only hope for America. Massachusetts, where the overruling will of Samuel Adams swayed the feebler politicians, was thoroughly united. But that was not enough; "we must have a convention of all the colonies," he would say to his friends; and the measure was recognised by the royalists as "of all others the most likely to kindle a general flame." His advice was confirmed by the concurrent opinion of Franklin, to whose "greatness" he had publicly paid a tribute. His influence brought even Cushing to act as one of a select committee with himself and Heath of Roxbury; and they sent forth a secret circular, summoning all the colonies to be prepared to assert their rights, when time and circumstances should give to their claim the surest prospect of success. "And when we consider," they said, "how one great event has hurried on after another, such a time may come and such circumstances take place sooner than we are now aware of." They advised to contentment with no temporary relief. They explained that the king would certainly maintain the power of parliament to extort and to appropriate a tribute from the colonies; that the connection between Great Britain and America should be broken, unless it could be perpetuated on the terms of equal liberty; that the necessary contest must be entered upon while "the ideas of liberty" were strong in men's minds; and they closed with desiring each colony to resist the designs of the English ministry in allowing the East India company to ship its teas to America.

Bancroft, Hist. of the U.S., vol.3, p.446

That company was despatching its consignments simultaneously to Charleston, to Philadelphia, to New York, and to Boston. The system gave universal offence, not only as an enforcement of the tax on tea, but as an odious monopoly of trade. Philadelphia, the largest town in the colonies, began the work of prevention. Its inhabitants met on the eighteenth of October, in great numbers, at the state-house, and in eight resolutions denied the claim of parliament to tax America; specially condemned the duty on tea; declared every one who should, directly or indirectly, countenance its imposition, an enemy to his country; and requested the agents of the East India company to resign. The movement was so general and so commanding that the agents, some cheerfully, others reluctantly, renounced their appointment. Within a few days not one remained.

Bancroft, Hist. of the U.S., vol.3, p.446 - p.447

South Carolina, by her spirit and perseverance, gave, as she had ever done, evidence that her patriotism would be the support of union. The province was at that time in a state of just excitement at the arbitrary act of its council in imprisoning Thomas Powell, the publisher of the "South Carolina Gazette," for an alleged contempt. Of the council, whose members were chiefly crown officers, and held their places at the king's pleasure, the power to imprison on their mere warrant was denied; the prisoner was taken before Rawlins Lowndes and another magistrate on a writ of habeas corpus, and was released. The questions involved in the case were discussed with heat; but they did not divert attention from watching the expected tea-ships.

Bancroft, Hist. of the U.S., vol.3, p.447

The "ideas of liberty," on which resistance was to be founded, had taken deep root in a soil which the circular of Massachusetts did not reach. The people of Illinois were most opportunely sending their last message respecting their choice of a government directly to Dartmouth. We have seen how vainly they had reasoned with Gage and Hillsborough for some of the privileges of self-direction. Here, as on other occasions, Dartmouth adopted the policy of his predecessor. He censured "the ideas of the inhabitants of the Illinois district with regard to a civil constitution as very extravagant;" and rejected their proposition to take some part in the election of their rulers as "absurd and inadmissible." A plan of government was therefore prepared, of great simplicity, leaving all power with the executive officers of the crown; and Gage had been summoned to England to give advice on the administration of the colonies, and especially on the mode of governing the West. It was on the fourth of November that the fathers of the commonwealth of Illinois, through their agent, Daniel Blouin, forwarded their protest against the proposed form, which they rejected as "oppressive and absurd," "much worse than that of any of the French or even the Spanish colonies." "Should a government so evidently tyrannical be established," such was their language to the British minister, "it could be of no long duration;" there would exist "the necessity of its being abolished." The words were nobly uttered, and were an assurance that the villages on the Illinois would join the great American family of republics.

Bancroft, Hist. of the U.S., vol.3, p.447 - p.448

The issue was to be tried at Boston. The governor himself, under the name of his sons, was selected as one of those to whom the tea-ships for that port were consigned; the moment for the decision was hastening on. In the night, between the first and second of November, a knock was heard at the door of each of the consignees commissioned by the East India company, and a summons left for them to appear without fail at Liberty Tree on the following Wednesday, at noon, to resign their commission; printed notices were posted up, desiring the freemen of Boston and the neighboring towns to meet at the same time and place as witnesses.

Bancroft, Hist. of the U.S., vol.3, p.448

On the appointed day, a large flag was hung out on the pole at Liberty Tree; the bells in the meeting-houses were rung from eleven till noon. Adams, Hancock, and Phillips, three of the four representatives of the town of Boston, the selectmen, and William Cooper, the town clerk, with about five hundred more, gathered round the spot. As the consignees did not make their appearance, the assembly, appointing Molineux, Warren, and others a committee, marched into State street to the warehouse of Richard Clarke, where all the consignees were assembled. Molineux presented himself for a parley.

Bancroft, Hist. of the U.S., vol.3, p.448

"From whom are you a committee?" asked Clarke. "From the whole people." "Who are the committee?" "I am one," replied Molineux; and he named all the rest. "And what is your request?" Molineux read a paper, requiring the consignee to promise not to sell the teas, but to return them to London in the same bottoms in which they were shipped. "Will you comply?" "I shall have nothing to do with you," answered Clarke, roughly and peremptorily. The same question was put to the other consignees, one by one, who each and all answered: "I cannot comply with your demand." Molineux then read another paper, containing a resolve passed at Liberty Tree, that the consignees who should refuse to comply with the request of the people were enemies to their country. Descending into the street, he made his report to the people. "Out with them! out with them!" was the cry; but he dissuaded from violence.

Bancroft, Hist. of the U.S., vol.3, p.448 - p.449

On the fifth, Boston, in a legal town-meeting, with Hancock for moderator, adopted the Philadelphia resolves, and then sent to invite Thomas and Elisha Hutchinson to resign their appointment; but they, and all the other consignees, declined to do so, in letters addressed to Hancock, the moderator. At this, some spoke of "taking up arms," and the words were received with clapping of hands; but the meeting only voted the answers "daringly affrontive," and then dissolved itself. On the same day, the people of New York assembled at the call of their committee of vigilance. Let the tea come free or not free of duty, they were absolutely resolved it should not be landed. After a few days' reflection, the commissioners for that city, finding the discontent universal, threw up their places; yet the Sons of Liberty continued their watchfulness; a paper signed "Legion" ordered the pilots not to bring tea-ships above the Hook; and "the Mohawks" were notified to be ready in case of their arrival. The same spirit pervaded the country people. The more than octogenarian Charles Clinton, of Ulster county, with his latest breath charged his sons "to stand by the liberties of their country."

Bancroft, Hist. of the U.S., vol.3, p.449

The example of New York renewed the hope that a similar expedient might succeed in Boston. Members of the council, of greatest influence, intimated that the best thing that could be done to quiet the people would be the refusal of the consignees to execute the trust; and the merchants, though they declared against mobs and violence, generally wished that the teas might not be landed.

Bancroft, Hist. of the U.S., vol.3, p.449

On the seventeenth, a ship which had made a short passage from London brought an authentic account that the Boston tea-ships had sailed; the next day, there was once more a legal town-meeting to entreat the consignees to resign. Upon their repeated refusal, the town passed no vote and uttered no opinion, but immediately broke up. The silence of the dissolution struck more terror than former menaces; for the consignees saw that henceforward they were in the hands of the committee of correspondence. On the twenty-second, the commit tees of Dorchester, Roxbury, Brookline, and Cambridge met the Boston committee by invitation at the selectmen's chamber in Faneuil Hall. Their first question was: "Whether it be the mind of this committee to use their joint influence to prevent the landing and sale of the teas exported from the East India company?" And it passed in the affirmative unanimously.

Bancroft, Hist. of the U.S., vol.3, p.449 - p.450

A motion next prevailed unanimously for a letter to be sent by a joint committee of the five towns to all the other towns in the province. "Brethren," they wrote, "we are reduced to this dilemma, either to sit down quiet under this and every other burden that our enemies shall see fit to lay upon us, or to rise up and resist this and every plan laid for our destruction, as becomes wise freemen. In this extremity, we earnestly request your advice."

Bancroft, Hist. of the U.S., vol.3, p.450

The governor in his alarm proposed to flee to "the castle, where he might with safety to his person more freely give his sense of the criminality of the proceedings." Dissuaded from so abject a display of pusillanimity, he yet never escaped the helpless irresolution of fear. "Nothing will satisfy the people but reshipping the tea to London," said the Boston selectmen to the consignees. "It is impracticable," they answered. "Nothing short of it," said the selectmen, "will be satisfactory. Think, too, of the dreadful consequences that must in all probability ensue on its not being done." After much discussing, they "absolutely promised that, when the tea arrived, they would immediately hand in proposals to be laid before the town;" with dishonesty of purpose negotiating only to gain time.

Bancroft, Hist. of the U.S., vol.3, p.450

But the people were as vigilant as they were determined. The men of Cambridge assembled on the twenty-sixth, and, after adopting the Philadelphia resolves, "very unanimously" voted "that, as Boston was struggling for the liberties of their country, they could no longer stand idle spectators, but were ready on the shortest notice to join with it and other towns in any measure that might be thought proper, to deliver themselves and posterity from slavery." The next day, the town of Charlestown assembled, and showed such a spirit that ever after its committee was added to those who assumed the executive direction.

Bancroft, Hist. of the U.S., vol.3, p.450

The combination was hardly finished when, on Sunday, the twenty-eighth of November, the ship Dartmouth appeared in Boston harbor, with one hundred and fourteen chests of the East India company's tea. To keep the sabbath strictly was the New England usage. But hours were precious; let the tea be entered, and it would be beyond the power of the consignee to send it back. The selectmen held one meeting by day, and another in the evening; but they sought in vain for the consignees, who had taken sanctuary in the castle.

Bancroft, Hist. of the U.S., vol.3, p.450 - p.451

The committee of correspondence was more efficient. Meeting on Sunday, they obtained from the Quaker Rotch, who owned the Dartmouth, a promise not to enter his ship till Tuesday; and they authorized Samuel Adams to invite the committees of the five surrounding towns—Dorchester, Roxbury, Brookline, Cambridge, and Charlestown, with their townsmen and those of Boston—to hold a mass meeting the next morning. Faneuil Hall could not contain the people that poured in on Monday. Adjourning to "the Old South" meeting-house, Jonathan Williams acted as moderator, and Samuel Adams, Hancock, Young, Molineux, and Warren conducted the business of the meeting. On the motion of Samuel Adams, who entered fully into the question, the assembly, composed of several thousand persons, resolved unanimously that "the tea should be sent back to the place from whence it came at all events, and that no duty should be paid on it." "The only way to get rid of it," said Young, "is to throw it overboard." The consignees asked for time to prepare their answer; and "out of great tenderness" the meeting postponed receiving it to the next morning. Meantime, the owner and master of the ship were forced to promise not to land the tea. A watch was proposed. "I," said Hancock, "will be one of it, rather than that there should be none;" and a party of twenty-five persons, under the orders of Edward Proctor as its captain, was appointed to guard the tea-ship during the night.

Bancroft, Hist. of the U.S., vol.3, p.451 - p.452

On the same day, the council, who had been solicited by the governor and the consignees to assume the guardianship of the tea, coupled their refusal with a reference to the declared opinion of both branches of the general court, that the tax upon it by parliament was unconstitutional. The next morning the consignees jointly gave as their answer: "It is utterly out of our power to send back the teas; but we now declare to you our readiness to store them until we shall receive further directions from our constituents;" that is, until they could notify the British government. The wrath of the meeting was kindling, when the sheriff of Suffolk entered, with a proclamation from the governor, "warning, exhorting, and requiring them, and each of them there unlawfully assembled, forthwith to disperse, and to surcease all further unlawful proceedings, at their utmost peril." The words were received with hisses, derision and a unanimous vote not to disperse. "Will it be safe for the consignees to appear in the meeting?" asked Copley; and all with one voice responded that they might safely come and return; but they refused to appear. In the afternoon, Rotch, the owner, and Hall, the master of the Dartmouth, yielding to an irresistible impulse, engaged that the tea should return as it came, without touching land or paying a duty. A similar promise was exacted of the owners of the other tea-ships whose arrival was daily expected. In this way "it was thought the matter would have ended." "I should be willing to spend my fortune and life itself in so good a cause," said Hancock, and this sentiment was general; they all voted "to carry their resolutions into effect at the risk of their lives and property."

Bancroft, Hist. of the U.S., vol.3, p.452

Every ship-owner was forbidden, on pain of being deemed an enemy to the country, to import or bring as freight any tea from Great Britain, till the unrighteous act taxing it should be repealed; and this vote was printed, and sent to every seaport in the province, and to England.

Bancroft, Hist. of the U.S., vol.3, p.452

Six persons were chosen as post-riders, to give due notice to the country towns of any attempt to land the tea by force; and by the care of the committee of correspondence, as the executive organ of the meeting, a military watch was regularly kept up by volunteers armed with muskets and bayonets, who at every half hour in the night regularly passed the word, "All is well," like sentinels in a garrison. Had they been molested by night, the tolling of the bells would have been the signal for a general rising. An account of all that had been done was sent into every town in the province.

Bancroft, Hist. of the U.S., vol.3, p.452

The ships, after landing the rest of their cargo, could neither be cleared in Boston with the tea on board, nor be entered in England, and, on the twentieth day from their arrival, would, by the revenue laws, be liable to seizure. "They find themselves," said Hutchinson, "involved in invincible difficulties." Meantime, in private letters he advised to separate Boston from the rest of the province, and to commence criminal prosecutions against its patriot sons.

Bancroft, Hist. of the U.S., vol.3, p.452 - p.453

The spirit of the people rose with the increase of danger. Two more tea-ships which arrived were directed to anchor by the side of the Dartmouth at Griffin's Wharf, that one guard might serve for all. The people of Roxbury, on the third of December, voted that they were bound by duty to themselves and posterity to join with Boston and other sister towns, to preserve inviolate the liberties handed down by their ancestors. The next day the men of Charlestown, as if foreseeing that their town was destined to be a holocaust, declared themselves ready to risk their lives and fortunes. On Sunday, the fifth, the committee of correspondence wrote to Portsmouth in New Hampshire, to Providence, Bristol, and Newport in Rhode Island, for advice and co-operation. On the sixth they entreated New York, through Macdougall and Sears, Philadelphia, through Mifflin and Clymer, to insure success by "a harmony of sentiment and concurrence in action." In Boston the consignees conspired with the revenue officers to throw on the owner and master of the Dartmouth the whole burden of landing the tea, and would neither agree to receive it, nor give up their bill of lading, nor pay the freight.

Bancroft, Hist. of the U.S., vol.3, p.453

On the ninth there was a vast gathering at Newburyport of the inhabitants of that and the neighboring towns; and, none dissenting, they agreed to assist Boston, even at the hazard of their lives. "This is not a piece of parade," they say, "but, if an occasion should offer, a goodly number from among us will hasten to join you."

Bancroft, Hist. of the U.S., vol.3, p.453 - p.454

On Saturday, the eleventh, Rotch, the owner of the Dartmouth, is summoned before the Boston committee, with Samuel Adams in the chair; and asked why he has not kept his engagement, to take his vessel and the tea back to London within twenty days of its arrival. He pleaded that it was out of his power. "The ship must go," was the answer; "the people of Boston and the neighboring towns absolutely require and expect it;" and they bade him ask for a clearance and pass, with proper witnesses of his demand. "Were it mine," said a leading merchant, "I would certainly send it back." Hutchinson acquainted Admiral Montagu with what was passing; on which the Active and the Kingfisher, though they had been laid up for the winter, were sent to guard the passages out of the harbor. At the same time, orders were given by the governor to load guns at the castle, so that no vessel, except coasters, might go to sea without a permit. He had no thought of what was to happen: the wealth of Hancock, Phillips, Rowe, Dennie, and others, seemed to him a security against violence; and he flattered himself that he had increased the perplexities of the committee.

Bancroft, Hist. of the U.S., vol.3, p.454

On the morning of Monday, the thirteenth, the committees of the five towns were at Faneuil Hall, with that of Boston. Now that danger was really at hand, the men of the little town of Malden offered their blood and their treasure; for that which they once esteemed the mother country had lost the tenderness of a parent, and become their great oppressor. "We trust in God," wrote the men of Lexington, "that, should the state of our affairs require it, we shall be ready to sacrifice our estates and everything dear in life, yea, and life itself, in support of the common cause." Whole towns in Worcester county were "on tiptoe to come down." "Go on as you have begun," wrote the committee of Leicester, on the fourteenth; "and do not suffer any of the teas already come or coming to be landed, or pay one farthing of duty. You may depend on our aid and assistance when needed."

Bancroft, Hist. of the U.S., vol.3, p.454

It was intended, if possible, to get the tea carried back to London in the vessel in which it came. A meeting of the people on Tuesday afternoon directed and as it were "compelled" Rotch, the owner of the Dartmouth, to apply for a clearance. He did so, accompanied by Kent, Samuel Adams, and eight others as witnesses. The collector was at his lodgings, and declined to answer till the next morning; the assemblage, on their part, adjourned to Thursday, the sixteenth, the last of the twenty days before it would become legal for the revenue officers to take possession of the ship, and so land the teas at the castle. In the evening the Boston committee finished their preparatory meetings. After their consultation on Monday with the committee of the five towns, they had been together that day and the next, both morning and evening; but, during the long and anxious period, their journal has only this entry: "No business transacted, matter of record."

Bancroft, Hist. of the U.S., vol.3, p.454 - p.455

At ten o'clock on the fifteenth, Rotch was escorted by his witnesses to the custom-house, where the collector and comptroller unequivocally and finally refused his ship a clearance till it should be discharged of the teas.

Bancroft, Hist. of the U.S., vol.3, p.455

Hutchinson began to clutch at victory; for, said he, the ship cannot pass the castle without a permit from me, and that I shall refuse. On that day the people of Fitchburg pledged their word "never to be wanting according to their small ability;" for "they had an ambition to be known to the world and to posterity as friends to liberty." The men of Gloucester expressed their joy at Boston's glorious opposition; cried, with one voice, that "no tea subject to a duty should be landed in their town;" and held themselves ready for the last appeal. The town of Portsmouth met on the morning of the sixteenth; and, with six only protesting, its people adopted the principles of Philadelphia, appointed their committee of correspondence, and resolved to make common cause with the colonies.

Bancroft, Hist. of the U.S., vol.3, p.455

Thursday, the sixteenth of December 1773, dawned upon Boston, a day by far the most momentous in its annals. The inhabitants of the town must count the cost, and know well if they dare defy the wrath of Great Britain, and if they love exile and poverty and death rather than submission. At ten o'clock the men of Boston, with at least two thousand from the country, assembled in the Old South meeting-house. A report was made that Rotch had been denied a clearance from the collector. "Then," said they to him, "protest immediately against the custom-house, and apply to the governor for his pass, so that your vessel may this very day proceed on her voyage for London."

Bancroft, Hist. of the U.S., vol.3, p.455 - p.456

The governor had stolen away to his country-seat at Milton. Bidding Rotch make all haste, the meeting adjourned to three in the afternoon. At that hour Rotch had not returned. It was incidentally voted, as other towns had already done, to abstain totally from the use of tea; and every town was advised to appoint its committee of inspection, to prevent the detested tea from being brought within any of them. Then, since the governor might refuse his pass, the question recurred, "whether it be the sense and determination of this body to abide by their former resolutions with respect to the not suffering the tea to be landed." On this question Samuel Adams and Young addressed the meeting, which was become far the most numerous ever held in Boston. Among them was Josiah Quincy, a patriot of fervid feeling, passionately devoted to liberty; still young, but wasting with hectic fever. He knew that for him life was ebbing. The work of vindicating American freedom must be done soon, or he will be no party to the achievement. He rises, but it is to restrain; and, being truly brave and truly resolved, he speaks the language of moderation: "Shouts and hosannas will not terminate the trials of this day, nor popular resolves, harangues, and acclamations vanquish our foes. We must be grossly ignorant of the value of the prize for which we contend, of the power combined against us, of the inveterate malice and insatiable revenge which actuate our enemies, public and private, abroad and in our bosom, if we hope that we shall end this controversy without the sharpest conflicts. Let us consider the issue before we advance to those measures which must bring on the most trying and terrible struggle this country ever saw." "The hand is to the plough," said others, "there must be no looking back;" and the thousands who were present voted unanimously that the tea should not be landed.

Bancroft, Hist. of the U.S., vol.3, p.456 - p.457

It had been dark for more than an hour. A delay of a few hours would place the tea under the protection of the admiral at the castle. The church in which they met was dimly lighted by candles, when, at a quarter before six, Rotch appeared, and related that the governor would not grant him a pass, because his ship was not properly cleared. As soon as he had finished his report, loud shouts were uttered; then Samuel Adams rose and gave the word: "This meeting can do nothing more to save the country." On the instant a cry was heard at the porch; the war-whoop resounded; a body of men, forty or fifty in number, clad in blankets as Indians, each holding a hatchet, passed by the door; and encouraged by Samuel Adams, Hancock, and others, and increased on the way to near two hundred, marched two by two to Griffin's Wharf, posted guards to prevent the intrusion of spies, took possession of the three tea-ships, and, in about three hours, three hundred and forty chests of tea, being the whole quantity that had been imported, were emptied into the bay, without the least injury to other property. "All things were conducted with great order, decency, and perfect submission to government." The people who looked on were so still that the noise of breaking open the teachests was plainly heard. After the work was done, the town became as quiet as if it had been holy time. That very night the men from the country took home the great news to their villages.

Bancroft, Hist. of the U.S., vol.3, p.457

The next morning the committee of correspondence appointed Samuel Adams and four others to draw up a declaration of what had been done. They sent Paul Revere as express with the information to New York and Philadelphia.

Bancroft, Hist. of the U.S., vol.3, p.457

The joy that sparkled in the eyes and animated the countenances and the hearts of the patriots, as they met one another, is unimaginable. The governor, meantime, was consulting his books and his lawyers to make out that the resolves of the meeting were treasonable. Threats were muttered of arrests, of executions, of transporting the accused to England; while the committee of correspondence pledged themselves to support and vindicate each other and all persons who had shared in their effort. The country was united with the town, and the colonies with one another, more firmly than ever. The Philadelphians unanimously approved what Boston had done. New York, all impatient at the winds which had driven its tea-ship off the coast, was resolved on following the example.

Bancroft, Hist. of the U.S., vol.3, p.457

In South Carolina, the ship, with two hundred and fifty-seven chests of tea, arrived on the second of December; the spirit of opposition ran very high; but the consignees were persuaded to resign: so that, though the collector after the twentieth day seized the dutiable article, there was no one to vend it or to pay the duty, and it perished in the cellars where it was stored.

Bancroft, Hist. of the U.S., vol.3, p.457 - p.458

Late on Saturday, the twenty-fifth, news reached Philadelphia that its tea-ship was at Chester. It was met four miles below the town, where it came to anchor. On Monday, at an hour's notice, men, said to number five thousand, collected in a town-meeting; at their instance, the consignee who came as passenger resigned; and the captain agreed to take his ship and cargo directly back to London, and to sail the very next day. The Quakers, though they did not appear openly, gave every private encouragement. "The ministry had chosen the most effectual measures to unite the colonies. The Boston committee were already in close correspondence with the other New England colonies, with New York and Pennsylvania. Old jealousies were removed, and perfect harmony subsisted between all." "The heart of the king was hardened like that of Pharaoh;" and none believed he would relent. Union, therefore, was the cry—a union which should reach "from Florida to the icy plains" of Canada. "No time is to be lost," said the "Boston Gazette;" "a congress or a meeting of the American states is indispensable, and what the people wills shall be effected." Samuel Adams had led his native town to offer itself cheerfully as a sacrifice for the liberties of mankind.

Chapter 35:

The King in Council Insults Massachusetts and Its Agent,

December 1773-February 1774

Bancroft, Hist. of the U.S., vol.3, p.459

THE just man enduring the opprobrium of crime, yet meriting the honors due to virtue, is the sublimest spectacle that can appear on earth. Against Franklin were arrayed the court, the ministry, parliament, and an all-pervading social influence; but he only assumed a firmer demeanor and a loftier tone. On delivering to Lord Dartmouth the address to the king for the removal of Hutchinson and Oliver, he gave assurances that the people of Massachusetts aimed at no novelties; that, "having lately discovered the authors of their grievances to be some of their own people, their resentment against Britain was thence much abated." The secretary expressed pleasure at receiving the petition, promised to lay it before the king, and hoped for the restoration "of the most perfect tranquillity and happiness." It was the unquestionable duty of "the agent of the house of representatives of the Massachusetts Bay" to communicate to his employers the proof that the governor and lieutenant-governor of the province were conspiring against its constitution; to bring censure on this fulfilment of duty, it was necessary to raise a belief that the evidence had been surreptitiously obtained. The newspaper press was therefore employed to spread a rumor that they had been purloined by John Temple, from the papers of Thomas Whately in the hand of his executors. The anonymous calumny which was attributed to Bernard, William Knox, and Mauduit was denied by "a member of parliament," who truly affirmed that the letters which were sent to Boston had never been in the executor's hands. But William Whately, the executor, who had been suddenly appointed a banker to the treasury, published an evasive card, in which he did not clearly relieve Temple from the implication.

Bancroft, Hist. of the U.S., vol.3, p.460

A duel followed between Temple and William Whately, without witnesses; and newspaper altercations on the incidents of the meeting seemed likely to renew the quarrel. Temple, who risked offices producing a thousand pounds a year, publicly denied having "had any concern directly or indirectly in procuring or transmitting the letters which were sent to Boston." To prevent bloodshed, Franklin announced publicly: "Two gentleman have been unfortunately engaged in a duel about a transaction and its circumstances of which both of them are totally ignorant and innocent. I alone am the person who obtained and transmitted to Boston the letters in question."

Bancroft, Hist. of the U.S., vol.3, p.460

On the eleventh of January 1774, Franklin for Massachusetts, and Mauduit with Wedderburn for Hutchinson and Oliver, appeared before the privy counsel. "I thought," said Franklin, "that this had been a matter of politics, and not of law, and have not brought any counsel." The hearing was therefore adjourned to the twenty-ninth. Meantime, the enraged ministry and the courtiers suggested his dismissal from office; his arrest, and imprisonment at Newgate; a search among his papers for proofs of treason. Wedderburn avowed his intention to inveigh personally against him; and he was harassed with a subpoena from the chancellor, to attend his court at the suit of William Whately, respecting the letters.

Bancroft, Hist. of the U.S., vol.3, p.460 - p.461

In England a greater clamor rose against the Americans than ever before. Hypocrites, traitors, rebels, and villains were the softest epithets applied to them; some menaced war, and would have given full scope to blood-thirsty rancor. On the twenty-seventh the government received official information that the people of Boston had thrown the tea overboard. In this angry state of public feeling, Franklin, on the twenty-ninth, assisted by Dunning and John Lee, came before the privy council to support the request of the great province of Massachusetts—one of the oldest of the thirteen English colonies and first of them all in the number and power of its free population—for the removal of Hutchinson and Oliver, in whose behalf appeared Israel Mauduit, the old adviser of the stamp-tax, and Wedderburn, the solicitor-general, who had so lately deserted the Grenville connection. It was a day of great expectation. Thirty-five lords of the council were present, a larger number than had ever attended a hearing; and the room was filled with a crowd, among whom were Priestley, Jeremy Bentham, and Edmund Burke.

Bancroft, Hist. of the U.S., vol.3, p.461

The petition and accompanying papers having been read, Dunning asked, on the part of his client, the reason of his being ordered to attend. "No cause," said he, "is instituted; nor do we think advocates necessary; nor are they demanded on the part of the colony. The petition is not in the nature of accusation, but of advice and request. It is an address to the king's wisdom, not an application for criminal justice; when referred to the council, it is a matter for political prudence, not for judicial determination. The matter, therefore, rests wholly in your lordships' opinion of the propriety or impropriety of continuing persons in authority, who are represented by legal bodies, competent to such representation, as having (whether on sufficient or insufficient grounds) entirely forfeited the confidence of the assemblies whom they were to act with, and of the people whom they were to govern. The resolutions on which that representation is founded lie before your lordships, together with the letters from which they arose.

Bancroft, Hist. of the U.S., vol.3, p.461

"If your lordships should think that these actions, which appear to the colony representative to be faulty, ought in other places to appear meritorious, the petition has not desired that the parties should be punished as criminals for these actions of supposed merit, nor even that they may not be rewarded. It only requests that these gentlemen may be removed to places where such merits are better understood, and such rewards may be more approved." He spoke well, and was seconded by Lee.

Bancroft, Hist. of the U.S., vol.3, p.461 - p.462 - p.463

The question as presented by Dunning was already decided in favor of the petitioners; it was the universal opinion that Hutchinson ought to be superseded. Wedderburn changed the issue, as if Franklin were on trial; and, in a speech woven of falsehood and ribaldry, turned his invective against the petitioners and their messenger. Of all men, Franklin was the most important in any attempt at conciliation. He was the agent of the two great colonies, Massachusetts and Pennsylvania, and of New Jersey and Georgia; was the friend of Edmund Burke, who was agent for New York. All the troubles in British colonial policy had grown out of the neglect of his advice, and there was no one who could have mediated like him. He was now thrice venerable, from genius, fame in the world of science, and age. Him Wedderburn, turning from the real question, employed all the cunning powers of distortion and misrepresentation to abuse. With an absurdity of application which the lords of the privy council were too much prejudiced to observe, he drew a parallel between Boston and Capri, Hutchinson and Sejanus, the humble petition of the Massachusetts assembly, and a verbose and grand epistle of the Emperor Tiberius. Franklin, whose character was marked by benignity, and who, from obvious motives of thoughtfulness for the safety of others, had assumed the sole responsibility of obtaining the letters, he described as a person of the most deliberate malevolence, realizing in life what poetic fiction only had imagined in the breast of a bloody African. The speech of Hutchinson, challenging a discussion of the supremacy of parliament, had been not only condemned by public opinion in England, but disapproved by the secretary of state. Wedderburn pronounced it "a masterly one," which had "stunned the faction." Franklin for twenty years had exerted wonderful power as a conciliator, had never once employed the American press to alarm the American people, but had sought to prevent parliamentary taxation of America by private and successful representation during the time of the Pelhams; by seasonable remonstrance with Grenville against the stamp act; by honest and true answers to the inquiries of the house of commons; by the best advice to Shelburne. When sycophants sought by flattery to mislead the minister for America, he had given correct information and safe counsel to the ministry of Grafton, and had repeated it emphatically, and in writing, to the ministry of North: so that his advice, if accepted, would, like his conductor, have drawn the lightning from the cloud; but Wedderburn stigmatized this wise and hearty lover of both countries as "a true incendiary." The letters which had been written by public men in public offices on public affairs, to a member of the parliament that had been declared to possess absolute power over America, and which had been written for the purpose of producing a tyrannical exercise of that absolute power, he called private. Hutchinson had solicited the place held by Franklin, from which Franklin was to be dismissed; this fact was suppressed, and the wanton falsehood substituted that Franklin had desired the governor's office, and had basely planned "his rival's overthrow." Franklin had enclosed the letters officially to the speaker of the Massachusetts assembly, without a single injunction of secrecy in regard to the sender: Wedderburn maintained that they were sent anonymously and secretly; and, by an argument founded on a misstatement, but which he put forward as irrefragable, he pretended to convict Franklin of having obtained the letters by fraudulent and corrupt means, or of having stolen them from the person who stole them.

Bancroft, Hist. of the U.S., vol.3, p.463

The lords of council, as he spoke, cheered him on by their laughter; and the cry of "Hear him! hear him!" burst repeatedly from a body which professed to be sitting in judgment as the highest court of appeal for the colonies, and yet encouraged the advocate of one of the parties to insult a public envoy, present only as the person delivering the petition of a great and royal colony. Meantime, the modern Prometheus, as Kant called Franklin, stood conspicuously erect, confronting his vilifier and the privy council; while calumny, in the service of lawless force, aimed what was meant to be a death-blow at his honor.

Bancroft, Hist. of the U.S., vol.3, p.463 - p.464

The reply of Dunning, who was very ill and fatigued, could scarcely be heard; and that of Lee produced no impression. There was but one place in England where fit reparation could be made; and there was but one man who had the eloquence, courage, and weight of character to effect the atonement. For the present, Franklin must rely on the approval of the monitor within his own breast. "I have never been so sensible of the power of a good conscience," said he to Priestley; "for, if I had not considered the thing for which I have been so much insulted as one of the best actions of my life and what I should certainly do again in the same circumstances, I could not have supported it." But it was not to him, it was to the people of Massachusetts, to New England, to all America, that the insult was offered.

Bancroft, Hist. of the U.S., vol.3, p.464

Franklin and Wedderburn parted: the one to spread freedom among men; to make his name a cherished word in every nation of Europe; and, in the beautiful language of Washington, "to be venerated for benevolence, to be admired for talents, to be esteemed for patriotism, to be beloved for philanthropy:" the other childless, though twice wedded, unbeloved, busy only in "getting everything he could" as the wages of corruption. Franklin, when he died, had nations for his mourners, and the great and the good throughout the world as his eulogists; when Wedderburn died, no senate spoke his praise; no poet embalmed his memory; no man mourned; and his king, hearing that he was certainly gone, said only: "He has not left a greater knave behind him in my dominions." The report of the lords, which had been prepared beforehand, was immediately signed; and "they went away, almost ready to throw up their hats for joy, as if by the vehement philippic against the hoary-headed Franklin they had obtained a triumph."

Bancroft, Hist. of the U.S., vol.3, p.464

And who were the lords of the council that thus thought to brand the noblest representative of free labor, who for many a year had earned his daily bread as apprentice, journeyman, or mechanic, and "knew the heart of the working man," and felt for the people of whom he remained one? If they who upon that occasion pretended to sit in judgment had never come into being, whom among them all would humanity have missed? But how would it have suffered if Franklin had not lived!

Bancroft, Hist. of the U.S., vol.3, p.464

The men in power who on that day sought to rob Franklin of his good name wounded him on the next in his fortunes, by turning him out of his place in the American post-office, that institution which had yielded no revenue till he organized it, and yielded none after his dismissal.

Bancroft, Hist. of the U.S., vol.3, p.464 - p.465

Superior to injury, the "magnanimous" "old man," as Rockingham called Franklin, still sought for conciliation; and, seizing the moment when he was sure of all sympathies, he wrote to his constituents to begin the work, by making compensation to the East India company before any compulsive measures were thought of. But events proceed as they are ordered. The opinion in England was very general that America would submit; that government had been surprised into a repeal of the stamp act; and that all might be recovered.

Bancroft, Hist. of the U.S., vol.3, p.465

The king admitted no misgivings. On the fourth of February he consulted the American commander-in-chief, who had recently returned from New York. "I am willing to go back at a day's notice," said Gage, "if coercive measures are adopted. They will be lions, while we are lambs; but, if we take the resolute part, they will undoubtedly prove very meek. Four regiments sent to Boston will be sufficient to prevent any disturbance." The king adopted these opinions. He would enforce the claim of authority at all hazards. "All men," said he, "now feel that the fatal compliance in 1766 has increased the pretensions of the Americans to absolute independence." In the letters of Hutchinson he saw nothing to which the least exception could be taken; and condemned the cautious address of Massachusetts as the production of "falsehood and malevolence."

Bancroft, Hist. of the U.S., vol.3, p.465

Accordingly, on the seventh of February 1774, in the court at St. James's, the report of the privy council embodied the vile insinuations of Wedderburn; and the petition, of which every word was true, was described as formed on false allegations, and dismissed as "groundless, vexatious, and scandalous." History keeps the record of no similar petition dismissed with more insolence or avenged with more speed.

Chapter 36:

The Crisis,

February-May 1774

Bancroft, Hist. of the U.S., vol.3, p.466

THE ministry, overruling the lingering scruples of Dartmouth and Lord North, decided that there existed a rebellion which required coercion. Inquiries were made, with the object of enabling the king to proceed in "England against the ringleaders," and inflict on them immediate and exemplary punishment. But, after laborious examinations before the privy council, and the close attention of Thurlow and Wedderburn, it appeared that British law and the British constitution set bounds to the anger of the government, which gave the first evidence of its weakness by acknowledging a want of power to wreak its will.

Bancroft, Hist. of the U.S., vol.3, p.466

During the delay attending an appeal to parliament, the secretary of state would speak with the French minister of nothing but harmony; and he said to the representative of Spain: "Never was the union between Versailles, Madrid, and London so solid; I see nothing that can shake it." Yet the old distrust lurked under the pretended confidence.

Bancroft, Hist. of the U.S., vol.3, p.466 - p.467

One day in February 1774, while the government feared no formidable opposition, Charles James Fox, then of the treasury board, censured Lord North for want of decision and courage. "Greatly incensed at his presumption," the king wrote: "That young man has so thoroughly cast off every principle of common honor and honesty that he must become as contemptible as he is odious." Dismissed from office, and connected with no party, he was left free to follow his own generous impulses, and "to discover powers for regular debate, which neither his friends had hoped nor his enemies foreboded." Disinterested observers already predicted that he would one day be classed among the greatest statesmen of his country.

Bancroft, Hist. of the U.S., vol.3, p.467

The cause of liberty obtained in him a friend who was independent of party allegiance and traditions, just when the passion for ruling America by the central authority was producing anarchy in the colonies. In South Carolina, whose sons esteemed themselves disfranchised on their own soil by the appointment of strangers to every office, the governor had for four years negatived every tax bill, in the hope of controlling the appropriations. In North Carolina the law establishing courts of justice had expired; in the conflict of claims of power between the governor and the legislature every new law on the subject was negatived, and there were no courts of any kind in the province. The most orderly and the best governed part of Carolina was the self-organized republic of Watauga, beyond the mountains, where the settlements were extending along the Holston, as well as south of the Nollichucky.

Bancroft, Hist. of the U.S., vol.3, p.467 - p.468

An intrepid population, heedless of proclamations, was pouring westward through all the gates of the Alleghanies; seating themselves on the New River and the Greenbrier, on the branches of the Monongahela, or even making their way to the Mississippi; accepting from nature their title-deeds to the unoccupied wilderness. Connecticut kept in mind that its charter bounded its territory by the Pacific; and had already taken courage to claim lands westward to the Mississippi, "seven or eight hundred miles in extent of the finest country and happiest climate on the globe. In fifty years," said they, pleasing themselves with visions of the happiness of their posterity and "the glory of this New World," "our people will be more than half over this tract, extensive as it is; in less than one century the whole may become even well cultivated. If the coming period bears due proportion to that from the first landing of poor distressed fugitives at Plymouth, nothing that we can in the utmost stretch of imagination fancy of the state of this country at an equally future period, can exceed what it will then be. A commerce will and must arise, independent of everything external, and superior to anything ever known in Europe, or of which a European can have an adequate idea." The commerce of Philadelphia and New York had outgrown the laws of trade; and the revenue officers, weary of attempts to enforce them, received what duties were paid almost as a favor.

Bancroft, Hist. of the U.S., vol.3, p.468

The New England people who dwelt on each side of the Green Mountains repelled the jurisdiction which the royal government of New York would have enforced even at the risk of bloodshed, and administered their own affairs by means of permanent committees.

Bancroft, Hist. of the U.S., vol.3, p.468

The people of Massachusetts knew that "they had passed the river and cut away the bridge." In March, voting the judges of the superior court ample salaries from the colonial treasury, they called upon them to refuse the corrupting donative from the crown. Four of them yielded; Oliver, the chief justice, alone refused; the house, therefore, impeached him before the council, and declared him suspended till the issue of the impeachment. They began to familiarize the public mind to the thought of armed resistance, by ordering some small purchases of powder on account of the colony to be stored in a building of its own, and by directing the purchase of twelve pieces of cannon. "Don't put off the boat till you know where you will land," advised the timid. "We must put off the boat," cried Boston patriots, "even though we do not know where we shall land." "Put off the boat; God will bring us into a safe harbor," said Hawley of Northampton. "Anarchy itself," repeated one to another, "is better than tyranny."

Bancroft, Hist. of the U.S., vol.3, p.468 - p.469

The proposal for a general congress was deferred to the next June; but the committees of correspondence were to prepare the way for it. A circular letter explained why Massachusetts had been under the necessity of proceeding so far of itself, and entreated for its future guidance the benefit of the councils of the whole country. Hancock, on the fifth of March, spoke to a crowded audience in Boston: "Permit me to suggest a general congress of deputies from the several houses of assembly on the continent as the most effectual method of establishing a union for the security of our rights and liberties." "Remember," he continued, "from whom you sprang. Not only pray, but act; if necessary, fight, and even die, for the prosperity of our Jerusalem;" and, as he pointed out Samuel Adams, the vast multitude seemed to promise that in all succeeding times the great patriot's name, and with him "the roll of fellow-patriots, should grace the annals of history."

Bancroft, Hist. of the U.S., vol.3, p.469

Samuel Adams prepared the last instructions of Massachusetts to Franklin. "It will be in vain," such were his solemn words officially pronounced, "for any to expect that the people of this country will now be contented with a partial and temporary relief; or that they will be amused by court promises, while they see not the least relaxation of grievances. By means of a brisk correspondence among the several towns in this province they have wonderfully animated and enlightened each other. They are united in sentiments, and their opposition to unconstitutional measures of government is become systematical. Colony begins to communicate freely with colony. There is a common affection among them; and shortly the whole continent will be as united in sentiment and in their measures of opposition to tyranny as the inhabitants of this province. Their old good-will and affection for the parent country are not totally lost; if she returns to her former moderation and good humor, their affection will revive. They wish for nothing more than a permanent union with her upon the condition of equal liberty. This is all they have been contending for; and nothing short of this will or ought to satisfy them."

Bancroft, Hist. of the U.S., vol.3, p.469

Such was the ultimatum of America, sent by one illustrious son of Boston for the guidance of another. But the sense of the English people was manifestly with the ministers, who were persuaded that there was no middle way, and that the American continent would not interpose to shield Boston from the necessity of submission.

Bancroft, Hist. of the U.S., vol.3, p.469 - p.470

On the seventh of March, Dartmouth and North, grievously lamenting their want of greater executive power, and the consequent necessity of laying their measures before parliament, presented to the two houses a message from the king. "Nothing," said Lord North, "can be done to re-establish peace without additional powers." "The question now brought to issue," said Rice, on moving the address which was to pledge parliament to the exertion of every means in its power, "is whether the colonies are or are not the colonies of Great Britain." Nugent, now Lord Clare, entreated that there might be no divided counsels. "On the repeal of the stamp act," said Dowdeswell," all America was quiet; but in the following year you would go in pursuit of a pepper-corn; you would collect from pepper-corn to pepper-corn; you would establish taxes as tests of obedience. Unravel the whole conduct of America; you will find out the fault is at home." "The dependence of the colonies is a part of the constitution," said Pownall, the former governor of Massachusetts. "I hope, for the sake of this country, for the sake of America, for the sake of general liberty, that this address will go with a unanimous vote."

Bancroft, Hist. of the U.S., vol.3, p.470

Edmund Burke only taunted the ministry with their wavering policy. Lord George Germain derived all the American disturbance from the repeal of the stamp-tax. Conway pleaded for unanimity. "I speak," said William Burke, "as an Englishman; we applaud ourselves for the struggle we have had for our constitution; the colonists are our fellow-subjects; they will not lose theirs without a struggle." Barre thought the subject had been discussed with good temper, and refused to make any opposition. "The leading question," said Wedderburn, who bore the principal part in the debate, "is the dependence or independence of America." The address was adopted without a division.

Bancroft, Hist. of the U.S., vol.3, p.470

In letters which arrived the next day from America, calumny, with its hundred tongues, exaggerated the turbulence of the people, and invented wild tales of violence; so that the king believed there was, in Boston, a regular committee for tarring and feathering; and that they were next, to use his own words, to "pitch and feather" Hutchinson himself. The press roused the national pride, till the zeal of the English people for maintaining English supremacy became equal to the passions of the ministry. Even the merchants and manufacturers were made to believe that their command of the American market depended on the enforcement of British authority.

Bancroft, Hist. of the U.S., vol.3, p.470 - p.471

It was, therefore, to a parliament and people as unanimous as when in Grenville's day they sanctioned the stamp act, that Lord North, on the fourteenth of March, opened the first branch of his American plan by a measure for the instant punishment of Boston. Its port was to be closed against all commerce until it should have indemnified the East India company, and until the king should be satisfied that for the future it would obey the laws. All branches of the government, all political parties, alike those who denied and those who asserted the right to tax, members of parliament, peers, merchants, all ranks and degrees of people, were invited to proceed steadily in the one course of maintaining the authority of Great Britain. Yet it was noticed that Lord North spoke of the indispensable necessity for vigorous measures with an unusual air of languor. This appeal was successful. Of the Rockingham party, Cavendish approved the measure, which was but a corollary from their own declaratory act. "After having weighed the noble lord's proposition well," said even Barre, "I cannot help giving it my hearty and determinate affirmative. I like it, adopt and embrace it for its moderation." "There is no good plan," urged Fox, "except the repeal of the taxes forms a part of it." "The proposition does not fully answer my expectations," said John Calvert; "seize the opportunity, and take away their charter."

Bancroft, Hist. of the U.S., vol.3, p.471 - p.472

On the eighteenth, Lord North, by unanimous consent, presented to the house the Boston port bill. To its second reading, George Bynge was the only one who cried no. "This bill," said Rose Fuller, in the debate, on the twenty-third, "shuts up one of the ports of the greatest commerce and consequence in the English dominions in America. The North Americans will look upon it as a foolish act of oppression. You cannot carry this bill into execution but by a military force." "If a military force is necessary," replied Lord North, "I shall not hesitate a moment to enforce a due obedience to the laws of this country." Fox would have softened the bill by opening the port on the payment of indemnity to the East India company; and he took care that his motion should appear on the journal. "Obedience," replied Lord North, "not indemnification, will be the test of the Bostonians." "The offence of the Americans is flagitious," said Van. "The town of Boston ought to be knocked about their ears and destroyed. You will never meet with proper obedience to the laws of this country until you have destroyed that nest of locusts." The clause to which Fox had objected was adopted without any division, and with but one or two negatives.

Bancroft, Hist. of the U.S., vol.3, p.472

The current, within doors and without, set strongly against America. It was only for the acquittal of their own honor and the discharge of their own consciences that, two days later, on the third reading, Dowdeswell and Edmund Burke, unsupported by their former friends, spoke very strongly against a bill which punished the innocent with the guilty, condemned both without an opportunity of defence, deprived the laborer and the sailor of bread, injured English creditors by destroying the trade out of which the debts due them were to be discharged, and ultimately oppressed the English manufacturer. "You will draw a foreign force upon you," said Burke; "I will not say where that will end, but think, I conjure you, of the consequences." "The resolves at Boston," said Gray Cooper, "are a direct issue against the declaratory act;" and half the Rockingham party went with him. Rose Fuller opposed the bill, unless the tax on tea were repealed. Pownall was convinced that the time was not proper for a repeal of the duty on tea. "This is the crisis," said Lord North, who had by degrees assumed a style of authority and decision. "The contest ought to be determined. To repeal the tea duty or any measure would stamp us with timidity." "The present bill," observed Johnstone, late governor of West Florida, "must produce a confederacy, and will end in a general revolt." But it passed without a division, and very unfairly went to the lords as the unanimous voice of the commons. The king sneered at "the feebleness and futility of the opposition."

Bancroft, Hist. of the U.S., vol.3, p.472 - p.473

In the midst of the general anger, a book was circulating in England, on the interest of Great Britain in regard to the colonies, and the only means of living in peace and harmony with them, which judged the past and estimated the future with calmness and sagacity. Its author, Josiah Tucker, dean of Gloucester, a most loyal churchman, an apostle of free trade, saw clearly that the reduction of Canada had put an end to the sovereignty of the mother country; that it is in the very nature of all colonies, and of the Americans more than others, to aspire after independence. He would not suffer things to go on as they had lately done, for that would only make the colonies more headstrong; nor attempt to persuade them to send over deputies or representatives to sit in parliament, for that scheme could only end in furnishing a justification to the mother country for making war against them; nor have recourse to arms, for the event was uncertain, and England, if successful, could still never treat America as an enslaved people, or govern them against their own inclinations. There remained but one wise solution; and it was to declare the American colonies to be a free and independent people.

Bancroft, Hist. of the U.S., vol.3, p.473

"If we separate from the colonies," it was objected, "we shall lose their trade." "Why so?" answered Tucker. "The colonies will trade even with their bitterest enemies in the hottest of a war, provided they shall find it their interest so to do. The question before us will turn on this single point: Can the colonists, in a general way, trade with any other European state to greater advantage than they can with Great Britain? If they cannot, we shall retain their custom;" and he demonstrated that England was for America the best market and the best storehouse; that the prodigious increase of British trade was due, not to prohibition, but to the suppression of monopolies and exclusive companies for foreign trade; to the repeal of taxes on raw materials; to the improvements, inventions, and discoveries for the abridgment of labor; to roads, canals, and better postal arrangements. The measure would not decrease shipping and navigation, or diminish the breed of sailors.

Bancroft, Hist. of the U.S., vol.3, p.473

But, "if we give up the colonies," it was pretended, "the French will take immediate possession of them." "The Americans," resumed Tucker, "cannot brook our government; will they glory in being numbered among the slaves of the grand monarch?" "Will you leave the church of England in America to suffer persecution?" asked the churchmen. "Declare North America independent," replied Tucker, "and all their fears of ecclesiastical authority will vanish away; a bishop will be no longer looked upon as a monster, but as a man; and an episcopate may then take place." No minister, he confessed, would dare, as things were then circumstanced, to do so much good to his country; neither would their opponents wish to see it done; and "yet," he added, "measures evidently right will prevail at last."

Bancroft, Hist. of the U.S., vol.3, p.474

A love of liberty revealed the same truth to John Cartwright. The young enthusiast was persuaded that humanity, as well as the individual man, obtains knowledge, wisdom, and virtue progressively, so that its latter days will be more wise, peaceable, and pious than the earlier periods of its existence. He was destined to pass his life in efforts to purify the British constitution, which, as he believed, had within itself the seeds of immortality. With the fervid language of sincerity, he advocated the freedom of his American kindred, and proclaimed American independence to be England's interest and glory.

Bancroft, Hist. of the U.S., vol.3, p.474 - p.475

Thus spoke the forerunners of free trade and reform. But the infatuated people turned from them to indulge unsparingly in ridicule and illiberal jests on the Bostonians, whom the hand of power was extended to chastise and subdue. At the meeting of the commons on the twenty-eighth, Lord North asked leave to bring in a bill for regulating the government of the province of Massachusetts Bay. On this occasion Lord George Germain showed anxiety to take a lead. "I wish," said he, "to see the council of that country on the same footing as that of other colonies. Put an end to their town-meetings. I would not have men of a mercantile cast every day collecting themselves together and debating about political matters. I would have them follow their occupations as merchants, and not consider themselves as ministers of that country. I would wish that all corporate powers might be given to certain people in every town, in the same manner that corporations are formed here. Their juries require regulation. I would wish to bring the constitution of America as similar to our own as possible; to see the council of that country similar to a house of lords in this; to see chancery suits determined by a court of chancery. At present their assembly is a downright clog; their council thwart and oppose the security and welfare of that government. You have no government, no governor; the whole are the proceedings of a tumultuous and riotous rabble, who ought, if they had the least prudence, to follow their mercantile employment, and not trouble themselves with politics and government, which they do not understand. Some gentlemen say: 'Oh, don't break their charter; don't take away rights granted them by the predecessors of the crown.' Whoever wishes to preserve such charters, I wish him no worse than to govern such subjects. By a manly perseverance, things may be restored from anarchy and confusion to peace, quietude, and obedience."

Bancroft, Hist. of the U.S., vol.3, p.475

"I thank the noble lord," said Lord North, "for every one of the propositions he has held out; they are worthy of a great mind; I see their propriety, and wish to adopt them;" and the house directed North, Thurlow, and Wedderburn to prepare and bring in a bill accordingly.

Bancroft, Hist. of the U.S., vol.3, p.475

On the twenty-ninth of March the Boston port bill underwent in the house of lords a fuller and fairer discussion. Rockingham, supported by the duke of Richmond, resisted it with firmness. "Nothing can justify the ministers hereafter," said Temple, "except the town of Boston proving in an actual state of rebellion." The good Lord Dartmouth called what passed in Boston commotion, not open rebellion. Lord Mansfield, a man "in the cool decline of life," acquainted only with the occupations of peace, a civil magistrate, covered with ermine that should have no stain of blood, with eyes broad open to the consequences, rose to take the guidance of the house out of the hands of the faltering minister. "What passed in Boston," said he, "is the last overt act of high treason, proceeding from our over-lenity and want of foresight. It is, however, the luckiest event that could befall this country; for all may now be recovered. Compensation to the East India company I regard as no object of the bill The sword is drawn, and you must throw away the scabbard. Pass this act, and you will have passed the Rubicon. The Americans will then know that we shall temporize no longer; if it passes with tolerable unanimity, Boston will submit, and all will end in victory without carnage." In vain did Camden meet the question fully; in vain did Shelburne prove the tranquil and loyal condition in which he had left the colonies on giving up their administration. There was no division in the house of lords; and its journal, like that of the commons, declares that the Boston port bill passed unanimously.

Bancroft, Hist. of the U.S., vol.3, p.475 - p.476

The king in person made haste to give it his approval. To bring Boston on its knees and terrify the rest of America by enforcing the act, Gage, the military commander-in-chief for all North America, received the commission of civil governor of Massachusetts as swiftly as official forms would permit; and, in April, was sent over with four regiments, which he had reported would be sufficient to enforce submission. He was ordered to shut the port of Boston; and, having as a part of his instructions the opinion of Thurlow and Wedderburn, that acts of high treason had been committed there, he was directed to bring the ringleaders to condign punishment. Foremost among these, Samuel Adams was marked out for sacrifice as the chief of the revolution. "He is the most elegant writer, the most sagacious politician, and celebrated patriot, perhaps, of any who have figured in the last ten years," is the contemporary record of John Adams. "I cannot sufficiently respect his integrity and abilities," said Clymer, of Pennsylvania; "all good Americans should erect a statue to him in their hearts." Even where his conduct had been questioned, time proved that he had been right, and many in England "esteemed him the first politician in the world." He saw that "the rigorous measures of the British administration would the sooner bring to pass" the first wish of his heart, "the entire separation and independence of file colonies, which Providence would erect into a mighty empire." Indefatigable in seeking for Massachusetts the countenance of her sister colonies, he had no anxiety for himself, no doubt of the ultimate triumph of freedom; but, as he thought of the calamities that hung over Boston, he raised the prayer "that God would prepare that people for the event by inspiring them with wisdom and fortitude."

Bancroft, Hist. of the U.S., vol.3, p.476

"We have enlisted in the cause of our country," said its committee of correspondence, "and are resolved at all adventures to promote its welfare; should we succeed, our names will be held up by future generations with that unfeigned plaudit with which we recount the great deeds or our ancestors." Boston has now no option but to make good its entire independence, or to approach the throne as a penitent, and promise for the future passive "obedience" to British "laws" in all cases whatsoever. In the palace there were no misgivings. "With ten thousand regulars," said the creatures of the ministry, "we can march through the continent."

Bancroft, Hist. of the U.S., vol.3, p.476 - p.477

The act closing the port of Boston did not necessarily provoke a civil war. It was otherwise with the second. The opinion of Lord Mansfield had been obtained in favor of altering the charter of Massachusetts; and the king learned "with supreme satisfaction" that, on the fifteenth of April, a bill to regulate the government of the province of Massachusetts Bay had been read for the first time in the house of commons. Without any hearing or even notice to that province, parliament was to change its charter and its government. Its institution of town-meetings was the most perfect system of local self-government that the world had ever known; the king's measure abolished them, except for the choice of town officers, or on the special permission of the governor. The council had been annually chosen in a convention of the outgoing council and the house of representatives, and men had in this manner been selected more truly loyal than the councillors of any one of the royal colonies; the clause in the charter establishing this method of election was abrogated. The power of appointing and removing sheriffs was conferred on the executive; and the trial by jury was changed into a snare, by intrusting the returning of juries to dependent sheriffs. Lord North placed himself in conflict with institutions sanctioned by royal charters, rooted in custom, confirmed by possession through successive generations, endeared by the just and fondest faith, and infolded in the affections and life of the people.

Bancroft, Hist. of the U.S., vol.3, p.477

Against the bill Conway spoke with firmness. The administration, he said, would take away juries from Boston; though Preston, in the midst of an exasperated town, had been acquitted. They sent the sword, but no olive branch. The bill at its different stages in the house of commons was combated by Dowdeswell, Pownall, Sir George Saville, Conway, Burke, Fox, Barre, and most elaborately by Dunning; yet it passed the commons by a vote of more than three to one. Though vehemently opposed in the house of lords, it was carried by a still greater majority, but not without an elaborate protest. The king did not dream that by that act, which, as he writes, gave him "infinite satisfaction," all power of command in Massachusetts had, from that day forth, gone out from him, and that there his word would never more be obeyed.

Bancroft, Hist. of the U.S., vol.3, p.477 - p.478

The immediate repeal of the tax on tea and its preamble remained the only possible avenue to conciliation. On the nineteenth of April this repeal was moved by Rose Fuller in concert with the opposition. The subject in its connections was the gravest that could engage attention, involving the prosperity of England, the tranquillity of the British empire, the principles of colonization, and the liberties of mankind. But Cornwall, speaking for the ministers, stated the question to be simply "whether the whole of British authority over America should be taken away." On this occasion Edmund Burke pronounced an oration such as had never been heard in the British parliament. His boundless stores of knowledge came obedient at his command; and his thoughts and arguments, the facts which he cited, and his glowing appeals, fell naturally into their places; so that his long and elaborate speech was one harmonious and unbroken emanation from his mind. He first demonstrated that the repeal of the tax would be productive of unmixed good; he then surveyed comprehensively the whole series of the parliamentary proceedings with regard to America, in their causes and their consequences. After exhausting the subject, he entreated parliament to "reason not at all," but to "oppose the ancient policy and practice of the empire, as a rampart against the speculations of innovators on both sides of the question."

Bancroft, Hist. of the U.S., vol.3, p.478

"Again and again," such was his entreaty, "revert to your old principles; seek peace and ensue it; leave America, if she has taxable matter, to tax herself. Be content to bind America by laws of trade; you have always done it; let this be your reason for binding their trade. Do not burden them by taxes; you were not used to do so from the beginning. Let this be your reason for not taxing. These are the arguments of states and kingdoms. Leave the rest to the schools. The several provincial legislatures ought all to be subordinate to the parliament of Great Britain. She, as from the throne of heaven, superintends and guides and controls them all. To coerce, to restrain, and to aid, her powers must be boundless."

Bancroft, Hist. of the U.S., vol.3, p.478 - p.479

During the long debate, the young and fiery Lord Carmarthen had repeated what so many had said before him: "The Americans are our children, and how can they revolt against their parent? If they are not free in their present state, England is not free, because Manchester and other considerable places are not represented." "So, then," retorted Burke, "because some towns in England are not represented, America is to have no representative at all. Is it because the natural resistance of things and the various mutations of time hinder our government, or any scheme of government, from being any more than a sort of approximation to the right, is it therefore that the colonies are to recede from it infinitely? When this child of ours wishes to assimilate to its parent, are we to give them our weakness for their strength, our opprobrium for their glory? and the slough of slavery which we are not able to work off, to serve them for their freedom?"

Bancroft, Hist. of the U.S., vol.3, p.479 - p.480

The words fell from him as burning oracles; while he spoke for the rights of America, he seemed to prepare the way for renovating the constitution of England. Yet it was not so. Though more than half a century had intervened, Burke would not be wiser than the whigs of the days of King William. It was enough for him if the aristocracy applauded. He did not believe in the dawn of a new light, in the coming on of a new order, though a new order of things was at the door, and a new light had broken. He would not turn to see, nor bend to learn, if the political system of Somers and Walpole and the Pelhams was to pass away; if it were so, he himself was determined not to know it, but "rather to be the last of that race of men." As Dante sums up the civilization of the middle age so that its departed spirit still lives in his immortal verse, Burke idealizes as he portrays the lineaments of that old whig aristocracy which in its day achieved mighty things for liberty and for England. He that will study under its best aspect the enlightened character of England in the first half of the eighteenth century, the wonderful intermixture of privilege and prerogative, of aristocratic power and popular liberty, of a free press and a secret house of commons, of an established church and a toleration of Protestant sects, of a fixed adherence to prescription and liberal tendencies in administration, must give his days and nights to the writings of Edmund Burke. But time never keeps company with the mourners; it flies from the memories of the expiring past, though clad in the brightest colors of imagination; it leaves those who stand still to their despair, and hurries onward to fresh fields of action and scenes forever new.

Bancroft, Hist. of the U.S., vol.3, p.480

Resuming the debate, Fox said, earnestly: "If you persist in your right to tax the Americans, you will force them into open rebellion." On the other hand, Lord North asked that his measures might be sustained with firmness and resolution; and then, said he, "there is no doubt but peace and quietude will soon be restored." "We are now in great difficulties," said Dowdeswell, speaking for all who adhered to Lord Rockingham; "let us do justice before it is too late." But it was too late. Even Burke's motive had been "to refute the charges against that party with which he had all along acted." After his splendid eloquence, no more divided with him than forty-nine, just the number that had divided against the stamp act, while on the other side stood nearly four times as many. "The repeal of the tea-tax was never to be obtained so long as the authority of parliament was publicly rejected or opposed.

Bancroft, Hist. of the U.S., vol.3, p.480

On the day on which the house of commons was voting not to repeal the duty on tea, the people of New York sent back the tea-ship which had arrived but the day before; and eighteen chests of tea, found on board of another vessel, were hoisted on deck and emptied into "the slip."

Bancroft, Hist. of the U.S., vol.3, p.480 - p.481

A third penal measure, which had been questioned by Dartmouth and recommended by the king, transferred the place of trial of any magistrates, revenue officers, or soldiers, indicted for murder or other capital offence in Massachusetts Bay, to Nova Scotia or Great Britain. As Lord North brought forward this wholesale bill of indemnity to the governor and soldiers, if they should trample upon the people of Boston and be charged with murder, it was noticed that he trembled and faltered at every word, showing that he was the vassal of a stronger will than his own, and vainly struggled to wrestle down the feelings which his nature refused to disavow. "If the people of America," said Van, "oppose the measures of government that are now sent, I would do as was done of old in the time of the ancient Britons: I would burn and set fire to all their woods, and leave their country open. If we are likely to lose it, I think it better lost by our own soldiers than wrested from us by our rebellious children." "The bill is meant to enslave America," said Sawbridge, with only forty to listen to him. "I execrate the present measure," cried Barre; "you have had one meeting of the colonies in congress; you may soon have another. The Americans will not abandon their principles; for, if they submit, they are slaves."

Bancroft, Hist. of the U.S., vol.3, p.481

The bill passed the commons by a vote of more than four to one. But evil comes intermixed with good: the ill is evanescent, the good endures. The British government inflamed the passions of the English people against America, and courted their sympathy; as a consequence, the secrecy of the debates in parliament came to an end; and this great change in the political relation of the legislature to public opinion was the irrevocable concession of a tory government, seeking strength from popular excitement.

Bancroft, Hist. of the U.S., vol.3, p.481 - p.482

A fourth measure legalized the quartering of troops within the town of Boston. The fifth professed to regulate the affairs of the province of Quebec. The nation, which would not so much as legally recognise the existence of a Catholic in Ireland, from political considerations sanctioned on the St. Lawrence "the free exercise of the religion of the church of Rome, and confirmed to its clergy their accustomed dues and rights," with the tithes as fixed in 1672 by the edict of Louis XIV. But the act did not stop there. In disregard of the charters and rights of Massachusetts, Connecticut, New York, and Virginia, it extended the boundaries of the new government of Quebec to the Ohio and the Mississippi, and over the region which included, besides Canada, the area of the present states of Ohio, Michigan, Indiana, Illinois, and Wisconsin; and, moreover, it decreed for this great part of a continent an unmixed arbitrary rule. The establishment of colonies on principles of liberty is "the peculiar and appropriated glory of England," rendering her venerable throughout all time in the history of the world. The office of peopling a continent with free and happy commonwealths was renounced. The Quebec bill, which quickly passed the house of lords without an adverse petition or a protest, and was borne through the commons by the zeal of the ministry and the influence of the king, left the people who were to colonize the most fertile territory in the world without the writ of habeas corpus to protect the rights of persons, and without a share of power in any one branch of the government. "The Quebec constitution," said Thurlow, in the house of commons, "is the only proper constitution for colonies; it ought to have been given to them all, when first planted; and it is what all now ought to be reduced to."

Bancroft, Hist. of the U.S., vol.3, p.482

In this manner Great Britain, allured by a phantom of absolute authority over colonies, made war on human freedom. The liberties of Poland had been sequestered, and its territory began to be parcelled out among the usurpers. The aristocratic privileges of Sweden had been swept away by treachery and usurpation. The free towns of Germany, which had preserved in that empire the example of republics, were "like so many dying sparks that go out one after another." Venice and Genoa had stifled the spirit of independence in their prodigal luxury. Holland was ruinously divided against itself. In Great Britain, the house of commons had become so venal that it might be asked whether a body so chosen and so influenced was fit to legislate even within the realm. If it shall succeed in establishing by force of arms its "boundless" authority over America, where shall humanity find an asylum? But this decay of the old forms of liberty was the forerunner of a new creation. The knell of the ages of servitude and inequality was rung; those of equality and brotherhood were to come in.

Bancroft, Hist. of the U.S., vol.3, p.482

As the fleets and armies of England went forth to consolidate arbitrary power, the sound of war everywhere else on the earth died away. Kings sat still in awe, and nations turned to watch the issue.

Appendix

Bancroft, Hist. of the U.S., vol.3, p.483

PREFACE prefixed to the first edition of the sixth volume of this history as published in 1854.

Bancroft, Hist. of the U.S., vol.3, p.483

The present volume completes the History of the American Revolution, considered in its causes. The three last explain the rise of the union of the United States from the body of the people, the change in the colonial policy of France, and the consequences of the persevering ambition of Great Britain to consolidate its power over America. The penal acts of 1774 dissolved the moral connection between the two countries, and began the civil war.

Bancroft, Hist. of the U.S., vol.3, p.483

The importance of the subject justified comprehensive research. Of printed works my own collection is not inconsiderable; and whatever else is to be found in the largest public or private libraries, particularly in those of Harvard college, the Boston Athenaeum—which is very rich in pamphlets—and the British Museum, have been within my reach.

Bancroft, Hist. of the U.S., vol.3, p.483

Still greater instruction was derived from manuscripts. The records of the state paper office of Great Britain best illustrate the colonial system of that country. The opportunity of consulting them was granted me by the earl of Aberdeen, when secretary of state, and continued by Viscount Palmerston, by Earl Grey, and by the duke of Newcastle. They include the voluminous correspondence of all military and civil officers, and Indian agents employed in America; memorials of the American commissioners of customs; narratives, affidavits, informations, and answers of witnesses, illustrating the most important occurrences; the journals of the board of trade; its representations to the king; its intercourse with the secretary of state; the instructions and letters sent to America, whether from the king, the secretary of state, or the board of trade; the elaborate abstracts of documents prepared for the council; opinions of the attorney- and solicitor-general; and occasionally private letters. I examined these masses of documents slowly and carefully; I had access to everything that is preserved; and of no paper, however secret it may have been in its day, or whatever its complexion, was a copy refused me.

Bancroft, Hist. of the U.S., vol.3, p.484

I owe to Lord John Russell permission to extend my inquiries to the records of the treasury, of which he at the time was the head; so that all the volumes of its minutes and its letter-books, which could throw light on the subject of my inquiries, came under my inspection.

Bancroft, Hist. of the U.S., vol.3, p.484

The proceedings in parliament till 1774 had something of a confidential character; from sources the most various, private letters, journals, and reports, preserved in France, or in England, or in America, I have obtained full and trustworthy accounts of the debates on the days most nearly affecting America.

Bancroft, Hist. of the U.S., vol.3, p.484

Many papers, interesting to Americans, are preserved in the British Museum, where I have great reason to remember the considerate attention of Sir Henry Ellis. At the London Institution, in Albemarle street, the secretary, Mr. Barlow, obtained for me leave to make use of its great collection of American military correspondence.

Bancroft, Hist. of the U.S., vol.3, p.484 - p.485

It was necessary to study the character and conduct of the English ministers themselves. Of Chatham's private letters, perhaps few remain unpublished; Mr. Disney imparted to me at the Hyde two volumes of familiar notes that passed between Chatham and Hollis, full of allusions to America. The marquis of Lansdowne consented to my request for permission to go through the papers of his father, the earl of Shelburne, during the three periods of his connection with American affairs; and allowed me to keep them till by a continued examination and comparison they could be understood in all their aspects. Combined with manuscripts which I obtained in France, they give all the information that can be desired for illustrating Lord Shelburne's relations with America. My thanks are also due to the duke of Grafton for having communicated to me unreservedly the autobiography of the third duke of that name, who, besides having himself been a prime minister, held office with Rockingham, Chatham, Lord North, and Shelburne. The late earl of Dartmouth showed me parts of the journal of his grandfather, written while he occupied the highest place at the board of trade.

Bancroft, Hist. of the U.S., vol.3, p.485

Of all persons in England, it was most desirable to have a just conception of the character of the king. Mr. Everett, when minister at the court of St. James, keeping up in his busiest hours the habit of doing kind offices, obtained for me, from Lady Charlotte Lindsay, copies of several hundred notes, or abstracts of notes, from George III to her father, Lord North. Afterward I received from Lady Charlotte herself communications of great interest, and her sanction to make such use of the letters as I might desire, even to the printing of them all. Others written by the king in his boyhood to his governor, Lord Harcourt, Mr. Harcourt was so obliging as to allow me to peruse at Nuneham.

Bancroft, Hist. of the U.S., vol.3, p.485

The controversy between Great Britain and her colonies attracted the attention of all Europe, till at length it became universally the subject of leading interest. To give completeness to this branch of my inquiries, in so far as Great Britain was concerned, either as a party or as an observer, the necessary documents, after the most thorough and extensive search, were selected from the correspondence with ministers, agents, and others in France, Spain, Holland, Russia, Austria, Prussia, and several of the smaller German courts, especially Hesse-Cassel and Brunswick. The volumes examined for this purpose were very numerous, and the copies for my use reach to all questions directly or indirectly affecting America; to alliances, treaties of subsidy, mediations, and war and peace.

Bancroft, Hist. of the U.S., vol.3, p.485 - p.486

The relations of France to America were of paramount importance. I requested of Mr. Guizot, then the minister, authority to study them in the French archives. "You shall see everything we have," was his instant answer, enhancing his consent by the manner in which it was given. The promise was most liberally interpreted and most fully redeemed by Mr. Mignet, whose good advice and friendly regard lightened my toils, and left me nothing to desire. Mr. Dumont, the assistant keeper of the archives, under whose immediate superintendence my investigations were conducted, aided them by his constant good-will. The confidence reposed in me by Mr. Guizot was continued by Mr. Lamartine, Mr. Drouin de Lhuys, and by Mr. de Tocqueville.

Bancroft, Hist. of the U.S., vol.3, p.486

As the court of France was the centre of European diplomacy, the harvest from its archives was exceedingly great. There were found the reports of the several French agents sent secretly to the American colonies; there were the papers tracing the origin and progress of the French alliance, including opinions of the ministers, read in the cabinet council to the king. Many volumes illustrate the direct intercourse between France and the United States. But, besides these, I had full opportunity to examine the subject in its complication with the relations of France to England, Spain, Holland, Prussia, Russia, and other powers; and this I did so thoroughly that, when I took my leave, Mr. Dumont assured me that I had seen everything; that nothing, not the smallest memorandum, had been withheld from me.

Bancroft, Hist. of the U.S., vol.3, p.486

Besides this, I acquired papers from the ministry of the marine, and from that of war. The Duke de Broglie gave me a most pleasing journal of his father when in America; Mr. Augustin Thierry favored me with exact and interesting anecdotes, derived from Lafayette; and my friend Count Circourt was never weary of furthering my inquiries.

Bancroft, Hist. of the U.S., vol.3, p.486

My friend Mr. J. Romeyn Brodhead was so kind as to make for me selections of papers in Holland, and I take leave to acknowledge that Mr. J. A. de Zwaan, of the Royal Archives at the Hague, was most zealous and unremitting in his efforts to render the researches undertaken for me effective and complete.

Bancroft, Hist. of the U.S., vol.3, p.486

I have obtained so much of Spanish correspondence as to have become accurately acquainted with the maxims by which the court of Spain governed its conduct toward our part of America.

Bancroft, Hist. of the U.S., vol.3, p.486 - p.487

Accounts of the differences between America and England are to be sought not only in the sources already referred to, but specially in the correspondence of the colony agents resident in London, with their respective constituents. I pursued the search for papers of this class till I succeeded in securing letters, official or private, from Bollan; Jasper Mauduit; Richard Jackson—the same who was Grenville's secretary at the exchequer, a distinguished member of parliament, and at one time agent for three colonies; Arthur Lee; several unpublished ones of Franklin; the copious and most interesting official and private correspondence of William Samuel Johnson, agent for Connecticut; one letter and fragments of letters of Edmund Burke, agent for New York; many and exceedingly valuable ones of Garth, a member of parliament and agent for South Carolina; and specimens of the correspondence of Knox and Franklin as agents of Georgia.

Bancroft, Hist. of the U.S., vol.3, p.487

Analogous to these are the confidential communications which passed between Hutchinson and Israel Mauduit and Thomas Whately; between one of the proprietaries of Pennsylvania and Deputy-Governor Hamilton; between Cecil Calvert and Hugh Hammersley, successive secretaries of Maryland, and Lieutenant-Governor Sharpe; between ex-Governor Pownall and Dr. Cooper, of Boston; between Hollis and Mayhew and Andrew Eliot, of Boston. Of all these I have copies.

Bancroft, Hist. of the U.S., vol.3, p.487

Of the letter-books and draughts of letters of men in office, I had access to those of Bernard for a single year; to those of Hutchinson for many years; to that of Dr. Johnson, the patriarch of the American Episcopal church, with Archbishop Seeker; to those of Colden; to those of Lieutenant-Governor Sharpe. Many letters of their correspondents fell within my reach.

Bancroft, Hist. of the U.S., vol.3, p.487

For the affairs of the colonies I have consulted their own archives, and to that end have visited in person more than half the old thirteen colonies.

Bancroft, Hist. of the U.S., vol.3, p.487 - p.488

Long-continued pursuit, favored by a general good-will, has brought into my possession papers, or copies of papers, from very many of the distinguished men of the country in every colony. Among those who have rendered me most valuable aid in this respect I must name, in an especial manner, the late Mr. Colden, of New York, who intrusted to me all the manuscripts of Lieutenant-Governor Colden, covering a period in New York history of nearly a quarter of a century; the late Mr. Johnson, of Stratford, Connecticut, who put into my hands those of his father, containing excellent contributions alike to English and American history; my friend Dr. Potter, the present bishop of Pennsylvania, who furnished me numerous papers of equal interest and novelty, illustrating the history of New York and of the union; Mr. Force, of Washington city, whose success in collecting materials for American history is exceeded only by his honest love of historic truth; Mr. J. F. Eliot, of Boston; Mr. William B. Reed, Mr. Langdon Elwyn, and Mr. Edward D. Ingraham, of Philadelphia; Mr. Tefft, of Georgia, and Mr. Swain, of North Carolina, who show constant readiness to further my inquiries; the Connecticut Historical Society; the president and officers of Yale college, who sent me unique documents from the library of that institution; Mr. William C. Preston, of South Carolina, to whom I owe precious memorials of the spirit and deeds of the South.

Bancroft, Hist. of the U.S., vol.3, p.488

The most valuable acquisition of all was the collection of the papers of Samuel Adams, which came to me through the late Samuel Adams Welles. They contain the manuscripts of Samuel Adams, especially draughts of his letters to his many correspondents, and draughts of public documents. They contain the complete journals of the Boston Committee of Correspondence, draughts of the letters it sent out, and the letters it received, so far as they have been preserved. The papers are very numerous; taken together, they unfold the manner in which resistance to Great Britain grew into a system, and they perfectly represent the sentiments and the reasonings of the time. They are the more to be prized, as much of the correspondence was secret, and has remained so to this day.

Bancroft, Hist. of the U.S., vol.3, p.488 - p.489

If I have failed in giving a lucid narrative of the events which led to the necessity of independence, it is not for want of diligence in studying the materials which I have brought together, or of laborious care in arranging them. The strictest attention has been paid to chronological sequence, which can best exhibit the simultaneous action of general causes. The abundance of my collections has enabled me, in some measure, to reproduce the very language of every one of the principal actors in the scenes which I describe, and to represent their conduct from their own point of view. I hope, at least, it will appear that I have written with candor, neither exaggerating vices of character, nor reviving national animosities, but rendering a just tribute to virtue wherever found.

Bancroft, Hist. of the U.S., vol.3, p.489

July, 1883.

P. S.—Among printed materials I did not fail to give the most thorough attention to the newspapers of the times treated of, so far as they were accessible to me, especially to those in the collections of the American Antiquarian Society at Worcester, Massachusetts; in the Library of Congress at Washington; of the Athenaeum at Boston; of the Historical Society at New York, and of the public libraries in Philadelphia.

History of the United States

Volume 4, 1774-1776

Epoch Third: America Takes up Arms for Self-Defence and Arrives at Independence, 1774-1776

EPOCH THIRD

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America Takes Up Arms for Self-Defence and

Arrives at Independence

From 1774 to 1776

Chapter 1:

America Sustains the Town of Boston,

May 1774

Bancroft, Hist. of the U.S., vol.4, p.3

THE hour of the American revolution was come. The people of the continent obeyed one general impulse, as the earth in spring listens to the command of nature and without the appearance of effort bursts into life. The movement was quickened, even when it was most resisted; and its fiercest adversaries worked with the most effect for its fulfilment. Standing in manifold relations with the governments, the culture, and the experience of the past, the Americans seized as their peculiar inheritance the traditions of liberty. Beyond any other nation, they had made trial of the possible forms of popular representation, and respected individual conscience and thought. The resources of the country in agriculture and commerce, forests and fisheries, mines and materials for manufactures, were so diversified and complete that their development could neither be guided nor circumscribed by a government beyond the ocean. The numbers, purity, culture, industry, and daring of its inhabitants proclaimed the existence of a people rich in creative energy, and ripe for institutions of their own.

Bancroft, Hist. of the U.S., vol.4, p.3 - p.4 - p.5

They refused to acknowledge even themselves the hope that was swelling within them, and yet in their political aspirations they deduced from universal principles a bill of rights, as old as creation and as wide as humanity. The idea of freedom had always revealed itself at least to a few of the wise whose prophetic instincts were quickened by love of their kind, and its growth can be traced in the tendency of the ages. In America, it was the breath of life to the people. For the first time it found a region and a race where it could be professed with the earnestness of an indwelling conviction, and be defended with the enthusiasm that had marked no wars but those for religion. When all Europe slumbered over questions of liberty, a band of exiles, keeping watch by night, heard the glad tidings which promised the political regeneration of the world. A revolution, unexpected in the moment of its coming, but prepared by glorious forerunners, grew naturally and necessarily out of the series of past events by the formative principle of a living belief. And why should man organize resistance to the grand design of Providence? Why should not the consent of the ancestral land and the gratulations of every other call the young nation to its place among the powers of the earth? Britain was the mighty mother who bred men capable of laying the foundation of so noble an empire, and she alone could have trained them up. She had excelled all the world as the founder of colonies. The condition which entitled them to independence was now fulfilled. Their vigorous vitality refused conformity to foreign laws and external rule. They could take no other way to perfection than by the unconstrained development of that which was within them. They were not only able to govern themselves, they alone were able to do so; subordination visibly repressed their energies. Only by self-direction could they at all times employ their collective and individual faculties in the fullest extent of their ever-increasing intelligence. Could not the illustrious nation, which lead gained no distinction in war, in literature, or in science comparable to that of having wisely founded distant settlements on a system of liberty, willingly perfect its beneficent work, now when no more was required than the acknowledgment that its offspring was come of age? Why must the ripening of lineal virtue be struck at, as rebellion in the lawful sons? Why is their unwavering attachment to the essential principle of their existence to be persecuted as treason, rather than viewed with delight as the crowning glory of the country from which they sprung? if the institutions of Britain were so deeply fixed in its usages and opinions that their deviations from justice could not as yet be rectified; if the old continent was pining under systems of authority not fit to be borne, and not ripe for amendment, why should not a people be heartened to build a commonwealth in the wilderness, where alone it was offered a home?

Bancroft, Hist. of the U.S., vol.4, p.5

So reasoned a few in Britain, who were jeered at "as visionary enthusiasts." Parliament had asserted an absolute lordship over the colonies in all cases whatsoever, and, fretting itself into a frenzy at the denial of its unlimited dominion, was destroying its recognised authority by its eagerness for more. The majority of the ministers, including the most active and resolute, were bent on the immediate employment of force. Lord North, recoiling from civil war, exercised no control over his colleagues, leaving the government to be conducted by the several departments. As a consequence, the king became the only point of administrative union. In him an approving conscience had no misgiving as to his duty. His heart knew no relenting; his will never wavered. Though America were to be drenched in blood and its towns reduced to ashes, though its people were to be driven to struggle for total independence, though he himself should find it necessary to bid high for hosts of mercenaries from the Scheldt to Moscow, and in quest of savage allies go tapping at every wigwam from Lake Huron to the Gulf of Mexico, he was resolved to coerce the thirteen colonies into submission.

Bancroft, Hist. of the U.S., vol.4, p.5 - p.6

On the tenth of May 1774, which was the day of the accession of Louis XVI., the act closing the port of Boston, transferring the board of customs to Marblehead, and the seat of government to Salem, reached the devoted town. The king was confident that the slow torture which was to be applied to its inhabitants would constrain them to cry out for mercy and promise unconditional obedience. Success in resistance could come only from an American union, which was not to be hoped for, unless Boston should offer herself as a willing sacrifice. The mechanics and merchants and laborers, altogether scarcely so many as thirty-five hundred able-bodied men, knew that they were acting not for a province of America, but for freedom itself. 'They were inspired by the thought that the Providence which rules the world demanded of them heroic self-denial as the champions of humanity, and they never doubted the fellow-feeling of the continent.

Bancroft, Hist. of the U.S., vol.4, p.6 - p.7

As soon as the act was received, the Boston committee of correspondence, by the hand of Joseph Warren, invited eight neighboring towns to a conference "on the critical state of public affairs." On the twelfth, at noon, Metcalf Bowler, the speaker of the assembly of Rhode Island, came before them with the cheering news that, in answer to a recent circular letter from the body over which he presided, all the thirteen governments had pledged themselves to union. Punctually, at the hour of three in the afternoon of that day, the committees of Dorchester, Roxbury, Brookline, Newton, Cambridge, Charlestown, Lynn, and Lexington, joined them in Faneuil Hall, the cradle of American liberty, where for ten years the freemen of the town had debated the question of justifiable resistance. The lowly men who now met there were most of them accustomed to feed their own cattle, to fold their own sheep, to guide their own ploughs; all were trained to public life in the little democracies of their towns; some of them were captains in the militia and officers of the church according to the discipline of Congregationalists; nearly all of them communicants, under a public covenant with God. They grew in greatness as their sphere enlarged. Their virtues burst the confines of village life. They felt themselves to be citizens not of little municipalities, but of the whole world of mankind. In the dark hour, light broke upon them from their own truth and courage. Placing Samuel Adams at their head, and guided by a report prepared by Joseph Warren of Boston, Thomas Gardner of Cambridge, and others, they agreed unanimously on the injustice and cruelty of the act, by which parliament, without competent jurisdiction and contrary as well to natural right as to the laws of all civilized states, had, without a hearing, set apart, accused, tried, and condemned the town of Boston. The delegates from the eight towns were reminded by those of Boston that that port could recover its trade by paying for the tea which had been thrown overboard; but they held it unworthy even to notice the offer, promising on their part to join "their suffering brethren in every measure of relief."

Bancroft, Hist. of the U.S., vol.4, p.7

The meeting knew that a declaration of independence would have alienated their sister colonies, nor had they as yet found out that independence was the desire of their own hearts. To suggest nothing till a congress could be convened would have seemed to them like abandoning the town to bleed away its life. The king had expected to starve its people into submission; in their circular letter to the committees of the other colonies they proposed, as a counter action, a general cessation of trade with Britain. "Now," they added, "is the time when all should be united in opposition to this violation of the liberties of all. The single question is, whether you consider Boston as suffering in the common cause, and sensibly feel and resent the injury and affront offered to her? We cannot believe otherwise; assuring you that, not in the least intimidated by this inhuman treatment, we are still determined to maintain to the utmost of our abilities the rights of America."

Bancroft, Hist. of the U.S., vol.4, p.7

The next day, while Gage was sailing into the harbor, Samuel Adams presided over a very numerous town-meeting, at which many were present who had hitherto kept aloof. The thought of republican Rome, in its purest age, animated their consultations. The port act was read, and in bold debate was pronounced repugnant to law, religion, and common sense. At the same time those, who from loss of employment were to be the first to encounter want, were remembered with tender compassion, and measures were put in train to comfort them. Then the inhabitants, by the hand of Samuel Adams, made their appeal "to all the sister colonies, inviting a universal suspension of exports and imports, promising to suffer for America with a becoming fortitude, confessing that singly they might find their trial too severe, and entreating not to be left to struggle alone, when the very being of every colony, considered as a free people, depended upon the event."

Bancroft, Hist. of the U.S., vol.4, p.7 - p.8

On the seventeenth, Gage, who had remained four days with Hutchinson at Castle William, landed at Long Wharf, amid salutes from ships and batteries. Received by the council and civil officers, he was escorted by the Boston cadets, whom Hancock commanded, to the state-house, where the council presented a loyal address, and his commission was proclaimed with three volleys of musketry and as many cheers. He then partook of a public dinner in Faneuil Hall, at which he proposed "the prosperity of the town of Boston." His toast in honor of Hutchinson "was received with a general hiss." Yet many favored a compromise, and put forward a subscription to pay for the tea. On the eighteenth, Jonathan Amory very strongly urged that measure in town-meeting, but it was rejected by the common voice. There still lingered a hope of relief through the intercession of Gage; but he was fit neither to reconcile nor to subdue. By his mild temper and love of society he gained the good-will of his boon companions and escaped personal enmities; but in earnest business he inspired neither confidence nor fear. He was so poor in spirit and so weak of will, so dull in his perceptions and so unsettled in his opinions, that he was sure to vacillate between words of concession and merciless severity. He had promised the king that with four regiments he would play the "lion," and troops beyond his requisition were hourly expected; but he stood too much in dread of the leading patriots of Boston to attempt their arrest.

Bancroft, Hist. of the U.S., vol.4, p.8

The people of Massachusetts were almost exclusively of English origin; beyond any other colony, they loved the land of their ancestors; for that reason were they more sensitive to its tyranny. Taxing them without their consent was robbing them of their birthright; they scorned the British parliament as "a junto of the servants of the crown, rather than the representatives of England." Not disguising to themselves their danger, but confident of victory, they were resolved to stand together as brothers for a life of liberty.

Bancroft, Hist. of the U.S., vol.4, p.8 - p.9

The merchants of Newburyport were the first who agreed to suspend all commerce with Britain and Ireland. Salem, the place marked out as the new seat of government, in a very full town-meeting and after unimpassioned debates, decided almost unanimously to stop trade not with Britain only, but even with the West Indies. If in Boston a few still proposed to purchase a relaxation of the blockade by "a subscription to pay for the tea," the majority were beset by no temptation so strong as that of routing at once the insignificant number of troops who had come to overawe them. But Samuel Adams, while he compared their spirit to that of Sparta or Rome, inculcated patience as the characteristic of a patriot;: and the people, having sent forth their cry to the continent, waited self-possessed for voices of consolation.

Bancroft, Hist. of the U.S., vol.4, p.9

New York anticipated the prayer of Boston. Its people, who had received the port act direly from England, felt the wrong to that town as a wound to themselves, and even the lukewarm kindled with resentment. From the epoch of the stamp act, their Sons of Liberty, styled by the royalists "the Presbyterian junto," had kept up a committee of correspondence. Yet Sears, Macdougall, and Lamb, still its principal members, represented the mechanics of the city more than its merchants; and they never enjoyed the confidence of the great landed proprietors, who by the tenure of estates in New York formed a recognised aristocracy. To unite the province, a more comprehensive combination was required. The old committee, while they accepted the questionable policy of an immediate suspension of commerce with Britain, proposed a general congress of deputies from all the colonies. These recommendations they forwarded through Connecticut to Boston, with entreaties to that town to stand firm; and, in full confidence of approval, they sent them to Philadelphia, and through Philadelphia to every colony at the south.

Bancroft, Hist. of the U.S., vol.4, p.9 - p.10

The inception of the continental congress of 1774 was the last achievement of the Sons of Liberty of New York. On the evening of the sixteenth of May they convoked the inhabitants of their city. A sense of the impending change tempered passionate rashness. Some who were in a secret understanding with officers of the crown sought to evade all decisive measures; the merchants were averse to headlong engagements for suspending trade; the gentry feared lest the men who on all former occasions had led the multitude should preserve the control in the day which was felt to be near at hand, when an independent people would shape the permanent institutions of a continent. Under a conservative influence, the motion prevailed to supersede the old committee of correspondence by a new one of fifty, and its members were selected by open nomination. The choice included men from all classes. Nearly a third part were of those who followed the British standard to the last; others were lukewarm, unsteady, and blind to the nearness of revolution; others again were enthusiastic Sons of Liberty. The friends to government claimed that the majority was inflexibly loyal; the control fell into the hands of men who still aimed at reconciling a continued dependence on England with the just freedom of the colonies.

Bancroft, Hist. of the U.S., vol.4, p.10

The port act was rapidly circulated through the country. In some places it was printed upon paper with a black border, and cried about the streets as a barbarous murder; in others, it was burnt in the presence of a crowd of the people. On the seventeenth, the representatives of Connecticut made a declaration of rights. "Let us play the man," said they, "for the cause of our country; and trust the event to Him who orders all events for the best good of his people." On the same day, the freemen of the town of Providence, unsolicited from abroad and after full discussion, voted to promote "a congress of the representatives of all the North American colonies." Declaring "personal liberty an essential part of the natural rights of mankind," they expressed the wish to prohibit the importation of negro slaves, and to set free all negroes born in the colony.

Bancroft, Hist. of the U.S., vol.4, p.10

On the nineteenth, the city and county of New York inaugurated their new committee with the formality of public approval. Two parties appeared in array: on the one side, men of property; on the other, tradesmen and mechanics. Foreboding a revolution, they seemed to contend in advance whether their future government should be formed upon the basis of property or on purely popular principles. The mass of the people were ready to found a new social order in which they would rule; but on that day they chose to follow the wealthier class if it would but make with them a common cause; and the nomination of the committee was accepted, even with the addition of Isaac Low as its chairman, who was more of a loyalist than a patriot.

Bancroft, Hist. of the U.S., vol.4, p.10 - p.11

In Philadelphia, where Wedderburn and Hutchinson had been burnt in effigy, the letter from the New York Sons of Liberty had been received, and when, on the nineteenth, the messenger from Boston arrived with despatches, he found Charles Thomson, Thomas Mifflin, Joseph Reed, and others preparing to call a public meeting on the evening of the next day.

Bancroft, Hist. of the U.S., vol.4, p.11

On the morning of the twentieth, the king gave in person his assent to the act which made the British commander-in-chief in America, his army, and the civil officers, no longer amenable to American courts of justice; and to the act which mutilated the charter of Massachusetts, and destroyed the freedom of its town-meetings. "The law," wrote Garnier, "the extremely intelligent" French charge', "must either lead to the complete reduction of the colonies, or clear the way for their independence." "I wish from the bottom of my heart," said the duke of Richmond, during a debate in the house of lords, "that the Americans may resist, and get the better of the forces sent against them." Four years later, Fox observed: "The alteration of the government of Massachusetts was certainly a most capital mistake, because it gave the whole continent reason to think that their government was liable to be subverted at our pleasure and rendered entirely despotic. From thence all were taught to consider the town of Boston as suffering in the common cause."

Bancroft, Hist. of the U.S., vol.4, p.11 - p.12

While the king, in the presence of parliament, was accepting the laws which began a civil war, in Philadelphia the Presbyterians, true to their traditions, held it right to resist tyranny; "the Germans, who composed a large part of the inhabitants of the province, were all on the side of liberty;" the merchants refused to sacrifice their trade; the Quakers in any event scrupled to use arms; a numerous class, like Reed, cherished the most passionate desire for a reconciliation with the mother country. The cause of America needed intrepid counsellors; but the great central state fell under the influence of Dickinson. His claims to public respect were indisputable. He was honored for spotless morals, eloquence, and good service in the colonial legislature. His writings had endeared him to America as a sincere friend of liberty. Residing at a country seat which overlooked Philadelphia and the Delaware river, he delighted in study and repose, and wanted boldness of will. "He had an excellent heart, and the cause of his country lay near it;" "he loved the people of Boston with the tenderness of a brother;" yet he was more jealous of their zeal than touched by their sorrows. "They will have time enough to die," were his words on that morning. "Let them give the other provinces opportunity to think and resolve. If they expect to drag them by their own violence into mad measures, they will be left to perish by themselves, despised by their enemies, and almost detested by their friends." Having matured his scheme in solitude, he received at dinner Thomson, Mifflin, and Reed, who, for the sake of his public co-operation, acquiesced in his delays.

Bancroft, Hist. of the U.S., vol.4, p.12

In the evening, about three hundred of the principal citizens of Philadelphia assembled in the long room of the City Tavern. The letter from the Sons of Liberty of New York was read aloud, as well as the letters from Boston. Two measures were thus brought under discussion: that of dew York for a congress, that of Boston for an immediate cessation of trade. The latter proposition was received with loud and general murmurs. Dickinson, having conciliated the wavering merchants by expressing himself strongly against it, was heard with applause as he spoke for a general congress. He insisted, however, on a preliminary petition to his friend John Penn, the proprietary governor, to call together the legislature of the colony. This request every one knew would be refused. But then, reasoned Mifflin and the ardent politicians, a committee of correspondence, after the model of Boston, must, in consequence of the refusal, be named for the several counties in the province. Delegates will then be appointed to a general congress; "and, when the colonies are once united in councils, what may they not effect?" At an early hour Dickinson retired from the meeting, of which the spirit far exceeded his own; but even the most zealous acknowledged the necessity of deferring to his advice. Accepting, therefore, moderation and prudence as their watchwords, they did little more than resolve that Boston was suffering in the general cause; and they appointed a committee of intercolonial correspondence, with Dickinson as its chief.

Bancroft, Hist. of the U.S., vol.4, p.12 - p.13

On the next day, the committee, at a meeting from which Dickinson stayed away, in a letter to Boston drafted mainly by William Smith, embodied the system which, for the coming year, was to control the counsels of America. It proposed a general congress of deputies from the different colonies, who, in firm but dutiful terms, should make to the king a petition of their rights. This, it was believed, would be granted through the influence of the wise and good in the mother country; and the most sanguine predicted that the very idea of a general congress would compel a change in the policy of Great Britain.

Bancroft, Hist. of the U.S., vol.4, p.13

In like manner, the fifty-one who now represented the city and county of New York adopted from their predecessors the plan of a continental congress, and to that body they referred all questions relating to commerce, thus postponing the proposal for an immediate suspension of trade, but committing themselves irrevocably to union and resistance. At the same time, they invited every county in the colony to make choice of a committee.

Bancroft, Hist. of the U.S., vol.4, p.13

The messenger, on his return with the letters from Philadelphia and New York, found the people of Connecticut anxious for a congress, even if it should not at once embrace the colonies south of the Potomac; and their committee wisely entreated Massachusetts to fix the place and time for its meeting.

Bancroft, Hist. of the U.S., vol.4, p.13

At Boston, the agents and supporters of the British ministers strove to bend the firmness of its people by holding up to the tradesmen the grim picture of misery and want; while Hutchinson promised to obtain in England a restoration of trade, if the town would but pay the first cost of the tea. Before his departure, one hundred and twenty-three merchants and others of Boston addressed him, "lamenting the loss of so good a governor," confessing the propriety of indemnifying the East India company, and appealing to his most benevolent disposition to procure by his representations some speedy relief; but at a fill meeting of the merchants and traders the address was disclaimed. Thirty-three citizens of Marblehead, who signed a similar paper, brought upon themselves the public reprobation of their townsmen. Twenty-four lawyers, including judges of admiralty and attorneys of the crown, subscribed an extravagant panegyric of Hutchinson's general character and conduct; but those who for learning and integrity most adorned their profession, withheld their names.

Bancroft, Hist. of the U.S., vol.4, p.14

On the other hand, the necessity of a response to the courage of the people, the hearty adhesion of the town of Providence, and the cheering letter from the old committee of New York, animated a majority of the merchants of Boston, and through their example those of the province, to an engagement to cease all importations from England. Confidence prevailed that their brethren, at least as far south as Philadelphia, would embrace the same mode of peaceful resistance. The letter from that city was received with impatience. But Samuel Adams suppressed all murmurs. "I am fully of the Farmer's sentiments," said he; "violence and submission would at this time be equally fatal;" but he exerted himself the more to promote the immediate suspension of commerce.

Bancroft, Hist. of the U.S., vol.4, p.14

The legislature of Massachusetts, on the last Wednesday of May, organized the government for the year by the usual election of councillors; of these, the governor negatived thirteen, among them James Bowdoin, Samuel Dexter, William Phillips, and John Adams, than whom the province could not show purer or abler men. The desire of the assembly that he would appoint a fast was refused; "for," said he to Dartmouth, "the request was only to give an opportunity for sedition to flow from the pulpit." On Saturday, the twenty-eighth, Samuel Adams was on the point of proposing a general congress, when the assembly was unexpectedly prorogued, to meet after ten days at Salem.

Bancroft, Hist. of the U.S., vol.4, p.14

The people of Boston, then the most flourishing commercial town on the continent, never regretted their being the principal object of ministerial vengeance. "We shall suffer in a good cause," said the thousands who depended on their daily labor for bread; "the righteous Being, who takes care of the ravens that cry unto him, will provide for us and ours."

Bancroft, Hist. of the U.S., vol.4, p.14 - p.15

Hearts glowed warmly on the banks of the Patapsco. That admirable site for commerce—whose river-side and hill-tops are now covered with stately warehouses, mansions, and monuments, whose bay sparkles round the prows of the swiftest barks, whose wharfs invite the wealth of the West Indies and South America, and whose happy enterprise, availing itself of its nearness to the west, sends across the mountains its iron pathway of many arms—had for a century been tenanted only by straggling cottages. But its convenient proximity to the border counties of Pennsylvania and Virginia had been observed by Scotch-Irish Presbyterians and others; and within a few years they had created the town of Baltimore, which already was the chief emporium within the Chesapeake bay. When the messages from the old committee of New York, from Philadelphia, and from Boston, reached its inhabitants, they could not "see the least grounds for expecting relief from a petition and remonstrance." Calling to mind the contempt with which for ten years their petitions had been thrust aside, they were "convinced that something more sensible than supplications would best serve their purpose."

Bancroft, Hist. of the U.S., vol.4, p.15

After consultation with the men of Annapolis, who promptly resolved to stop all trade with Great Britain, the inhabitants of the city and county of Baltimore advocated suspending commerce with Great Britain and the West Indies, chose deputies to a colonial convention, recommended a continental congress, appointed a numerous committee of correspondence, and sent cheering words to their "friends" at Boston. "The Supreme Disposer of all events," said they, "will terminate this severe trial of your patience in a happy confirmation of American freedom." For this spirited conduct, Baltimore was applauded as the model; and its example kindled new life in New York.

Bancroft, Hist. of the U.S., vol.4, p.15

On the twenty-eighth, the assembly of New Hampshire, though still desiring to promote harmony with the parent land, began its organization for resisting encroachments on American rights.

Bancroft, Hist. of the U.S., vol.4, p.15

Three days later, the people of New jersey declared for a suspension of trade and a congress, and claimed "to be fellow-sufferers with Boston in the cause of liberty."

Bancroft, Hist. of the U.S., vol.4, p.15 - p.16

For South Carolina, the character of its labor forbade all thought of rivalling British skill in manufactures. Its wealthy inhabitants, shunning the occupations of city life, loved to reside in hospitable elegance on their large and productive estates. Its annual exports to the northern provinces were of small account, while to Great Britain they exceeded two millions of dollars in value. Enriched by this commerce, its people cherished a warm affection for the mother country, and delighted in sending their sons "home," as England was called, for their education. The harbor of Charleston was almost unguarded, except by the sand-bar at its entrance. The Creeks and Cherokees on the frontier, against whom the English government had once been solicited by South Carolina herself to send over a body of troops as a protection, were still numerous and warlike. The negro slaves, who in the country near the ocean very far outnumbered the free, were so many hostages for the allegiance of their masters. The trade of Charleston was in the hands of British factors, some of whom speculated already on the coming confiscation of the rice-swamps and indigo-fields of "many a bonnie rebel." The upland country was numerously peopled by loyal men who felt no grievances. And yet the planters refused to take counsel of their interests or their danger. "Boston," said they, "is but the first victim at the altar of tyranny." Reduced to the dilemma either to hold their liberties as tenants at will of the British house of commons, or to prepare for resistance, their choice was never in doubt. "The whole continent," they said, "must be animated with one great Soul, and all Americans must resolve to stand by one another even unto death. Should they fall, the constitution of the mother country itself would lose its excellence." They knew the imminent ruin which they risked; but they "remembered that the happiness of many generations and many millions depended on their spirit and constancy."

Bancroft, Hist. of the U.S., vol.4, p.16 - p.17

The burgesses of Virginia sat as usual in May. The extension of the province to the west and north-west was their great ambition, which the governor, greedy of a large possession of land and of fees for conniving at the acquisitions of others, selfishly seconded in flagrant disregard of his instructions. To Lady Dunmore, who had just arrived, the assembly voted a congratulatory address, and its members invited her to a ball. The thought of revolution was not harbored; but they none the less held it their duty to resist the systematic plan of parliamentary despotism; and, without waiting for an appeal from Boston, they resolved on its deliverance. First among them as an orator stood Patrick Henry. But eloquence was his least merit: he was revered as the ideal of a patriot of Rome in its austerest age. At the approach of danger his language gained the boldness of prophecy. He was borne up by the strong support of Richard Henry Lee and Washington. It chanced that George Mason was then at Williamsburg, a man of strong and true affections; learned in constitutional law; a profound reasoner; honest and fearless in council; shunning the ways of ambition from sorrow at the death of his wife for whom he never ceased to mourn; but earnestly mindful of his country, as became one whose chastened spirit looked beyond the interests of the moment. After deliberation with these associates, Jefferson prepared the resolution which, on the twenty-fourth, at the instance of Robert Carter Nicholas, the house of burgesses adopted. In the name of Virginia it recommended to their fellow-citizens that the day on which the Boston port act was to take effect should be set apart "as a day of fasting and prayer, devoutly to implore the divine interposition for averting the dreadful calamity which threatened destruction to their civil rights, and the evils of a civil war; and to give to the American people one heart and one mind firmly to oppose, by all just and proper means, every injury to American rights." The resolve, which bound only the members themselves, was distributed by express through their respective counties as a general invitation to the people. Especially Washington sent the notice to his constituents; and Mason charged his little household of sons and daughters to keep the day strictly, and attend church clad in mourning.

Bancroft, Hist. of the U.S., vol.4, p.17 - p.18

On the morning which followed the adoption of this measure Dunmore dissolved the house. The burgesses immediately repaired to the Raleigh tavern, about one hundred paces from the capitol; and with Peyton Randolph, their late speaker, in the chair, voted that the attack on Massachusetts was an attack on all the colonies, to be opposed by the united wisdom of all. In conformity with this declaration, they advised for future time an annual continental congress. They named Peyton Randolph, with others, a committee of correspondence to invite a general concurrence in this design. As yet social relations were not imbittered. Washington, of whom Dunmore sought information respecting western affairs, continued his visits at the governor's house; the ball in honor of Lady Dunmore was well attended. Not till the offices of courtesy and of patriotism were fulfilled did most of the burgesses return home, leaving their committee on duty.

Bancroft, Hist. of the U.S., vol.4, p.18

On the afternoon of Sunday, the twenty-ninth, the letters from Boston reached Williamsburg. So important did they appear that the next morning, at ten o'clock, the committee, having called to their aid Washington and all other burgesses who were still in town, inaugurated a revolution. Being but twenty-five in number, they refused to assume the responsibility of definite measures of resistance; but, as the province was without a legislature, they summoned a convention of delegates to be elected by the several counties, and to meet at the capitol on the first day of the ensuing August.

Bancroft, Hist. of the U.S., vol.4, p.18

The rescue of freedom even at the cost of a civil war, a convention of the people for the regulation of their own internal affairs, an annual congress of all the colonies for the perpetual assertion of common rights, were the policy of Virginia. When the report of her measures reached England, the startled ministers called to mind how often she had been the model for other colonies. Her influence continued undiminished; and her system was promptly adopted by the people of North Carolina.

Bancroft, Hist. of the U.S., vol.4, p.18

"Lord North had no expectation that we should be thus sustained," said Samuel Adams; "he trusted that Boston would be left to fall alone." In three weeks after the receipt of the port act, less time than was taken by the unanimous British parliament for its enactment, the continent, as "one great commonwealth," made the cause of Boston its own.

Chapter 2:

Preparations for a General Congress,

June-August 1774

Bancroft, Hist. of the U.S., vol.4, p.19

ON the first day of June 1774, Hutchinson embarked for England; and, as the clocks in the Boston belfries finished striking twelve, the blockade of the harbor begs The inhabitants of the town were chiefly traders, shipwrights, and sailors; and, since no anchor could be weighed, no sail unfurled, no vessel so much as launched from the stocks, their cheerful industry was at an end. No more are they to lay the keel of the fleet merchantman, or shape the rib symmetrically for its frame, or strengthen the graceful hull by knees of oak, or rig the well-proportioned masts, or bend the sails to the yards. The king of that country has changed the busy workshops into scones of compulsory idleness; and the most skilful naval artisans in the world, with the keenest eye for forms of beauty and speed, are forced by act of parliament to fold their hands. Want scowled on the laborer as he sat with his wife and children at his board. The sailor roamed the streets listlessly without hope of employment. The law was executed with a rigor that went beyond the intentions of its authors. Not a scow could be manned to bring an ox or a sheep or a bundle of hay from the islands. Water carriage from pier to pier, though but of lumber or bricks or lime, was forbidden. The boats that plied between Boston and Charlestown could not ferry a parcel of goods across Charles river; the fishermen of Marblehead, when from their hard pursuit they bestowed quintals of dried fish on the poor of Boston, were obliged to transport their offering in wagons by a circuit of thirty miles.—The warehouses of the thrifty merchants were at once made valueless; the costly wharfs which extended far into the channel, and were so lately covered with the produce of the tropics and with English fabrics, were become solitary places; the harbor, which had resounded incessantly with the voices of prosperous commerce, was disturbed by no sounds but from British vessels of war.

Bancroft, Hist. of the U.S., vol.4, p.20

At Philadelphia, the belle of the churches were muffled and tolled, the ships in port hoisted their colors at half mast, and nine tenths of the houses, except those of the Friends, were shut during the memorable first of June. In Virginia, the population thronged the churches; Washington attended the service, and strictly kept the fast. No firmer words were addressed to the sufferers than from Norfolk, which was the largest place of trade in that "well-watered and extensive dominion," and lay most exposed to ships-of-war. "Our hearts are warmed with affection for you," such was its message; "we address the Almighty Ruler to support you in your afflictions; be assured we consider you as suffering in the common cause, and look upon ourselves as bound by the most sacred ties to support you."

Bancroft, Hist. of the U.S., vol.4, p.20

"If the pulse of the people," wrote Jefferson, "beat calmly under such an experiment by the new and till now unheard of executive power of a British parliament, another and another will be tried, till the measure of despotism he filled up."

Bancroft, Hist. of the U.S., vol.4, p.20 - p.21

At that time the king was so eager to give effect to the law which subverted the charter of Massachusetts that, acting upon information confessedly insufficient, he, with Dartmouth, made out for that province a complete list of councillors, called mandamus councillors from their appointment by the crown. Copies of letters from Franklin and from Arthur Lee had been obtained; Gage was secretly ordered to procure, if possible, the originals, as the ground for arraigning their authors for treason. Thurlow and Wedderburn furnished their opinion that the power to call for support from the military forces belonged to the governor as the conservator of the peace in all cases whatsoever. "I am willing to suppose," wrote Dartmouth, "that the people will quietly submit to the correction their ill conduct has brought upon them;" but, should they not prove so docile, Gage was required to bid the troops fire upon them at his discretion; and was informed that all trials of officers and troops for homicides in America were, by a recent act of parliament removed to England.

Bancroft, Hist. of the U.S., vol.4, p.21

This system of measures was regarded by its authors as a masterpiece of statesmanship. But where was true greatness really to be found? At the council board of vindictive ministers? With the king, who preferred the loss of a continent to a compromise of absolute power? Or in the humble mansion of the proscribed Samuel Adams, who shared every sorrow of his native town? "She suffers," said he, "with dignity; and, rather than submit to the humiliating terms of an edict barbarous beyond precedent under the most absolute monarchy, she will put the malice of tyranny to the severest trial. An empire is rising in America; and Britain, by her multiplied oppressions, is accelerating that independency which she dreads. We have a post to maintain, to desert which would entail upon us the curses of posterity. The virtue of our ancestors inspires us; they were contented with clams and mussels. For my own part, I have been wont to converse with poverty; and I can live happily with her the remainder of my days, if I can thereby contribute to the redemption of my country."

Bancroft, Hist. of the U.S., vol.4, p.21 - p.22

On the second of June the Boston committee received and read the two bills, of which the one was to change the charter, the other to grant impunity to the British army for acts of violence in enforcing the new system. "They excited," says their record "a just indignation in the mind of the committee," whose members saw their option confined to abject submission or an open rupture. They longed to escape the necessity of the choice by devising some measure which might recall their oppressors to moderation and reason. Accordingly, Warren, on the fifth, reported "a solemn league and covenant" to suspend all commercial intercourse with the mother country, and neither to purchase nor consume any merchandise from Great Britain after the last day of the ensuing August. The names of those who should refuse to sign the covenant were to be published to the world. Copies of this paper were forwarded to every town in the province, with a letter entreating the subscriptions of all the people, "as the last and only method of preserving the land from slavery without drenching it in blood."

Bancroft, Hist. of the U.S., vol.4, p.22

"Nothing," said the patriots, "is more foreign from our hearts than a spirit of rebellion, notwithstanding we have been contending these ten years with Great Britain for our rights. What can they gain by the victory, should they subjugate us? What will be the glory of enslaving their children and brothers? Nay, how great will be the danger to their own liberties!" The people of the country towns in Massachusetts signed "the league and covenant," confident that they would have only to sit still and await the bloodless restoration of their rights. In this expectation they were confirmed by the opinions of Burke and of Franklin.

Bancroft, Hist. of the U.S., vol.4, p.22

From the committee-room in Faneuil Hall, Samuel Adams hastened to the general assembly, whose first act at Salem was a protest against the arbitrary order for its removal. The council, in making the customary reply to the governor's speech, was listened to as they laid claim to the rights of Englishmen without diminution or "abridgment." But when they proceeded to read their hope "that his administration would be a happy contrast to that of his predecessors," Gage interrupted their chairman and refused to receive the address, giving as his reason that the conduct of those predecessors had been approved, and therefore the language "was an insult to the king and an affront to himself."

Bancroft, Hist. of the U.S., vol.4, p.22

The house of representatives was the fullest ever known. The continent looked to them to fix the time and place for the meeting of the general congress. This required the utmost secrecy, for any perceptible movement would have been followed by an instant dissolution. The governor hoped that the legislature would lead the way to concession, and that, on the arrival of more troops, an indemnity to the East India company would find supporters.

Bancroft, Hist. of the U.S., vol.4, p.22 - p.23

"Don't pay for an ounce of the damned tea," wrote Gadsden, on the fourteenth of June, as he shipped for the poor of Boston the first gifts of rice from the planters of Carolina. On that day the fourth regiment, known as "the king's own," encamped on Boston common; the next, it was joined by the forty-third. Two companies of artillery and eight pieces of ordnance had already re-enforced Castle William; and more battalions of infantry were hourly expected. The friends of government exerted every art to win over the tradesmen. "There will be no congress," they said; "New York will never appoint members; Massachusetts must feel that she is deserted." To a meeting of tradesmen, a plausible speaker ventured to recommend for consideration the manner of paying for the tea; and, after some altercation, they separated without coming to any resolution. But Warren, encouraged by the glowing letter from Baltimore, proved to his friends that the payment in any form would open the way even to a total submission. "Vigilance, activity, and patience," he cried, "are necessary at this time; but the mistress we serve is Liberty, and it is better to die than not to obtain her." "We shall be saved," he added; and, that no cloud might rest on the "fortitude, honesty, and foresight" of Boston, a town-meeting was called for the following Friday.

Bancroft, Hist. of the U.S., vol.4, p.23

Samuel Adams received a summons to come and guide its debates, but a higher duty kept him at Salem. He had on one evening secretly consulted four or five of his colleagues; on another, a larger number; on the third, so many as thirty; and on the morning of Friday, the seventeenth of June, confident of having the control of the house, one hundred and twenty-nine being present, he locked the door, and proposed a continental congress, to meet on the first day of September at Philadelphia, where there was no army to interrupt its sessions. Bowdoin, Samuel Adams, John Adams, Cushing, and Robert Treat Paine were chosen delegates. To defray their expenses, a tax of five hundred pounds was apportioned on the province. The towns were charged to afford speedy and constant relief to Boston and Charlestown. Domestic manufactures were encouraged, and it was strongly recommended to discontinue the use of all goods imported from the East Indies and Great Britain until the grievances of America should be radically redressed.

Bancroft, Hist. of the U.S., vol.4, p.23

In the midst of these proceedings the governor sent his secretary with a message for dissolving the assembly; but he knocked at its door in vain, and could only read the proclamation to the crowd on the stairs.

Bancroft, Hist. of the U.S., vol.4, p.24

The number which on that same day thronged to the town-meeting in Faneuil Hall was greater than the room would hold. Samuel Adams was not missed, for his kinsman, John Adams, was elected moderator. The friends to the scheme of indemnifying the East India company for their loss were invited to "speak freely," that a matter of such importance might be fairly discussed in the presence of the general body of the people; but not a man rose in defence of the proposition. The blockade, the fleets, the army, could not bring out a symptom of compliance.

Bancroft, Hist. of the U.S., vol.4, p.24

A month before, John Adams had said: "I have very little connection with public affairs, and I hope to have less." For many years he had refused to attend town-meetings; he had kept aloof from the committee of correspondence and had had no part in concerting the destruction of the tea. The morning of that day dawned on him in private life; the evening saw him a representative of Massachusetts to the general congress. That summer he followed the circuit for the last time. "Great Britain," thus Sewall, his friend and associate at the bar, expostulated with him, as they strolled together on the hill that overhangs Casco bay with its thousand isles, "Great Britain is determined on her system; and her power is irresistible." "Swim or sink, live or die, survive or perish with my country, is my unalterable determination," answered Adams. "I see we must part," rejoined Sewall; "but this adieu is the sharpest thorn on which I ever set my foot."

Bancroft, Hist. of the U.S., vol.4, p.24

Two days in advance of Massachusetts, the assembly of Rhode Island unanimously chose delegates to the general congress, which they desired to see annually renewed.

Bancroft, Hist. of the U.S., vol.4, p.24

The people of Maryland met at Annapolis on the twenty-second of June, and, before any message had been received from Salem, elected delegates to the congress. With a modesty worthy of their courage, they apologized to Virginia for moving in advance, pleading as their excuse the inferiority of their province in extent and numbers, so that less time was needed to ascertain its sentiments.

Bancroft, Hist. of the U.S., vol.4, p.24 - p.25

The martyr town was borne up in its agony by messages of sympathy. From Marblehead came oilers to the Boston merchants of the gratuitous use of its harbor, its wharfs, its warehouses, and of all necessary personal attendance in lading and unlading goods. Forty-eight persons were found in Salem, willing to entreat of Gage his "patronage for the trade of that place;" but a hundred and twenty-five of its merchants and freeholders, in an address drafted by Timothy Pickering, repelled the ungenerous thought "of raising their fortunes on the ruin of their suffering neighbors."

Bancroft, Hist. of the U.S., vol.4, p.25

The governor, in his answer, threw all blame on Boston for refusing to indemnify the East India company; and he employed every device to produce compliance. It was published at the corners of the streets that Pennsylvania would refuse to suspend commerce; that the society of Friends would arrest every step toward war; that New York would never name deputies to a congress; that the power of Great Britain could not fail to crush resistance. The exasperation of the selfish at their losses, the innate reverence for order, the habitual feeling of loyalty, the deeply seated love for England, the terror inspired by regiments and ships-of-war, the allurements of official favor, the confidence that the king must prevail, disposed a considerable body of men to concession.

Bancroft, Hist. of the U.S., vol.4, p.25 - p.26

So great was the throng to the Boston town-meeting of the twenty-seventh of June, it was adjourned from Faneuil Hall to the Old South meeting-house. There the opposition mustered their utmost strength, in the hope of carrying a vote of censure on the committee of correspondence. The question of paying for the tea was evaded, while "the league and covenant" was cavilled at. It was proposed that Boston, like New York, should supersede the old committee by a more moderate one. The patriot Samuel Adams, finding himself not only proscribed by the king, but on trial in a Boston town-meeting, left the chair, and took his place on the floor. His enemies engaged with him in debate till dark, and, at their own request, were indulged with an adjournment. On the next day, notwithstanding the utmost exertion of the influence of the government, the motion of censure was negatived by a vast majority. The town then, by a decisive vote, bore its testimony "to the upright intentions and honest zeal of their committee of correspondence," and desired them "to continue steadfast in the way of well-doing." Of the opposition, one hundred and twenty-nine, chiefly the addressers to Hutchinson, confident of a speedy triumph through the power of Britain, ostentatiously set their names to a protest, which, under the appearance of anxiety for the prosperity of the town, recommended unqualified submission. They would have robbed Boston of its great name in the annals of the world.

Bancroft, Hist. of the U.S., vol.4, p.26

The governor hurried to the aid of his partisans; and on the following day, without the consent of the council, issued the proclamation, from which British influence never recovered. He called the combination not to purchase articles imported from Great Britain "unwarrantable, hostile, and traitorous;" its subscribers, "open and declared enemies of the king and parliament of Great Britain;" and he "enjoined all magistrates and other officers, within the several counties of the province, to apprehend and secure for trial all persons who might publish or sign, or invite others to sign, the covenant."

Bancroft, Hist. of the U.S., vol.4, p.26

For any purpose of making arrests the proclamation was useless; but, as the exponent of the temper of the British administration, it was read throughout the continent with uncontrollable indignation. In Boston it was the project of Gage to fasten charges of rebellion on individuals as a pretext for sending them to jail. On Friday, the first of July, Admiral Graves arrived in the Preston, of sixty girns; on Saturday, the train of artillery was encamped on the common by the side of two regiments that were there before. On Monday, these were re-enforced by the fifth and thirty-eighth. Arrests, it was confidently reported, were now to be made. In this moment of greatest danger the Boston committee of correspondence, Samuel Adams, the two Greenleafs, Molineux, Warren, and others being present, considered the rumor that some of them were to be taken up, and voted unanimously "that they would attend their business as usual, unless prevented by brutal force."

Bancroft, Hist. of the U.S., vol.4, p.26 - p.27

The attempt to intimidate gave an impulse to the covenant. At Plymouth, the subscribers increased to about a hundred. The general excused himself for not executing his threats by complaining that the edicts of town-meetings controlled the pulpit, the press, and the multitude, overawed the judges, and screened "the guilty." "The usurpation," said he, "has by time acquired a firmness that is not to be annihilated at once, or by ordinary methods."

Bancroft, Hist. of the U.S., vol.4, p.27

The arrival of Hutchinson in England lulled the king into momentary security. Tryon, from New York, had said that the ministers must put forth the whole power of Great Britain if they would bring America to their feet; Carleton thought it not safe to undertake a march from the St. Lawrence to New York with less than ten thousand men; but Hutchinson, who, on reaching London, was hurried by Dartmouth to the royal presence, assured the king that the port bill was "the only wise and effective method" of bringing the people of Boston to submission; that it had occasioned among them extreme alarm; that no one colony would comply with their request for a general suspension of commerce; that Rhode Island had accompanied its refusal with a sneer at their selfishness. The king listened eagerly. He had been greedy for all kinds of stories respecting Boston; had been told, and had believed, that Hutchinson had needed a guard for his personal safety; that the New England ministers, for the sake of promoting liberty, preached a toleration for any immoralities; that Hancock's bills, to a large amount, had been dishonored. He knew something of the political opinions even of the Boston ministers, not of Chauncy and Cooper only, but of Pemberton, whom, as a friend to government, he esteemed "a very good man," though a dissenter. The name of John Adams, who had only in June commenced his active public career, had not yet been heard in the palace which he was so soon to enter as the minister of a republic. Of Cushing, he estimated the importance too highly. Aware of the controlling power of Samuel Adams, he asked: "What gives him his influence?" and Hutchinson answered: "A great pretended zeal for liberty, and a most inflexible natural temper. He was the first who asserted the independency of the colonies upon the supreme authority of the kingdom." For nearly two hours the king continued his inquiries, and was encouraged in the delusion that Boston would be left unsupported. The author of the pleasing intelligence obtained a large pension, was offered the rank of baronet, and was consulted as an oracle; among others, by the historian Gibbon.

Bancroft, Hist. of the U.S., vol.4, p.28

"I have just seen the governor of Massachusetts," wrote the king to Lord North, "and I am now well convinced the province will soon submit." But, as soon as the true character of the port act became known in America, every colony, every city, every village, and, as it were, the inmates of every house, felt it as a wound of their affections, and vied with each other in liberality. The record kept at Boston shows that "the patriotic and generous people" of South Carolina were the first to minister to the sufferers, sending early in June two hundred barrels of rice, and promising eight hundred more. At Wilmington, North Carolina, the sum of two thousand pounds currency was raised in a few days; the women of the place gave liberally; Parker Quince offered his vessel to carry a load of provisions freight free, and master and mariners volunteered to navigate her without wages.

Bancroft, Hist. of the U.S., vol.4, p.28

Hartford was first in Connecticut to pledge assistance; but the earliest donation was of two hundred and fifty-eight sheep from Windham. "Gentlemen" of Norwich drove two hundred and ninety-one, the gift of that town. "The taking away of civil liberty will involve the ruin of religious liberty," wrote the ministers of Connecticut to the ministers of Boston, cheering them to bear their heavy load "with vigorous Christian fortitude and resolution." "While we complain to heaven and earth of the cruel oppression we are under, we ascribe righteousness to God," was the answer. "The surprising union of the colonies affords encouragement. It is an inexhaustible source of comfort that the Lord God omnipotent reigneth."

Bancroft, Hist. of the U.S., vol.4, p.28

The small parish of Brooklyn, in Connecticut, through their committee, of which Israel Putnam was a member, opened a correspondence with Boston. "Your zeal in favor of liberty," they said, "has gained a name that shall perish but with the glorious constellations of heaven." Throughout New England, the towns sent rye, flour, peas, cattle, sheep, oil, fish, whatever land or sea could furnish, and sometimes gifts of money. The French and English inhabitants of Quebec jointly slipped a thousand and forty bushels of wheat.

Bancroft, Hist. of the U.S., vol.4, p.28 - p.29

Delaware devised plans for sending relief annually. A special chronicle could hardly enumerate all the generous deeds. Maryland and Virginia contributed liberally, being resolved that the men of Boston, who were deprived of their daily labor, should not lose their daily bread, nor be compelled to change their residence for want. Washington headed a subscription paper with a gift of fifty pounds, and, on the eighteenth of July, he presided at a convention of Fairfax county, where twenty-four very comprehensive resolutions, which had been drafted by George Mason and carefully revised by a committee, were with but one dissentient voice adopted by the freeholders and inhabitants. They derived the settlement of Virginia from a solemn compact with the crown, conceded no right of legislation to the British parliament, acknowledged only a conditional acquiescence in the acts of navigation, enumerated the various infringements of American rights, proposed non-importation and, if necessary, non-exportation as means of temporary resistance, urged the appointment of a congress of deputies from all the colonies, and recommended that that congress should conjure the king "not to reduce his faithful subjects to a state of desperation, and to reflect that from their sovereign there could be but one appeal." As to the further importation of slaves, their words were: "We take this opportunity of declaring our most earnest wishes to see an entire stop forever put to such a wicked, cruel, and unnatural trade." These resolves, which expressed "the sense of the people of Fairfax county," were ordered to be presented to the first convention of Virginia. "We are not contending against paying the duty of three-pence per pound on tea as burthensome," said Washington; "no, it is the right only that we have all along disputed."

Bancroft, Hist. of the U.S., vol.4, p.29 - p.30

Beyond the Blue Ridge, the emigrants on the banks of the Shenandoah, many of them Germans, met at Woodstock, and with Muhlenberg, then a clergyman, soon to be a military chief, devoted themselves to the cause of liberty. Higher up the valley of Virginia, where the plough already vied with the rifle, and the hardy hunters had begun to till the soil, the summer of that year ripened the wheat-fields of the pioneers not for themselves alone. When the sheaves had been harvested, and the corn threshed and ground in a country as yet poorly provided with barns or mills, the backwoodsmen of Augusta county, without any pass through the mountains that could be called a road, delivered at Frederick one hundred and thirty-seven barrels of flour as their remittance to the poor of Boston. Cheered by the universal sympathy, its inhabitants "were determined to hold out, and appeal to the justice of the colonies and of the world," trusting in God that "these things should be overruled for the establishment of liberty, virtue, and happiness in America."

Bancroft, Hist. of the U.S., vol.4, p.30

George III. ranked "New York next to Boston in opposition to government." There was no place where a congress was more desired, and none where the determinations of the congress were more sure to be observed. The numerous emigrants from New England brought with them New England principles; the Dutch, as a body, never loved Britain. Of two great families which the system of manorial grants had raised up, the Livingstons inclined to republicanism, and, uniting activity to wealth and ability, exercised a predominant influence. The Delanceys—who, by taking advantage of temporary prejudices, had, four years before, carried the assembly—no longer retained the public confidence, and outside of the legislature their power was imperceptible.

Bancroft, Hist. of the U.S., vol.4, p.30 - p.31

After being severed from Holland, its mother country, New York had no attachment to any European state. All agreed in the necessity of resisting the pretensions of England; but differences arose as to the persons to be intrusted with the direction of that resistance, and as to the imminence and extent of the danger. The merchants wished no interruption to commerce; the Dutch Reformed church, as well as the Episcopalians, were not free from jealousy of the Congregationalists, and the large landholders were alarmed by the social equality of New England. The people of New York had destroyed consignments of the East India company's tea; but the British ministry bore their act without rebuke, striving by bland language to lull them into repose. The executive officers had for several years avoided strife with the assembly. The city had been the centre of British patronage, and friends had been won by the distribution of contracts, and sometimes by commissions in the army. The organs of the ministry were to promise on the part of the crown a spirit of equity, which its conduct toward the province seemed to warrant as sincere. The lovers of peace, which is always so dear to a commercial community, revolted at the thought of an "appeal" to arms, caught eagerly at every chance of an honorable escape from a desperate conflict, and exerted themselves strenuously to secure the management of affairs to men of property. For this end, they relied on the ability of John Jay, a young lawyer of New York. Descended from Huguenot refugees, educated in the city at its college, of the severest purity of morals, an able writer, and a ready speaker, his superior endowments, his activity, and his zeal for liberty, were tempered by a love for order. He was both shy and proud, and his pride, though it became less visible, suffered no diminution from time. Tenacious of his purposes and his opinions, sensitive to indignities and prone to sudden resentments, not remarkable for self-possession, with a countenance not trained to concealment, neither easy of access nor prompt in his advances, he was alike without talents or inclination for intrigue, and but for his ambition, which he always subjected to his sense of right, he would have seemed formed for a life of study and retirement.

Bancroft, Hist. of the U.S., vol.4, p.31

On the fourth of July 1774, it was carried in the committee of fifty-one that delegates should be selected to serve in the general congress. Sears, who was still foremost in the confidence of the mechanics, seconded by Peter van Brugh Livingston, a man of great intelligence, proposed John Morin Scott and Alexander Macdougall. Fitter candidates could not have been found; but they were both passed over by a great majority, and the committee nominated Philip Livingston, Alsop, Low, Duane, and Jay, all of whom as yet repressed the thought of independence. The mass of the inhabitants resolved to defeat this selection. On Wednesday, the sixth of July, many of them, especially mechanics, assembled in the Fields; and, with Macdougall in the chair, they recommended the Boston policy of suspending trade, and approved a general congress, to which, after the example of Virginia, they proposed to elect representatives by a colonial convention.

Bancroft, Hist. of the U.S., vol.4, p.31 - p.32

The committee of fifty-one, keeping steadily in view the hope of conciliation with England, disavowed the meeting in the Fields. A minority of nine, Sears, Macdougall, Yan Brugh Livingston being of the number, in their turn disavowed the committee from which they withdrew. The conservative party, on their side, offered resolutions which Jay had drafted, and which seemed to question the conduct of Boston in destroying the tea; but the people, moved by the eloquence of John Morin Scott, rejected them as wanting in vigor and tending to disunion.

Bancroft, Hist. of the U.S., vol.4, p.32

In this way began the conflict of two parties which were to increase in importance and spread throughout the country. The one held to what was established and made changes only from necessity; the other welcomed reform and went out to meet it. The one anchored on men of property; the other on the mass of the people: the one, loving liberty, was ever anxious for order; the other, firmly attached to order which it never doubted its power to maintain, was mainly anxious for freedom.

Bancroft, Hist. of the U.S., vol.4, p.32

During this strife in New York the inhabitants of South Carolina held in Charleston a meeting which continued through three days. The merchants, among whom were factors for British houses, agreed with the planters in the necessity of a congress, to which both parties, by way of compromise, referred the regulation of commerce. As the election of deputies was to be contested, the name of each voter was registered, and the ballot kept open till midnight on the seventh. It then appeared that the planters had elected Gadsden, Lynch, and John Rutledge, the boldest members of the congress of 1765, with Edward Rutledge and Middleton. The delegates elect were empowered to agree to a suspension of exports as well as imports. A general committee of ninety-nine was appointed, of whom the disproportionate number of thirty were taken from Charleston, and nearly all the rest from the parishes near the sea. In due time, the house of assembly, meeting at eight in the morning, just half an hour before the governor sent to prorogue them, confirmed these proceedings and ratified the choice of delegates to congress.

Bancroft, Hist. of the U.S., vol.4, p.32 - p.33

The convention of Pennsylvania, which, with Thomas Willing for its president, was but an echo of the opinion of Dickinson, recommended an indemnity to the East India company, dissuaded from suspending traded and advised the gentler method of a claim of redress. The idea of independence they disowned and abhorred. If Britain would repeal the obnoxious acts, they were ready to engage their obedience to the acts of navigation, and to settle an annual revenue on the king, subject to the control of parliament. They referred the choice of delegates to the proprietary assembly, in which Quakers and royalists had a majority; for Dickinson desired to maintain the proprietary government and charter.

Bancroft, Hist. of the U.S., vol.4, p.33

These views, which were intended as instructions from the people to the men who might be chosen to represent them in congress, Dickinson accompanied with a most elaborate argument, in which the rights of the colonies were confirmed by citations from a long train of lawyers, philosophers, poets, statesmen, and divines, from the times of Sophocles and Aristotle to Beccaria and Blackstone. Tenderly susceptible to the ideas of justice and right, he refused to believe that a British ministry or king could be deaf to his appeals; and he shrunk from perilling the fortunes and lives of millions. His success in allaying the impassioned enthusiasm of patriotism went beyond his intentions. The assembly of Pennsylvania, which was suddenly called together on the eighteenth of July, passed him over in electing their delegates to the continental congress, and preferred Galloway, their speaker, whose loyalty to the king admitted of no question and who was suffered to draw up his own instructions.

Bancroft, Hist. of the U.S., vol.4, p.33

In New Jersey, Witherspoon, a Presbyterian minister, president of Princeton college, and "as high a Son of Liberty as any man in America," met the committee at New Brunswick; and with William Livingston labored to instruct their delegates that the tea should not be paid for. The matter was left to the general congress, to which William Livingston was chosen.

Bancroft, Hist. of the U.S., vol.4, p.33

From New Hampshire, the members of its convention brought with them money, contributed by the several towns to defray the expenses of a representation in congress. The inhabitants of that province solemnized their action by keeping a day of fasting and public prayer. Massachusetts did the same; and Gage, who looked with stupid indifference on the spectacle of thirteen colonies organizing themselves as one people on occasion of the fast issued a proclamation against "hypocrisy and sedition."

Bancroft, Hist. of the U.S., vol.4, p.34

Meantime, New York had grown weary of dissensions. The persons nominated for congress gave in writing a satisfactory profession of their zeal for liberty; and, on the twenty-seventh of July, the nomination was unanimously ratified by the inhabitants. Yet the delegation was lukewarm and divided, leaving Virginia to give the example of energy and courage.

Bancroft, Hist. of the U.S., vol.4, p.34

Dunmore had issued writs for an assembly; but the delegates from the counties of Virginia none the less came together in convention. Illness detained Jefferson on the road, but he sent for inspection a paper which foreshadowed the declaration of independence. It was presented by Peyton Randolph, and printed by some of the delegates. Enumerating the grievances which affected all the colonies, it made a special complaint of a wrong to Virginia. "For the most trifling reasons," said he, "and sometimes for no conceivable reason at all, his majesty has rejected laws of the most salutary tendency. The abolition of domestic slavery is the great object of desire in those colonies where it was unhappily introduced in their infant state. But, previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa; yet our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to a prohibition, have been hitherto defeated by his majesty's negative, thus preferring the immediate advantage of a few British corsairs to the lasting interests of the American states, and to the rights of human nature, deeply wounded by this infamous practice." Of these words every heart acknowledged the justice. Moreover, the Fairfax resolves, in which George Mason and Washington had given their solemn judgment against the slave-trade, were brought by the Fairfax delegates before the convention; and, in August, that body came to the unanimous vote: "After the first day of November next we will neither ourselves import nor purchase any slave or slaves imported by any other person, either from Africa, the West Indies, or any other place."

Bancroft, Hist. of the U.S., vol.4, p.34 - p.35

On the affairs of Massachusetts the temper of the Virginians ran exceedingly high. "An innate spirit of freedom," such were the words of Washington, "tells me that the measures which the administration are most violently pursuing are opposed to every principle of natural justice." He was certain that it was neither the wish nor the interest of any government on the continent, separately or collectively, to set up independence; but he rejected indignantly the claim of parliament, and saw no "reason to expect anything from their justice." "The crisis," he said, "is arrived when we must assert our rights, or submit to every imposition that can be heaped upon us, till custom and use shall make us tame and abject slaves." From the first, he was convinced that there was not "anything to be expected from petitioning." "Ought we not, then," he exclaimed, "to put our virtue and fortitude to the severest test?" Thus Washington reasoned with his friends. In the convention, Richard Henry Lee and Patrick Henry were heard with such delight that the one was compared to Cicero, the other to Demosthenes. But Washington, who never was able to see distress without a desire to assuage it, made the most effective speech when he uttered the wish to "raise one thousand men, subsist them at his own expense, and march at their head for the relief of Boston."

Bancroft, Hist. of the U.S., vol.4, p.35

Through the press, the great lawyer Thomson Mason denied the right of a British parliament to make laws for the colonies, and specially held up the laws of navigation "as a badge of slavery, never to be submitted to." The wrongs done to Boston seemed to him "little less than a declaration of war." "In order to make the repelling of illegal force one general act of all America, let each colony," said he, "send a quota of men to perform this service, and let the respective quotas be settled in the general congress. These measures will be the most moderate, the most constitutional, and the most effectual you can pursue. I do not wish to survive the liberty of my country one single moment, and am determined to risk my all in supporting it."

Bancroft, Hist. of the U.S., vol.4, p.35 - p.36

The resolves and instructions of Virginia claimed that the restrictions on navigation should be restrained. Especially were they incensed at the threat of Gage to use the deadly weapon of constructive treason against such inhabitants of Massachusetts, as should assemble to consider of their grievances, and form associations for their common conduct; and they voted that "the attempt to execute this illegal and odious proclamation would justify resistance and reprisal."

Bancroft, Hist. of the U.S., vol.4, p.36

The first provincial congress of North Carolina met in August, at Newbern, under the eye and in defiance of its governor. In their comprehensive resolutions the rights of America were clearly stated and absolutely claimed; a convention of a county in Massachusetts could not have better enumerated the acts of that province which they approved. If grievances were not redressed, they were ready to cease all importations and all exportations even of the staples on which their prosperity depended. They heartily approved the meeting of a continental congress; and electing Hooper, Hughes, and Caswell as their deputies, they invested them with the amplest powers.

Bancroft, Hist. of the U.S., vol.4, p.36

After their adjournment, James Iredell, of Edenton, a British official, addressed through the press the inhabitants of Great Britain, as constituting the greatest state on earth because it was the most free; and as able to preserve the connection with America only by delighting in seeing their friends as free and happy as themselves.

Chapter 3:

Massachusetts Defeats the Attempt of the

British Parliament to Change Its Charter,

May-August 1774

Bancroft, Hist. of the U.S., vol.4, p.37

THE colonies needed for their support against Britain the alliance of France, but Louis XV., in the last years of his life, courted the friendship of George III., not to efface the false notion of international enmity which was a brand on the civilization of that age, but to gain new support for monarchical power. On the tenth day of May he died, and Louis XVI., the "desired one" of the people, while not yet twenty years old, suddenly became king. The city of Paris was delirious with joy at his accession. "It is our paramount wish to make our people happy," was the language of the first edict of the new absolute prince. "He excels in writing prose," said Voltaire, on reading the words of promise; "he seems inspired by Marcus Aurelius; he desires what is good and does it. Happy they who, like him, are but twenty years old, and will long enjoy the sweets of his reign."

Bancroft, Hist. of the U.S., vol.4, p.37 - p.38

The young monarch, when heir to the throne of France, had not been admitted to the royal council, and had grown up ignorant of business. In manner he was awkward and embarrassed, and even at his own court ill at ease. He had neither military science, nor martial spirit, nor gallant bearing; and a warlike nation interpreted his torpid languor as want of courage. His sphere of vision was narrow, and he applied himself chiefly to details or matters of little importance. His turn of mind was serious, yet his countenance betrayed irresolution, foreboding an unsteadiness in the administration springing from his own character, and making his life a long equipoise between right intentions and executive feebleness. He believed, like his predecessor, that the king alone should reign; yet his state papers were soon to cite reverently the law of nature and the rights of man; and the will of the people was to walk its rounds in the palace, invisible yet supreme.

Bancroft, Hist. of the U.S., vol.4, p.38

Marie Antoinette, the new queen, in the splendor of supreme rank, preserved the gay cheerfulness of youth. Soon after her arrival in France her mother wrote to her: "God has crowned you with so much grace and sweetness and docility that all the world must love you." She was conscious of being lovely, and was willing to be admired; but she knew how to temper graceful condescension with august severity. Impatient of stately etiquette, which controlled her choice of companions even more than the disposition of her hours, she was ready to break away from wearisome formalities with eager vivacity. From the same quickness of nature she readily took part in any prevailing public excitement, regardless of reasons of state.

Bancroft, Hist. of the U.S., vol.4, p.38

Caron de Beaumarchais, the sparkling dramatist and restless plebeian adventurer, made haste to recommend to the royal patronage his genius for intrigue. "Is there," said he through Sartine, then the head of the police, "anything which the king wishes to know alone and at once, anything which he wishes done quickly and secretly, here am I, who have at his service a head, a heart, arms, and no tongue."

Bancroft, Hist. of the U.S., vol.4, p.38

The sovereign of Spain, on wishing his kinsman joy of his accession, reminded him, as the head of the Bourbons, of their double relationship by his mother's side, as well as his father's, and expressed the wish for "their closest union and most perfect harmony;" for, said he, "the family compact is the guarantee of the prosperity and glory of our house."

Bancroft, Hist. of the U.S., vol.4, p.38

The "London Court Gazette" announced Louis XVI as "king of France," though English official language heretofore, and the herald's office still knew no other king of France than the king of Great Britain.

Bancroft, Hist. of the U.S., vol.4, p.38 - p.39

At the same time, the British ministers, always jealous of the Bourbons, kept spies to guess at the secrets of the French ministers, and bribe workmen in their navy-yards for a report of every keel that was laid, of every new armament or reenforcement of the usual fleets; and, from apprehensions of interference which could not be lulled to sleep, they were impelled to force the American struggle to an immediate issue.

Bancroft, Hist. of the U.S., vol.4, p.39

The continuance of the cordial understanding between Britain and France would depend upon the persons in whom the young king should place his confidence. Conforming to the public wish, he began by dismissing the ministers of his predecessor, and then felt the need of a guide. Marie Antoinette would have recalled Choiseul, the supporter of an intimate friendship between France and Austria, the passionate adversary of England, the prophet and the favorer of American independence; but filial respect restrained the king, for Choiseul had been at variance with his father. He turned to his aunts for advice; and their choice fell on the Count de Maurepas from their regard for his experience, general good character, and independence of the parties at court.

Bancroft, Hist. of the U.S., vol.4, p.39 - p.40

Not descended from the old nobility, Maurepas belonged to a family which, within a hundred and fifty years, had furnished nine secretaries of state. He came into office in the last days of Louis XIV. Under the successor of that monarch he made it his glory to restore the navy of his country, and had the repute of hating England. Foreign envoys at Paris foretold for France a great part if he ever should be intrusted with the government. At the age of seventy-three, and after an exile from the court of twenty-five years, he was still, as he had been in youth, polite, selfish, jealous, and superficial despising gravity of manner and airs of mystery, and incapable of serious passion or profound reflection, he charmed by the courtesy and ease of his conversation, enjoying the present moment, careless of the future which he was not to share, and taking all things so easily that age did not wear him out. Full of petty artifice in attack, of sly dexterity in defence, he could put aside weighty objections by mirth, and laugh even at merit, having no faith in virtues that were difficult. With all the patronage of France in his gift, he took from the treasury only enough to meet his increased expenses, keeping house with well-ordered simplicity, and at his death leaving neither debts nor savings. Present tranquillity was his object, rather than honor among coming generations. He was liberal, and willing that the public good should prevail, but not at the risk of his ascendency with the king. A jealousy of superior talents was his only ever wakeful passion. To foreign ambassadors he paid the attentions claimed by their station; but the professions which he lavished with graceful levity had such an air of nothingness that no one ever confided in them enough to gain the right of charging him seriously with duplicity. To men of every condition he never forgot to show due regard, disguising his unfailing deference to rank by freedom of remark and gayety. His administration was sure to be weak, for it was his maxim never to hold out against any one who had power enough to be formidable, and he wished to please alike the courtiers and public opinion, the nobility and the philosophers, those who stickled for the king's absolute sway and those who clamored for the restoration of parliaments, those who wished a cordial understanding with England and those who favored her insurgent colonies. Louis XVI was looking for an experienced and firm guide to correct his own indecision; and he fell upon a well-mannered, complacent old gentleman, who had the same fault with himself.

Bancroft, Hist. of the U.S., vol.4, p.40 - p.41

Declining a department, Maurepas, as the head of the cabinet, selected his own associates, choosing men by whom he feared neither to be superseded nor eclipsed. To the Count de Vergennes was assigned the department of foreign affairs. The veteran statesman then fifty-seven years old, was of plebeian origin, and married to a plebeian; unsupported by the high nobility, and without claims on Austria or Marie Antoinette. His father had been president of the parliament at Dijon. His own diplomatic career began in 1740, and had been marked by moderation, vigilance, and success. He had the courage of Choiseul, equal acquaintance with courts, equal sensitiveness to the dignity of France, and greater self-control. Indefatigably laborious, he conducted affairs with method, rectitude, and clearness. His character was firm, his mode of thinking liberal, and he loved to surround himself with able men. His conversation was marked by caution; his manner, grave and coldly polite. As he served a weak king, he was always on his guard, and to give a categorical answer was his aversion. Like nearly every Frenchman of that day, he was thoroughly a monarchist; and he gained at once, and ever retained the good opinion of Louis XVI. Eleven years before, he had predicted that the conquest of Canada would hasten the independence of British America, and he was now from vantage-ground to watch his prophecy come true.

Bancroft, Hist. of the U.S., vol.4, p.41

The philosophers of the day, like the king, wished the happiness of the people, and public opinion required that they should be represented in the cabinet. Maurepas complied. Malesherbes received the department of Paris and the police of the kingdom. The ministry of the marine was conferred on Turgot, whose name was as yet little known at Paris, and whose artlessness made him even a less dangerous rival than Vergennes. Coming forward in the purity of studious philosophy to take part in active life, he was well-informed, amiable, and of a taste the most delicate and sure; austere, yet holding it to be every man's business to solace those who suffer; wishing the accomplishment of good, not his own glory in doing it. For him the human race was one great family under a common Father; always, through calm and through "agitations," through good and through ill, through sorrow and through joy, on the march, though at "a slow step," toward a greater perfection. In five weeks he so won upon his sovereign's good-will that he was transferred to the ministry of finance. This was the wish of all the philosophers: of Alembert, Condorcet, Bailly, La Harpe, Marmontel, Thomas, Condillac, Morellet, and Voltaire. Nor of them alone. "Turgot," said Malesherbes, "has the heart of L'Hopital and the head of Bacon." His candor, moreover, gave him clear-sightedness and distinctness of purpose; his hopefulness promised to bear him serenely through the bitter warfare with selfish passions. At a moment when everybody confessed that reform was essential, it seemed a national benediction that a youthful king should intrust the task of amendment to a statesman who in a libertine age joined unquestioned probity to comprehensive intelligence and administrative experience. At his accession, the cry of joy broke from Voltaire: "A new world is about to bloom."

Bancroft, Hist. of the U.S., vol.4, p.41 - p.42

In France, the peasants were poor and ignorant, but, like all Frenchmen, were free, and in the happiest provinces had been so for half a thousand years. In many parts of the kingdom they had retained their rights of property in the acres which they tilled. The defence of the country had passed from the king and his peers with their vassals to the king and his standing army. With the decay of the feudal system the nobles sought service in his pay; their vassals became a people.

Bancroft, Hist. of the U.S., vol.4, p.42

The nobility, claiming for themselves exemptions from taxation which of old belonged to them in return for their defence of the kingdom, gave up none of their claims on the peasants who were crushed under a complicated system of irredeemable dues to roads and canals; to the bakehouse and the brewery of the lord of the manor; to his wine-press and his mill; to his tolls at the river, the market, or the fair; to ground-rents and quit-rents and fines on alienation. But there existed no harmonizing of the contrasts between privilege and poverty. The poor, though gay by temperament, lived sad and apart; bereft of intercourse with superior culture; never mirthful but in mockery of misery; not cared for in their want, nor solaced in hospitals, nor visited in prisons. The annual public expenditures largely exceeding the revenue, the nobility suffered the monarch to impose taxes on the unprivileged classes at his will. The imposts, which in two centuries had increased tenfold, fell almost exclusively on the lowly, who toiled and suffered; having no redress against those employed by the government; regarding the monarch with touching reverence and love, though they knew him mostly as the power that harried them; ruled as though joy were no fit companion for labor; as though want were the necessary goad to industry, and sorrow the only guarantee of quiet. They were the strength of the kingdom, the untiring producers of its wealth, the source of supply of its armies, the chief contributors to the royal revenue, and yet so forlorn was their condition that they cherished scarcely a dim vision of a happier futurity on earth.

Bancroft, Hist. of the U.S., vol.4, p.42 - p.43

Out of this sad state Turgot undertook to lift his country by peace, order, and economy. "It is to you personally," said he to Louis XVI., "to the man, honest, just and good, rather than to the king, that I give myself up. You have confided to me the happiness of your people, and the care of making you and your authority beloved; but I shall have to combat those who gain by abuses, the prejudices against all reform, the majority of the court, and every solicitor of favors. I shall sacrifice myself for the people; but I may incur even their hatred by the very measures I shall take to prevent their distress." "Have no fear," said the king, pressing the hand of his new comptroller-general; "I shall always support you."

Bancroft, Hist. of the U.S., vol.4, p.43

The policy of Turgot implied a continuance of peace; yet the distrust of England, as an ever vigilant and unscrupulous rival which in 1755 had begun hostilities without notice and at the end of the war had stripped France of its best acquisitions in America and Hindostan, could not be hushed. French statesmen, therefore, bent the ear to catch the earliest surgings of American discontent; and they observed of the instructions from the convention of Virginia to its delegates in the continental congress: "They are the first which propose to restrain the act of navigation itself, and give pledges to resist force by force."

Bancroft, Hist. of the U.S., vol.4, p.43

On Saturday, the sixth of August, Gage received an official copy of the act of parliament "for the better regulating the province of the Massachusetts Bay." It was, on the side of Great Britain, aggressive and revolutionary; it had been strenuously resisted and was utterly condemned by the Whig party of England. That the memory of their resistance might not perish, Rockingham and his friends had placed on the records of the house of lords their protest against the act. They condemned it "because," said they, "a definitive legal offence, by which a forfeiture of the charter is incurred, has not been clearly stated and fully proved; neither has notice of this adverse proceeding been given to the parties affected; neither have they been heard in their own defence; and because the governor and council are intrusted with powers with which the British constitution has not trusted his majesty and privy council, so that the lives and properties of the subjects are put into their hands without control."

Bancroft, Hist. of the U.S., vol.4, p.43 - p.44 - p.45

The principle of the statute was the concentration of all executive power, including the courts of justice, in the hands of the royal governor. Without previous notice to Massachusetts and without a hearing, it took away rights and liberties which the people had enjoyed from the foundation of the colony, except in the evil days of James II., and which had been renewed in the charter from William and Mary. That charter was coeval with the great English revolution, had been the organic law of the people of Massachusetts for more than eighty years, and was associated in their minds with every idea of English liberty and every sentiment of loyalty to the English crown. Under its provisions, the councillors, twenty-eight in number, had been annually chosen by a convention of the council for the former year and the assembly, subject only to the negative of the governor; henceforward they were to be not less than twelve nor more than thirty-six, were to derive their appointments and their emoluments from the king and to be removable at his pleasure. The governor received authority, without consulting his council, to appoint and to remove all judges of the inferior courts, justices of the peace, and all officers belonging to the council and the courts of justice. The governor and council might change the sheriffs as often as they pleased. In case of a vacancy, the governor was to appoint the chief justice and judges of the superior court, who were to hold their commissions during the pleasure of the king, and depend on his good-will for the amount and the payment of their salaries. The right of selecting juries was taken from the inhabitants and freeholders of the towns and conferred on the sheriffs of the several counties within the province. This regulating act, moreover, uprooted the dearest institution of New England, whose people, from the first settlement of the country, had been accustomed in their town-meetings to transact all business that touched them most nearly as fathers, as freemen, and as Christians. There they adopted local taxes to keep up their free schools; there they regulated the municipal concerns of the year; there they chose their representatives and instructed them; and, as the limits of the parish and the town were usually the same, there most of them took measures for the settlement of ministers of the gospel in their congregations; there they were accustomed to express their sentiments on any subject connected with their interests, rights, liberties, or religion. The regulating act, sweeping away the provincial law which had received the approval of William and Mary, permitted two meetings annually, in which town officers and representatives might be chosen, but no other matter be introduced; every other assembling of a town was forbidden, except by the written leave of the governor, and then only for business expressed in that leave. The king trampled under foot the customs, laws, and privileges of the people of Massachusetts. He was willing to spare them an explicit consent to the power of parliament in all cases whatever; but he required proof that Boston had compensated the East India company, that the tax on tea could be safely collected, and that the province would peacefully acquiesce in the change of its charter.

Bancroft, Hist. of the U.S., vol.4, p.45

With the regulating act, Gage received copies of two other acts, designed to facilitate its enforcement. By one of them he was authorized to quarter his army in towns; by the other, to transfer to another colony or to Great Britain any persons informed against or indicted for crimes committed in supporting the revenue laws or Suppressing riots.

Bancroft, Hist. of the U.S., vol.4, p.45

The regulating act went into effect on the moment of its being received, and precipitated the choice between submission and resistance. Within a week, eleven of the mandamus councillors took the oath of office, and were followed in a few days by fourteen more. They were persuaded that the province could by no possibility hold out, and that the promise of assistance from other colonies was a delusion. No assembly existed in the province to remonstrate; and Gage might delay or wholly omit to send out writs for a new election. But a people who were trained to read and write; to discuss all political questions, privately and in public; to strive to exhibit in their lives the Christian system of ethics, the beauty of holiness, and the unselfish nature of virtue; to reason on the great ends of God in creation; to believe in their own immortality; and to venerate their ancestry as above all others pure, enlightened, and free—could never forego the civil rights which were their most cherished inheritance.

Bancroft, Hist. of the U.S., vol.4, p.45 - p.46

"Being stationed by Providence in the front rank of the conflict," such was the letter of the committee of Boston to all the other towns in the province, "we trust we shall not be left by heaven to do anything derogatory to our common liberties, unworthy of the fame of our ancestors, or inconsistent with our former professions. Though surrounded with a large body of armed men, who, having the sword, have also our blood in their hands, we are yet undaunted. To you, our brethren and dear companions in the cause of God, we apply. From you we have received that countenance and aid which have strengthened our hands, and that bounty which hath occasioned smiles on the face of distress. To you, therefore, we look for that advice and example which, with the blessing of God, shall save us from destruction."

Bancroft, Hist. of the U.S., vol.4, p.46

The earnest message was borne to the northern border of the province, where the brooks run to the Nashua, and the upland farms yielded but scanty returns to the hardest toil. The husbandmen in that region had already sent many loads of rye to the poor of Boston. In the coming storm they clustered round William Prescott of Pepperell, who stood as firm as Monadnock that rose in sight of his homestead; and, on the day after the first mandamus councillors took their oath of office, his townsmen put their soul into his words as he wrote for them to the men of Boston: "Be not dismayed nor disheartened in this day of great trials. We heartily sympathize with you, and are always ready to do all in our power for your support, comfort, and relief, knowing that Providence has placed you where you must stand the first shock. We consider we are all embarked in one bottom, and must sink or swim together. We think, if we submit to these regulations, all is gone. Our forefathers passed the vast Atlantic, spent their blood and treasure that they might enjoy their liberties, both civil and religious, and transmit them to their posterity. Their children have waded through seas of difficulty, to leave us free and happy in the enjoyment of English privileges. Now, if we should give them up, can our children rise up and call us blessed? Is a glorious death in defence of our liberties better than a short infamous life, and our memories to be had in detestation to the latest posterity? Let us all be of one heart, and stand fast in the liberties wherewith Christ hath made us free; and may he of his infinite mercy grant us deliverance out of all our troubles."

Bancroft, Hist. of the U.S., vol.4, p.46 - p.47

Everywhere the rural population of Massachusetts were weighing the issues in which they were involved, and one spirit moved through them all. From the hills of Berkshire to the Penobscot they debated the great question of resistance as though God were hearkening; and they took counsel reverently with their ministers, and the aged, the pious, and the brave in their villages. Adjoining towns held conferences. The shire of Worcester, in August, set the example of a county congress, which disclaimed the jurisdiction of the British house of commons, asserted the exclusive right of the colonies to originate their laws, rested their duty of allegiance on the charter of the province, and declared the violation of that charter a dissolution of their union with Britain.

Bancroft, Hist. of the U.S., vol.4, p.47

Thomas Gardner, of Cambridge, promised a like convention of the county of Middlesex. "Friends and brethren," he wrote to Boston, as if at once to allay its anxiety and prophesy his own approaching end, "the time is come that every one that has a tongue and an arm is called upon by his country to stand forth in its behalf. I consider the call as the call of God, and desire to be all obedience. The people will choose rather to fall gloriously in the cause of their country than meanly submit to slavery."

Bancroft, Hist. of the U.S., vol.4, p.47

After searching the rolls of the several towns, the patriots estimated the population of the province at four hundred thousand souls; the number of men between sixteen and sixty years of age at about one hundred and twenty thousand, most of whom possessed arms, and were expert in their use. During the summer the drum and fife were heard in every hamlet, and the companies paraded for discipline. One day in August, Gage revoked Hancock's commission in the Boston cadets, upon which the company sent to him the king's standard and disbanded.

Bancroft, Hist. of the U.S., vol.4, p.47 - p.48

Israel Putnam, of Connecticut, the oracle of all patriot circles in his neighborhood, drove before him to Boston one hundred and thirty sheep, as a gift from the parish of Brooklyn. The "old hero" became Warren's guest, and every one's favorite. The officers whom he visited on Boston common bantered him about coming down to fight. "Twenty ships of the line and twenty regiments," said Major Small, "may be expected from England in case a submission is not speedily made by Boston." "If they come," said the veteran, "I am ready to treat them as enemies."

Bancroft, Hist. of the U.S., vol.4, p.48

The growing excitement attracted to New England Charles Lee, a restless officer, who, from having been aide-de-camp to the king of Poland, had the titular rank of a major-general. This claim, which gave him precedence over all who were likely to draw the sword for America, was, on occasion of his visit, universally acknowledged. He professed to see in the New England yeomanry the best materials for an army, and paid court to the patriots of Massachusetts.

Bancroft, Hist. of the U.S., vol.4, p.48

Meantime, the delegates of Massachusetts to the general congress were escorted by great numbers as far as Watertown, where many had gathered to bid them a solemn farewell. On the Connecticut river they received a letter of advice from Hawley, the great patriot of Northampton, whose words were: "We must fight if we cannot otherwise rid ourselves of British taxation. The form of government enacted for us by the British parliament is evil against right, utterly intolerable to every man who has any idea or feeling of right or liberty. There is not heat enough yet for battle; constant and negative resistance will increase it. There is not military skill enough; that is improving, and must be encouraged. Fight we must finally, unless Britain retreats. Our salvation depends upon a persevering union. Every grievance of any one colony must be held as a grievance to the whole, and some plan be settled for a continuation of congresses, even though congresses will soon be declared by parliament to be high treason."

Bancroft, Hist. of the U.S., vol.4, p.48 - p.49

Hawley spoke the sentiments of western Massachusetts. When, on Tuesday, the sixteenth of August, the judges of the inferior court of Hampshire met at Great Barrington, it was known that the regulating act had received the royal approval. Before noon the town was filled with people of the county, and five hundred men from Connecticut, armed with clubs and staves. Suffering the royal courts of justice to sit seemed a recognition of the act of parliament, and the chief judge was forced to plight his honor that he and his associates would do no business. On the rumor that Gage meditated employing a part of his army to execute the new statute at Worcester, the inhabitants of that town prepared arms, musket-balls, and powder, and threatened to fall upon any body of soldiers who should attack them.

Bancroft, Hist. of the U.S., vol.4, p.49

The mandamus councillors began to give way. Williams, of Hatfield, refused to incur certain ruin by accepting his commission; so did Worthington, of Springfield. Those who accepted dared not give advice.

Bancroft, Hist. of the U.S., vol.4, p.49

Boston held a town-meeting. Gage reminded the select men of the act of parliament, restricting town-meetings without the governor's leave. "It is only an adjourned one," said the selectmen. "By such means," said Gage, "you may keep your meeting alive these ten years." He brought the subject before the new council. "It is a point of law," said they, "and should be referred to the crown lawyers." He asked their concurrence in removing a sheriff. "The act of parliament," they replied, "confines the power of removal to the governor alone." Several members gave an account of the frenzy which was sweeping from Berkshire over the province, and might reach them all even while sitting in the presence of the governor. "If you value your life, I advise you not to return home at present," was the warning received by Ruggles from the town of Hardwick.

Bancroft, Hist. of the U.S., vol.4, p.49 - p.50

By nine o'clock on the morning of the twenty-sixth, more than two thousand men marched in companies to the common in Worcester, where they forced Timothy Paine to walk with his hat off as far as the centre of their hollow square and read a written resignation of his seat at the council board. A large detachment then moved to Rutland to deal with Murray. The next day at noon, Wilder of Templeton and Holden of Princeton brought up their companies; and by three in the afternoon about fifteen hundred men had assembled, most of them armed with bludgeons. But Murray had escaped on the previous evening, just before the sentries were set round his house and along the roads; they therefore sent him a letter requiring him to resign. "The consequences of your proceedings will be rebellion, confiscation, and death," said the younger Murray. "No consequences," they replied, "are so dreadful to a free people as that of being made slaves." "This," wrote he to his brother, "is not the language of the common people only: those that have heretofore sustained the fairest character are the warmest in this matter; and, among the many friends you have heretofore had, I can scarcely mention any to you now."

Bancroft, Hist. of the U.S., vol.4, p.50

One evening in August the farmers of Union, in Connecticut, found Abijah Willard, of Lancaster, Massachusetts, within their precinct. They kept watch over him during the night, and the next morning would have taken him to the county jail; but, after a march of six miles, he begged forgiveness of all honest men for having taken the oath of office, and promised never to sit or act in council.

Bancroft, Hist. of the U.S., vol.4, p.50

The people of Plymouth were grieved that George Watson, their respected townsman, was willing to act under his appointment. On the first Lord's day after his purpose was known, as soon as he took his seat in meeting, dressed in the scarlet cloak which was his wonted Sunday attire, his neighbors and friends put on their hats before the congregation and walked out of the house. The public indignity was more than he could bear. As they passed his pew he hid his face by bending his bald head over his cane, and determined to resign. Of thirty-six who received the king's summons as councillors, more than twenty declined to obey them, or revoked their acceptance. The rest fled in terror to the army at Boston, and even there could not hide their sense of shame.

Bancroft, Hist. of the U.S., vol.4, p.50 - p.51

The congressional delegates from Massachusetts, consecrated by their office as her suppliant ambassadors in the day of her distress, were welcomed everywhere on their journey with hospitable feasts and tears of sympathy. The men of Hartford, after giving pledges to abide by the resolutions of the congress, accompanied them to Middletown, from which place they were escorted by carriages and a cavalcade. The bells of New Haven were set ringing as they drew near, and those who had not gone out to meet them thronged the windows and doors to gaze. There they were encouraged by Roger Sherman, whom solid sense and the power of clear analysis were to constitute one of the master builders of our republic. "The parliament of Great Britain," said he, "can rightfully make laws for America in no case whatever." Simultaneously, James Wilson in Philadelphia, a Scot by birth, of rare ability, who, having been bred in the universities of his native land, emigrated to America in early manhood, and Jefferson in Virginia, without a chance of concert, published the same opinion, the former deducing it from "the rights of British America," the latter from an able investigation of "the nature and extent of the legislative authority of the British parliament." The freeholders of Albemarle county, in Virginia, had, a month earlier, expressed the same conclusion; and, in the language of Jefferson, claimed to hold the privilege of exemption from the authority of every other legislature than their own as one of the common rights of mankind.

Bancroft, Hist. of the U.S., vol.4, p.51

After resting one night at New Haven, the envoys visited the grave of the regicide Dixwell. As they reached the Hudson, they found that the British ministry had failed to allure, to intimidate, or to divide New York. A federative union of all the English colonies, under the sovereignty of the British king, had for a quarter of a century formed the aspiration of its ablest men. The great design had been repeatedly promoted by the legislature of the province. The people wished neither to surrender liberty nor to dissolve their connection with the crown of England. The possibility of framing an independent republic with one jurisdiction from the far North to the Gulf of Mexico, from the Atlantic indefinitely to the West, was a vision of which nothing in the history of man could promise the realization. Lord Kames, the friend of Franklin, though he was persuaded that the separation of the British colonies was inevitably approaching, affirmed that their political union was impossible. Prudent men long regarded the establishment of a confederacy of widely extended territories as a doubtful experiment, except under the moderating influence of a permanent executive. That the colonies, if disconnected from England, would fall into bloody dissensions among themselves, was the fear of Philip Livingston of New York. Union under the auspices of the British king, with the security of all constitutional rights, was still the purpose of Jay and his intimate associates. This policy had brought all classes together, and loyal men, who, like William Smith, were its advocates, passed for "consistent, unshaken friends to their country and her liberties;" but the "appeal" to arms was nearer at hand than the most sagacious believed.

Bancroft, Hist. of the U.S., vol.4, p.51 - p.52

Before Samuel Adams departed, he had concerted the measures by which Suffolk county would be best able to bring the wrongs of the town and the province before the general congress; and he left the direction with Warren, who had reluctantly become convinced that all connection with the British parliament must be thrown off. Since town-meetings could not be called, on the sixteenth of August 1774, a county congress of the towns of Suffolk, which then embraced Norfolk, met at a tavern in the village of Stoughton. As the aged Samuel Dunbar, the rigid Calvinist minister of its first parish, breathed forth among them his prayer for liberty, the venerable man seemed inspired with "the most divine and prophetical enthusiasm." "We must stand undisguised upon one side or the other," said Thayer of Braintree. The members were unanimous; and, in contempt of Gage and the act of parliament, they directed special meetings in every town and pre cinct in the county, to elect delegates with full powers to appear at Dedham on the first Monday in September. From such a county congress Warren predicted "very important consequences."

Bancroft, Hist. of the U.S., vol.4, p.52

On Friday, the twenty-sixth, the committee of Boston was joined at Faneuil Hall by delegates from the several towns of the counties of Worcester, Middlesex, and Essex; and on the next day, after calm consultation, they collectively denied the power of parliament to change the minutest tittle of their laws. As a consequence, they found that all appointments to the newly instituted council, and all authority exercised by the courts of justice, were unconstitutional; and therefore that the officers, should they attempt to act, would become "usurpers of power" and enemies to the province, even though they bore the commission of the king. The Boston port act they found to be a wicked violation of the rights to life, liberty, and the means of sustenance, which all men hold by the grace of heaven, irrespectively of the king's leave. The act of parliament removing from American courts the trials of officers who should take the lives of Americans they described as the extreme measure in the system of despotism.

Bancroft, Hist. of the U.S., vol.4, p.52 - p.53

For remedies, the convention proposed a provincial congress with large executive powers. In the mean time the unconstitutional courts were to be forbidden to proceed, and their officers to be detested as "traitors cloaked with a pretext of law." As Gage had orders to make arrests each individual patriot was placed under the protection of his county and of the province. The practice of the military art was declared to be the duty of the people.

Bancroft, Hist. of the U.S., vol.4, p.53

Gage looked about him for more troops, recommended the repair of Crown Point, a strong garrison at Ticonderoga, a well-guarded line of communication between New York and Canada.

Bancroft, Hist. of the U.S., vol.4, p.53

On the same day began the term of the inferior court at Springfield. But, early in the morning, fifteen hundred or two thousand men, with drums and trumpets, marched into that town, set up a black flag at the court-house, and threatened death to any one who should enter. After some treaty, the judges executed a written covenant not to put their commissions in force; Worthington resigned his office of councillor; those of the lawyers who had sent an address to Gage atoned for their offence by a written confession. Williams, the tory of Hatfield, and others, were compelled successively to go round a large circle and ask forgiveness. Catlin and Warner fell upon their knees; old Captain Mirreck of Monson was drawn in a cart and threatened to be tarred and feathered. The people agreed that the British troops, if they should march to Worcester, should be resisted by at least twenty thousand men from Hampshire county and Connecticut.

Bancroft, Hist. of the U.S., vol.4, p.53

The last Tuesday of August was the day for holding the supreme court at Boston. To support Chief Justice Oliver, Gage came expressly from Salem. The day arrived; the judges took their seats and the prescribed proclamations were made. On proceeding to business, the men who had been returned as jurors, one and all, refused to take the oath, Thomas Chase, who was of the petit jury, giving as his reason "that the chief justice of the court stood impeached by the late representatives of the province." A paper offered by the jury disputed the authority of the judges for the further reasons, that the charter of the province had been changed with no warrant but an act of parliament, and that three of the judges, in violation of the constitution, had accepted seats in the new council.

Bancroft, Hist. of the U.S., vol.4, p.54

The chief justice and his colleagues, repairing in a body to the governor, represented the impossibility of exercising their office in Boston or in any other part of the province; the army was too small for their protection; and, besides, none would act as jurors. The authority of the new government, as established by act of parliament, perished in the presence of the governor, the judges, and the army.

Bancroft, Hist. of the U.S., vol.4, p.54

Gage summoned his council, but only to meet new discomfitures. Its members dared not show themselves at Salem, and he consented to their violating the act of parliament by meeting in Boston. Hutchinson, son of the former governor, withdrew from the council. The few who retained their places advised unanimously to send no troops into the interior, but so to reenforce the army as to constitute Boston a "place of safe retreat."

Bancroft, Hist. of the U.S., vol.4, p.54

On that day the county convention, in which every town and district of Middlesex was represented, met at Concord. "We must now exert ourselves," said they, "or all those efforts which for ten years past have brightened the annals of this country will be totally frustrated. Life and death, or, what is more, freedom and slavery, are now before us." In behalf, therefore, of themselves and of future generations, they enumerated the violations of their rights by late acts of parliament, which they avowed their purpose to nullify; and they sent their resolves by an express to the continental congress. "We are grieved," said they, "to find ourselves reduced to the necessity of entering into the discussion of those great and profound questions; but we deprecate a state of slavery. Our fathers left us a fair inheritance, purchased by blood and treasure; this we are resolved to transmit equally fall to our children; no danger shall affright, no difficulties intimidate us; and if, in support of our rights, we are called to encounter even death, we are yet undaunted; sensible that he can never die too soon who lays down his life in support of the laws and liberties of his country."

Bancroft, Hist. of the U.S., vol.4, p.54

The convention separated in the evening of the last day of August, to await the decisions of the continental congress; but before the next sun was up the aspect of affairs was changed.

Chapter 4:

The First American Congress,

September-October 1774

Bancroft, Hist. of the U.S., vol.4, p.55

THE province kept powder for its militia at Quarry Hill on a point of land between Medford and Cambridge. The towns had been removing their stock, each according to its proportions. On the first day of September, a corps of two hundred and sixty men, embarking from Boston an hour before sunrise, seized all the powder that remained, amounting to two hundred and fifty half-barrels, and transferred it to the castle. A detachment from the corps brought off two field-pieces from Cambridge.

Bancroft, Hist. of the U.S., vol.4, p.55

This seizure, secretly planned and suddenly executed, set the country in a flame. The next morning, thousands of free holders, leaving their guns in the rear, advanced to Cambridge. Warren, accompanied by as many of the Boston committee as came in his way, crossed to Charlestown, and with the committee of that town hastened to meet the committee of Cambridge. On their arrival, they found Danforth, a county judge and mandamus councillor, addressing a very large gathering of people who stood in the open air round the court-house steps; and such order prevailed that the low voice of the feeble old man was heard by the whole multitude. He finished by giving a written promise never "to be any way concerned as a member of the council." Lee, in like manner, confirmed his former resignation. The turn of Phipps, the high sheriff, came next, and he signed an agreement not to execute any precept under the new act of parliament.

Bancroft, Hist. of the U.S., vol.4, p.55 - p.56

Oliver, the lieutenant-governor, who resided at Cambridge, repaired to Boston in the "greatest distress." "It is not a mad mob," said he to the British admiral; and he warned Gage that "sending out troops would be attended with the most fatal consequences." Had they marched only five miles into the country, Warren was of opinion that not a man of them would have been saved. Gage remained inactive, writing as his justification to the ministry: "The people are numerous, waked up to a fury, and not a Boston rabble, but the freed holders of the county. A check would be fatal, and the first stroke will decide a great deal. We should therefore be strong before anything decisive is urged."

Bancroft, Hist. of the U.S., vol.4, p.56

Oliver returned to Cambridge with the assurance that no troops would appear, and to beg the committee's leave to retain his places. But in the afternoon a great throng surrounded his house and demanded his resignation. "My honor is my first consideration," said Oliver; "the next, my life. Put me to death or destroy my property, but I will not submit." Yet, on the first appearance of danger, he yielded to all their demands.

Bancroft, Hist. of the U.S., vol.4, p.56

For three hours, beneath the scorching sun of the hottest day of that summer, the people kept the ranks in which they were marshalled, and their "patience, temperance, and fortitude" were remarked upon as the chief elements "of a good soldier." They allowed the force of the suggestion that the governor, in removing the stores of the province, had broken no law; and they voted unanimously their detestation of mobs and riots, and of the destruction of private property.

Bancroft, Hist. of the U.S., vol.4, p.56

Their conduct showed how formidable they might prove in the field, but rumors reached England of their cowardice and defeat. "What a melancholy consideration for all thinking men," said Fox to Burke, "that no people, animated by what principle soever, can make a successful resistance to military discipline! I was never so affected with any public event, either in history or in life. I am dejected at heart from the sad figure that men make against soldiers." At that time the British army in Boston feared an invasion; the guards were doubled, cannon were placed at the entrance of the town, and the troops lay on their arms through the night.

Bancroft, Hist. of the U.S., vol.4, p.56 - p.57

The militia of Worcester county, hearing of the removal of the powder belonging to the province, rose in a mass and began the march to Boston. On Friday afternoon and Saturday morning the volunteers from Hampshire county advanced eastward as far as Shrewsbury. It was thought that twenty thousand were in motion. The rumor of the seizure reached Israel Putnam in Connecticut, with the addition that the British troops and men-of-war had fired on the people and killed six men at the first shot. Despatching the report to Norwich, New London, New Haven, New York, and so to Philadelphia, he summoned the neighboring militia to take up arms. Thousands started at his call, but these, like the volunteers of Massachusetts, were stopped by expresses from the patriots of Boston, that at present nothing was to be attempted. In return, assurances were given of most effectual support whenever it might be required. "But for this counter intelligence," wrote Putnam and his associates on the committee of Pomfret, "we should have had forty thousand men, well equipped and ready to march this morning. Send a written express to the foreman of this committee when you have occasion for our martial assistance; we shall attend your summons, and shall glory in having a share in the honor of ridding our country of the yoke of tyranny, which our forefathers have not borne, neither will we."

Bancroft, Hist. of the U.S., vol.4, p.57

This rising was followed by many advantages. Every man was led to supply deficiencies in his equipments; the people gained confidence in one another, and a method was concerted for calling them into service. Outside of Boston, the king's rule was at an end. The wealthy royalists, who entertained no doubt that all resistance would soon be crushed, were silent from fear, or fled to Boston as their "only asylum."

Bancroft, Hist. of the U.S., vol.4, p.57

Gage wrote home that, "to reduce New England, a very respectable force should take the field." He had five regiments at Boston, one at the castle, and another at Salem; two more he summoned hastily from Quebec; he sent transports to bring another from New York; he still required re-enforcements from England; and resolving to employ "irregulars, of one sort or other, in America," he asked of Carleton, who was just then expected to arrive from England at Quebec, "what measures would be most efficacious to raise a body of Canadians and Indians to form a junction with the king's forces." The threat to employ the savages against the colonists had been thrown out at the time of Tryon's march against the regula tors of North Carolina, and may be traced back to the discussions in the time of Shirley on remedies for the weakness of British power. The commission to Carleton, as governor of the province of Quebec under the act of parliament, conveyed authority to arm and employ not the Canadians only, but "all persons whatsoever," including the Indian tribes from the coast of Labrador to the Ohio, and to march them against rebels "into any one of the plantations in America."

Bancroft, Hist. of the U.S., vol.4, p.58

There were no English precedents for the practice. During the French war, Britain had formed connections with the Indian tribes, through whose territory lay the march of the hostile armies, and enrolled and paid warriors of the Six Nations rather to secure neutrality than service. No war-party of savages was ever hounded at Canadian villages. The French, on the other hand, from their superior skill in gaining the love of the red men and their own inferiority in numbers, had increased their strength by Indian alliances. These the British king and his ministers now revived, and, against their own colonies and kindred, loosed from the leash these terrible auxiliaries.

Bancroft, Hist. of the U.S., vol.4, p.58

The execution of the sanguinary orders fell naturally into the hands of the most unscrupulous English officers and the most covetous and cruel of the old French partisans. Carleton reprobated the measure, which he was yet constrained to promote. "You know," wrote he of the Indians to Gage, "what sort of people they are." The cannibal Indian was a deadly foe only as he skulked in ambush, or prowled on the frontier, or burned the defenceless farm-house, or struck the laborer in the field, or smote the mother at her household task, or crashed the infant's head against a rock or a tree, or tortured the prisoner on whose flesh he was to gorge. The women and children of England had an ocean between them and the Indian's tomahawk, and had no share in the terror that went before his path, or the sorrows that he left behind. Yet Gage, without much compunction, gave directions to propitiate and inflame the Indians by gifts, and to subsidize their war-parties. His commands to employ them extended to the utmost bounds of his military authority, so that the councils of the Cherokees and Choctas and Mohawks were named as currently in the correspondence of the secretary of state as the German courts of Hesse and Hanau and Anspach.

Bancroft, Hist. of the U.S., vol.4, p.59

By the fifth of September, Gage had ordered ground to be broken for fortifications on the Neck, which formed the only entrance by land into Boston. In the evening the selectmen remonstrated, but with no effect. The next day the convention of Suffolk county, which it had been agreed between Samuel Adams and Warren should send a memorial to the general congress, met in Ledham. Every town and district was represented, and their grand business was referred to a committee, of which Warren was the chairman.

Bancroft, Hist. of the U.S., vol.4, p.59

While their report was preparing, the day came for holding the county assize at Worcester. On that morning the main street of the town was occupied on each side by men, arranged under their leaders in companies, six deep, and extending for a quarter of a mile. Through this great multitude the judges and their assistants passed safely to the court-house; but there they were compelled to stay proceedings, and promise not to take part in executing the unconstitutional act of parliament.

Bancroft, Hist. of the U.S., vol.4, p.59 - p.60

An approval of the resistance of the people was embodied in the careful and elaborate report which Warren on the ninth presented to the adjourned Suffolk convention. "On the wisdom and on the exertions of this important day," such were its words, "is suspended the fate of the New World and of unborn millions." The resolutions which followed declared that the sovereign who breaks his compact with his people forfeits their allegiance. By their duty to God, their country, themselves, and posterity, they pledged the county to maintain their civil and religious liberties, and to transmit them entire to future generations. They rejected as unconstitutional the regulating act of parliament and all the officers appointed under its authority. They enjoined the mandamus councillors to resign their places within eleven days. Attributing to the British commander-in-chief hostile intentions, they directed the collectors of taxes to pay over no money to the treasurer whom he recognised. The governor and council had formerly appointed all military officers; now that the legal council was no longer consulted, they advised the towns to elect for themselves officers of their militia from such as were inflexible friends to the rights of the people. For purposes of provincial government they advised a provincial congress, while they promised respect and submission to the continental congress. Against the present hostile appearances on the part of Great Britain they expressed their determination "to act upon the defensive so long as such conduct might be vindicated by reason and the principles of self-preservation, but no longer." Should Gage arrest any one for political reasons, they promised to seize every crown officer in the province as hostages; and, as it might become necessary suddenly to summon assistance from the country, they arranged a system of couriers who were to bear written messages to the selectmen or corresponding committees of the several towns. The resolutions which thus concerted an armed resistance they unanimously adopted, and forwarded by express to the continental congress for its consideration and advice. "In a cause so solemn," they said, "our conduct shall be such as to merit the approbation of the wise and the admiration of the brave and free of every age and of every country."

Bancroft, Hist. of the U.S., vol.4, p.60

The country towns in general chose their own officers, and mustered for exercise at least once a week; and the colonel and the clergyman and the squire appeared in the ranks with a firelock to be taught the manual exercise. The county of Worcester formed all their male inhabitants from the age of sixteen to seventy into companies and regiments, and it was agreed that one-third part of the enrolled should hold themselves ready to march "at a minute's warning."

Bancroft, Hist. of the U.S., vol.4, p.60

The intrenchments on Boston Neck placed all within the lines at the mercy of the army; yet, fearless of heart, Warren hastened into the presence of Gage, to protest in the name of Suffolk county against the new fortifications that closed the town.

Bancroft, Hist. of the U.S., vol.4, p.60 - p.61

The carpenters of Boston, at the height of their distress for want of employment, refused to construct barracks for the army. Meantime, the colony desired to guard against anarchy by instituting a government of their own, for which they found historical precedents. In the days of William the Deliverer and Mary, Connecticut and Rhode Island had each resumed the charter of government which James II had superseded; the people of Massachusetts now wished to revive their old charter, and continue allegiance to George III on no other terms than those which their ancestors had stipulated with Charles I.; "otherwise," said they, " the laws of God, of nature, and of nations oblige us to cast about for safety." "If the four New England governments alone adopt the measure," said Hawley of Hampshire, "I will venture my life to carry it against the whole force of Great Britain." In the congress of Worcester county a motion was made to reassume the old charter and elect a governor. Warren, careful lest the province should be thought to aim at greater advantages than the other colonies might be willing to contend for, sought first the consent of the continental congress, reminding its members that one colony of freemen would be a noble bulwark for all America.

Bancroft, Hist. of the U.S., vol.4, p.61

New England had surmounted its greatest difficulties; its enemies placed their hopes on the supposed timidity of the general congress.

Bancroft, Hist. of the U.S., vol.4, p.61

At Philadelphia the South Carolinians greeted the delegates of Massachusetts as the heralds of freedom, and the Virginians equalled or surpassed their colleagues in resoluteness and spirit; but, while there was great diversity of opinions respecting the proper modes of resisting the aggressions of the mother country, all united in desiring "the union of Great Britain and the colonies on a constitutional foundation."

Bancroft, Hist. of the U.S., vol.4, p.61 - p.62

On Monday, the fifth of September, Galloway, the speaker of the Pennsylvania assembly, would have had congress use tide state-house as the place for their deliberations, but the carpenters of Philadelphia offered their plain but spacious hall; and, from respect for the mechanics, it was accepted by a great majority. The names of the members were then called over; and Patrick Henry, Washington, Richard Henry Lee, Samuel Adams, John Adams, Jay, Gadsden, John Rutledge of South Carolina, the aged Hopkins of Rhode Island, and others, representing eleven colonies, answered to the call. Peyton Randolph, late speaker of the assembly of Virginia, was nominated for the chair by Lynch of South Carolina, and was unanimously chosen. The body named itself "the congress," and its chairman "the president." Jay and Duane would have selected a secretary from among themselves; but, on the motion of Lynch, Charles Thomson was appointed. Colonies differing in religious opinions, in commercial interests, and in everything dependent on climate and labor, in usages and manners swayed by reciprocal prejudices, and frequently quarrelling with each other respecting boundaries, found themselves united in one representative body.

Bancroft, Hist. of the U.S., vol.4, p.62

Then arose the question as to the method of voting. There were fifty-five members, each colony having sent as many as it pleased. Henry, a representative of the largest state, intimated that it would be unjust for a little colony to weigh as much in the councils of America as a great one. "A little colony," observed Sullivan of New Hampshire, "has its all at stake as well as a great one." John Adams admitted that the vote by colonies was unequal, yet that an opposite course would lead to perplexing controversy; for there were no authentic records of the numbers of the people or the value of their trade.

Bancroft, Hist. of the U.S., vol.4, p.62

The discussion led the members to exaggerate the population of their respective colonies; and the aggregate of the estimates was made to exceed three millions. Few of them possessed accurate materials; Virgiuia and the Carolinas had never enumerated the woodsmen among the mountains and beyond them. From returns which were but in part accessible to the congress, it appears that the number of white inhabitants in all the thirteen colonies was, in 1774, about two millions one hundred thousand; of blacks, about five hundred thousand; the total population, very nearly two millions six hundred thousand.

Bancroft, Hist. of the U.S., vol.4, p.62

At the beginning of the next day's session a long and deep silence prevailed. The voice of Virginia was waited for, and was heard through Patrick Henry.

Bancroft, Hist. of the U.S., vol.4, p.62 - p.63 - p.64

Making a recital of the wrongs inflicted on the colonies by acts of parliament, he declared that all government was dissolved; that an entire new one must be founded; that the congress then assembled was but the first in a never-ending succession; that their present decision would form a precedent. Asserting the necessity of union and his own determination to submit to the opinion of the majority, he discussed the mischiefs of an unequal representation, the advantage of a system that should give each colony its just weight. The democratical part of the constitution, he insisted, must be preserved in its purity. Without refusing some regard in the adjustment of representation to the opulence of a colony as marked by its exports and imports, he spoke for a representation of men. "Slaves," said he, "are to be thrown out of the question; if the freemen can be represented according to their numbers, I am satisfied." To the objection that such a representation would confer an undue preponderance on the more populous states, he replied: "British oppression has effaced the boundaries of the several colonies; the distinctions between Virginians, Pennsylvanians, New Yorkers, and New Englanders are no more. I am not a Virginian, but an American." "A compound of numbers and property," said Lynch, "should determine the weight of the colonies;" but he admitted that such a rule could not then be settled. In the same spirit spoke the elder Rutledge: "We have no legal authority; and obedience to the measures we adopt will only follow their reasonableness, apparent utility, and necessity. We have no coercive authority. Our constituents are bound only in honor to observe our determinations." "I cannot see any way of voting but by colonies," said Gadsden. "Every colony," insisted Ward of Rhode Island, "should have an equal vote. The counties of Virginia are unequal in point of wealth and numbers, yet each has a right to send two members to its legislature. We come, if necessary, to make a sacrifice of our all, and by such a sacrifice the weakest will suffer as much as the greatest." Harrison of Virginia spoke strongly on the opposite side, and was "very apprehensive that, if such a disrespect should be put upon his countrymen as that Virginia should have no greater weight than the smallest colony, they would never be seen at another convention." For this menace of disunion he was at once rebuked by his colleagues. "Though a representation equal to the importance of each colony were ever so just," said Richard Henry Lee, "the delegates from the several colonies are unprepared with materials to settle that equality." Bland of Virginia saw no safety but in voting by colonies. "The question," he added, "is whether the rights and liberties of America shall be contended for, or given up to arbitrary power." Pendleton acquiesced, yet wished the subject might be open for reconsideration when full information should have been obtained.

Bancroft, Hist. of the U.S., vol.4, p.64

It was resolved that, in taking questions, each colony should have one voice; but the journal adds as the reason, that "the congress was not then able to procure proper materials for ascertaining the importance of each colony."

Bancroft, Hist. of the U.S., vol.4, p.64

During the debate, Jay dissented in part from Henry, saying: "I cannot yet think that we came to frame an American constitution, instead of endeavoring to correct the faults in an old one. The measure of arbitrary power is not full, and it must run over before we undertake to frame a new constitution."

Bancroft, Hist. of the U.S., vol.4, p.64

It was next voted that "the doors be kept shut during the time of business;" and the members bound themselves by their honor to keep the proceedings secret until the majority should direct them to be made public. The treacherous Galloway pledged his honor with the rest.

Bancroft, Hist. of the U.S., vol.4, p.64 - p.65

To the proposal that congress the next day should be opened with prayer, Jay and Rutledge objected, on account of the great diversity of religious sentiments. "I am no bigot," said Samuel Adams, the Congregationalist; "I can hear a prayer from a man of piety and virtue, who is at the same time a friend to his country;" and, on his nomination, Duche, an Episcopal clergyman, was chosen for the service. Before the adjournment, Putnam's express arrived with the report that, after a bloody attack on the people by the troops at Boston, Connecticut as well as Massachusetts was rising in arms. The next day muffled bells were tolled. At the opening of congress, Washington was present, standing in prayer, and Henry and Randolph and Lee and Jay and Rutledge and Gadsden; and by their side Presbyterians and Congregationalists; the Livingstons, Sherman, Samuel Adams, John Adams; and others of New England, who believed that a rude soldiery were then infesting the dwellings and taking the lives of their friends. When the psalm for the day was read, Heaven itself seemed uttering its oracle. "Plead thou my cause, O Lord, with them that strive with me; and fight thou against them that fight against me. Lay hand upon the shield and buckler, and stand up to help me. Bring forth the spear, and stop the way against them that persecute me. Let them that imagine mischief for me be as dust before the wind. Who is like unto thee, who deliverest the poor from him that is too strong for him? Lord! how long wilt thou look on? Awake, and stand up to judge my quarrel; avenge thou my cause, my God and my Lord." After this, the minister, with the earnestness of the best divines of New England, unexpectedly burst into an extempore prayer for America, for the congress, for Massachusetts, and especially for Boston.

Bancroft, Hist. of the U.S., vol.4, p.65

The congress that day appointed one committee on the rights of the colonies, and another on the British statutes affecting their manufactures and trade. They received by a second express the same confused account of bloodshed near Boston. Proofs both of the sympathy and the resolution of the continent met the delegates of Massachusetts on every hand; and the cry of "war" was pronounced with firmness.

Bancroft, Hist. of the U.S., vol.4, p.65 - p.66

The next day brought more exact information, and the committee of congress on the rights of the colonies began their deliberations. The first inquiry related to the foundation of those rights. Lee of Virginia rested them on nature. "Our ancestors," he said, "found here no government, and, as a consequence, had a right to make their own. Charters are an unsafe reliance, for the king's right to grant them has itself been denied. Besides, the right to life and the right to liberty are inalienable." Jay of New York likewise recurred to the laws of nature; and enumerated among natural rights the right to emigrate, and the right of the emigrants to erect what government they pleased. John Rutledge, on the contrary, held that allegiance is inalienable; that the first emigrants had not had the right to elect their king; that American claims were derived from the British constitution rather than from the law of nature. But Sherman of Connecticut deduced allegiance from consent, without which the colonies were not bound by the act of settlement. Duane, like Rutledge, shrunk from the appeal to the law of nature, and he founded government on property in land.

Bancroft, Hist. of the U.S., vol.4, p.66

Behind these views lay the question of the power of parliament over the colonies. "A right of regulating trade," said Gadsden, true to the principle of 1765," is a right of legislation, and a right of legislation in one case is a right in all."

Bancroft, Hist. of the U.S., vol.4, p.66

Amid varying opinions and theories, the congress, increased to twelve colonies by delegates from North Carolina and intent upon securing absolute unanimity, moved with great deliberation; so that Galloway hoped "the two parties would remain on an equal balance." But in that body there was a man who knew how to bring the enthusiasm of the people into connection with its representatives. "Samuel Adams," wrote Galloway, "though by no means remarkable for brilliant abilities, is equal to most men in popular intrigue and the management of a faction. He eats little, drinks little, sleeps little, and thinks much, and is most decisive and indefatigable in the pursuit of his objects. He was the man who, by his superior application, managed at once the faction in congress at Philadelphia and the factions in New England."

Bancroft, Hist. of the U.S., vol.4, p.66

On the seventeenth of September, the delegates of Massachusetts laid before congress the address of the Suffolk county convention to Gage, on his seizure of the province's stock of powder and his hostile occupation of the only approach to Boston by land; and the resolutions of the same convention, which declared that no obedience was due to the acts of parliament affecting their colony.

Bancroft, Hist. of the U.S., vol.4, p.66 - p.67

As the papers were read, expressions of esteem, love, and admiration broke forth in generous and manly eloquence. "Unanimity prevailed not of provinces only, but of individual members." In language which but faintly expressed their spirit, they declared their sympathy with their suffering countrymen in Massachusetts, most thoroughly approved the wisdom and fortitude with which opposition to ministerial measures had hitherto been conducted, and earnestly recommended perseverance according to the resolutions of the county of Suffolk. Knowing that a new parliament must soon be chosen, they expressed their trust "that the united efforts of North America would carry such conviction to the British nation of the unjust and ruinous policy of the present administration as quickly to introduce better men and wiser measures."

Bancroft, Hist. of the U.S., vol.4, p.67

To this end, they ordered their own resolutions, with the communications from Suffolk county, to be printed. But their appeal to the electors of Britain was anticipated. The inflexible king, weighing in advance the possible influence of the American congress, overruled Lord North, and, on the last day of September suddenly dissolving parliament, brought on the new election before proposals for conciliation could be received.

Bancroft, Hist. of the U.S., vol.4, p.67

Gage, with the forces under his command, hoped for no more than to pass the winter unmolested. At one moment a suspension of the penal acts was his favorite advice, which the king ridiculed as senseless; at the next, he demanded an army of twenty thousand men, to be composed of Canadian recruits, Indians, and hirelings from the continent of Europe; again, he would bring the Americans to terms by casting them off as fellow-subjects, and not suffering even a boat to go in or out of their harbors. All the while he was exerting himself to obtain payment for the tea as a prelude to reconciliation. His agents wrote to their friends in congress, urging concessions. Such was the advice of Church, in language affecting the highest patriotism; and an officer who had served with Washington sought to persuade his old companion in arms that New England was conspiring for independence. It was, moreover, insinuated that, if Massachusetts should once resume its old charter and elect its governor, all New England would unite with her, and become strong enough to absorb the lands of other governments; that New Hampshire would occupy both slopes of the Green Mountains; that Massachusetts would seize the western territory of New York; while Connecticut would appropriate Northern Pennsylvania, and compete with Virginia for the West.

Bancroft, Hist. of the U.S., vol.4, p.67 - p.68

The frugal New England people increased their frugality. "As for me," wrote the wife of John Adams, "I will seek wool and flax, and work willingly with my hands." Yet the poorest man in his distress would not accept employment from the British army; and the twelve nearest towns agreed to withhold from it every supply beyond what humanity required. But all the province, even to Falmouth and beyond it, shared the sorrows of Boston, and cheered its inhabitants in their sufferings. Nor did its citizens despair. Its newly elected representatives were instructed never to acknowledge the regulating act; and, in case of a dissolution, to join the other members in forming a provincial congress.

Bancroft, Hist. of the U.S., vol.4, p.68

The assembly was summoned to meet at Salem on the fifth of October, at which time the councillors who had been legally commissioned in May intended to take their seats, as their period of office was a year, and they were not removable during the term for which they were chosen. Against so clear a title, the mandamus councillors would not dare to claim their places without a larger escort than they could receive. Gage was in a dilemma. On the twenty-eighth of September, by an anomalous proclamation, he neither dissolved nor prorogued the assembly which he had called, but declined to meet it at Salem, and assumed to discharge the representatives elect from their duty of attendance.

Bancroft, Hist. of the U.S., vol.4, p.68

Meantime, the continental committee on the rights of the colonies, having been increased by one member from each of the three provinces—Virginia, Massachusetts, and Pennsylvania—extended their searches to the statutes affecting industry and trade. But in a body whose members were collected from remote parts of the country, accustomed to no uniform rules, differing in their ideas and their forms of expression, distrust could be allayed only by the most patient discussions; and, for the sake of unanimity, tedious delay was inevitable.

Bancroft, Hist. of the U.S., vol.4, p.68

In the first place, it was silently agreed to rest the demands of America not on considerations of natural rights, but on a historical basis. Nothing was complained of but innovations, so that every appearance of a revolution was avoided.

Bancroft, Hist. of the U.S., vol.4, p.68 - p.69

How far the retrospect for grievances should be carried was the next inquiry. South Carolina would have included all laws restrictive of manufactures and navigation; in a word, all the statutes of which Great Britain had been so prodigal toward her infant colonies, for the purpose of confining their trade and crippling their domestic industry. But the Virginians, conforming to their instructions, narrowed the issue to the innovations during the reign of George III.; and, as Mary' land and North Carolina would not separate from Virginia, the acts of navigation, though condemned by Richard Henry Lee as a capital violation of American rights, were not included in the list of grievances.

Bancroft, Hist. of the U.S., vol.4, p.69

The Virginians had never meant to own the binding force of the acts of navigation: the proposal to recognise them came from Duane of New York, and encountered the strongest opposition. Some wished to deny altogether the authority of parliament; others, its power of taxation; others, its power of internal taxation only. These discussions were drawn into great length, and seemed to promise no agreement; till, at last, John Adams was persuaded to shape a compromise in the spirit and very nearly in the words of Duane. His resolution ran thus: "From the necessity of the case and a regard to the mutual interest of the countries, we cheerfully consent to the operation of such acts of the British parliament as are, bona fide, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country and the commercial bene fits of its respective members; excluding every idea of taxation, internal or external, for raising revenue on the subjects in America without their consent."

Bancroft, Hist. of the U.S., vol.4, p.69

This article was contrary to the principles of Otis at the commencement of the contest; to the repeated declarations of Samuel Adams; to the congress of 1765, which had put aside a similar proposition when offered by Livingston of New York. Not one of the committee was fully satisfied with it; yet, as the ablest speaker from Massachusetts had given way, the concession was inevitable. It stands as a monument that the congress harbored no desire but of reconciliation. "I would have given everything I possessed for a restoration to the state before the contest began," said John Adams, at a later day. His resolution accepted that badge of servitude, the British colonial system.

Bancroft, Hist. of the U.S., vol.4, p.69 - p.70

During these discussions, Galloway of Pennsylvania, in secret concert with the governor of New Jersey and with Colden of New York, proposed for the government of the colonies a president-general of the king's appointment, and a grand council to be chosen once in three years by the several assemblies. The British parliament was to have the power of revising the acts of this body, which in its turn was to have a negative on British statutes relating to the colonies. "I am as much a friend to liberty as exists," blustered Galloway, as he presented his insidious proposition, "and no man shall go further in point of fortune or in point of blood than the man who now addresses you." His scheme held out a hope of a continental union, which was the long-cherished policy of New York; it was seconded by Duane and supported by Jay, but opposed by Lee of Virginia. Patrick Henry objected to intrusting the power of taxation to a council to be chosen not directly by the people, but indirectly by its representatives; and he condemned the proposal in all its aspects. "The original constitution of the colonies," said he, "was founded on the broadest and most generous base. The regulation of our trade compensates all the protection we ever experienced. We shall liberate our constituents from a corrupt house of commons, but throw them into the arms of an American legislature, that may be bribed by a nation which in the face of the world avows bribery as a part of its system of government. Before we are obliged to pay taxes as they do, let us be as free as they; let us have our trade open with all the world." "I think the plan almost perfect," said Edward Rutledge. But not one colony, unless it may have been New York, voted in its favor; no more than a bare majority would consent that it should even lie on the table; and at a later day congress struck the proposal from its record.

Bancroft, Hist. of the U.S., vol.4, p.70

With this defeat, Galloway lost his mischievous importance. At the provincial elections in Pennsylvania, on the first day of October, Dickinson, his old opponent, was chosen almost unanimously a representative of the county. Mifflin, though opposed by some of the Quakers as too warm, was elected a burgess of Philadelphia by eleven hundred votes out of thirteen hundred, with Charles Thomson as his colleague. The assembly, on the very day of its organization, added Dickinson to its delegation in congress; and he took his seat in season to draw the address of that body to the king.

Bancroft, Hist. of the U.S., vol.4, p.70 - p.71

During the debates on the proper basis of that address, letters from Boston announced that the governor continued Seizing private military stores, suffering the soldiery "to treat both town and country as declared enemies," fortifying the town and mounting cannon at its entrance, as though he would hold its inhabitants as hostages in order to compel a compliance with the new laws. As he had eluded the meeting of the general court, they applied to congress for advice; if the congress should instruct them to quit the town, they would obey. The citizens, who collectively had been more affluent than those of any other place of equal numbers in the world, made a formal offer to abandon their homes, and throw themselves, with their wives and children, their aged and infirm, on the charity of the country people, or build huts in the woods, and never revisit their native walls until re-established in their rights and liberties. Gadsden blazed up at the thought, and he proposed that Gage should be attacked and routed before re-enforcements could arrive; but the congress was resolved to exhaust every means of redress before sanctioning an appeal to arms.

Bancroft, Hist. of the U.S., vol.4, p.71

The more impetuous people were ever inclined to break the bounds set for them. About the middle of October, the brig Peggy Stewart, from London, arrived at Annapolis with two thousand three hundred and twenty pounds of tea, on which the owner of the vessel made haste to pay the duty. The people of Maryland resented this voluntary submission to the British claim, which their delegates to the general congress were engaged in contesting. For the honor of the province a committee kept watch to prevent the landing of the tea; successive public meetings drew throngs even from distant counties; till the two importers and the ship-owner jointly expressed their contrition, and offered to expiate their offence by burning the "detestable article" which had caused their misconduct. When it appeared that this would not satisfy the crowd, the owner of the brig, after a little consultation with Charles Carroll, proposed to devote that also to the flames. The offer was accepted. The penitent importers and owner went on board the vessel with hats off and lighted torches in their hands, and, in the presence of a multitude of gazers, set fire to the packages of tea, all of which, together with the Peggy Stewart, her canvas and cordage, were consumed.

Bancroft, Hist. of the U.S., vol.4, p.71 - p.72

Washington ardently wished to end civil discord and re store tranquillity upon constitutional grounds, but his indignation at the wrongs of Boston could be appeased only by their redress, and his purpose to resist the execution of the regulating act was unalterable. "Permit me," so he addressed a British officer then serving under Gage, "with the freedom of a friend, to express my sorrow that fortune should place you in a service that must fix curses to the latest posterity upon the contrivers, and, if success (which, by the by, is impossible) accompanies it, execrations upon all those who have been instrumental in the execution. The Massachusetts people are every day receiving fresh proofs of a systematic assertion of an arbitrary power, deeply planned to overturn the laws and constitution of their country, and to violate the most essential and valuable rights of mankind. It is not the wish of that government, or any other upon this continent, separately or collectively, to set up for independence; but none of them will ever submit to the loss of those rights and privileges without which life, liberty, and property are rendered totally insecure. Is it to be wondered at that men attempt to avert the impending blow in its progress, or prepare for their defence if it cannot be averted? Give me leave to add as my opinion, that, if the ministry are determined to push matters to extremity, more blood will be spilled on this occasion than history has ever yet furnished instances of in the annals of North America."

Bancroft, Hist. of the U.S., vol.4, p.72 - p.73

Ross, a Pennsylvanian, moved in congress that Massachusetts should be left to her own discretion with respect to government, and the administration of justice as well as defence. The motion was seconded by Galloway, in the hope of insulating her. Had it been adopted, she would have revived her first charter, under the Pine Tree flag of her forefathers, and elected her governor. From the desire of conciliation the province was suffered to continue in a state of anarchy; but on the eighth of October it was resolved, though not unanimously, "that this congress approve the opposition of the inhabitants of the Massachusetts Bay to the execution of the late acts of parliament, and, if the same shall be attempted to be carried into execution by force, all America ought to support them in their opposition." This is the vote which hardened George III to listen to no terms. Galloway and Duane de sired leave to enter their protests against the resolution, and, as this was refused, they gave to each other privately certificates that they had opposed it as treasonable. Two days later, congress further "declared that every person who should accept or act under any commission or authority derived from the act of parliament which violated the charter of Massachusetts, ought to be held in detestation;" and, in their letter to Gage, they censured his conduct as tending "to involve a free people in the horrors of war."

Bancroft, Hist. of the U.S., vol.4, p.73

In adopting a declaration of rights, the division which had shown itself in the committee was renewed. "Here," said Ward of Rhode Island, "no acts of parliament can bind. Giving up this point is yielding all." Against him spoke John Adams and Duane. "A right," said Lynch, "to bind us in one case may imply a right to bind us in all; but we are bound in none." The resolution of concession was arrested by the vote of five colonies against five, with Massachusetts and Rhode Island divided, but at last was carried by the influence of John Adams. Duane desired next to strike the Quebec act from the list of grievances; but of all the bad acts of parliament, Richard Henry Lee pronounced it the worst. His opinion prevailed upon a vote which Duane's reluctant adhesion made unanimous. Thus eleven acts of parliament or parts of acts, including the Quebec act and the acts specially affecting Massachusetts, were declared to be such infringements and violations of the rights of the colonies that the repeal of them was essentially necessary, in order to restore harmony between the colonies and Great Britain.

Bancroft, Hist. of the U.S., vol.4, p.73 - p.74

The congress had unanimously resolved from the first day of the coming December not to import any merchandise from Great Britain and Ireland. They could not agree upon an immediate non-exportation; if the redress of American grievances should be delayed beyond the tenth day of September of the following year, a resolution to export no merchandise to Great Britain, Ireland, and the West Indies after that date was carried, but against the voice of South Carolina. When the members proceeded to bind themselves to these measures by an association, three of the delegates of that colony refused their names. "The agreement to stop exports to Great Britain is unequal," reasoned Rutledge; "New England ships little or nothing there, but sends fish, its great staple, to Portugal or Spain; South Carolina annually ships rice to England to the value of a million and a half of dollars. New England would be affected but little by the prohibition; Carolina would be ruined;" and he and two of his colleagues withdrew from the congress. Gadsden, who never counted the cost of patriotism, remained in his place, and, trusting to the generosity of his constituents, declared himself ready to sign the association. All business was interrupted for several days, when congress recalled the seceders by allowing the unconditional export of rice.

Bancroft, Hist. of the U.S., vol.4, p.74

The association further adopted without opposition the memorable covenant which inaugurated the abolition of the slave-trade: "We will neither import nor purchase any slave imported after the first day of December next, after which time we will wholly discontinue the slave-trade, and will neither be concerned in it ourselves, nor will we hire our vessels nor sell our commodities or manufactures to those who are concerned in it."

Bancroft, Hist. of the U.S., vol.4, p.74

This first American congress brought forth another measure, which was without an example. It recognised the political being and authority of the people. While it refused to petition parliament, it addressed the people of the provinces from Nova Scotia to Florida, the people of Canada, the people of Great Britain, making the printing press its ambassador to the rising power.

Bancroft, Hist. of the U.S., vol.4, p.74 - p.75

To the British people whom they described as having been "led to greatness by the hand of liberty," and as "heirs to the rights of men," they said, in the language of Jay: "Know that we consider ourselves, and do insist that we are, and ought to be, as free as our fellow-subjects in Britain, and that no power on earth has a right to take our property from us without our consent. Prior to the era," of 1763," you were content with wealth produced by our commerce. You restrained our trade in every way that could conduce to your emolument. You exercised unbounded sovereignty over the sea." Assenting to these restrictions, they demonstrated that a victory over the rights of America would not only be barren of advantage to the English nation, but increase their public debt, pensioners, and place-men, diminish their commerce, and lead to the overthrow of their liberties by violence and corruption. Nor did the descendant of Huguenots fail to make for them an appeal as Protestants to Protestant Scotland and England. Finally they said: "To your justice we appeal. You have been told that we are impatient of government and desirous of independency. These are calumnies. Permit us to be as free as yourselves, and we shall ever esteem a union with you to be our greatest glory and our greatest happiness. But if you are determined that your ministers shall wantonly sport with the rights of mankind; if neither the voice of justice, the dictates of law, the principles of the constitution, or the suggestions of humanity, can restrain your hands from shedding human blood in such an impious cause, we must then tell you that we will never submit to be hewers of wood or drawers of water for any ministry or nation in the world."

Bancroft, Hist. of the U.S., vol.4, p.75 - p.76

A second congress was appointed for May of the next year, at which all the colonies of North America, including Nova Scotia and Canada, were invited to appear by their deputies. The ultimate decision of America was then imbodied in a petition to the king, written by Dickinson, and imbued in every line with a desire for conciliation. In the list of grievances, congress enumerated the statutes, and those only, which had been enacted since the year 1763 for the very purpose of changing the constitution or the administration of the colonies. They justified their discontent by historic tradition, and by the ideas of right. "So far from promoting innovations," said they truly, "we have only opposed them; and can be charged with no offence, unless it be one to receive injuries and be sensible of them." Acquiescing in the restrictions on their ships and industry, they professed a readiness on the part of the colonial legislatures to make suitable provision for the administration of justice, the support of civil government, and for defence, protection, and security in time of peace; in case of war, they pledged the colonies to "most strenuous efforts in granting supplies and raising forces." But the privilege of thus expressing their affectionate attachment they would "never resign to any body of men upon earth." "We ask," they continued, "but for peace, liberty, and safety. We wish not a diminution of the prerogative, nor the grant of any new right. Your royal authority over us, and our connection with Great Britain, we shall always support and maintain;" and they besought of the king, "as the loving father of his whole people, his interposition for their relief and a gracious answer to their petition."

Bancroft, Hist. of the U.S., vol.4, p.76

From complacency toward Rockingham, they passed over the declaratory act in silence; and they expressed their assent to the power of regulating commerce. But the best evidence of their sincerity is found in the measure which they recommended. Had independence been their object, they would have strained every nerve to increase their exports and fill the country in return with the manufactures and munitions which they required. The suspension of trade was the most disinterested manner of expressing to the mother country how deeply they felt their wrongs, and how earnestly they desired a peaceful restoration of reciprocal confidence. While Britain found another market for her surplus manufactures and India goods, the American merchant sacrificed nearly his whole business. The exchequer might perhaps suffer some diminution in the revenue from tobacco, but the planters of Maryland and Virginia gave up the entire exchangeable produce of their estates. The cessation of the export of provisions to the West Indies, of flaxseed to Ireland, injured the northern provinces very deeply; and yet it would touch only the British merchants who had debts to collect in the West Indies or Ireland, or the English owners of West Indian or Irish estates. Every refusal to import was made by the colonist at the cost of personal comfort; every omission to export was a waste of his resources. Moreover, no means existed of enforcing the agreement; so that the truest patriots would suffer most. And yet the people so yearned for a bloodless restoration of the old relations with Britain that they cheerfully entered on the experiment, in the hope that the extreme self-denial of the country would distress British commerce enough to bring the government to reflection.

Bancroft, Hist. of the U.S., vol.4, p.76 - p.77

But, since the efforts to avert civil war might fail, John Adams was anxious to see New England provided with "cash and gunpowder." Ward of Rhode Island foretold that America was to light all the nations of the earth to freedom. "Were I to suffer as a rebel in the cause of American liberty, should I not be translated immediately to heaven as Enoch was of old?" wrote Hewes of North Carolina. Samuel Adams urged his friends to study the art of war, and organize resistance. "I would advise," said be, "persisting in our struggle, though it were revealed from heaven that nine hundred and ninety-nine were to perish, and only one of a thousand to survive and retain his liberty. One such freeman must possess more virtue and enjoy more happiness than a thousand slaves; and let him propagate his like, and transmit to them what he hath so nobly preserved." "Delightful as peace is," said Dickinson, "it will come more grateful by being unexpected." Washington foresaw that the measures of congress would not prove effectual. When Patrick Henry read the words of Hawley, "After all, we must fight," he raised his hand, and called God to witness as he cried out: "I am of that man's mind."

Chapter 5:

How Britain Began Catholic Emancipation, and

How Virginia Nullified the Quebec Act,

October-November 1774

Bancroft, Hist. of the U.S., vol.4, p.78

THE congress of 1774 contained statesmen of the highest order of wisdom. For eloquence, Patrick Henry was unrivalled; next to him in debate stood the elder Rutledge, of South Carolina; "but, if you speak of solid information and sound judgment," said Patrick Henry, "Washington is unquestionably the greatest man of them all."

Bancroft, Hist. of the U.S., vol.4, p.78

While the delegates of the twelve colonies were in session in Philadelphia, ninety of the members just elected to the Massachusetts assembly appeared on Wednesday, the fifth of October, at the court-house in Salem. After waiting two days for the governor, they passed judgment on his unconstitutional proclamation against their meeting; and, resolving themselves into a provincial congress, they adjourned to Concord. There, on the eleventh, the members, about two hundred and sixty in number, elected John Hancock their president. On the fourteenth, they sent a message to the governor, that for want of a general assembly they had convened in congress; and they remonstrated against his hostile preparations. A committee from Worcester county made to him similar representations.

Bancroft, Hist. of the U.S., vol.4, p.78 - p.79

To the provincial congress, which had again adjourned from Concord to Cambridge, Gage made answer by recriminations. They were surrounded by difficulties. A committee, appointed on the twenty-fourth of October to consider the proper time to provide a stock of powder, ordnance, and ordnance stores, reported on the same day that the proper time was come. Upon the debate for raising money to prepare for the crisis, one member proposed to appropriate a thousand pounds, another two thousand; a committee reported a sum of less than ninety thousand dollars as a preparation against a most wealthy and warlike empire. They elected three general officers by ballot. A committee of safety, Hancock and Warren being of the number, was invested with power to alarm and muster the militia of the province, of whom one fourth were to hold themselves ready to march at a minute's notice.

Bancroft, Hist. of the U.S., vol.4, p.79

In Connecticut, which, from its compactness, numbers, and wealth, was second only to Massachusetts in military resources, the legislature of 1774 provided for effectively organizing the militia, prohibited the importation of slaves, and ordered the several towns to provide double the usual quantity of powder, ball, and flints. They directed the issue of fifteen thousand pounds in bills of credit of the colony, and made a small increase of the taxes. This was the first issue of paper money in the colonies preparatory to war.

Bancroft, Hist. of the U.S., vol.4, p.79

The congress of Massachusetts, in like manner, directed the people of the province to perfect themselves in military skill, and each town to provide a full stock of arms and ammunition. Having voted to pay no more money to the royal collector, they chose a receiver-general of their own, and instituted a system of provincial taxation. They appointed executive committees of safety, of correspondence, and of supplies. As the continental congress would not sanction their resuming the charter from Charles I., they adhered as nearly as possible to that granted by William and Mary; and summoned the councillors, duly elected under that charter, to give attendance on the fourth Wednesday of November, to which time they adjourned. To their next meeting they referred the consideration of the propriety of sending agents to Canada.

Bancroft, Hist. of the U.S., vol.4, p.79

The troubles with the thirteen colonies led the court of Great Britain to its first step in the emancipation of Catholics; and, with no higher object in view than to strengthen the authority of the king in America, the Quebec act of 1774 began that series of concessions which at last opened the British parliament and the high offices of administration to "papists."

Bancroft, Hist. of the U.S., vol.4, p.79 - p.80

In the belief that the loyalty of its possessions had been promoted by a dread of the French settlements on their northern and western frontier, Britain sought to create under its own auspices a distinct empire, suited to restrain her original colonies from aspiring to independence. For this end, it annexed by act of parliament to the province which was called Quebec all the territory north-west of the Ohio, as far as the Mississippi river and thence to the head of Lake Superior; and consolidated all authority over this boundless region in the hands of the executive power of Great Britain. The Catholics were not displeased that the promise of a representative assembly was not kept. In 1763, they had all been disfranchised in a land where there were few Protestants, except attendants on the army and government officials. A representative assembly, to which none but Protestants could be chosen, would have subjected almost all the inhabitants to a resident oligarchy, hateful by their race and religion, their supremacy as conquerors, and their selfishness. The Quebec act authorized the crown to confer posts of honor and of business upon Catholics; and they chose rather to depend on the clemency of the king than to have an exclusively Protestant parliament, like that of Ireland. This limited political toleration left no room for the sentiment of patriotism. The French Canadians of that day could not persuade themselves that they had a country. They would have desired an assembly to which they should be eligible; but, since that was not to be obtained, they accepted their partial enfranchisement by the king, as a boon to a conquered people.

Bancroft, Hist. of the U.S., vol.4, p.80

The owners of estates were gratified by the restoration of the French system of law. The English emigrants might complain of the want of jury trials in civil processes; but the French Canadians were grateful for relief from statutes which they did not comprehend, and from the chicanery of unfamiliar courts. The nobility of New France, who had ever been accustomed to arms, were still further conciliated by the proposal to enroll Canadian battalions, in which they could hold commissions on equal terms with English officers.

Bancroft, Hist. of the U.S., vol.4, p.80 - p.81

The capitulation of New France had guaranteed to the clergy freedom of public worship; by the Quebec act they were confirmed in the possession of their ancient churches and their revenues; so that the Roman Catholic worship was as effectually established in Canada as the Presbyterian church in Scotland. When Carleton returned to his government, bearing this great measure of conciliation of which he was known to have been the adviser, he was welcomed by the Catholic bishop and priests of Quebec with professions of loyalty; and the memory of Thurlow and Wedderburn, who carried the act through parliament, is gratefully embalmed in Canadian history. Yet the clergy were conscious that the concession of these privileges was but an act of worldly policy, mainly due to the disturbed state of the Protestant colonies. For the cause of Great Britain, Catholic Canada could not uplift the banner of the King of heaven or seek the perils of martyrdom.

Bancroft, Hist. of the U.S., vol.4, p.81

Such was the frame of mind of the French Canadians when the American congress sent among them its appeal. The time was come for applying the new principle of the power of the people to the old divisions in Christendom between the Catholic and the Protestant world. The Catholic church asserts the unity, the universality, and the unchangeableness of truth; and this principle rather demands than opposes universal emancipation and brotherhood. Yet Protestantism, in the sphere of politics, had hitherto been the representative of that increase of popular liberty which had grown out of free inquiry, while the Catholic church, under the early influence of Roman law and the temporal sovereignty of the Roman pontiff, had inclined to monarchical power. These relations were now to be modified.

Bancroft, Hist. of the U.S., vol.4, p.81 - p.82

The thirteen colonies were all Protestant; even in Maryland the Catholics formed scarcely an eighth, perhaps not more than a twelfth part of the population; their presence in other provinces, except Pennsylvania, was hardly perceptible. The members of congress had not wholly purged themselves of Protestant bigotry. In their address to the people of Great Britain, it was even said that the Roman Catholic religion had "dispersed impiety, bigotry, persecution, murder, and rebellion through every part of the world." But the desire of including Canada in the confederacy compelled the Protestants of America to extend the principle of religious equality and freedom to Catholics. In the masterly address to the inhabitants of the province of Quebec, drawn by Dickinson, all old religious jealousies were condemned as low-minded infirmities; and the Swiss cantons were cited as examples of a union composed of Catholic and Protestant states.

Bancroft, Hist. of the U.S., vol.4, p.82

After a clear analysis of the Quebec act, and the contrast of its provisions with English liberties, the shade of Montesquieu was evoked as saying to the Canadians: "The happiness of a people inevitably depends on their liberty, and their spirit to assert it. The value and extent of the advantages tendered to you are immense. This work is not of man; you have been conquered into liberty, if you act as you ought. Seize the opportunity presented to you by Providence itself. You are a small people, compared to those who with open arms invite you into a fellowship. The injuries of Boston have roused and associated every colony from Nova Scotia to Georgia. Your province is the only link wanting to complete the bright and strong chain of union. Nature has joined your country to theirs; do you join your political interests; for their own sakes, they never will desert or betray you."

Bancroft, Hist. of the U.S., vol.4, p.82

Whether the unanimous invitation of congress to the Canadians to "accede to their confederation" should be accepted or repelled, the old feud between members of the Roman Catholic church and the free governments which had sprung from Protestantism was coming to an end.

Bancroft, Hist. of the U.S., vol.4, p.82

The attempt to extend the jurisdiction of Quebec to the Ohio river was resisted by the older colonies, especially by Virginia; and the interest of the crown officers in the adjacent provinces was at variance with the policy of parliament.

Bancroft, Hist. of the U.S., vol.4, p.82

Lord Dunmore had reluctantly left New York, where, during his short career, he had acquired fifty thousand acres of land, and, as chancellor, was preparing to decide in his own court, in his own favor, a large and unfounded claim which he had preferred against the lieutenant-governor. Upon entering on the government of Virginia, his passion for land and fees outweighing the proclamation of the king and reiterated and most positive instructions from the secretary of state, he supported the claims of the colony to the West, and was a partner in two immense purchases of land from the Indians in southern Illinois. In 1773, his agents, the Bullets, made surveys at the falls of the Ohio; and parts of Louisville and of the towns opposite Cincinnati are now held under his warrant.

Bancroft, Hist. of the U.S., vol.4, p.83

Pittsburg formed the rallying point for western emigration and Indian trade. It was a part of the county of Westmoreland, in Pennsylvania. Suddenly, and without proper notice to the council of that province, Dunmore extended his jurisdiction over the well-peopled region. He found a willing instrument in one John Connolly, a native of Pennsylvania, a physician, land-jobber, and subservient political intriguer, who had travelled much in the Ohio valley both by water and land. Commissioned by Dunmore as captain-commandant of Pittsburg and its dependencies, that is to say, of all the western country, Connolly opened the year 1774 with a proclamation of his authority, and directed a muster of the militia. The western people, especially the emigrants from Maryland and Virginia, spurning the meek tenets of the Quakers, inclined to the usurpation. The measures of the governor and council of Pennsylvania in support of their right, Dunmore passionately resented as a personal insult, and would neither listen to irrefragable arguments, nor to candid oilers of settlement by joint commissioners, nor to the personal application of two of the council of Pennsylvania.

Bancroft, Hist. of the U.S., vol.4, p.83 - p.84

Virginia avoided strife with her great neighbor, Pennsylvania; but she applauded Dunmore when he set at naught the Quebec Act, and kept possession of the government and right to grant lands on the Scioto, the Wabash, and the Illinois. South of the Ohio river, Franklin's inchoate province of Vandalia stretched from the Alleghanies to Kentucky river; the treaty at Fort Stanwix bounded Virginia by the Tennessee; the treaty at Lochaber carried its limit only to the mouth of the Great Kanawha; but the king's instructions confined settlements to the east of the mountains. There was no one, therefore, having authority to give a title to any land west of the Alleghanies, or power to restrain the restlessness of the American emigrants. With the love of wandering that formed a part of their nature, the hardy backwoodsman, clad in a hunting-shirt and deerskin leggins, armed with a rifle, a powderhorn, and a pouch for shot and bullets, a hatchet and a hunter's knife, descended the mountains in quest of more distant lands, which he forever imagined to be richer and lovelier than those which he knew. Wherever he fixed his halt, the hatchet hewed logs for his cabin, and blazed trees of the forest kept the record of his title-deeds; nor did he conceive that a British government had any right to forbid the occupation of lands which were either uninhabited or only broken by a few scattered clans of savages.

Bancroft, Hist. of the U.S., vol.4, p.84

The adventurer in search of a new home on the banks of the Mississippi risked his life at every step; so that a system of independent defence and private war became the custom of the backwoods. The settler had every motive to preserve peace, yet he could not be turned from his purpose by fear, and trusted for security to his perpetual readiness for self-defence. Not a twelvemonth passed away without a massacre of pioneers. Near the end of 1773, Daniel Boone would have taken his wife and children to Kentucky. At Powell's valley he was joined by five families and forty men. In October, as they approached Cumberland gap, the young men, who had charge of the pack-horses and cattle in the rear, were suddenly attacked by Indians; one only escaped; the remaining six, among whom was Boone's eldest son, were killed on the spot, so that the survivors of the party were forced to turn back to the settlements on Clinch river. When the Cherokees were summoned by Virginia to give up the offenders, they evaded the accusation by shifting it from one tribe to another; but one of the emigrant party who had escaped avenged his companions by killing an Indian at a horse-race on the frontier. This was the first Indian blood shed by a white man from the time of the treaty of Bouquet.

Bancroft, Hist. of the U.S., vol.4, p.84

In the beginning of February 1774, the Indians killed six white men and two negroes, and near the end of the same month they seized a trading canoe on the Ohio, killed the men on board, and carried their goods to the Shawnee towns. In March, Michael Cresap, after a skirmish and the loss of one man on each side, took from a party of Indians five loaded canoes. It became known that messages were passing between the tribes of the Ohio, the western Indians, and the Cherokees; and Connolly, from Pittsburg, on the twenty-first of April, wrote to the inhabitants of Wheeling to be on the alert.

Bancroft, Hist. of the U.S., vol.4, p.84 - p.85

Incensed by the succession of murders, the backwoodsmen began to form war-parties along the frontier from the Cherokee country to Pennsylvania. When the letter of Connolly fell into Cresap's hands, he and his party esteemed themselves authorized to engage in private war; and, on the twenty-sixth of April, they fired upon two Indians who were with a white man in a canoe on the Ohio, and killed them both. On the thirtieth of April, five Delawares and Shawnees, with their women among whom was one at least of the same blood with Logan, happening to encamp near Yellow creek, on the site of the present town of Wellsville, were enticed across the river by a trader; and about noon, when they had become intoxicated, were murdered in cold blood. Two others, crossing the Ohio to look after their friends, were shot down as soon as they came ashore. At this, five more, who were following, turned their course; but, being immediately fired at, two were killed and two wounded. The next day a Shawnee was killed, and another man wounded. Thirteen Indians were killed be tween the twenty-first of April and the end of the month.

Bancroft, Hist. of the U.S., vol.4, p.85

At the tidings of this bloodshed, fleet messengers of the red men ran with the wail of war to the Muskingum and to the Shawnee villages in Ohio; and frequent expresses from the white men reached Williamsburg, entreating assistance. The governor, following an intimation from the assembly in May, ordered the militia of the frontier counties to be imbodied for defence. Meantime, Logan's soul called within him for revenge. In his early life he had dwelt near the beautiful plain of Shamokin, which overhangs the Susquehannah and the vale of Sunbury. There Zinzendorf introduced the Cayuga chief, Logan's father, to the Moravians; and there, three years later, Brainerd wore away life as a missionary among the fifty cabins of the village. Logan had grown up as the friend of white men; but the spirits of his kindred clamored for blood. With chosen companions, he went out upon the warpath, and added scalp to scalp, till their number was thirteen. "Now," said the chief, "I am satisfied for the loss of my relations, and will sit still."

Bancroft, Hist. of the U.S., vol.4, p.85 - p.86

But the Shawnees, the most warlike of the tribes, prowled from the Alleghany river to what is now Sullivan county in Tennessee. One of them returned with the scalps of forty men, women, and children. On the other hand, a party of white men, with Dunmore's permission, destroyed an Indian village on the Muskingum.

Bancroft, Hist. of the U.S., vol.4, p.86

To restrain the backwoodsmen and end the miseries which distracted the frontier, and to look after his own interests and his agents, Dunmore called out the militia of the South-west, and himself repaired to Pittsburg. In September he renewed peace with the Delawares and the Six Nations. Then, with about twelve hundred men, among whom was Daniel Morgan, with a company from the valley of Virginia, he descended the Ohio, and proceeded to the Shawnee towns, which he found deserted.

Bancroft, Hist. of the U.S., vol.4, p.86

The summons from Dunmore, borne beyond the Blue Ridge, roused the settlers on the Greenbrier, the New river, and the Holston. The Watauga republicans, who never owned English rule and never required English protection, heard the cry of their brethren in distress; and a company of nearly fifty of them, under the command of Evan Shelby, with James Robertson and Valentine Sevier as sergeants, marched as volunteers. The name of every one of them is preserved and cherished. Leaving home in August, they crossed the New river, and joined the army of western Virginia at Camp Union, on the great levels of Greenbrier. From that place, now called Lewisburg, to the mouth of the Great Kanawha, the distance is about one hundred and sixty miles. At that time there was not even a trace over the rugged mountains; but the young woodsmen who formed the advance party moved expeditiously with their pack-horses and droves of cattle through the home of the wolf, the deer, and the panther. After a fortnight's struggle, they left behind them the last rocky masses of the hill-tops; and, passing between the gigantic growth of primeval forests, in which at that season the golden hue of the linden, the sugar-tree, and the hickory contrasted with the glistening green of the laurel, the crimson of the sumach, and the shadows of the sombre hemlock, they descended to the widening valley of Elk river. Halting only to build canoes and receive a second party, which raised their force to nearly eleven hundred men, they descended the Kanawha, and on the sixth of October encamped on Point Pleasant, near its junction with the Ohio. But no message reached them from Dunmore.

Bancroft, Hist. of the U.S., vol.4, p.87

Of all the western Indians, the Shawnees were the fiercest. They made a boast of having killed ten times as many of the English as any other tribe. They stole through the forest with Mingoes and Delawares, to attack the army of southwestern Virginia. At daybreak, on the tenth, two young men, rambling up the Ohio in search of deer, fell on the Indians, who had crossed the river the evening before and were preparing for battle. One of the two was instantly shot down; the other bore the news to the camp. In two or three minutes after, Robertson and Sevier, of Shelby's company, came in and confirmed the account. Colonel Andrew Lewis, who had the command, instantly ordered out two divisions, each of one hundred and fifty men; the Augusta troops under his brother Charles Lewis, the Botetourt troops under Fleming. Just as the sun was rising, the Indians opened a heavy fire on both parties, wounding Charles Lewis mortally. Fleming was wounded thrice; and the Virginians must have given way but for successive reenforcements from the camp, where Andrew Lewis himself lingered to the end of the action. "Be strong," cried Cornstalk, the chief of the red men; and he animated them by his example. Till the hour of noon the combatants fought from behind trees, never above twenty yards apart, often within six, and sometimes near enough to strike with the tomahawk. At length the Indians, under the protection of the close underwood and fallen trees, retreated, till they gained an advantageous line extending from the Ohio to the Kanawha. A desultory fire was kept up on both sides till after sunset, when, under the favor of night, the savages fled across the river. The victory cost forty-nine lives, and about eighty men were wounded.

Bancroft, Hist. of the U.S., vol.4, p.87

This battle was the most bloody and best contested in the annals of forest warfare. The heroes of the day proved themselves worthy to found states. Among them were Isaac Shelby, the first governor of Kentucky; William Campbell; the brave George Matthews; Fleming; Andrew Moore, afterward a senator of the United States; Evan Shelby; James Robertson; Valentine Sevier; and Daniel Morgan. Their praise resounded not in the backwoods only, but through all Virginia.

Bancroft, Hist. of the U.S., vol.4, p.87 - p.88

Soon after the battle a reenforcement of three hundred troops arrived from Fincastle. Following orders tardily received from Dunmore, the army, leaving a garrison at Point Pleasant, dashed across the Ohio to defy new battles. After a march of eighty miles through an untrodden wilderness, on the twenty-fourth of October they encamped on the banks of Congo creek in Pickaway, near old Chillicothe. The disheartened Indians threw themselves on the mercy of the English; and at Camp Charlotte, which stood on the left bank of Sippo creek, about seven miles south-east of Circleville, Dunmore admitted them to a conference.

Bancroft, Hist. of the U.S., vol.4, p.88

Before the council was brought to a close the Shawnees agreed to deliver up their prisoners without reserve; to restore all horses and other property which they had carried off; to hunt no more on the Kentucky side of the Ohio; to molest no boats on the river; to regulate their trade by the king's instructions, and to deliver up hostages. Virginia has left on record her judgment, that Dunmore's conduct in this campaign was "truly noble, wise, and spirited." The results inured exclusively to the benefit of America. The Indians desired peace; the rancor of the white people changed to confidence. The royal governor of Virginia and the Virginian army in the valley of the Scioto nullified the act of parliament which extended the province of Quebec to the Ohio, and in the name of the king of Great Britain triumphantly maintained for Virginia the western and northwestern jurisdiction which she claimed as her chartered right.

Bancroft, Hist. of the U.S., vol.4, p.88 - p.89

The western Virginians, halting at Fort Gower, on the north of the Ohio, on the fifth of November, took their part in considering the grievances of their country. They were "blessed with the talents " to bear all hardships of the woods; to pass weeks comfortably without bread or salt; to sleep under the open sky; to march farther in a day than any men in the world; and to use the rifle with a precision that to all but themselves was a miracle. Professing zeal for the honor of America, and especially of Virginia, they held themselves bound to publish their sentiments; they promised continued allegiance to the king, if he would but reign over them as "a brave and free people." "But," said they, "as attachment to the real interests and just rights of America outweigh every other consideration, we resolve that we will exert every power within us for the defence of American liberty, when regularly called forth by the unanimous voice of our countrymen."

Bancroft, Hist. of the U.S., vol.4, p.89

On the ninth, the general committee of South Carolina summoned a convention of the inhabitants of their colony by representation. In the apportionment of representatives, Charleston, on the proposal of Charles Pinckney, obtained thirty, keeping up the inequality which began in the committee; at the desire of "the country gentlemen," six were allowed to each of nineteen parishes, which lay along the sea and in the lowlands; while all the upland territory was divided into four very large districts, to each of which ten only were conceded. This is the origin of the unequal distribution of political power which long prevailed in South Carolina; of one hundred and eighty-four representatives, the low country elected all but forty.

Bancroft, Hist. of the U.S., vol.4, p.89

On the twenty-first, the Maryland convention was reassembled, and unanimously approved the proceedings of congress It most earnestly recommended that all former differences about religion or politics, the feuds of so many generations between Catholics and Protestants, between the friends and the foes of the proprietary government, be forever buried in oblivion; it conjured every man, by his duty to God, his country, and his posterity, to unite in defence of their common rights and liberties; and it promised, to the utmost of its power, to support Massachusetts against the attempt to carry the late act of parliament into execution by force.

Chapter 6:

The Fourteenth Parliament of Great Britain,

October 1774-January 20, 1775

Bancroft, Hist. of the U.S., vol.4, p.90

"IT is the united voice of America to preserve their freedom, or lose their lives in defence of it. Their resolutions are not the effect of inconsiderate rashness, but the sound result of sober inquiry and deliberation. The true spirit of liberty was never so universally diffused through all ranks and orders of people in any country on the face of the earth as it now is through all North America. If the late acts of parliament are not to be repealed, the wisest step for both countries is to separate, and not to spend their blood and treasure in destroying each other. It is barely possible that Great Britain may depopulate North America; she never can conquer the inhabitants." So wrote Joseph Warren, and his words were the mirror of the passions of his countrymen. But the king never once harbored the thought of concession, and "left the choice of war or peace" to depend on the obedience of Massachusetts.

Bancroft, Hist. of the U.S., vol.4, p.90

At the elections to parliament the question was represented as though Massachusetts refused to pay a very moderate indemnity for property destroyed by a mob, and resisted an evident improvement in its administrative system from a deliberate conspiracy with other colonies to dissolve the connection with the mother country. Many of the members who were purchasing seats expected to reimburse themselves by selling their votes to the government.

Bancroft, Hist. of the U.S., vol.4, p.90 - p.91

Lord Varney, who had hitherto gratuitously brought Edmund Burke into parliament, had fallen into debt, and sold his borough for the most he could get. Burke coquetted with Wilkes for support at Westminster; "the great patriot" preferred Lord Mahon; but the borough elected tories. Burke fell into melancholy, and thought of renouncing public life, for which he owned himself unfit. There seemed for him no way into the house of commons except through a rotten borough belonging to Rockingham. This was his best hope, when, on the eleventh of October, he was invited to become a candidate at Bristol against Viscount Clare, who, in the debates on the stamp act, had stickled for "the peppercorn" from America. He hastened to the contest with alacrity, avowing for his principle the reconciliation of British superiority with American liberty; and, after a struggle of three weeks, he and Henry Cruger of New York were chosen to represent the great trading city of western England.

Bancroft, Hist. of the U.S., vol.4, p.91

Bristol was almost the only place which changed its representation to the advantage of America. Wilkes was successful in the county of Middlesex, and, after a ten years' struggle with the king, took his seat without opposition.

Bancroft, Hist. of the U.S., vol.4, p.91

William Howe was the candidate for Nottingham. To the questions of that liberal constituency he answered that the ministry had pushed matters too far; that the whole British army would not be sufficient to conquer America; that, if offered a command there, he would refuse it; and that he would vote for the repeal of the four penal acts of parliament.

Bancroft, Hist. of the U.S., vol.4, p.91 - p.92

The elections were over, when, on the eighteenth of November, letters of the preceding September, received from Gage, announced that the act of parliament for regulating the government of Massachusetts could be carried into effect only after the conquest of all the New England colonies; that the province had warm friends throughout the continent; that the people in Carolina were "as mad" as in Boston; that the country people in Massachusetts, Connecticut, and Rhode Island were exercising in arms and forming magazines of ammunition and such artillery, good and bad, as they could procure; that the civil officers of the British government had no asylum but Boston. In a private letter, Gage proposed that the obnoxious acts should be suspended. In an official paper he hinted that it would be well to cut the colonies adrift, and leave them to anarchy and repentance; they had grown opulent through Britain, and, were they cast off and declared aliens, they must become a needy people. The king heard these suggestions with scorn, and said to North: "The New England governments are now in a state of rebellion; blows must decide whether they are to be subject to this country or to be independent." Franklin warned his nearest friends that there was no safety for America but in total emancipation.

Bancroft, Hist. of the U.S., vol.4, p.92

The fourteenth parliament was opened on the last day of November. The speech from the throne fixed attention on the disobedience in Massachusetts. In the house of lords, Hillsborough moved an address, expressing abhorrence of the principles of that province. After a long and vehement debate, his motion prevailed by a vote of about five to one. But Rockingham, Shelburne, Camden, Stanhope, and five other peers, entered a protest against "the inconsiderate temerity which might precipitate the country into a civil war." "The king's speech," wrote Garnier to Vergennes, "will complete the alienation of the colonies. Every day makes conciliation more difficult and more needed."

Bancroft, Hist. of the U.S., vol.4, p.92

On the fifth of December the new house of commons debated the same subject. Fox, Burke, and others spoke warmly. The results of the congress had not arrived; Lord North could therefore say that America had as yet offered no terms; at the same time he avoided the irrevocable word rebellion. Some called the Americans cowards; some questioned their being in earnest; Barre declared the scheme of subduing them "wild and impracticable;" the minister was sustained by a very great majority.

Bancroft, Hist. of the U.S., vol.4, p.92

To escape impending difficulties, Lord North wished to send out commissioners of inquiry; but the king would not listen to it.

Bancroft, Hist. of the U.S., vol.4, p.92 - p.93

Friends of Franklin were next employed to ascertain the extent of his demands for America; and he wrote "hints on the terms that might produce a durable union between Great Britain and the colonies." Assuming that the tea duty act would be repealed, he offered payment for the tea that had been destroyed, support of the peace establishment and government, liberal aids in time of war on requisition by the king and parliament, and, if Britain would give up its monopoly of American commerce, a continuance of the same aids in time of peace. On the other hand, he asked the repeal of the Quebec act, and insisted on the repeal of the acts regulating the government and changing the laws of Massachusetts. "The old colonies," it was objected, "have nothing to do with the affairs of Canada." "We assisted in its conquest," said Franklin; "loving liberty ourselves, we wish to have no foundation for future slavery laid in America." "The Massachusetts act," it was urged, "is an improvement of that government." "The pretended amendments are real mischiefs," answered Franklin; "but, were it not so, charters are compacts between two parties, the king and the people, not to be altered even for the better but by the consent of both. The parliament's claim and exercise of a power to alter charters which had been always held inviolable, and to alter laws of the colonial legislatures which, having received the royal approbation, had been deemed fixed and unchangeable but by the powers that made them, have rendered all our constitutions uncertain. As by claiming a right to tax at will, you deprive us of all property, so, by this claim of altering our laws at will, you deprive us of all privilege and right but what we hold at your pleasure. We must risk life and everything rather than submit to this."

Bancroft, Hist. of the U.S., vol.4, p.93

The words of Franklin were in harmony with the true voice of England. "Were I an American," said Camden in the house of lords, "I would resist to the last drop of my blood." Still the annual estimates indicated no fear of the interruption of peace. The land-tax was continued at but three shillings in the pound; no vote of credit was required; the army was neither increased nor reformed; and the naval force was reduced by four thousand seamen. "How is it possible," asked the partisans of authority, "that a people without arms, ammunition, money, or navy, should dare to brave the foremost among all the powers on earth?" "I know," said Sandwich, now at the head of the admiralty, "the low establishment proposed will be fully sufficient for reducing the colonies to obedience. Americans are neither disciplined nor capable of discipline; their numbers will only add to the facility of their defeat;" and he made the lords merry with jests at their cowardice.

Bancroft, Hist. of the U.S., vol.4, p.94

The congress of Massachusetts, though destitute of munitions of war, armed vessels, military stores, and money, had confidence that a small people, resolute in its convictions, out weighs an empire. On the return of Samuel Adams, they adopted all the recommendations of the continental congress. They established a secret correspondence with Canada. They entreated the ministers of the gospel in their colony "to assist in avoiding that dreadful slavery with which all were now threatened." "You," said they to its people, "are placed by Providence in the post of honor, because it is the post of danger; while struggling for the noblest objects, let nothing unbecoming our character as Americans, as citizens, and Christians, be justly chargeable to us. Whoever considers the number of brave men inhabiting North America will know that a general attention to military discipline must so establish their rights and liberties as, under God, to render it impossible to destroy them. But we apprise you of your danger, which appears to us imminently great." With such words they adjourned, to keep the annual Thanksgiving which they them selves had appointed, finding occasion in their distress to rejoice at "the smiles of Divine Providence on the union in their own province and throughout the continent."

Bancroft, Hist. of the U.S., vol.4, p.94

As British ships of the line successively arrived, they brought for the land service no more than six hundred recruits, which only made good the losses by sickness and desertion; so that Gage had scarcely three thousand effective men. Before the middle of December it became known that the king in council had forbidden the export of arms to America; at once men from Providence removed more than forty pieces of cannon from the colony's works near Newport; and the assembly and merchants of Rhode Island took measures to import military stores.

Bancroft, Hist. of the U.S., vol.4, p.94

At Portsmouth, New Hampshire, on the fourteenth of December, just after letters were received from Boston, members of the town committee, with other Sons of Liberty, preceded by a drum and fife, paraded the streets till their number grew to four hundred, when they made their way in scows and "gondolas" to the fort at the entrance of the harbor, over powered the few invalids who formed its garrison, and carried off upward of one hundred barrels of powder that belonged to the province. The next day John Sullivan led a party to dismantle the fort, from which they brought away all the small arms, a quantity of shot, and sixteen light pieces of artillery.

Bancroft, Hist. of the U.S., vol.4, p.95

In Massachusetts three hundred thousand people continued their usual avocations without a legislature or executive officers, without sheriffs, judges, or justices of the peace. As the supervision of government disappeared, each man seemed more and more a law to himself, and order prevailed in a province where there existed no administration but by committees, no military officers but those chosen by the militia. Yet never were legal magistrates obeyed with more alacrity. The selectmen continued their usual functions; the zeal of the churches increased in fervor. From the sermons of memorable divines, who were gone to a heavenly country, leaving their names precious among the people of God on earth, a brief collection of faithful testimonies to the cause of God and his New England people was circulated by the press, that the hearts of the rising generation might know what had been the great end of the plantations, and count it their duty and their glory to continue in those right ways of the Lord wherein their fathers walked before them. Their successors in the ministry, all pupils of Harvard or Yale, true ministers to the people, unequalled in metaphysical acuteness and familiarity with the principles of political freedom, were heard as of old with reverence by their congregations in their meeting-houses on every Lord's day, and on special occasions of fasts, thanksgivings, lectures, and military musters. Elijah's mantle being caught up was a happy token that the Lord would be with this generation, as he had been with their fathers. Their exhaustless armory was the Bible, whose scriptures furnished sharp words to point their appeals, apt examples of resistance, prophetic denunciations of the enemies of God's people, and promises of the divine blessing on the defenders of his law.

Bancroft, Hist. of the U.S., vol.4, p.95 - p.96

But what most animated the country was the magnanimity of Boston; "suffering amazing loss, but determined to endure poverty and death, rather than betray America and posterity." Its people, under the eyes of the general, disregarding his army, his proclamations, and the British statute against town-meetings, came together according to their ancient forms, and, with Samuel Adams as moderator, elected delegates to the next provincial congress of Massachusetts.

Bancroft, Hist. of the U.S., vol.4, p.96

When the proceedings of congress reached England, their moderation, and unanimity took the ministry by surprise. Franklin invited the colonial agents to unite in present for petition of congress, but he was joined only by those Massachusetts. Dartmouth received it courteously, and before the king, who promised that it should be communicated to parliament.

Bancroft, Hist. of the U.S., vol.4, p.96

British industry in that age made every able-bodied man of so much value that considerable enlistments at home were out of the question; rank in the army was bestowed by favor or sold, so that even boys at school held commissions; and not one general officer of that day had gained a great name. Aristocratic selfishness had unfitted England for war, unless under a minister who could inspirit the nation. Barrington, the military secretary, pressed upon the government the result of his observations: "The contest will cost more than we can gain. We have not strength to levy internal taxes on America; many among ourselves doubt their equity; all the troops in North America are not enough to subdue the Massachusetts; the most successful conquest must produce the horrors of civil war. Till the factions chiefs can be secured, judicial proceedings would confer the palm of martyrdom without the pain;" and he urged an immediate withdrawal of the troops, the "abandonment of all ideas of internal taxation," and such "concessions as could be made "with dignity."

Bancroft, Hist. of the U.S., vol.4, p.96

Lord North was ready to negotiate with the Americans for the right to tax themselves. Franklin appeared to be the great agent of the continent; and, as it was still thought that his secret instructions might authorize him to modify the conditions of conciliation, Lord Howe undertook to ascertain the extent of his powers.

Bancroft, Hist. of the U.S., vol.4, p.96 - p.97

The name of Howe was dear to Americans. The elder Lord Howe had fallen near Lake George, as their companion in arms; and Massachusetts had raised to him a monument in Westminster Abbey. His brother, William Howe, who had served with Americans in America, was selected as the new colonial commander-in-chief; and his oldest surviving brother, now Lord Howe, was to be employed as the pacificator.

Bancroft, Hist. of the U.S., vol.4, p.97

"No man," said Lord Howe to Franklin at their first interview on Christmas-day evening, 1774, "can do more toward reconciling our differences than you. I have a particular regard for New England, which has shown an endearing respect for my family. If you will indulge me with your ideas, I may be a means of bringing on a good understanding." At the unexpected prospect of restoring harmony, tears of joy wet Franklin's cheeks. He had remained in London at the peril of his liberty, perhaps of his life, to promote reconciliation. With candor and fidelity he explained the measures by which alone tranquillity could be restored; and they included the repeal of the regulating act for Massachusetts.

Bancroft, Hist. of the U.S., vol.4, p.97

Lord Howe made his report of the interview to Dartmouth and North; but they adhered to the vague and aimless plan of commissioners who should repair to America and endeavor to agree with its leading people upon some means of composing all differences. Every prospect of preferment was opened to Franklin if he would take part in such a commission. In reply he frankly pointed out, as the only basis for a cordial union, the repeal of the acts complained of; the removal of the fleet and the troops from Boston; and a voluntary recall of some oppressive measures which the colonists had passed over in silence; leaving the questions which related to aids, general commerce, and reparation to the India company, to be arranged with the next general congress.

Bancroft, Hist. of the U.S., vol.4, p.97

The assembly of the island of Jamaica, at their session in December, disclaiming any intention of joining the American confederacy, entreated the king to recognise the title of all Americans to the benefits of the English constitution as the bond of union between them and Britain; but their petition, though received by the king and communicated to the house of commons, had no effect whatever.

Bancroft, Hist. of the U.S., vol.4, p.97 - p.98

"It is plain enough," so reasoned Vergennes, "the king of England is puzzled between his desire of reducing the colonies and his dread of driving them to a separation; so that nothing could be more interesting than their affairs." As the king of France might be asked to render them assistance, the English support of the Corsicans was cited as a precedent to the French embassy at London, and brought before the cabinet at Versailles. To Louis XVI., Vergennes in the same month explained that the proceedings of the continental congress contained the germ of a rebellion; that, while the Americans really desired a reconciliation with the mother country, the ministry, from their indifference, would prevent its taking place; that Lord North was disconcerted by the unanimity and vigor of the colonies; and that France had nothing to fear but the return of Chatham to power.

Bancroft, Hist. of the U.S., vol.4, p.98

The interests of Britain required Chatham's return; for he thoroughly understood alike the policy of the French, and the disposition of the colonies. In his interview with Americans, he said, without reserve: "America, under all her oppressions and provocations, holds out to us the most fair and just opening for restoring harmony and affectionate intercourse." No public body ever gained so full and unanimous a recognition of its integrity and its wisdom as the general congress of 1774. Its policy sprung so necessarily out of the relations of free countries to their colonies, that within a few years it was adopted by all British statesmen, and for three quarters of a century regulated the colonial administration of every successive ministry, till it finally gave way to a system of navigation even far more liberal than the American congress had ventured to propose.

Bancroft, Hist. of the U.S., vol.4, p.98 - p.99

The day after Franklin's first conversation with Lord Howe, Chatham received him at Hayes. "The congress," said he, "is the most honorable assembly of statesmen since those of the ancient Greeks and Romans in the most virtuous times." He thought the petition to the king "decent, manly, and properly expressed." He questioned the assertion that the keeping up an army in the colonies in time of peace required their consent; with that exception, he admired and honored the whole of the proceedings. "The army at Boston," said Franklin, cannot answer any good purpose, and may be infinitely mischievous. No accommodation can be properly entered into by the Americans while the bayonet is at their breasts. To have an agreement binding, all force should be withdrawn." The words sank deeply into the mind of Chatham, and he promised his utmost efforts to the American cause, as the last hope of liberty for England. "I shall be well prepared," said he, "to meet the ministry on the subject, for I think of nothing else both night and day."

Bancroft, Hist. of the U.S., vol.4, p.99

To unite every branch of the opposition in one line of policy, Chatham desired a cordial junction with the Rockingham whigs. That party had only two friends who spoke in the house of lords, and in the house of commons was mouldering away. And yet Rockingham was impracticable. "I look back," he said, "with very real satisfaction and content on the line which I, indeed, emphatically I, took in the year 1766; the stamp act was repealed, and the doubt of the right of this country was fairly faced and resisted." Burke believed that the Americans would not preserve their unanimity, and that the controversy would derive its chief importance from its aspect on parties in England. He was still fondly supporting the omnipotence of parliament over the colonies, and derided Chatham as the best bower anchor of the ministry.

Bancroft, Hist. of the U.S., vol.4, p.99

Chatham divined that peril was near, and could be averted only by limiting the assertion by parliament of its absolute power in all cases whatever. To further that end, the aged statesman paid a visit to Rockingham. At its opening, Chatham's countenance beamed with cordiality; but Rockingham perversely insisted on maintaining the declaratory act. "The Americans have not called for its repeal," was his reply to all objections; and he never could be made to comprehend that congress had restrained itself only from a reluctance to embarrass him and his friends. The opposition, thus divided, became helpless.

Bancroft, Hist. of the U.S., vol.4, p.99

The majority of the cabinet, instead of respecting Lord North's scruples, were intriguing to get him turned out, and his place supplied by a thorough assertor of British supremacy. At a cabinet council held on the twelfth of January 1775, his colleagues refused to find in the proceedings of congress any honorable basis for conciliation. It was therefore resolved to interdict all commerce with the Americans, to protect the loyal, and to declare all others traitors and rebels.

Bancroft, Hist. of the U.S., vol.4, p.99 - p.100

At the meeting of parliament after the holidays, Lord North presented papers relating to America. They reminded Chatham of the statesman who said to his son: "See with how little wisdom this world of ours is governed;" and he pictured to himself Ximenes and Cortes in the shades discussing the merits of the ministers of England.

Bancroft, Hist. of the U.S., vol.4, p.100 - p.101

The twentieth of January 1775 was the first day of the session in the house of lords. It is not probable that even one of the peers had heard of the settlements beyond the Alleghanies, where the Watauga and the forks of Holston flow to the Tennessee. Yet, on the same day, the lords of that region, most of them Presbyterians of Scottish-Irish descent, met in council near Abingdon. Their united congregations, having suffered from sabbaths too much profaned, or wasted in melancholy silence at home, had called Charles Cummings to the pastoral charge of their precious and immortal souls. The men never went to public worship without being armed, or without their families. Their minister, on sabbath morning, would ride to the service armed with shot-pouch and rifle. Their meeting-house was a large cabin of unhewn logs; and, when about twice in the year the bread and cup were distributed, the table was spread outside of the church in the neighboring grove. The news from congress reached them slowly; but, on receiving an account of what had been done, they assembled in convention, and the spirit of freedom swept through their minds as naturally as the ceaseless forest wind sways the firs on the sides of the Black Mountains. They adhered unanimously to the association of congress, and named as their committee Charles Cummings their minister, Preston, Christian, Arthur Campbell, John Campbell, Evan Shelby, and others. Adopting the delegates of Virginia as their representatives, they addressed them as men whose conduct would immortalize them in its annals. "We explored," said they, "our uncultivated wilderness, bordering on many nations of savages, and surrounded by mountains almost inaccessible to any but these savages; but even to these remote regions the hand of power hath pursued us, to strip us of that liberty and property with which God, nature, and the rights of humanity have vested us. We are willing to contribute all in our power, if applied to constitutionally, but cannot think of submitting our liberty or property to a venal British parliament or a corrupt ministry. We are deliberately and resolutely determined never to surrender any of our inestimable privileges to any power upon earth but at the expense of our lives. These are our real though unpolished sentiments of liberty and loyalty, and in them we are resolved to live and die."

Bancroft, Hist. of the U.S., vol.4, p.101

While they were publishing the declaration which they were sure to make good, Chatham was attempting to rouse the ministry from its indifference. By a special appointment he met Franklin in the lobby of the house of lords, and saying to him, "Your presence at this day's debate will be of more service to America than mine," he walked with him arm in arm, and placed him conspicuously below the bar.

Bancroft, Hist. of the U.S., vol.4, p.101

So soon as Dartmouth had laid the papers before the house, Chatham, after inveighing against the dilatoriness of the communication, moved to address the king for "immediate orders to remove the forces from the town of Boston as soon as possible."

Bancroft, Hist. of the U.S., vol.4, p.101

"My lords!" he continued, "the way must be immediately opened for reconciliation; an hour now lost may produce years of calamity. This measure of recalling the troops from Boston is preparatory to the restoration of your peace and the establishment of your prosperity.

Bancroft, Hist. of the U.S., vol.4, p.101

"Resistance to your acts was necessary as it was just; and your vain declarations of the omnipotence of parliament, and your imperious doctrines of the necessity of submission, will be found equally impotent to convince or enslave your fellow-subjects in America, who feel that tyranny, whether ambitioned by an individual part of the legislature," so he described the king, "or by the bodies who compose it, is equally intolerable to British subjects.

Bancroft, Hist. of the U.S., vol.4, p.101 - p.102

"The means of enforcing this thraldom are as weak in practice as they are unjust in principle. General Gage and the troops under his command are penned up, pining in inglorious inactivity. They are an army of impotence; and, to make the folly equal to the disgrace, they are an army of irritation. But this tameness, however contemptible, cannot be censured; for the first drop of blood shed in civil and unnatural war will make a wound that years, perhaps ages, may not heal. Their force would be most disproportionately exerted against a brave, generous, and united people with arms in their hands and courage in their hearts: three millions of people, the genuine descendants of a valiant and pious ancestry, driven to those deserts by the narrow maxims of a superstitious tyranny. And is the spirit of persecution never to be appeased? Are the brave sons of those brave forefathers to inherit their sufferings, as they have inherited their virtues? They have been condemned unheard. The indiscriminate hand of vengeance has lumped together innocent and guilty; with all the formalities of hostility, has blocked up the town of Boston, and reduced to beggary and famine thirty thousand inhabitants.

Bancroft, Hist. of the U.S., vol.4, p.102

"But his majesty is advised that the union in America cannot last! I pronounce it a union, solid, permanent, and effectual. Its real stamina are the cultivators of the land; in their simplicity of life is found the integrity and courage of freedom. These true sons of the earth are invincible. What though you march from town to town and from province to province! How shall you be able to secure the obedience of the country you leave behind you in your progress to grasp the dominion of eighteen hundred miles of continent?

Bancroft, Hist. of the U.S., vol.4, p.102

"The spirit which now resists your taxation in America is the same which formerly opposed loans, benevolences, and ship-money in England; the same which, by the bill of rights, vindicated the English constitution; the sane which established the essential maxim of your liberties, that no subject of England shall be taxed but by his own consent. This glorious spirit of whiggism animates three millions in America, aided by every whig in England, to the amount, I hope, of double the American numbers. Ireland they have to a man.

Bancroft, Hist. of the U.S., vol.4, p.102

"Let this distinction then remain forever ascertained: taxation is theirs, commercial regulation is ours. They say you have no right to tax them without their consent; they say truly. I recognise to the Americans their supreme, unalienable right in their property, a right which they are justified in the defence of to the last extremity. To maintain this principle is the great common cause of the whigs on the other side of the Atlantic, and on this. "Tis liberty to liberty engaged;" the alliance of God and nature, immutable and eternal.

Bancroft, Hist. of the U.S., vol.4, p.103

"To such united force, what force shall be opposed? A few regiments in America, and seventeen or eighteen thousand men at home! The idea is too ridiculous to take up a moment of your lordships' time. Unless the fatal acts are done away, the hour of danger must arrive in all its horrors, and then these boastful ministers, spite of all their confidence, shall be forced to abandon principles which they avow, but cannot defend; measures which they presume to attempt, but cannot hope to effectuate.

Bancroft, Hist. of the U.S., vol.4, p.103

"It is not repealing a piece of parchment that can restore America to our bosom: you must repeal her fears and her resentments, and you may then hope for her love and gratitude. United as they are, you cannot force them to your unworthy terms of submission.

Bancroft, Hist. of the U.S., vol.4, p.103

"When your lordships look at the papers transmitted us from America, when you consider their decency, firmness, and wisdom, you cannot but respect their cause, and wish to make it your own. For myself, I must avow that in all my reading—and I have read Thucydides and have studied and admired the master-states of the world—for solidity of reason, force of sagacity, and wisdom of conclusion under a complication of difficult circumstances, no body of men can stand in preference to the general congress at Philadelphia. The histories of Greece and Rome give us nothing equal to it, and all attempts to impose servitude upon such a mighty continental nation must be vain. We shall be forced ultimately to retract; let us retract while we can, not when we must. These violent acts must be repealed; you will repeal them; I stake my reputation on it, that you will in the end repeal them. Avoid, then, this humiliating necessity. With a dignity becoming your exalted situation, make the first advances to concord, peace, and happiness, for that is your true dignity. Concession comes with better grace from superior power, and establishes solid confidence on the foundations of affection and gratitude. Be the first to spare; throw down the weapons in your hand.

Bancroft, Hist. of the U.S., vol.4, p.103 - p.104

"Every motive of justice and policy, of dignity and of prudence, urges you to allay the ferment in America by a removal of your troops from Boston, by a repeal of your acts of parliament, and by demonstrating amicable dispositions and every hazard impend, foreign war hanging over you by a thread, France and Spain watching your conduct, and waiting for the maturity of your errors.

Bancroft, Hist. of the U.S., vol.4, p.104

"If the ministers persevere in thus misadvising and misleading the king, I will not say that the king is betrayed, but I will pronounce that the kingdom is undone; I will not say that they can alienate the affections of his subjects from his crown, but I will affirm that, the American jewel out of it, they will make the crown not worth his wearing."

Bancroft, Hist. of the U.S., vol.4, p.104

The words of Chatham, when reported to the king, recalled his last interview with George Grenville, and stung him to the heart. He raved at the wise counsels of the greatest statesman of his dominions, as the words of an abandoned politician, "void of gratitude"; and months afterward was looking for the time "when decrepitude or age should put an end to him as the trumpet of sedition."

Bancroft, Hist. of the U.S., vol.4, p.104

With a whining delivery, of which the bad effect was heightened by violence, Suffolk, who boasted of having been one of the first to advise coercive measures, assured the house that, in spite of Lord Chatham's prophecy, the government was resolved to repeal not one of the acts, but to use all possible means to bring the Americans to obedience.

Bancroft, Hist. of the U.S., vol.4, p.104

Shelburne gave his adhesion to the sentiments of Chatham, not from personal engagements, but solely from his conviction of their wisdom, justice, and propriety. Camden, who in the discussion surpassed every one but Chatham, returned to his old ground. "This," he declared, "I will say, not only as a statesman, politician, and philosopher, but as a common lawyer: my lords, you have no right to tax America; the natural rights of man and the immutable laws of nature are all with that people. King, lords, and commons are fine-sounding names; but king, lords, and commons may become tyrants as well as others; it is as lawful to resist the tyranny of many as of one. Somebody once asked the great Selden in what book you might find the law for resisting tyranny. 'It has always been the custom of England,' answered Selden, 'and the custom of England is the law of the land.'"

Bancroft, Hist. of the U.S., vol.4, p.105

"My lords," said Lord Gower, with contemptuous sneers, "let the Americans talk about their natural and divine rights! their rights as men and citizens! their rights from God and nature! I am for enforcing these measures." Rochford held Lord Chatham, jointly with the Americans, responsible in his own person for disagreeable consequences. Lyttelton reproached Chatham with spreading the fire of sedition, and the Americans with designing to emancipate themselves from the act of navigation.

Bancroft, Hist. of the U.S., vol.4, p.105

Chatham closed the debate by insisting on the right of Great Britain to regulate the commerce of the whole empire; but as to the right of the Americans to exemption from taxation, except by their implied or express assent, they derived it from God, nature, and the British constitution. Franklin with rapt admiration listened to the man who on that day had united the highest wisdom and eloquence. "His speech," said the young William Pitt, "was the most forcible that can be imagined; in matter and manner far beyond what I can express; it must have an infinite effect without doors, the bar being crowded with Americans."

Bancroft, Hist. of the U.S., vol.4, p.105

The statesmanship of Chatham and the close reasoning of Camden "availed no more than the whistling of the winds;" the motion was rejected by a vote of sixty-eight against eighteen; but the duke of Cumberland, one of the king's own brothers, was found in the minority. The king, triumphing in "the very handsome majority," was sure "nothing could be more calculated to bring the Americans to submission;" but the debate of that day, notwithstanding Rockingham had expressed his adherence to his declaratory act, went forth to the colonies as an assurance that the inevitable war would be a war with a ministry, not with the British people. It took from the contest the character of internecine hatred, and showed that the true spirit of England, which had grown great by freedom, was on the side of America. Its independence was foreshadowed, and three of Chatham's hearers on that day—Franklin, Shelburne, and his own son, William Pitt—never wearied in their exertions till their joint efforts established peace between Britain and the United States of America.

Chapter 7:

Parliament Declares Massachusetts in Rebellion,

January-February 1775

Bancroft, Hist. of the U.S., vol.4, p.106

NEITHER the king nor his ministers believed the hearty union of so vast a region as America possible. But, at the one extreme, New Hampshire in convention unanimously adhered to the recent congress, and elected delegates to the next. At the other, South Carolina, on the eleventh of January 1775, held a general meeting, which was soon resolved into a provincial congress, with Charles Pinckney for president. The deputies to the general congress were then called upon to explain why they had not included in the list of grievances the entire series of monopolies and restrictions; and they murmured at the moderation of Virginia, which had refused to look further back than 1763. But South Carolina wisely adopted the continental measures without change, completed her own internal organization, elected delegates to the general congress, encouraged her inhabitants to learn the use of arms, and asked their prayers that God would defend their just title to freedom, and "avert the impending calamities of civil war." If blood should be spilled in Massachusetts, her sons were to rise in arms.

Bancroft, Hist. of the U.S., vol.4, p.106 - p.107

On the twelfth, the representatives of the extensive district of Darien, in Georgia, assembling in a local congress, held up the conduct of Massachusetts to the imitation of mankind, joined in the resolutions of the grand American congress, and instructed their delegates to the provincial congress accordingly. They demanded liberal land laws to attract the distressed in Britain and "the poor of every nation." "To show the world," these were their words, "that we are not influenced by contracted or interested motives, but a general philanthropy for all mankind, of whatever climate, language, or complexion, we hereby declare our disapprobation and abhorrence of the unnatural practice of slavery in America (however the uncultivated state of our country or other specious arguments may plead for it); a practice founded in injustice and cruelty, and highly dangerous to our liberties as well as lives, debasing part of our fellow-creatures below men, corrupting the morals of the rest, and laying the basis of that liberty we contend for upon a very wrong foundation. We therefore resolve at all times to use our utmost endeavors for the manumission of our slaves in this colony, upon the most safe and equitable footing for the masters and themselves."

Bancroft, Hist. of the U.S., vol.4, p.107

The provincial congress, which was called to meet on the eighteenth at Savannah, failed of its end, since five only out of twelve parishes in the province were represented, and some of these were bound to half-way measures by their instructions. The legislature, which simultaneously assembled, was suddenly prorogued by the royal governor. But in the parish of St. John, which contained one third of the wealth of Georgia, the inhabitants, chiefly descendants of New England people, conformed to the resolutions of the continental congress, appointed Lyman Hall to represent them in Philadelphia, and set apart two hundred barrels of rice for their brethren in Boston.

Bancroft, Hist. of the U.S., vol.4, p.107 - p.108

In December 1774, the Maryland convention had recommended to the inhabitants of the province to form themselves into companies of sixty-eight men under officers of their own choice, and had apportioned among the several counties the sum of ten thousand pounds in currency, to be raised by subscription or voluntary offerings for the purchase of arms. Of this resolve the Virginia Fairfax county committee, whose chairman was Washington, on the seventeenth of January 1775, adopted the substance, and Washington published it signed with his own name. A company, composed of "the sons of gentlemen" in his neighborhood, elected him their commander. Every county in Virginia glowed with zeal to imbody its militia: marksmen, armed with rifles, chose the costume of the painted hunting-shirt and moccasons. They pledged themselves to each other to keep a good firelock, ammunition, bulb let-moulds, powder-horn, and bag for balls. The committee of Northampton county offered a premium for the manufacture of gunpowder. As Dunmore persisted in proroguing the Virginia assembly, Peyton Randolph, as the organ of the people against the representative of the crown, directed the choice of deputies to a colony convention in March.

Bancroft, Hist. of the U.S., vol.4, p.108 - p.109

The inhabitants of Maryland would hear of no opposition to the recommendations of congress. An armed organization sprung up in Delaware. Crown officers and royalists practised every art to separate New York from the general union. The president of its chartered college taught that "Christians are required to be subject to the higher powers; that an apostle enjoined submission to Nero;" that the friends of the American congress were as certainly guilty of "an unpardonable crime as that St. Paul and St. Peter were inspired men." There the Episcopal clergy fomented a distrust of the New England people as "rebellious republicans, intolerant toward the church of England and Quakers and Baptists, doubly intolerant toward the Germans and Dutch." There a corrupting influence grew out of contracts for the British service. The timid were alarmed by stories that "the undisciplined men of America could not withstand disciplined soldiers;" that "Canadians and unnumbered tribes of savages might be let loose upon them;" and that, in case of war, "the Americans must be treated as vanquished rebels." New York, too, was the seat of a royal government which dispensed commissions, offices, and grants of land, gathered round its little court a social circle to which loyalty gave the tone, and had for more than eight years craftily conducted the administration with the design to lull discontent. It permitted the assembly to employ Edmund Burke as its agent. In the name of the ministry, it lavished promises of favor and indulgence; extended the boundaries of the province at the north to the Connecticut river; and, contrary to the sense of right of Lord Dartmouth, supported the claims of New York to Vermont lands against the populous villages which had grown up under grants from the king's governor of New Hampshire. Both Tryon and Colden professed a sincere desire to take part with the colony in obtaining a redress of all grievances and an improvement of its constitution; and Dartmouth was made to utter the hope "of a happy accommodation upon some general constitutional plan." Such a union with the parent state the New York committee declared to be the object of their earnest solicitude; and Jay "held nothing in greater abhorrence than the malignant charge of aspiring after independence." "If you find the complaints of your constituents to be well grounded," said Colden to the New York assembly in January, "supplicate the throne, and our most gracious sovereign will hear and relieve you with paternal tenderness."

Bancroft, Hist. of the U.S., vol.4, p.109

In this manner one colony was to be won for a separate negotiation. The royalists were persuaded of the success of their scheme; and Gage, who had a little before written for at least twenty thousand men, sent word to the secretary, in January, that, "if a respectable force is seen in the field, the most obnoxious of the leaders seized, and a pardon proclaimed for all others, government will come off victorious, and with less opposition than was expected a few months ago."

Bancroft, Hist. of the U.S., vol.4, p.109

On the twenty-sixth of January, Abraham Ten Broeck, of the New York assembly, moved to take into consideration the proceedings of the continental congress; but, though he was ably seconded by Nathaniel Woodhull, by Philip Schuyler, by George Clinton, and by the larger number of the members who were of Dutch descent, the vote was lost by a majority of one.

Bancroft, Hist. of the U.S., vol.4, p.109

"That one vote was worth a million sterling," said Garnier to Rochford, with an air of patronage, on hearing the news; while he explained to Vergennes that the vote was to the ministry worth nothing at all, that New York was sure to act with the rest of the continent. The assembly, now in its seventh year, had long since ceased to represent the people.

Bancroft, Hist. of the U.S., vol.4, p.109 - p.110

In January the Quakers of Pennsylvania published an epistle, declaring that they would religiously observe the rule not to fight; and the meeting of the Friends of Pennsylvania and New Jersey gave their "testimony against every usurpation of power and authority in opposition to the laws of government." In the same month the popular convention of Pennsylvania was disinclined to arm the people; but the members pledged their constituents at every hazard to defend the rights and liberties of America, and, if necessary, to resist force by force. They recommended domestic manufactures, and led the way to a law "prohibiting the importation of slaves." The legislature of Pennsylvania had, in December, unreservedly approved the proceedings of the continental congress, and to the next congress in May had elected seven delegates.

Bancroft, Hist. of the U.S., vol.4, p.110

"Do not give up," wrote the town of Monmouth, in New Jersey, to the Bostonians; "and if you should want any further supply of bread, let us know." On the twenty-fourth of January the assembly of that colony, without a dissenting voice, adopted the measures of the last general congress, and elected delegates to the next. Three weeks later it transmitted to the king a separate petition; but it enumerated the American grievances without abatement.

Bancroft, Hist. of the U.S., vol.4, p.110

In February the assembly of New York, against the most strenuous exertions of Schuyler and Clinton, refused to send delegates to the next general congress by a vote of seventeen to nine.

Bancroft, Hist. of the U.S., vol.4, p.110

The people of New York were thrown back upon themselves under circumstances of difficulty that had no parallel in other colonies. They had no legally constituted body to form their rallying point; and, at a time when the continental congress refused to sanction any revolutionary institution of government even in Massachusetts, they were compelled to proceed to the methods of revolution. The colony was sure to emerge from all obstacles; its first organ was the press.

Bancroft, Hist. of the U.S., vol.4, p.110

General Charles Lee denied the military capacity of England, as she could with difficulty enlist recruits enough to keep her regiments full; and he insisted that in a few months efficient infantry might be formed of Americans.

Bancroft, Hist. of the U.S., vol.4, p.110 - p.111

Two anonymous pamphlets, which dealt more thoroughly with the great questions at issue, are attributed to Alexander Hamilton, a gifted young man, who now shone like a star first seen above a haze, of whose rising no one had taken note. He was a West Indian, of whose existence the first written trace that has been preserved is of 1766, when his name occurs as a witness to a legal paper executed in the Danish island of Santa Cruz. Three years later, still a resident of the same island, he had learned to "condemn the grovelling condition of a clerk," fretted at the narrow bounds of his island cage, and to a friend of his own years confessed his ambition. "I would willingly risk my life," wrote he, "though not my character, to exalt my station. I mean to prepare the way for futurity; we have seen such schemes successful when the projector is constant." That way he prepared by integrity of conduct, diligence, and study. After an education as a merchant, during which he once at least conducted a voyage, and once had the charge of his employer's business, he found himself enabled to repair to New York, of which he entered the college before the end of 1773. Trained from childhood to take care of himself, he possessed a manly self-reliance. His first sympathies in the contest had been on the British side against the Americans, but he had changed his opinions; and, in February 1775, when the necessity of the appeal to the people was become more and more urgent, the genial pilgrim from the South put forth all his ability, with a determined interest in the coming struggle, as if he had sprung from the soil whose rights he defended. Severe in youthful earnestness, he addressed the judgment, not the passions, aiming not at brilliancy of expression, but justness of thought. "I lament," wrote Hamilton, "the unnatural quarrel between the parent state and the colonies; and most ardently wish for a speedy reconciliation, a perpetual and mutually beneficial union. I am a warm advocate for limited monarchy, and an unfeigned well-wisher to the present royal family; but, on the other hand, I am inviolably attached to the essential rights of mankind, to civil liberty as the greatest of terrestrial blessings."

Bancroft, Hist. of the U.S., vol.4, p.111

"You are quarrelling for threepence a pound on tea, an atom on the shoulders of a giant," said the tories; and he answered: "The parliament claims a right to tax us in all cases whatever; its late acts are in virtue of that claim; it is the principle against which we contend."

Bancroft, Hist. of the U.S., vol.4, p.111 - p.112

"You should have had recourse to remonstrance and petition," said the time-servers. "In the infancy of the present dispute," rejoined Hamilton, "we addressed the throne; our address was treated with contempt and neglect. The first American congress in 1765 did the same, and met with similar treatment. The exigency of the times requires vigorous remedies; we have no resource but in a restriction of our trade, or in a resistance by arms."

Bancroft, Hist. of the U.S., vol.4, p.112

"But Great Britain," it was said, "will enforce her claims by fire and sword. The Americans are without fortresses, without discipline, without military stores, without money, and cannot keep an army in the field; nor can troops be disciplined without regular pay and government by an unquestioned legal authority. A large number of armed men might be got together near Boston, but in a week they would be obliged to disperse to avoid starving." "The courage of Americans," replied Hamilton, "has been proved. The troops Great Britain could send against us would be but few; our superiority in number would balance our inferiority in discipline. It would be hard, if not impracticable, to subjugate us by force. An armament sufficient to enslave America will put her to an insupportable expense. She would be laid open to foreign enemies. Rain like a deluge would pour in from every quarter."

Bancroft, Hist. of the U.S., vol.4, p.112

"Great Britain," it was said, "will seek to bring us to a compliance by putting a stop to our whole trade." "We can live without trade," answered Hamilton; "food and clothing we have within ourselves. With due cultivation, the southern colonies, in a couple of years, would afford cotton enough to clothe the whole continent. Our climate produces wool, flax, and hemp. The silk-worm answers as well here as in any part of the world. If manufactures should once be established, they will pave the way still more to the future grandeur and glory of America, and will render it still securer against encroachments of tyranny."

Bancroft, Hist. of the U.S., vol.4, p.112

"You will raise the resentment of the united inhabitants of Great Britain and Ireland," objected his adversaries. "They are our friends," he retorted; "they know how dangerous to their liberties the loss of ours must be. The Irish will sympathize with us and commend our conduct."

Bancroft, Hist. of the U.S., vol.4, p.112

The tories built confidently upon disunion. "A little time," replied Hamilton, "will awaken the colonies from their slumbers. I please myself with the flattering prospect that they will, ere long, unite in one indissoluble chain."

Bancroft, Hist. of the U.S., vol.4, p.112 - p.113

It was a common argument among the royalists of those days, that government was the creature of civil society, and therefore that an established government was not to be resisted. To this the young philosopher answered, rightly: "The Supreme Intelligence who rules the world has constituted an eternal law, which is obligatory upon all mankind, prior to any human institution whatever. He gave existence to man, together with the means of preserving and beautifying that existence; and invested him with an inviolable right to pursue liberty and personal safety. Natural liberty is a gift of the Creator to the whole human race. Civil liberty is only natural liberty, modified and secured by the sanctions of civil society. It is not dependent on human caprice; but it is conformable to the constitution of man, as well as necessary to the well-being of society."

Bancroft, Hist. of the U.S., vol.4, p.113

"The colony of New York," continued his antagonists, "is subject to the supreme legislative authority of Great Britain." "I deny that we are dependent on the legislature of Great Britain," he answered; and he fortified his denial by an elaborate discussion of colonial history and charters.

Bancroft, Hist. of the U.S., vol.4, p.113

It was retorted that New York had no charter. "The sacred rights of mankind," he rejoined, "are not to be rummaged for among old parchments or musty records. They are written, as with a sunbeam, in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power. Civil liberty cannot be wrested from any people without the most manifold violation of justice and the most aggravated guilt. The nations Turkey, Russia, France, Spain, and all other despotic kingdoms in the world have an inherent right, whenever they please, to shake off the yoke of servitude, though sanctioned by immemorial usage, and to model their government upon the principles of civil liberty."

Bancroft, Hist. of the U.S., vol.4, p.113

So reasoned the thoughtful West Indian, as one who had power to see the divine archetype of freedom. The waves of turbulent opinion dashed around him; cosmopolitan New York adopted the volunteer from the tropics as her son. New York still desired a constitutional union of Great Britain and America, but was resolved, at all events, to make common cause with the continent.

Bancroft, Hist. of the U.S., vol.4, p.114

The confidence of the ministry reposed more and more on the central provinces, and Dartmouth still took for granted the peaceful settlement of every question; yet six sloops-of-war and two frigates were under orders for America, and it was ostentatiously heralded that seven hundred marines from England, and four regiments from Ireland, were to be prepared for embarkation; "less to act hostilely against the Americans than to encourage the friends of government."

Bancroft, Hist. of the U.S., vol.4, p.114

In the house of commons the petitions in behalf of America, including those from London and Bristol, were consigned to a committee of oblivion, and ridiculed as already "dead in law." Hayley, of London, rebuked the levity of the house. "The rejection of the petitions of the trading interests," said he, on the twenty-sixth of January, "must drive on a civil war with America." "The Americans," argued Jenkinson, "ought to submit to every act of the English legislature." "England," said Burke, "is like the archer that saw his own child in the hands of the adversary, against whom he was going to draw his bow." Fox charged upon North that the country was on the point of being involved in a civil war by his incapacity. North complained: "The gentleman blames all my administration, yet he defended and supported much of it; nor do I know how I have deserved his reproaches." "I can tell the noble lord how," cried Fox: "by every species of falsehood and treachery." Sir George Saville asked that Franklin might be heard at the bar in support of the address of the American continental congress to the king; and, after a violent debate, the house, by the usual majority, refused even to receive its petition.

Bancroft, Hist. of the U.S., vol.4, p.114 - p.115

The demand of Gage for twenty thousand men was put aside with scorn. "The violences committed by those who have taken up arms in Massachusetts Bay," wrote Dartmouth, in the king's name, "have appeared to me as the acts of a rude rabble, without plan, without concert, and without conduct; and therefore I think that a smaller force now, if put to the test, would be able to encounter them. The first and essential step to be taken toward reestablishing government would be to arrest and imprison the principal actors and abettors in the provincial congress, whose proceedings appear in every light to be treason and rebellion. If means be devised to keep the measure secret until the moment of execution, it can hardly fail of success. Even if it cannot be accomplished without bloodshed and should be a signal for hostilities, I must again repeat that any efforts of the people, unprepared to encounter with a regular force, cannot be very formidable. The imprisonment of those who shall be made prisoners will prevent their doing any further mischief. The charter for the province of Massachusetts Bay empowers the governor to use and exercise the law martial in time of rebellion. The attorney- and solicitor-general report that the facts stated in the papers you have transmitted are the history of an actual and open rebellion in that province, and therefore the exercise of that power upon your own discretion is strictly justifiable."

Bancroft, Hist. of the U.S., vol.4, p.115

"The minister must recede," wrote Garnier to Vergennes, "or lose America forever." "Your chief dependence," such were Franklin's words to Massachusetts, "must be on your own virtue and unanimity, which, under God, will bring you through all difficulties."

Bancroft, Hist. of the U.S., vol.4, p.115

There was no hope in England but from Chatham, who lost not a moment in his endeavor to prevent a civil war before it should be inevitably fixed; saying, "God's will be done, and let the old and new world be my judge." On the first day of February he presented his plan for "true reconcilement and national accord." It was founded substantially on the proposal of the American congress; parliament was to repeal the statutes complained of, and to renounce the power of taxation; America in turn was to recognise its right of regulating the commerce of the whole empire, and, by the free grants of her own assemblies, was to defray the expenses of her governments. This was the true meaning of his motion, though clauses were added to make it less unpalatable to the pride of the British legislature. Franklin was persuaded that he sincerely wished to satisfy the Americans; Jefferson, on reading the bill, hoped that it might bring on a reconciliation; but Samuel Adams saw danger lurking under even a conditional recognition of the supremacy of parliament, and said: "Let us take care, lest, instead of a thorn in the foot, we have a dagger in the heart."

Bancroft, Hist. of the U.S., vol.4, p.115 - p.116

No sooner had Chatham concisely invited the assistance of the house in adapting his crude materials to the great end of an honorable and permanent adjustment, than Dartmouth spoke of the magnitude of the subject, and asked his consent that the bill should lie on the table for consideration. "I expect nothing more," was the ready answer. But Sandwich, speaking for the majority in the cabinet, intervened. "The proposed measure," he said, "deserves only contempt, and ought to be immediately rejected. I can never believe it to be the production of any British peer. It appears to me rather the work of some American;" and looking at Franklin, who stood leaning on the bar, "I fancy," he continued, "I have in my eye the person Who drew it up, one of the bitterest and most mischievous enemies this country has ever known."

Bancroft, Hist. of the U.S., vol.4, p.116

The peers turned toward the American, when Chatham retorted: "The plan is entirely my own; but, if I were first minister and had the care of settling this momentous business, I should not be ashamed of publicly calling to my assistance a person so perfectly acquainted with the whole of American affairs; one whom all Europe ranks with our Boyles and Newtons, as an honor not to the English nation only, but to human nature."

Bancroft, Hist. of the U.S., vol.4, p.116

Overawed by the temper of the house, Dartmouth, with his wonted weakness which made him adopt the worst measures even when he inclined to the best, wheeled round against his own candor, and declared for rejecting the plan immediately. This Gower demanded; this even Grafton advised.

Bancroft, Hist. of the U.S., vol.4, p.116 - p.117

Perceiving the unalterable purpose of the ministry, Chad ham poured upon them a torrent of invective. "This bill," said he, "though rejected here, will make its way to the public, to the nation, to the remotest wilds of America; and, however faulty or defective, it will at least manifest how zealous I have been to avert those storms which seem ready to burst on my country. Yet I am not surprised that men who hate liberty should detest those that prize it; or that those who want virtue themselves should persecute those who possess it. The whole of your political conduct has been one continued series of weakness and temerity, despotism and the most notorious servility, incapacity and corruption. I must allow you one merit, a strict attention to your own interests: in that view, who can wonder that you should put a negative on any measure which must deprive you of your places, and reduce you to that insignificance for which God and nature designed you?"

Bancroft, Hist. of the U.S., vol.4, p.117

Lord Chatham's bill, though on so important a subject, offered by so great a statesman, and supported by most able and learned speakers, was resisted by ignorance, prejudice, and passion, by misconceptions and wilful perversion of plain truth, and was rejected on the first reading by a vote of sixty-one to thirty-two.

Bancroft, Hist. of the U.S., vol.4, p.117

"Hereditary legislators!" thought Franklin. "There would be more propriety in having hereditary professors of mathematics! But the elected house of commons is no better, nor ever will be while the electors receive money for their votes, and pay money wherewith ministers may bribe their representatives when chosen." Yet the wilfulness of the lords was happy for America; for Chatham's proposition contained clauses to which it never could safely have assented, and yet breathed a spirit which must have distracted its councils.

Bancroft, Hist. of the U.S., vol.4, p.117

The ministers rushed on with headlong indiscretion, thinking to subdue the Americans by intimidation. Accordingly, Lord North, on the day after Chatham's defeat, proposed to the commons a joint address to the king to declare that a rebellion existed in Massachusetts, and to pledge their lives and properties to its suppression.

Bancroft, Hist. of the U.S., vol.4, p.117

"The colonies," said Dunning, "are not in a state of rebellion, but resisting the attempt to establish despotism in America, as a prelude to the same system in the mother country. Opposition to arbitrary measures is warranted by the constitution, and established by precedent." "Nothing but the display of vigor," said Thurlow, "will prevent the American colonies becoming independent states."

Bancroft, Hist. of the U.S., vol.4, p.117 - p.118

Grant, the same officer who had been scandalously beaten at Pittsburg and had offended South Carolina, asserted, amid the loudest cheering, that he knew the Americans very well, and was sure they would not fight; "that they were not sob diers, and never could be made so, being naturally pusillanimous and incapable of discipline; that a very slight force would be more than sufficient for their complete reduction;" and he mimicked their peculiar expressions, and ridiculed their religious enthusiasm, manners, and ways of living, greatly to the entertainment of the house.

Bancroft, Hist. of the U.S., vol.4, p.118

At this stage, Fox, displaying for the first time the full extent of his abilities, entered into the history of the dispute, and stated truly that "the reason why the colonies objected to taxes for revenue was, that such revenue in the hands of government took out of the hands of the people to be governed the control, which every Englishman thinks he ought to have over the government to which his rights and interests are intrusted." The defence of the ministry rested chiefly on Wedderburn. Gibbon was prepared to speak, but neither he nor Germain could find room for a single word.

Bancroft, Hist. of the U.S., vol.4, p.118

Again Lord North hesitated; and Franklin, whose mediation was once more solicited, received a paper containing the results of ministerial conferences on "the hints" which he had written. "We desire nothing but what is necessary to our security and well-being," said Franklin to the agents who came to him. They declared, by authority, that the repeal of the tea act and the Boston port act would be conceded; the Quebec act might be amended by reducing the province to its ancient limits; but the Massachusetts acts must be continued, both "as real amendments" of the constitution of that province, and "as a standing example of the power of parliament." Franklin's reply was brief: "While parliament claims the right of altering American constitutions at pleasure, there can be no agreement, for we are rendered unsafe in every privilege." "An agreement is necessary for America," it was answered; "it is so easy for Britain to burn all your seaport towns." "My little property," rejoined Franklin, "consists of houses in those towns; make bonfires of them whenever you please; the fear of losing them will never alter my resolution to resist to the last the claim of parliament."

Bancroft, Hist. of the U.S., vol.4, p.118 - p.119

When on the sixth of February the address was reported to the house, Lord John Cavendish earnestly "deprecated civil war, necessarily involving a foreign one." "A fit and proper resistance," said Wilkes, "is a revolution, not a rebellion. Who can tell whether, in consequence of this day's violent and mad address, the scabbard may not be thrown away by the Americans as well as by us; and, should success attend them, whether, in a few years, the Americans may not celebrate the glorious era of the revolution of 1775 as we do that of 1688? Success crowned the generous effort of our forefathers for freedom; else they had died on the scaffold as traitors and rebels, and the period of our history which does us the most honor would have been deemed a rebellion against lawful authority, not the expulsion of a tyrant."

Bancroft, Hist. of the U.S., vol.4, p.119

During the debate, which lasted till half past two in the morning, Lord North threw off the responsibility of the tax on tea, and prepared the way for its repeal as the basis for conciliation. It was too late; for a new question of the power of parliament over charters and laws had arisen. The did avowal offended his colleagues, and in itself was not honest; his vote in the cabinet had decided the measure, and it was unworthy of a minister of the crown to intimate that he had obsequiously followed a chief like Grafton, or yielded his judgment to the king.

Bancroft, Hist. of the U.S., vol.4, p.119

Lord George Germain was fitly selected to deliver the message of the commons at the bar of the lords. "There is in the address one paragraph which I totally disclaim," said Rockingham; "I will risk neither life nor fortune in support of the measures recommended. Four fifths of the nation are opposed to this address; for myself, I shall not tread in the steps of my noble but ill-fated ancestor, Lord Strafford, who first courted popular favor, and then deserted the cause he had embarked in; as I have set out by supporting the cause of the people, so I shall never, for any temptation whatsoever, desert or betray them."

Bancroft, Hist. of the U.S., vol.4, p.119

Mansfield, as if in concert with North, took the occasion to deny having advised the tea-tax; and he condemned the act as the most absurd that could be imagined. Camden, too, disclaimed having had the least hand in the measure. "It is mean," said Grafton, "for him at this time to screen himself, and shift the blame off his own shoulders, to lay it on those of others. The measure was consented to in the cabinet. He acquiesced in it; he presided in the house of lords when it passed through its several stages; and he should equally share its censure or its merit."

Bancroft, Hist. of the U.S., vol.4, p.120

A passionate debate ensued, during which Mansfield praised the Boston port act and its attendant measures, including the regulating act for Massachusetts, as worthy to be gloried in for their wisdom, policy, and equity; but he denied that they were in any degree the fruit of his influence. Now, as they were founded on his legal opinions, Shelburne insinuated that Mansfield's disclaimer was in substance not correct. Mansfield retorted by charging Shelburne with uttering gross falsehoods; and Shelburne in a rejoinder gave the illustrious jurist the lie.

Bancroft, Hist. of the U.S., vol.4, p.120

On the ninth of February the lord chancellor, the speaker, and a majority of the lords and commons went in state to the palace, and, in the presence of the representatives of the great powers of Europe, presented to George III their joint address. The king, in his reply, pledged himself speedily and effectually to enforce "obedience to the laws and the authority of the supreme legislature." His heart was hardened. Having just heard of the seizure of ammunition in New Hampshire, he intended that his language should "open the eyes of the deluded Americans." "If it does not," said he to his faltering minister, "it must set every delicate man at liberty to avow the propriety of the most coercive measures."

Chapter 8:

The Spirit of New England,

February-March 1775

Bancroft, Hist. of the U.S., vol.4, p.121

ON the day on which the king received the address of parliament the members of the second provincial congress of Massachusetts, about two hundred and fourteen in number, appointed eleven men as their committee of safety, and charged them to resist every attempt at executing the acts of parliament. For this purpose they were empowered to take possession of the warlike stores of the province, to make returns of the militia and minute-men, and to muster so many of the militia as they should judge necessary. General officers were appointed to command the force that should be so assembled. First of those who accepted the trust was Artemas Ward, a soldier of some experience in the French war. Next him as brigadier stood Seth Pomeroy, the still older veteran, who had served in 1745 at the siege of Louisburg.

Bancroft, Hist. of the U.S., vol.4, p.121

"Resistance to tyranny," thus the congress addressed the inhabitants of the Massachusetts Bay, "becomes the Christian and social duty of each individual. Fleets, troops, and every implement of war are sent into the province, to wrest from you that freedom which it is your duty, even at the risk of your lives, to hand inviolate to posterity. Continue steadfast, and, with a proper sense of your dependence on God, nobly defend those rights which heaven gave, and no man ought to take from us."

Bancroft, Hist. of the U.S., vol.4, p.121

These true representatives of the inhabitants of Massachusetts were resolved never to swerve from duty. They were frugal even to parsimony, making the scantiest appropriations ever thought of by a nation threatened With war; yet they held their property and their blood of less account than liberty. They were startled at the lightest rustling of impending danger; but they could not be moved from their purpose, and no more trembled than the granite rock which seems to quiver with the flickering shadow of the drifting cloud. "life and liberty shall go together," was their language. "Our existence as a free people absolutely depends on our acting with spirit and vigor," said Joseph Warren; and he wished England to know that the Americans had courage enough to fight for their freedom. "The people," said Samuel Adams, "will defend their liberties with dignity. One regular attempt to subdue this or any other colony, whatever may be the first issue of the attempt, will open a quarrel which will never be closed till what some of them affect to apprehend, and we truly deprecate, shall take effect."

Bancroft, Hist. of the U.S., vol.4, p.122

The second provincial congress before its adjournment appointed a committee to draw up in the recess rules and regulations for the constitutional army. They declined to levy taxes in form; but they recommended the inhabitants to pay all their province tax to a treasurer of their appointment. They re-elected their old delegates to congress. They forbade work or supplies for the English troops, saying, "we may be driven to the hard necessity of taking up arms in our own defence." They urged one of their committees to prepare military stores, and directed reviews of every company of minute-men. Aware of the design of the ministry to secure the Canadians and Indians, they authorized communications with the province of Quebec through the committee of correspondence of Boston. A delegation from Connecticut was received, and meas ures were concerted for corresponding with that and all the other colonies. After appointing a day of fasting, enjoining the colony to beware of a surprise, and recommending military discipline, they closed a session of sixteen days.

Bancroft, Hist. of the U.S., vol.4, p.122

The spies of Gage found the people everywhere intent on military exercises, or listening to confident speeches from their officers, or learning from the clergy to esteem themselves as of the tribe of Judah. "Behold," said one of the ministers who preached at a very full review of the militia, "God himself is with us for our captain, and his priests with sounding trumpets to cry alarm." The English he thus rebuked: "O children of Israel, fight ye not against the Lord God of your fathers; for ye shall not prosper."

Bancroft, Hist. of the U.S., vol.4, p.123 - p.124

On these bustling preparations of men who had no artillery, few muskets with bayonets, and no treasury, the loyalists looked with derision, never doubting the power of Great Britain to crush every movement of insurrection. Daniel Leonard, of Taunton, speaking for them all, held up the spectres of "high treason," "actual rebellion," and "anarchy." He ran through the history of the strife; argued that it was reasonable for America to share in the national burden as in the national benefit; that there was no oppressive exercise of the power of parliament; that the tax of threepence on tea was no tyranny, since a duty of a shilling, imposed as a regulation of trade, had just been taken off; that the bounties paid in England on American produce exceeded the American revenue more than fourfold; that no grievance was felt or seen; that, in the universal prosperity, the merchants in the colonies were rich, the yeomanry affluent, the humblest able to gain an estate; that the population doubled in twenty-five years, building cities in the wilderness, and interspersing schools and colleges through the continent; that the country abounded with infallible marks of opulence and freedom; that even James Otis had admitted the authority of parliament over the colonies, and had proved the necessity and duty of obedience to its acts; that resistance to parliament by force would be treason; that rebels would deservedly be cut down like grass before the scythe of the mower, while the gibbet and the scaffold would make away with those whom the sword should spare; that Great Britain was resolved to maintain the power of parliament, and was able to do so; that the colonies south of Pennsylvania had barely men enough to govern their numerous slaves, and defend themselves against the Indians; that the northern colonies had no military stores, nor money to procure them, nor discipline, nor subordination, nor generals capable of opposing officers bred to arms; that five thousand British troops would prevail against fifty thousand Americans; that the British navy on the first day of war would be master of their trade, fisheries, navigation, and maritime towns; that the Canadians and savages would prey upon the back settlements, so that a regular army could devastate the land like a whirlwind; that the colonies never would unite, and New England, perhaps Massachusetts, would be left to fall alone; that even in Massachusetts thousands among the men of property, and others, would flock to the royal standard, while the province would be drenched in the blood of rebels.

Bancroft, Hist. of the U.S., vol.4, p.124

Kindling with indignation at these dastardly menaces, John Adams employed the fruits of his long study of the British law, the constitution, and of natural right, to vindicate the true sentiments of New England in this wise:

Bancroft, Hist. of the U.S., vol.4, p.124

"My friends, human nature itself is evermore an advocate for liberty. The people can understand and feel the difference between true and false, right and wrong, virtue and vice. To the sense of this difference the friends of mankind appeal.

Bancroft, Hist. of the U.S., vol.4, p.124

"That all men by nature are equal; that kings have but a delegated authority, which the people may resume, are the revolution principles of 1688; are the principles of Aristotle and Plato, of Livy and Cicero, of Sidney, Harrington, and Locke, of nature and eternal reason.

Bancroft, Hist. of the U.S., vol.4, p.124

"If the parliament of Great Britain had all the natural foundations of authority, wisdom, goodness, justice, power, would not an unlimited subjection of three millions of people to that parliament, at three thousand miles distance, be real slavery? But, when both electors and elected are become corrupt, you would be the most abject of slaves to the worst of masters.

Bancroft, Hist. of the U.S., vol.4, p.124 - p.125

"All America is united in sentiment. When a masterly statesman, to whom she has erected a statue in her heart for his integrity, fortitude, and perseverance in her cause, invented a committee of correspondence in Boston, did not every colony, nay every county, city, hundred, and town, upon the whole continent, adopt the measure as if it had been a revelation from above? Look over the resolves of the colonies for the past year; you will see that one understanding governs, one heart animates the whole. The mighty questions of the revolution of 1688 were determined in the convention of parliament by small majorities of two or three, and four or five only; the almost unanimity in the colonial assemblies, and especially in the continental congress, are the clearest demonstration of the cordial and indissoluble union of the colonies.

Bancroft, Hist. of the U.S., vol.4, p.125

"If Great Britain were united, she could not subdue a country a thousand leagues off. But Great Britain is not united against us. Millions in England and Scotland think it unrighteous, impolitic, and ruinous to make war upon us; and a minister, though he may have a marble heart, will proceed with a desponding spirit.

Bancroft, Hist. of the U.S., vol.4, p.125

"I would ask by what law the parliament has authority over America? By the law in the Old and New Testament it has none; by the law of nature and nations it has none; by the common law of England it has none; by statute law it has none; the declaratory act of 1766 was made without our consent by a parliament which had no authority beyond the four seas.

Bancroft, Hist. of the U.S., vol.4, p.125

"If Great Britain has protected the colonies, all the profits of our trade centred in her lap. If she has been a nursing mother to us, we have, as nursed children commonly do, been very fond of her, and rewarded her all along tenfold for her care.

Bancroft, Hist. of the U.S., vol.4, p.125

"We New England men do not derive our laws from parliament, nor from common law, but from the law of nature and the compact made with the king in our charters. It may as well be pretended that the people of Great Britain can forfeit their privileges, as the people of this province. If the contract of state is broken, the people and king of England must recur to nature. It is the same in this province.

Bancroft, Hist. of the U.S., vol.4, p.125

"The two characteristics of this people, religion and humanity, are strongly marked in all their proceedings. We are not exciting a rebellion. Resistance by arms against usurpation and lawless violence is not rebellion by the law of God or the land. Resistance to lawful authority makes rebellion. Hampden, Russell, Sidney, Holt, Somers, Tillotson, were no rebels.

Bancroft, Hist. of the U.S., vol.4, p.125 - p.126

"This people, under great trials and dangers, have discovered great abilities and virtues, and that nothing is so terrible to them as the loss of their liberties. They act for America and posterity. If there is no possible medium between absolute independence and subjection to the authority of parliament, all North America are convinced of their independence, and determined to defend it at all hazards."

Bancroft, Hist. of the U.S., vol.4, p.126

On the tenth of February, after the speaker had reported to the house of commons the answer to their address, Lord North presented a message from the king, asking the augmentation of his forces. The minister, who still clung to the hope of reducing Massachusetts by the terrors of legislation, next proposed to restrain the commerce of New England and exclude its fishermen from the banks of Newfoundland. The best ship-builders in the world were at Boston, and their yards had been closed; the New England fishermen were now to be restrained from a toil in which they excelled all nations.

Bancroft, Hist. of the U.S., vol.4, p.126

"God and nature," said Johnston, "have given that fishery to New England and not to Old." Dunning defended the right of the Americans to fish on the banks. "If rebellion is resistance to government," said Sir George Saville, "it must sometimes be justifiable. May not a people, taxed without their consent and their petitions against such taxation rejected, their charters taken away without a hearing, and an army let loose upon them without a possibility of obtaining justice, be said to be in justifiable rebellion?" But the ministerial measure, though by keeping the New England fishermen at home it provided recruits for an insurgent army, was carried through all its stages by great majorities. Bishop Newton, in the lords, reasoned "that rebellion is the sin of witchcraft, and that one so unnatural as that of New England could be ascribed to nothing less than diabolical infatuation."

Bancroft, Hist. of the U.S., vol.4, p.126 - p.127

The minister of France requested the most precise orders to all British naval officers not to annoy the commerce of the French colonies. "Such orders," answered Rochford, "have been given; and we have the greatest desire to live with you in the most perfect friendship." A letter from Lord Stormont, the British ambassador at Paris, was cited in the house of lords to prove that France equally wished a continuance of peace. "You can put no trust in Gallic faith," replied Richmond, "except so long as it shall be their interest to keep their word." To this Rochford, the secretary of state, assented, proving, however, from Raynal's History of the Two Indies, that it was not for the interest of France that the English colonies should throw off the yoke. The next courier took to the king of France the report that neither the opposition nor the British minister put faith in his sincerity.

Bancroft, Hist. of the U.S., vol.4, p.127

Lord North would gladly have escaped from his embarrassments by concession. "I am a friend to holding out the olive-branch," wrote the king to his pliant minister, "yet I believe that, when once vigorous measures appear to be the only means, the colonies will submit. I shall never look to the right or to the left, but steadily pursue that track which my conscience dictates to be the right one." The preparations for war were, therefore, to proceed; but he consented that the commanders of the naval and military forces might be invested with commissions for the restoration of peace according to a measure to be proposed by Lord North. From Franklin, whose aid in the scheme was earnestly desired, the minister once more sought to learn the least amount of concession that could be accepted.

Bancroft, Hist. of the U.S., vol.4, p.127 - p.128

Franklin expressed his approbation of the proposed commission, and of Lord Howe as one of its members; and, to smooth the way to conciliation, he offered the payment of an indemnity to the India company, provided the Massachusetts acts should be repealed. "Without the entire repeal," said he, "the language of the proposal is, try on your fetters first, and then, if you don't like them, we will consider." On the eighteenth of February, Lord Howe entreated Franklin "to accompany him, and co-operate with him in the great work of reconciliation;" and he coupled his request with a promise of ample appointments and subsequent rewards. "Accepting favors," replied the American, "would destroy the influence you propose to use; but let me see your propositions, and, if I approve of them, I will bold myself ready to accompany you at an hour's warning." His own opinions, which he had purposely reduced to writing and signed with his own hand, were communicated through Lord Howe to Lord North, with this last word: "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety. The Massachusetts must suffer all the hazards and mischiefs of war, rather than admit the alteration of their charter and laws by parliament."

Bancroft, Hist. of the U.S., vol.4, p.128

The minister dreading the conflict with America, yet dreading still more a conflict with his colleagues, Franklin was informed on the twentieth that his principles and those of parliament were as yet too wide from each other for discussion; and on the same day Lord North, armed with the king's consent in writing, astounded the house of commons by proposing a plan of conciliation formed on the principle that parliament, if the colonies would tax themselves to its satisfaction, would impose on them no duties except for the regulation of commerce. A storm of opposition ensued, which Lord North could not quell; and for two hours he seemed in a minority. "The plan should have been signed by John Hancock and Otis," said Rigby. Welbore Ellis, and others, particularly young Acland, declared against him loudly and roughly. "Whether any colony will come in on these terms I know not," said Lord North; "but it is just and humane to give them the option. If one consents, a link of the great chain is broken. If not, it will convince men of justice and humanity at home that in America they mean to throw off all dependence." Jenkinson reminded the house that Lord North stood on ground chosen by Grenville; but the Bedford party none the less threatened to vote against the minister, till Sir Gilbert Elliot, the well-known friend of the king, came to his rescue, and secured for the motion a large majority. To recover his lost ground with the extreme supporters of authority, North joined with Suffolk and Rochford in publishing "a paper declaring his intention to make no concessions."

Bancroft, Hist. of the U.S., vol.4, p.128 - p.129

"If fifty thousand men and twenty millions of money," said David Hume, "were intrusted to such a lukewarm coward as Gage, they never could produce any effect." The army in Boston was to be raised to ten thousand men, and the general to be superseded on account of his incapacity to direct such a force. Amherst declined the service, unless the army should be raised to twenty thousand men; the appointment of William Howe was therefore made public. He possessed no one quality of a great general, and was selected for his name and his relationship to the king. On receiving the offer of the command, he asked: "Is it a proposition or an order from the king?" and when told an order, he replied it was his duty to obey it. "You should have refused to go against this people," cried the voters of Nottingham, with whom he broke faith. "Your brother died there in the cause of freedom; they have shown their gratitude to your name and family by erecting a monument to him." "We cannot wish success to the undertaking," said many more. Lord Howe, the admiral, was announced as commander of the naval forces and pacificator; for it was pretended that the olive-branch and the sword were to be sent together.

Bancroft, Hist. of the U.S., vol.4, p.129

Of the two major-generals who attended Howe, the first in rank was Henry Clinton, son of a former governor in New York, related to the families of Newcastle and Bedford, and connected by party with the ministry. The other was John Burgoyne, who in the last war served in Portugal with spirit, and was brave even to rashness. He had a talent for vivid narrative, and wrote comedies that pleased in their day. In parliament he was taken for an opponent of the ministry; but he had spoken and voted against the repeal of the tax on tea, and had pronounced the Americans "children spoiled by too much indulgence;" so that, without flagrant inconsistency, he could promise Lord North "to be his steady, zealous, and active supporter." "I am confident," said he, in the house of commons, "there is not an officer or soldier in the king's service who does not think the parliamentary right of Great Britain a cause to fight for, to bleed and die for."

Bancroft, Hist. of the U.S., vol.4, p.129

In reply to Burgoyne, Henry Temple Luttrell, whom curiosity once led to travel many hundreds of miles along the flourishing and hospitable provinces of the continent, bore testimony to their temperance, urbanity, and spirit, and predicted that, if set to the proof, they would evince the magnanimity of republican Rome.

Bancroft, Hist. of the U.S., vol.4, p.129 - p.130

While providing for a reenforcement to its army, England enjoined the strictest watchfulness on its consuls and agents in every part of Europe to intercept all munitions of war destined for the colonies. The British envoy in Holland, with dictatorial menaces, required the states general of Holland to forbid their subjects from so much as transporting military stores to the West Indies beyond the absolute wants of their own colonies. Of the French government, preventive meas ures were requested in the most courteous words.

Bancroft, Hist. of the U.S., vol.4, p.130

An English vessel bore to the colonies news of Lord North's proposal, in the confident belief that they would be divided by the mere hint of giving up the point of taxation. "The plan," said Chatham, "will be spurned, and everything but justice and reason prove vain to men like the Americans." "It is impossible," said Fox, "to use the same resolution to make the Americans believe the right of taxing will be given up, and the mother country that it will be maintained."

Bancroft, Hist. of the U.S., vol.4, p.130

Franklin sent advice to Massachusetts by no means to begin war without the approval of the continental congress, unless on a sudden emergency; "but New England alone," said he, "can hold out for ages against this country, and, if they are firm and united, in seven years will win the day." "By wisdom and courage the colonies will find friends everywhere;" thus he wrote to James Bowdoin of Boston, as if predicting a French alliance. "The eyes of all Christendom are now upon us, and our honor as a people is become a matter of the utmost consequence. If we tamely give up our rights in this contest, a century to come will not restore us in the opinion of the world; we shall be stamped with the character of dastards, poltroons, and fools; and be despised and upon, not by this haughty, insolent nation only, but by all mankind. Present inconveniences are therefore to be borne with fortitude, and better times expected."

Bancroft, Hist. of the U.S., vol.4, p.130 - p.131

The friends of the British government in New York were found only on the surface. The Dutch Americans formed the basis of the population, and were animated by the example of their fathers, who had proved to the world that a small people under great discouragements can found a republic. By temperament moderate but inflexible, little noticed by the government, they kept themselves noiselessly in reserve. The settlers in New York from New England and the mechanics of the city were almost to a man enthusiasts for resistance. The landed aristocracy was divided; but the Dutch and the Scotch Presbyterians, especially Schuyler of Albany and the aged Livingston of Rhinebeck, never hesitated to risk their estates in the cause of inherited freedom. In no colony did English dominion find less of the sympathy of the people than in New York.

Bancroft, Hist. of the U.S., vol.4, p.131

In Virginia, the Blue Ridge answered British menaces with defiance. "We cannot part with liberty but with our lives," said the inhabitants of Botetourt. "Our duty to God, our country, ourselves, and our posterity, all forbid it. We stand prepared for every contingency." The dwellers on the waters of the Shenandoah, meeting at Staunton, commended the Virginia delegates to the applause of succeeding ages, their example to the hearts of every Virginian and every American. "For my part," said Adam Stephen, "before I would submit my life, liberty, and property to the arbitrary disposal of a venal aristocracy, I would sit myself down with a few friends upon some rich and healthy spot, six hundred miles to the westward, and there form a settlement which in a short time would command respect."

Bancroft, Hist. of the U.S., vol.4, p.131

The valleys of Kentucky laughed as they heard the distant tread of clustering troops of adventurers, who, under a grant from the Cherokees, prepared to take possession of the meadows and undulating table-land that nature had clothed with its richest grasses. Their views extended to planting companies of farmers, and erecting iron-works, a salt manufactory, gristmills, and saw-mills; the culture of the fertile region was to be fostered by premiums for the heaviest crop of corn, and for the emigrant who should drive out the greatest number of sheep. The men who are now to occupy "that most desirable territory" will carry American independence to the Wabash, the Detroit, and the Mississippi.

Bancroft, Hist. of the U.S., vol.4, p.131

At Charleston, South Carolina, the association was punctually enforced. A ship-load of near three hundred slaves was sent out of the colony by the consignee; even household furniture and horses, though they had been in use in England, could not be landed; the cargo of one vessel was thrown into Hog Island creek.

Bancroft, Hist. of the U.S., vol.4, p.131 - p.132

The winter at Boston was the mildest ever known; and in this "the gracious interposition of heaven was recognised." All the towns in Massachusetts, nearly all in New England, and some in every colony, ministered to the wants of Boston. Relief came even from England. "Call me an enthusiast," said Samuel Adams; "this union among the colonies and warmth of affection can be attributed to nothing less than the agency of the Supreme Being. If we believe that he superintends and directs the affairs of empires, we have reason to expect the restoration and establishment of the public liberties.

Bancroft, Hist. of the U.S., vol.4, p.132

On Sunday, the twenty-sixth of February, two or three hundred soldiers, under the command of Leslie, sailed from Castle William, landed clandestinely at Marblehead, and hub riced to Salem in quest of military stores. Not finding them there, the officer marched toward Danvers; but at the river he found the bridge drawn up, and was kept waiting for an hour and a half, while the stores, insignificant in amount, were removed to a place of safety. Then, having pledged his honor not to advance more than thirty yards on the other side, he was allowed to march his troops across the bridge. The alarm spread through the neighborhood, while Leslie hastily retraced his steps.

Bancroft, Hist. of the U.S., vol.4, p.132

At this time the British ministry received news of the vote in the New York assembly, refusing to consider the resolutions of congress. The confidence of the king reached its climax; and he spared no pains to win the colony. In a letter from the secretary of state, New York was praised for its attempts toward a reconciliation with the mother country; in a private letter, Dartmouth enjoined upon Colden to exert his address to facilitate the acceptance of Lord North's conciliatory resolutions. Like directions were sent to the governors of every colony except Connecticut and Rhode Island.

Bancroft, Hist. of the U.S., vol.4, p.132 - p.133

How complete was the general confidence that the great majorities in parliament would overawe the colonies appeared on the sixth of March, when the bill depriving New England of her fisheries was to be engrossed. Even Lord Howe spoke for it as the means of bringing the disobedient provinces to a sense of their duty, without involving a civil war. Fox replied: "As by this act all means of acquiring a livelihood, or of receiving provisions, is cut off, no alternative is led but starving or rebellion. If the act should not produce universal acquiescence, I defy anybody to defend the policy of it. Yet America will not submit. New York only differs in the modes." "The act," said Dundas, the solicitor-general of Scotland, "is just, because provoked by the most criminal disobedience; is merciful, because that disobedience would have justified the severest military execution. When it is said no alternative is left to them but to starve or rebel, this is not the fact; for there is another way, to submit." The king, on receiving an account of "the languor of opposition" during the debate, wrote to Lord North: "I am convinced the line adopted in American affairs will be crowned with success."

Bancroft, Hist. of the U.S., vol.4, p.133

These words fell from George III on the day on which Boston commemorated the "massacre" of its citizens, with Joseph Warren for its orator. His subject was the baleful effects of standing armies in time of peace; and it was to be delivered to the town in a town-meeting, contrary to an act of parliament which Gage was sent to Boston to enforce. In the crowd which thronged to the Old South meeting-house appeared about forty British officers of the army and navy; these Samuel Adams, the moderator, received with studied courtesy, placing them all near the orator, some of them on the platform above the pulpit stairs. Conspicuously seated, they listened to a vivid picture of the night of the massacre, after which Warren proceeded:

Bancroft, Hist. of the U.S., vol.4, p.133

"Our streets are again filled with armed men, our harbor is crowded with ships-of-war; but these cannot intimidate us; our liberty must be preserved; it is far dearer than life. Should America be brought into vassalage, Britain must lose her freedom; her liberty, as well as ours, will eventually be preserved by the virtue of America. The attempt of parliament to raise a revenue from America and our denial of their right to do it have excited an almost universal inquiry into the rights of British subjects and of mankind. The mutilation of our charter has made every other colony jealous for its own. Even the sending troops to put these acts in execution is not without advantages to us; the exactness and beauty of their discipline inspire our youth with ardor in the pursuit of military knowledge.

Bancroft, Hist. of the U.S., vol.4, p.133 - p.134

"Our country is in danger; our enemies are numerous and powerful; but we have many friends; and, determining to be free, heaven and earth will aid the resolution. You are to decide the important question, on which rests the happiness and liberty of millions yet unborn. Act worthy of yourselves.

Bancroft, Hist. of the U.S., vol.4, p.134

"My fellowcitizens, I know you want not zeal or fortitude. You will maintain your rights or perish in the generous struggle. You will never decline the combat when freedom is the prize. An independence of Great Britain is not our aim, but if pacific measures are ineffectual, and it appears that the only way to safety is through fields of blood, I know you will undauntedly press forward, until tyranny is trodden under foot."

Bancroft, Hist. of the U.S., vol.4, p.134

At the motion for "appointing an orator for the ensuing year to commemorate the horrid massacre," the officers of the army and navy who heard the oration began to hiss. The insult exasperated the assembly; but Adams, with imperturbable calmness, restored order, and the vote was taken.

Bancroft, Hist. of the U.S., vol.4, p.134

Officers and soldiers of the maddened army longed for revenge. An honest countryman from Billerica, inquiring for a firelock, was offered an old one by a private; but, as soon as he had bought it, he was seized for having violated an act of parliament against trading with soldiers, and confined during the night in the guard-room. The next day he was tarred and feathered, labelled on the back "American liberty, or a specimen of democracy," and carted through the principal streets of the town, accompanied by a guard of twenty men with fixed bayonets; by a mob of officers, among whom was Lieutenant-Colonel Nesbit; and by all the drums and fifes of the forty-seventh, playing Yankee Doodle.

Bancroft, Hist. of the U.S., vol.4, p.134

"See what indignities we suffer rather than precipitate a crisis," wrote Samuel Adams to Virginia. The soldiers seemed encouraged to provoke the people, that they might give some color for beginning hostilities.

Chapter 9:

Chapter Ix the King Awaits News of Success,

March-May 1775

Bancroft, Hist. of the U.S., vol.4, p.135

DURING this angry strife between the citizens and soldiers at Boston, Lord Howe at London broke off negotiations with Franklin, and the ministry used the pen of Samuel Johnson to inflame the public mind. Johnson was a poor man's son, and had tasted the bitter cup of extreme indigence. From his father he inherited "the vile melancholy that made him mad all his life, at least not sober." For years he had gained a precarious support as an author. He had escaped a prison for a trifle he owed by begging an alms of Richardson, and had known what it is from sheer want to go without a dinner, through all his sufferings preserving a rugged independence. The name of the retired and uncourtly scholar was venerable wherever the English was spoken, by his full display of that language in a dictionary, written amid inconvenience and disc traction, in sickness, sorrow, and gloomy solitude, with little assistance of the learned and no patronage of the great. When better days came, he loved and cared for the poor as few else love them. It were to have been wished that a man who complained of his life as "radically wretched," and who was so tenderly sensitive to the wretchedness of others, should have been able to feel for the wrongs of an injured people; but he consented to be employed by the ministry to defend the taxation of America by parliament; and the task was congenial to his hate of the Puritans and his life-long political creed.

Bancroft, Hist. of the U.S., vol.4, p.135 - p.136

The Bostonians had declared to the general congress their willingness to resign their opulent town, and wander into the country as exiles. "Alas!" retorted Johnson, "the heroes of Boston will only leave good houses to wiser men." To the complaints of their liability to be carried out of their country for trial he answered: "We advise them not to offend." When it was urged that they were condemned unheard, he asserted: "There is no need of a trial; no man desires to hear that which he has already seen." Franklin had remained in Great Britain for no reason but to promote conciliation; with a ponderous effort at mirth, Johnson pointed at him as the "master of mischief." Did the Americans claim a right of resistance," Audacious defiance! "cried Johnson; "acrimonious malignity! The indignation of the English is like that of the Scythians, who, returning from war, found themselves excluded from their own houses by their slaves." Virginia and the Carolinas had shown impatience of oppression. "How is it," asked Johnson, "that we hear the loudest yelps for liberty among the drivers of negroes? The slaves should be set free; they may be more grateful and honest than their masters." Lord North inclined to mercy: "Nothing," said the moralist, "can be more noxious to society than clemency which exacts no forfeiture;" and he proposed to arm the savage Indians, turn out the British soldiers on free quarters among the Americans, remodel all their charters, and take away their political privileges. Dickinson, of Pennsylvania, had insisted that the Americans complained only of innovations. "We do not put a calf into the plough," wrote Johnson; "we wait till he is an ox." This, however, the ministry bade him erase, not for its ribaldry, but from unwillingness to concede that the calf had been spared; and Johnson obeyed, comparing himself to a mechanic for whom " the employer is to decide." He mocked at the rule of progression, which showed that America must one day exceed Europe in population. "Then," said he in derision, "in a century and a quarter let the princes of the earth tremble in their palaces."

Bancroft, Hist. of the U.S., vol.4, p.136 - p.137

The pure-minded man, who in a sensual age was the quickener of religious fervor, the preacher to the poor, John Wesley, came forward to defend the system of the court with the usual arguments. He looked so steadily toward the world beyond the skies that he could not brook the interruption of devout gratitude by bloody contests in this stage of being. The rupture between the English and the Americans was growing wider every day, and to him the total defection of America was the evident prelude of a conspiracy against monarchy, of which the bare thought made him shudder. "No governments under heaven," said he, "are so despotic as the republican; no subjects are governed in so arbitrary a manner as those of a commonwealth. The people never but once in all history gave the sovereign power, and that was to Masaniello of Naples. Our sins will never be removed till we fear God and honor the king." Wesley's mental constitution was not robust enough to gaze on the future with unblenched calm. He could not foresee that the constellation of republics, so soon to rise in the wilds of America, would welcome the members of the society which he was to found as the pioneers of religion; that the breath of liberty would waft their messages to the masses of the people; would encourage them to collect the white and the negro, slave and master, in the greenwood, for counsel on divine love and the full assurance of grace; and would carry their consolation and songs and prayers to the farthest cabins in the wilderness. To the gladdest of glad tidings for the political regeneration of the world Wesley listened with trembling, as to the fearful bursting of the floodgates of revolution.

Bancroft, Hist. of the U.S., vol.4, p.137 - p.138

In the house of lords, Camden, on the sixteenth of March, took the occasion of the motion to commit the bill depriving New England of the fisheries to reply not to ministers only, but to their pensioned apologist, in a speech which was admired in England and gained applause of Vergennes. He justified the union of the Americans, and refuted the suggestion that New York could be detached from it. By the extent of America, the numbers of its people, their solid, firm, and indissoluble agreement on the great basis of liberty and justice, and the want of men and money on the part of England, he proved that England must fail in her attempt at coercion, that the ultimate independence of America was inevitable. "Suppose the colonies do abound in men," replied Sandwich; "they are raw, undisciplined, and cowardly. I wish, instead of forty or fifty thousand of these brave fellows, they would produce in the field at least two hundred thousand; the more the better; the easier would be the conquest. At the siege of Louisburg, Sir Peter Warren found what egregious cowards they were. Believe me, my lords, the very sound of a cannon would send them off as fast as their feet could carry them." He then abused the Americans for not paying their debts, and ascribed their associations to a desire to defraud their creditors. The restraint on trade and the fisheries was extended by a separate bill to the middle states except New York, and to South Carolina, with constant assurances that the Americans would not fight. When on the twenty-first the debate was renewed and the bill passed, both Rockingham and Shelburne, the old whig and the new, inserted in their protest against the act that "the people of New England are especially entitled to the fisheries."

Bancroft, Hist. of the U.S., vol.4, p.138

Franklin, as he heard the invective of Sandwich, turned on his heel; no part was left him but to go home. The French minister, who revered his supreme ability, sought with him one last interview. "I spoke to him," wrote Garnier to Vergennes, "of the part which our president Jeannin had taken in establishing the independence and forming the government of the United Provinces;" and the reminiscence cheered him as a prediction. "But then," subjoined Garnier, "they have neither a marine, nor allies, nor a prince of Orange."

Bancroft, Hist. of the U.S., vol.4, p.138

For some hours of the nineteenth, his last day in London, Franklin was engaged with Priestley in looking over American newspapers, and directing him what to extract from them for the English ones; in reading them he was frequently not able to proceed for the tears which were literally running down his cheeks. A large part of the same day he spent with Edmund Burke. He called up the happy years of America under the protection of England, saying: "The British empire is the only instance of a great empire in which the most distant members have 'been as well governed as the metropolis; but then the Americans are going to lose the means which secured to them this rare and precious advantage. The question with them is, not whether they are to remain as they were before the troubles, for better they could not hope to be; but whether they are to give up so happy a situation without a struggle. I lament flee separation between Great Britain and her colonies; but it is inevitable."

Bancroft, Hist. of the U.S., vol.4, p.139

So parted the great champion of the British aristocracy and the man of the American people. Burke revered Franklin to the last, foretold the steady brightening of his fame, and drew from his integrity the hope of peace.

Bancroft, Hist. of the U.S., vol.4, p.139

The next morning Franklin posted to Portsmouth; and, before his departure from London was known, he had embarked for Philadelphia. "Had I been the master," said Hutchinson, "his embarkation would have been prevented." "With his superiority," said Garnier, "and with the confidence of the Americans, he will cut out work enough for the ministers who have persecuted him." Vergennes felt assured he would spread a general conviction that the British ministry had irrevocably chosen its part, and had left America no choice but independence.

Bancroft, Hist. of the U.S., vol.4, p.139

With personal friends, with merchants, with manufacturers, with the liberal statesmen of England, with supporters of the ministry, Franklin had labored on all occasions earnestly, disinterestedly, and long, to effect reconciliation. Its last gleam vanished on his disappearance. The administration attributed to him an inflexible and subtle hostility to England. But nothing deceives like jealousy; he perseveringly endeavored to open the eyes of the king and his servants. At the bar of the house of commons he foretold that persistence in taxation would compel independence; it was for the use of the government that once through Strahan and then through Lord Howe he explained the American question with frankness and precision. The British ministry overreached themselves by not believing him. "Speaking the truth to them in sincerity," said Franklin, "was my only finesse."

Bancroft, Hist. of the U.S., vol.4, p.139 - p.140

In his intercourse with the British government he contemplated the course of events as calmly as he would have watched a process of nature. His judgment was quick and infallible; his communications prompt and precise; his frankness perfect. He never shunned responsibility, and never assumed too much of it. His single breast contained the spirit of his nation; and in every instance his answers to the ministry and their emissaries were those which the voice of America would have dictated could he have taken her counsel. In him is discerned no deficiency and no excess. Full of feeling, even to passion, he observed and reasoned and spoke serenely. Of all men, he was the friend to peace; but the terrors of a sanguinary civil war did not confuse his perceptions or impair his firmness. He went home to assist in the establishment of independence, and, through independence, of peace.

Bancroft, Hist. of the U.S., vol.4, p.140

He was sailing out of the British channel with a fair wind when, on the twenty-second of March, Edmund Burke, speaking for the party of the old whigs, who had mistakenly extended the revolution principle of the absolute power of parliament in Britain to the external unrepresented parts of the English empire, brought forward in the house of commons resolutions for conciliation with America. He began by pronouncing a splendid eulogy on the colonies, whose rapid growth from families to communities, from villages to nations, attended by a commerce, great out of all proportion to their numbers, had added to England in a single life as much as England had been growing to in a series of seventeen hundred years.

Bancroft, Hist. of the U.S., vol.4, p.140 - p.141

The subject before the house was the bill prohibiting New England from the fisheries, and he most skilfully made his way through it to his great design, saying: "As to the wealth which the colonies have drawn from the sea by their fisheries, pray what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale fishery. While we follow them among the tumbling mountains of Ice, and behold them penetrating into the deepest frozen recesses of Hudson's bay and Davis's straits, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes, and engaged under the frozen serpent of the South. Falkland island, which seemed too remote and romantic an object for the grasp of national ambition, is but a resting-place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them than the accumulated winter of both the poles. While some of them draw the line and strike the harpoon on the coast of Africa, others pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries; no climate that is not witness to their tolls. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hard industry to the extent to which it has been pushed by this recent people—a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things; when I know that the colonies in general owe little or nothing to any care of ours, but that, through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection; when I see how profitable these effects have been to us, I feel all the pride of power melt and die away within me. My rigor relents. I pardon something to the spirit of liberty.

Bancroft, Hist. of the U.S., vol.4, p.141

"From six capital sources: descent, form of government, religion in the northern provinces, manners in the southern, education, the remoteness of situation from the first mover of government—from all these causes a fierce spirit of liberty has grown up. It looks to me narrow and pedantic to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against a whole people.

Bancroft, Hist. of the U.S., vol.4, p.141

"My idea, therefore, without considering whether we yield as matter of right, or grant as matter of favor, is to admit the people of our colonies into an interest in the constitution. A revenue from America! You never can receive it, no, not a shilling. For all service, whether of revenue, trade, or empire, my hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. Let them always keep the idea of their civil rights associated with your government, they will cling and grapple to you, and no force under heaven will be of power to tear them from their allegiance; deny them this participation of freedom, and you break the unity of the empire. It is the spirit of the English constitution, which, infused through the mighty mass, vivifies every part of the empire, even down to the minutest member. Is it not the same virtue which does everything for us here in England?

Bancroft, Hist. of the U.S., vol.4, p.141 - p.142

"All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians who think that nothing exists but what is gross and material; and who, therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But these ruling and master principles are in truth everything, and all in all. Magnanimity in politics is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our situation, and glow with zeal to fill our places as becomes our station and ourselves, we ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire, and have made the most extensive and the only honorable conquests by promoting the wealth, the number, the happiness of the human race."

Bancroft, Hist. of the U.S., vol.4, p.142

For three hours Burke was heard with attention; but, after a reply by Jenkinson, his deep wisdom was scoffed away by a vote of more than three to one. Ministers anticipated even less opposition in the colonies.

Bancroft, Hist. of the U.S., vol.4, p.142 - p.143

At the North, the state of Vermont was preparing to rise from anarchy into self-existence, peace, and order. The court of common pleas was to be opened by the royal judges in what was called the New York county of Cumberland, at Westminster, in the New Hampshire Grants, on the eastern side of the Green Mountains. To prevent this assertion of the jurisdiction of New York and of the authority of the king, a body of young men from the neighboring farms on the thirteenth of March took possession of the court-house. The royal sheriff, who, against the wish of the judges, had raised sixty men armed with guns and bludgeons, demanded possession of the building; and, after reading the riot act and refusing to concede terms, late in the night ordered his party to fire. In this way be made his entry by force, having mortally wounded William French of Brattleborough, and Daniel Houghton of Dummerston. The act closed the supremacy of the king and of New York to the east of Lake Champlain. Armed men poured in from towns in the Grants and from the borders of New Hampshire and Massachusetts. They instituted a jury of inquest, and the royalists implicated in the attack were sent to jail in Massachusetts for trial. They were soon released; but the story of the first martyrs in the contest with the king was told from village to village as a tale of tyranny and murder. Just before this shedding of blood, Ethan Allen, foreseeing war with Great Britain, sent assurances to Oliver Wolcott of Connecticut, that "the regiment of Green Mountain Boys would assist their American brethren." On the twenty-ninth, John Brown of Pittsfield, who had passed through the district on his way to Montreal, wrote to Samuel Adams and Joseph Warren at Boston, that, "should hostilities be committed by the king's troops, the people on New Hampshire Grants would seize the fort at Ticonderoga; and that they were the proper persons for the job."

Bancroft, Hist. of the U.S., vol.4, p.143

The assembly of Delaware, which met on the day of the shedding of blood in Vermont, approved the proceedings of the congress at Philadelphia; but, in reelecting their deputies, they avowed their most ardent wish for an accommodation with Great Britain, for which end they were willing to yield claims of right that were either doubtful or "not essentially necessary to their well-being." The session was specially important, from the instruction given to their deputies in congress to urge decently but firmly the right of their province to a voice in congress equal with any other province on this continent. A bill was passed prohibiting the importation of slaves; but the proprietary governor, obeying the decision of the king in council, interposed his veto. In the neighboring county of Westchester, in Pennsylvania, a movement was made "for the manumission of slaves, especially of all infants born of black mothers within the colony."

Bancroft, Hist. of the U.S., vol.4, p.143 - p.144

Early in March the governor of North Carolina, having returned by land from New York to his government, reported to the British secretary of state: "In Virginia the ferment has in no sort abated, as I think the advertisement of Mr. Washington and others, that your lordship will find inclosed, plainly discovers." The inclosure consisted of the Fairfax resolves, to which Washington had set his name. In his own government, Martin sought to neutralize the convention by holding simultaneously a meeting of the legislature; but, on the fifth of April, the convention of North Carolina, in which Richard Caswell was the most conspicuous member, unanimously adhered to the general congress, reelected their delegates, and "invested them with such power as might make any act done by them, or any of them, or consent given in behalf of the province, obligatory in honor upon every inhabitant thereof." Yet propositions to array an armed force were overruled.

Bancroft, Hist. of the U.S., vol.4, p.144

The members of the convention of Virginia, in which even the part of Augusta county west of the Alleghany Mountains was represented, cherished the system of limited monarchy under which they had been born and educated. Though quick to resent aggression, they abhorred the experiment of changing their form of government by revolution without some absolute necessity. Virginia was, moreover, unprepared for war. Its late expedition against the Shawnee Indians had left a debt of one hundred and fifty thousand pounds; its currency was of paper, and it had no efficient system of revenue. Its soil, especially in the low country, was cultivated by negro slaves, so that the laborers in the field could not furnish recruits for an army. Except a little powder in a magazine near Williamsburg, it was destitute of warlike stores. Of all the colonies, the magnificent bay of the Chesapeake, and the deep water of the James, the York, the Potomac, and other rivers, exposed it most to invasions from the sea.

Bancroft, Hist. of the U.S., vol.4, p.144

On the twentieth of March its second convention assembled at Richmond, in the old church of St. John, on the hill which overlooks the town. The proceedings of the continental congress and the conduct of the delegates of the colony were approved with unanimity. On the twenty-third the mediating interposition of the assembly of Jamaica was recognised as a proof of "their patriotic endeavors to fix the just claims of the colonists upon permanent constitutional principles;" and assurances were renewed "that it was the most ardent wish of their colony, and of the whole continent of North America, to see a speedy return of those halcyon days when they lived a free and happy people."

Bancroft, Hist. of the U.S., vol.4, p.144 - p.145

But, with all their love of peace under the government of the king, the imminence of danger drove them irresistibly to the Fairfax resolves. A motion, couched in the very words to which Washington in person had set his name, was brought forward by Patrick Henry, with its logical consequences, "that this colony be immediately put into a posture of defence, and that a committee prepare a plan for the embodying, arming, and disciplining such a number of men as may be sufficient for that purpose." The resolution was opposed by Bland, Harrison, and Pendleton, three of the delegates of Virginia in congress, and by Nicholas, who had been among the most resolute in the preceding May. There was no array of party against party, but rather a conflict of feelings and opinions in every one's breast. "Are we ready for war?" asked those who lingered in the hope of reunion. "Where are our stores, our soldiers, our generals, our money? We are defenceless; yet we talk of war against one of the most formidable nations in the world. It will be time enough to resort to measures of despair when every well-founded hope has vanished."

Bancroft, Hist. of the U.S., vol.4, p.145

Henry replied in a speech of which no exact report has come down, but all tradition agrees that he dispelled the illusive hope of reconciliation, proving that, if Americans would be free, they must fight! His transfigured features glowed as he spoke, and his words fell like a doom of fate. He was supported by Richard Henry Lee, who made an estimate of the force which Britain could employ against the colonies, and, after comparing it with their means of resistance, proclaimed that the auspices were good, adding that "Thrice is he armed who hath his quarrel just!"

Bancroft, Hist. of the U.S., vol.4, p.145

The resolutions were adopted. To give them effect, a committee, consisting of Patrick Henry, Richard Henry Lee, Washington, Jefferson, and others, in a few days reported a plan for forming in every county one or more volunteer companies and troops of horse, to be in constant training and readiness. Whatever doubts had been before expressed, the plan was unanimously accepted. Nicholas would even have desired the more energetic measure of organizing an army. The convention voted to encourage the manufacture of woollen, cotton, and linen; of gunpowder; of salt and iron and steel; and recommended to the inhabitants to use colonial manufactures in preference to all others. Before dissolving their body, they elected their former delegates to the general congress in May, adding to the number Thomas Jefferson, "in case of the non-attendance of Peyton Randolph."

Bancroft, Hist. of the U.S., vol.4, p.146

To intimidate the Virginians, Dunmore issued proclamations, and circulated a rumor that he would excite an insurrection of their slaves. By his orders a body of marines in the night preceding the twenty-first of April carried off the gunpowder stored at Williamsburg in the colony's magazine; but, as soon as it was known, drums were sent through the city to alarm the inhabitants; the independent company arrayed itself in arms; the people assembled for consultation, and at their instance the mayor and corporation peremptorily demanded of the governor that the powder should be restored.

Bancroft, Hist. of the U.S., vol.4, p.146

The governor at first answered evasively; but, on hearing that the citizens had reassembled under arms, he abandoned himself to passion. "The whole country," said he, "can easily be made a solitude; and, by the living God! if any insult is offered to me, or those who have obeyed my orders, I will declare freedom to the slaves, and lay the town in ashes."

Bancroft, Hist. of the U.S., vol.4, p.146

The offer of freedom to the negroes came very oddly from the representative of the nation which had sold them to their present masters, and of the king who had been displeased with Virginia for its desire to tolerate that inhuman traffic no longer; and it was but a sad resource for a commercial metropolis to keep a hold on its colony by letting loose slaves against its own colonists.

Bancroft, Hist. of the U.S., vol.4, p.146 - p.147

The seizure of the powder startled Virginia. "This first public insult is not to be tamely submitted to," wrote Hugh Mercer and others from Fredericksburg to Washington; and they proposed, as a body of light-horsemen, to march to Williamsburg for the honor of Virginia. Gloucester county would have the powder restored. The Henrico committee would be content with nothing less. Bedford offered a premium for the manufacture of gunpowder. The independent company of Dumfries could be depended upon for any service which respected the liberties of America. The Albemarle volunteers "were ready to resent arbitrary power, or die in the attempt." "I expect the magistrates of Williamsburg, on their allegiance," such was Dunmore's message, "to stop the march of the people now on their way, before they enter this city; otherwise, it is my fixed purpose to arm all my own negroes, and receive and declare free all others that will come to me. I do enjoin the magistrates and all loyal subjects to repair to my assistance, or I shall consider the whole country in rebellion, and myself at liberty to annoy it by every possible means; and I shall not hesitate at reducing houses to ashes, and spreading devastation wherever I can reach." To the British ministry he wrote: "With a small body of troops and arms I could raise such a force from among Indians, negroes, and other persons, as would soon reduce the refractory people of this colony to obedience."

Bancroft, Hist. of the U.S., vol.4, p.147

On the twenty-ninth of April there were at Fredericksburg upward of six hundred well-armed men. A council of one hundred and two weighed the moderating advice received from Washington and Peyton Randolph, and they agreed to disperse; yet not till they had pledged to each other their lives and fortunes to reassemble at a moment's warning, and by force of arms to defend the laws, the liberty, and rights of Virginia, or any sister colony, from unjust and wicked invasion. The message from a sister colony was already on the wing.

Bancroft, Hist. of the U.S., vol.4, p.147 - p.148

In New York the feebleness of its antiquated assembly was remedied by the zeal of its people. The merchants who furnished supplies to the British army at Boston were denounced at the liberty-pole as enemies to the country. When Sears, who moved that every man should provide himself with four-and-twenty rounds, was carried before the mayor and refused to give bail, he was liberated on his way to prison, and escorted in triumph to a public meeting. When the assembly, by a majority of four, refused to forbid importations, the committee laughed at its vote and enforced the association. When it rob fused to choose delegates to another congress, a poll was taken throughout the city, and the decision was reversed by eight hundred and twenty-five against one hundred and sixty-three, more than five to one. The rural counties cooperated with the city, and, on the twentieth of April, forty-one delegates met in convention, chose Philip Livingston unanimously their president, re-elected to congress all their old members except one, who was lukewarm, and unanimously added five others, among them Philip Schuyler, George Clinton, and Robert R. Livingston, to "concert measures for the preservation of American rights, and for the restoration of harmony between Great Britain and the colonies."

Bancroft, Hist. of the U.S., vol.4, p.148

On the first day of April the provincial congress of Massachusetts voted that, if the royal governor would issue writs in the usual form for the election of a general assembly, the towns ought to obey the precepts and elect members; otherwise, delegates should be chosen for a third provincial congress. On the second, two vessels arrived at Marblehead, with the tidings that both houses of parliament had pledged to the king their lives and fortunes for the reduction of America, that New England was prohibited from the fisheries, and that the army of Gage was to be largely re-enforced. On the third, congress required the attendance of all absent members, and desired the towns not yet represented to send members without delay.

Bancroft, Hist. of the U.S., vol.4, p.148

The most appalling danger hung over them from the Indians of the north-west, whom La Corne, Hamilton the lieutenant-governor for Detroit, and other Canadian emissaries were seeking to influence, while Guy Johnson was removing the American missionaries from the Six Nations. Dartmouth college, "a new and defenceless" institution of charity on the frontier, where children of the Six Nations received Christian training, was "threatened with an army of savages." To countervail their efforts, Eleazer Wheelock, president of the college, sent the young New England preacher, James Dean, who was a great master of the language of the Iroquois, "to itinerate among the tribes in Canada and brighten the chain of friendship."

Bancroft, Hist. of the U.S., vol.4, p.148

To the Mohawks the Massachusetts congress despatched the wise and humane Samuel Kirkland, who had lived among them as a missionary, to prevail with them "at least to stand neuter, and not assist their enemies." It voted a blanket and a ribbon to each of the converted Indians who were domiciled at Stockbridge, saying: "We are all brothers," and the Stockbridge Indians on their part promised to entreat the Six Nations not to take part in the war.

Bancroft, Hist. of the U.S., vol.4, p.148 - p.149

The congress of Massachusetts adopted a code for its future army, yet formed none. They enjoined every town to have its committee of correspondence; they ordered a day of fasting and prayer for the union of the American colonies and their direction to such measures as God would approve; they encouraged the poor of Boston to move into the country; they sent special envoys to each of the other New England states to concert measures for raising an army of defence; and they urged "the militia and minute-men " in the several towns to be on the alert. They forbade every act that could be interpreted as a commencement of hostilities, but they resolved unanimously that the militia might act on the defensive. If the forces of the colony should be called out, the members of the congress agreed to repair instantly to Concord. Then, on the fifteenth of April, they adjourned, expecting a long and desperate war with the mighty power of Great Britain, yet with no financial preparations; not a soldier in service; hardly ammunition enough for a parade-day; scarcely more than ten iron cannon, and four of brass; with no executive but the committee of safety; no government but by committees of correspondence; no visible centre of authority. Anarchy would have prevailed but for the resistless principle in the heart of the people which could unite and organize and guide.

Bancroft, Hist. of the U.S., vol.4, p.149

On the tenth of April, Wilkes, the lord mayor, with the aldermen and livery of London, following an ancient form, complained to the king in person that the real purpose of his ministers was "to establish arbitrary power over all America," and he sought him to dismiss them. The king answered: "It is with the utmost astonishment that I find any of my subjects capable of encouraging the rebellious disposition which unhappily exists in some of my colonies;" and, by a letter from the lord chamberlain, he announced his purpose never again to receive any address from the lord mayor and aldermen but in their corporate capacity.

Bancroft, Hist. of the U.S., vol.4, p.149

If more troops were sent, the king's standard erected, and a few of the leaders taken up, Hutchinson was ready to stake his life for the submission of the colonies.

Bancroft, Hist. of the U.S., vol.4, p.149 - p.150

New York was the pivot of the policy of ministers. Like North Carolina and Georgia, it was excepted from restraints imposed on the trade and fisheries of all the rest. The defection of its assembly from the acts of the general congress was accepted as proof that it would adhere to the king; and the British generals, who were on the point of sailing for America, were disputing for the command at that place. "Burgoyne would best manage a negotiations" said the king; but Howe would not resign his right to New York as the post of confidence. All believed that it had been won over to the royal cause, and that the other provinces could easily be detached one by one from the union, so that it would be a light task to subdue Massachusetts.

Bancroft, Hist. of the U.S., vol.4, p.150

On the fifteenth of April orders from Lord Dartmouth were written to Gage to take possession of every colonial fort; to seize and secure all military stores of every kind, collected for the rebels; to arrest and imprison all such as should be thought to have committed treason; to repress rebellion by force; to make the public safety the first object of consideration; to substitute more coercive measures for ordinary forms of proceeding, without pausing "to require the aid of a civil magistrate." Thurlow and Wedderburn had given their opinion that the Massachusetts congress was a treasonable body; the power of pardon which was conferred on the general did not extend to the president of "that seditious meeting," nor to "its most forward members," who, as unfit subjects for the king's mercy, were to be brought "to condign punishment" either in America or in England.

Bancroft, Hist. of the U.S., vol.4, p.150

Four of the regiments, at first destined to Boston, received orders to proceed directly to New York, where their presence was to aid the progress of intrigue. At the same time, the Senegal carried out six packages, each containing a very large number of copies of "An Address of the People of Great Britain to the Inhabitants of America," written by Sir John Dalrymple at Lord North's request.

Bancroft, Hist. of the U.S., vol.4, p.150 - p.151

"From the late differences," said the pamphlet, with the assumption of full authority, "it is the fault of us both if we do not derive future agreement by some great act of state. Let the colonies make the first advance; if not, parliament will do so by sending a commission to America. The first honor will belong to the party which shall first scorn punctilio in so noble a cause. We give up the disgraceful and odious privilege of taxing you. The power of taxation over you we desire to throw from us as unworthy of you to be subject to, and of us to possess. As to the judges dependent on the king's pleasure, if you suspect us, appoint your own judges, pay them your own salaries. If we are wrong in thinking your charters formed by accident, not by forethought, let them stand as they are. Continue to share the liberty of England. With such sentiments of kindness in our breasts, we cannot hear without the deepest concern a charge that a system has been formed to enslave you by means of parliament."

Bancroft, Hist. of the U.S., vol.4, p.151

These offers, composed for Lord North and printed at the public cost, were sent out by the government, to be widely distributed at the very time that the vengeful secret orders were transmitted to Boston. Yet Lord North was false only as he was weak and uncertain. He really wished to concede and conciliate, but he had not force enough to come to a clear understanding with himself. When he encountered the opposition in the house of commons, he sustained his administration by speaking confidently for vigorous measures; when alone, his heart sank within him from dread of civil war.

Bancroft, Hist. of the U.S., vol.4, p.151

The memorial of the assembly of New York, which Burke, their agent, presented to parliament on the fifteenth of May, was rejected, because it questioned the right of parliament to tax America. Three days later, Lord North avowed the orders for raising Canadian regiments of French papists; "however," he continued, "the dispute with America is not so alarming as some people apprehend. I have not the least doubt it will end speedily, happily, and without bloodshed."

Bancroft, Hist. of the U.S., vol.4, p.151

On the twenty-third of May secret advices from Philadelphia confirmed Dartmouth and the king in their confidence that North's conciliatory resolution "would remove all obstacles to the restoration of public tranquillity," through "the moderation and loyal disposition of the assembly of New York." The king, in proroguing parliament on the twenty-sixth, spoke only of "his subjects in America, whose wishes were to be gratified and apprehensions removed as far as the constitution would allow." The court gazette was equally moderate. As yet no tidings came from the colonies of a later date than the middle of April. All America, from Lake Champlain to the Altamaha; cities of Europe, Madrid, Paris, Amsterdam, Vienna, hardly less than London, were gazing with expectation toward the little villages that lay round Boston.

Chapter 10:

To Lexington and Concord, and Back to Boston,

April 19, 1775

Bancroft, Hist. of the U.S., vol.4, p.152

GAGE, who had under his command about three thousand effective men, was informed by his spies of military stores, pitiful in their amount, collected by provincial committees at Worcester and Concord; and he resolved on striking a blow, as the king desired. On the afternoon of the day on which the provincial congress of Massachusetts adjourned he took the light infantry and grenadiers off duty, and secretly prepared an expedition to destroy the colony's stores at Concord. The attempt had for several weeks been expected; and signals were concerted to announce the first movement of troops for the country. Samuel Adams and Hancock, who had not yet left Lexington for Philadelphia, received a timely message from Warren, and, in consequence, the committee of safety removed a part of the public stores and secreted the cannon.

Bancroft, Hist. of the U.S., vol.4, p.152

On Tuesday, the eighteenth of April, ten or more British sergeants in disguise dispersed themselves through Cambridge and farther west to intercept all communication. In the following night the grenadiers and light infantry, not less than eight hundred in number, the flower of the army at Boston, commanded by Lieutenant-Colonel Smith, crossed in the boats of the transport ships from the foot of the common to East Cambridge. There they received a day's provisions; and near midnight, after wading through wet marshes that are now covered by a stately city, they took the road through West Cambridge to Concord.

Bancroft, Hist. of the U.S., vol.4, p.152 - p.153

Gage directed that no one else should leave the town; but Warren had, at ten o'clock, despatched William Dawes through Roxbury, and Paul Revere by way of Charlestown, to Lexington.

Bancroft, Hist. of the U.S., vol.4, p.153

Revere stopped only to engage a friend to raise the concerted signals, and two friends rowed him across Charles river five minutes before the sentinels received the order to prevent it. All was still, as suited the hour. The Somerset man-of-war was winding with the young flood; the waning moon just peered above a clear 'horizon; while, from a couple of lanterns in the tower of the North church, the beacon streamed to the neighboring towns as fast as light could travel.

Bancroft, Hist. of the U.S., vol.4, p.153

A little beyond Charlestown neck, Revere was intercepted by two British officers on horseback; but, being well mounted, he turned suddenly, and escaped by the road to Medford. Of that town, he waked the captain of the minute-men, and continued to rouse almost every house on the way to Lexington. The troops had not advanced far when the firing of guns and ringing of bells announced that their expedition had been heralded; and Smith sent back for a re-enforcement.

Bancroft, Hist. of the U.S., vol.4, p.153

In the earliest moments of the nineteenth of April the message from Warren reached Adams and Hancock, who at once divined the object of the expedition. Revere, therefore, and I)awes, joined by Samuel Prescott, "a high Son of Liberty"from Concord, rode forward, calling up the inhabitants as they passed along, till in Lincoln they fell upon a party of British officers. Revere and Dawes were seized and taken back to Lexington, where they were released; but Prescott leaped over a low stone wall, and galloped on for Concord.

Bancroft, Hist. of the U.S., vol.4, p.153

There, at about two hours after midnight, a peal from the bell of the meeting-house brought together the inhabitants of the place, young and old, with their firelocks, ready to make good the resolute words of their town debates. Among the most alert was William Emerson, the minister, with gun in hand, his powder-horn and pouch of balls slung over his shoulder. By his sermons and his prayers his flock learned to hold the defence of their liberties a part of their covenant with God; his presence with arms strengthened their sense of duty.

Bancroft, Hist. of the U.S., vol.4, p.153 - p.154

From daybreak to sunrise, the summons ran from house to house through Acton. Express messengers and the call of minute-men spread widely the alarm. How children trembled as they were scared out of sleep by the cries! how women, with heaving breasts, bravely seconded their husbands! how the countrymen, forced suddenly to arm, without guides or counsellors, took instant counsel of their courage! The mighty chorus of voices rose from the scattered farm-houses, and, as it were, from the ashes of the dead. Come forth, champions of liberty; now free your country; protect your sons and daughters, your wives and homesteads; rescue the houses of the God of your fathers, the franchises handed down from your ancestors. Now all is at stake; the battle is for all.

Bancroft, Hist. of the U.S., vol.4, p.154

Lexington, in 1775, may have had seven hundred inhabitants; their minister was the learned and fervent Jonas Clark, the bold inditer of patriotic state papers, that may yet be read on their town records. In December 1772, they had instructed their representative to demand "a radical and lasting redress of their grievances, for not through their neglect should the people be enslaved." A year later, they spurned the use of tea. In 1774, at various town-meetings, they voted "to increase their stock of ammunition," "to encourage military discipline, and to put themselves in a posture of defence against their enemies." In December they distributed to "the train band and alarm list" arms and ammunition, and resolved to "supply the training soldiers with bayonets."

Bancroft, Hist. of the U.S., vol.4, p.154

At two in the morning, under the eye of the minister, and of Hancock and Adams, Lexington common was alive with the minute-men; and not with them only, but with the old men, who were exempts, except in case of immediate danger to the town. The roll was called, and, of militia and alarm men, about one hundred and thirty answered to their names. The captain, John Parker, ordered every one to load with powder and ball, but to take care not to be the first to fire. Messengers, sent to look for the British regulars, reported that there were no signs of their approach. A watch was therefore set, and the company dismissed with orders to come together at beat of drum. Some went to their own homes; some to the tavern, near the south-east corner of the common. Samuel Adams and Hancock, whose seizure was believed to be intended, were persuaded to retire toward Woburn.

Bancroft, Hist. of the U.S., vol.4, p.155

The last stars were vanishing from night, when the foremost party, led by Pitcairn, a major of marines, was discovered, advancing quickly and in silence. Alarm guns were fired, and the drums beat, not a call to village husbandmen only, but the reveille to humanity. Less than seventy, perhaps less than sixty, obeyed the summons, and, in sight of half as many boys and unarmed men, were paraded in two ranks, a few rods north of the meeting-house.

Bancroft, Hist. of the U.S., vol.4, p.155

How often in that building had they, with renewed professions of their faith, looked up to God as the stay of their fathers and the protector of their privileges! How often on that green, hard by the burial-place of their forefathers, had they pledged themselves to each other to combat manfully for their birthright inheritance of liberty! There they now stood side by side, under the provincial banner, with arms in their hands, silent and fearless, willing to shed their blood for their rights, scrupulous not to begin civil war. The ground on which they trod was the altar of freedom, and they were to furnish the victims.

Bancroft, Hist. of the U.S., vol.4, p.155

The British van, hearing the drum and the alarm gims, halted to load; the remaining companies came up; and, at half an hour before sunrise, the advance party hurried forward at double quick time, almost upon a run, closely followed by the grenadiers. Pitcairn rode in front, and, when within five or six rods of the minute-men, cried out: "Disperse, ye villains! ye rebels, disperse! lay down your arms! why don't you lay down your arms and disperse!" The main part of the countrymen stood motionless in the ranks, witnesses against aggression; too few to resist, too brave to fly. At this, Pitcairn discharged a pistol, and with a loud voice cried, "Fire!" The order was followed first by a few guns, which did no execution, and then by a close and deadly discharge of musketry.

Bancroft, Hist. of the U.S., vol.4, p.155

In the disparity of numbers, Parker ordered his men to disperse. Then, and not till then, did a few of them, on their own impulse, return the British fire. These random shots of fugitives or dying men did no harm, except that Pitcairn's horse was perhaps grazed, and a private of the tenth light infantry was touched slightly in the leg.

Bancroft, Hist. of the U.S., vol.4, p.156

Jonas Parker, the strongest and best wrestler in Lexington, had promised never to run from British troops; and he kept his vow. A wound brought him on his knees. Having discharged his gun, he was preparing to load it again, when he was stabbed by a bayonet, and lay on the post which he took at the morning's drum-beat. So fell Isaac Muzzey, and so died the aged Robert Munroe, who in 1758 had been an ensign at Louisburg. Jonathan Harrington, junior, was struck in front of his own house on the north of the common. His wife was at the window as he fell. With blood gushing from his breast, he rose in her sight, tottered, fell again, then crawled on hands and knees toward his dwelling; she ran to meet him, but only reached him as he expired on their threshold. Caleb Harrington, who had gone into the meeting-house for powder, was shot as he came out. Samuel Hadley and John Brown were pursued, and killed after they had left the green. Asahel Porter, of Woburn, who had been taken prisoner by the British on the march, endeavoring to escape, was shot within a few rods of the common. Seven men of Lexington were killed, nine wounded; a quarter part of all who stood in arms on the green.

Bancroft, Hist. of the U.S., vol.4, p.156

Day came in all the beauty of an early spring. The trees were budding; the grass growing rankly a full month before its time; the blue bird and the robin gladdening the genial season, and calling forth the beams of the sun which on that morning shone with the warmth of summer; but distress and horror gathered over the inhabitants of the peaceful town. There on the green lay in death the gray-haired and the young; the grassy field was red "with the innocent blood of their brethren slain," crying unto God for vengeance from the ground.

Bancroft, Hist. of the U.S., vol.4, p.156 - p.157

These are the village heroes, who were more than of noble blood, proving by their spirit that they were of a race divine. They gave their lives in testimony to the rights of mankind, bequeathing to their country an assurance of success in the mighty struggle which they began. The expanding millions of their countrymen renew and multiply their praise from generation to generation. They fulfilled their duty not from an accidental impulse of the moment; their action was the ripened fruit of Providence and of time. The light that led them on was combined of rays from the whole history of the race; from the traditions of the Hebrews in the gray of the world's morning; from the heroes and sages of republican Greece and Rome; from the example of Him who died on the cross fob the life of humanity; from the religious creed which proclaimed the divine presence in man, and on this truth, as in a life-boat, floated the liberties of nations over the dark flood of the middle ages; from the customs of the Germans transmitted out of their forests to the councils of Saxon England; from the burning faith and courage of Martin Luther; from trust in the inevitable universality of God's sovereignty as taught by Paul of Tarsus and Augustine, through Calvin and the divines of New England; from the avenging fierceness of the Puritans, who dashed the mitre on the ruins of the throne; from the bold dissent and creative self-assertion of the earliest emigrants to Massachusetts; from the statesmen who made, and the philosophers who expounded, the revolution of England; from the liberal spirit and analyzing inquisitiveness of the eighteenth century; from the cloud of witnesses of all the ages to the reality and the rightfulness of human freedom. All the centuries bowed themselves from the recesses of the past to cheer in their sacrifice the lowly men who proved themselves worthy of their forerunners, and whos children rise up and call them blessed.

Bancroft, Hist. of the U.S., vol.4, p.157

Heedless of his own danger, Samuel Adams, with the voice of a prophet, exclaimed: "Oh, what a glorious morning is this!" for he saw his country's independence hastening on, and, like Columbus in the tempest, knew that the storm bore him more swiftly toward the undiscovered world.

Bancroft, Hist. of the U.S., vol.4, p.157

The British troops drew up on the village green, fired a volley, huzzaed thrice by way of triumph, and, after a halt of less than thirty minutes, marched on for Concord. There, in the morning hours, children and women fled for shelter to the hills and the woods, and men were hiding what was left of cannon and military stores.

Bancroft, Hist. of the U.S., vol.4, p.157 - p.158

The minute-men and militia formed on the usual parade, over which the congregation of the town for near a century and a half had passed to public worship, the freemen to every town-meeting, and lately the patriot members of the provincial congress twice a day to their little senate house. Near that spot Winthrop, the father of Massachusetts, had given counsel; and Eliot, the apostle of the Indians, had spoken words of benignity and wisdom. The people of Concord, of whom about two hundred appeared in arms on that day, derived their energy from their sense of the divine power. This looking to God as their sovereign brought the fathers to their pleasant valley; this controlled the loyalty of the sons; and this has made the name of Concord venerable throughout the world.

Bancroft, Hist. of the U.S., vol.4, p.158

The alarm company of the place rallied near the liberty-pole on the hill, to the right of the Lexington road, in the front of the meeting-house. They went to the perilous duties of the day "with seriousness and acknowledgment of God," as though they were to engage in acts of worship. The minute company of Lincoln, and a few men from Acton, pressed in at an early hour; but the British, as they approached, were seen to be four times as numerous as the Americans. The latter therefore retreated, first to an eminence eighty rods farther north, then across Concord river, by the North Bridge, till just beyond it, by a back road, they gained high ground, about a mile from the centre of the town. There they waited for aid.

Bancroft, Hist. of the U.S., vol.4, p.158

About seven o'clock, under brilliant sunshine, the British marched with rapid step into Concord; the light infantry along the hills, and the grenadiers in the lower road. Left in undisputed possession of the hamlet, they made search for stores. To this end, one small party was sent to the South Bridge over Concord river; and, of six companies under Captain Laurie, three, comprising a hundred soldiers or more, were stationed as a guard at the North Bridge, while three others advanced two miles farther, to the residence of Barrett, the highest military officer of the neighborhood, where arms, it was thought, had been concealed. But they found there nothing to destroy except some carriages for cannon. His wife, at their demand, gave them refreshment, but refused pay, saying: "We are commanded to feed our enemy, if he hunger."

Bancroft, Hist. of the U.S., vol.4, p.158 - p.159

At daybreak the minute-men of Acton crowded at the drum-beat to the house of Isaac Davis, their captain, who "made haste to be ready." Just thirty years old, the father of four little ones, stately in his person, a man of few words, earnest even to solemnity, he parted from his wife, saying: "Take good care of the children;" and, while she gazed after him with resignation, he led off his company.

Bancroft, Hist. of the U.S., vol.4, p.159

Between nine and ten the number of Americans on the rising ground above Concord bridge had increased to more than four hundred. Of these, there were twenty-five minutemen from Bedford, with Jonathan Wilson for their captain; others were from Westford, among them Thaxter, a preacher; others from Littleton, from Carlisle, and from Chelmsford. The Acton company came last, and formed on the right. The whole was a gathering not so much of officers and soldiers as of brothers and equals, of whom every one was a man well known in his village, observed in the meeting-house on Sundays, familiar at town-meetings, and respected as a freeholder or a freeholder's son.

Bancroft, Hist. of the U.S., vol.4, p.159

Near the base of the hill Concord river flows languidly in a winding channel, and was approached by a causeway over the wet ground of its left bank. The by-road from the hill on which the Americans had rallied ran southerly till it met the causeway at right angles. The Americans saw before them, within gunshot, British troops holding possession of their bridge, and in the distance a still larger number occupying their town, which, from the rising smoke, seemed to have been set on fire.

Bancroft, Hist. of the U.S., vol.4, p.159

In Concord itself, Pitcairn had fretted and fumed with oaths and curses at the tavern-keeper for shutting against him the doors of the inn, and exulted over the discovery of two twenty-four pounders in the tavern yard, as though they reimbursed the expedition. These were spiked; sixty barrels of flour were broken in pieces, but so imperfectly that afterward half the flour was saved; five hundred pounds of ball were thrown into a mill-pond. The liberty-pole and several carriages for artillery were burned, and the court-house took fire, though the fire was put out. Private dwellings were rifled, but this slight waste of public stores was all the advantage for which Gage precipitated a civil war.

Bancroft, Hist. of the U.S., vol.4, p.159 - p.160

The Americans had as yet received only uncertain rumors of the morning's events at Lexington. At the sight of fire in the village, the impulse seized them "to march into the town for its defence." But were they not subjects of the British king? Had not the troops come out in obedience to acknowledged authorities? Was resistance practicable? Was it justifiable? By whom could it be authorized? No union had been formed, no independence proclaimed, no war declared. The husbandmen and mechanics who then stood on the hillock by Concord river were called on to act, and their action would be war or peace, submission or independence. Had they doubted, they must have despaired. Prudent statesmanship would have asked for time to ponder. Wise philosophy would have lost from hesitation the glory of opening a new era on mankind. The train-bands at Concord acted, and God was with them.

Bancroft, Hist. of the U.S., vol.4, p.160

"I never heard from any person the least expression of a wish for a separation," Franklin, not long before, had said to Chatham. In October 1774, Washington wrote: "No such thing as independence is desired by any thinking man in America." "Before the nineteenth of April 1775," relates Jefferson, "I never heard a whisper of a disposition to separate from Great Britain." Just thirty-seven days had passed since John Adams published in Boston: "That there are any who pant after independence, is the greatest slander on the province."

Bancroft, Hist. of the U.S., vol.4, p.160

The American revolution grew out of the soul of the people, and was an inevitable result of a living affection for freedom, which set in motion harmonious effort as certainly as the beating of the heart sends warmth and color through the system. The rustic heroes of that hour obeyed the simplest, the highest, and the surest instincts, of which the seminal principle existed in all their countrymen. From necessity they were impelled toward independence and self-direction; this day revealed the plastic will which was to attract the elements of a nation to a centre, and by an innate force to shape its constitution.

Bancroft, Hist. of the U.S., vol.4, p.160 - p.161

The officers, meeting in front of their men, spoke a few words with one another, and went back to their places. Barrett, the colonel, on horseback in the rear, then gave the order to advance, but not to fire unless attacked. The calm features of Isaac Davis, of Acton, became changed; the town school master of Concord, who was present, could never afterward find words strong enough to express how deeply his face reddened at the word of command. "I have not a man that is afraid to go," said Davis, looking at the men of Acton; and, drawing his sword, he cried: "March!" His company, being on the right, led the way toward the bridge, he himself at their head, and by his side Major John Buttrick, of Concord, with John Robinson, of Westford, lieutenant-colonel in Prescott's regiment, but on this day a volunteer without command.

Bancroft, Hist. of the U.S., vol.4, p.161

These three men walked together in front, followed by minute-men and militia, in double file, trailing arms. They went down the hillock, entered the by-road, came to its angle with the main road, and there turned into the causeway that led straight to the bridge. The British began to take up the planks; to prevent it, the Americans quickened their step. At this, the British fired one or two shots up the river; then another, by which Luther Blanchard and Jonas Brown were wounded. A volley followed, and Isaac Davis and Abner Hosmer fell dead. Three hours before, Davis had bid his wife farewell. That afternoon he was carried home and laid in her bedroom. His countenance was pleasant in death. The bodies of two others of his company, who were slain that day, were brought to her house, and the three were followed to the village graveyard by a concourse of the neighbors from miles around. Heaven gave her length of days in the land which his self-devotion assisted to redeem. She lived so see her country reach the Gulf of Mexico and the Pacific; when it was grown great in numbers, wealth, and power, the United States in congress bethought themselves to pay honors to her husband's martyrdom, and comfort her under the double burden of sorrow and of more than ninety years.

Bancroft, Hist. of the U.S., vol.4, p.161 - p.162

As the British fired, Emerson, who was looking on from an upper window in his house near the bridge, was for one moment uneasy lest the fire should not be returned. It was only for a moment; Buttrick, leaping into the air, and at the same time partially turning round, cried aloud: "Fire, fellow-soldiers! for God's sake, fire!" and the cry, "fire, fire, fire," ran from lip to lip. Two of the British fell; several were wounded. In two minutes all was hushed. The British retreated in disorder toward their main body; the countrymen were left in possession of the bridge. This is the world renowned BATTLE OF CONCORD; more eventful than Agincourt or Blenheim.

Bancroft, Hist. of the U.S., vol.4, p.162

The Americans stood astonished at what they had done. They made no pursuit and did no further harm, except that one wounded soldier, attempting to rise as if to escape, was struck on the head by a young man with a hatchet. The party at Barrett's might have been cut off, but was not molested. As the Sudbury company, commanded by the brave Nixon, passed near the South Bridge, Josiah Haynes, then eighty years of age, deacon of the Sudbury church, urged an attack on the British party stationed there; his advice was rejected by his fellow-soldiers as premature, but the company in which he served proved among the most alert during the rest of the day.

Bancroft, Hist. of the U.S., vol.4, p.162

In the town of Concord, Smith, for half an hour, showed by marches and countermarches his uncertainty of purpose. At last, about noon, he left the town, to retreat the way he came, along the hilly road that wound through forests and thickets. The minute-men and militia, who had taken part in the fight, ran over the hills opposite the battle-field into the east quarter of the town, crossed the pasture known as the "Great Fields," and placed themselves in ambush a little to the eastward of the village, near the junction of the Bedford road. There they were re-enforced by men from all around, and at that point the chase of the English began.

Bancroft, Hist. of the U.S., vol.4, p.162

Among the foremost were the minute-men of Reading, led by John Brooks, and accompanied by Foster, the minister of Littleton, as a volunteer. The company of Billerica, whose inhabitants, in their just indignation at Nesbit and his soldiers, had openly resolved to "use a different style from that of petition and complaint," came down from the north, while the East Sudbury company appeared on the south. A little below the Bedford road at Merriam's corner the British faced about; but, after a sharp encounter, in which several of them were killed, they resumed their retreat.

Bancroft, Hist. of the U.S., vol.4, p.162 - p.163

At the high land in Lincoln the old road bent toward the north, just where great trees on the west and thickets on the east offered cover to the pursuers. The men from Woburn came dip in great numbers, and well armed. Along these defiles fell eight of the British. Here Pitcairn for safety was forced to quit his horse, which was taken with his pistols in their holsters. A little farther on, Jonathan Wilson, captain of the Bedford minute-men, too zealous to keep on his guard, was killed by a flanking party. At another defile in Lincoln, the minute-men of Lexington, commanded by John Parker, renewed the fight. Every piece of wood, every rock by the wayside, served as a lurking-place. Scarce ten of the Americans were at any time seen together; yet the hills seemed to the British to swarm with "rebels," as if they had dropped from the clouds, and "the road was lined" by an unintermitted fire from behind stone walls and trees.

Bancroft, Hist. of the U.S., vol.4, p.163

At first the invaders moved in order; as they drew near Lexington, their flanking parties became ineffective from weariness; the wounded were scarce able to get forward. In the west of Lexington, as the British were rising Fiske's hill, a sharp contest ensued. It was at the eastern foot of the same hill that James Hayward, of Acton, encountered a regular, and both at the same moment fired; the regular dropped dead; Hayward was mortally wounded. A little farther on fell the octogenarian, Josiah Haynes, who had kept pace with the swiftest in the pursuit.

Bancroft, Hist. of the U.S., vol.4, p.163

The British troops, "greatly exhausted and fatigued, and having expended almost all their ammunition," began to run rather than retreat in order. The officers vainly attempted to stop their flight. "They were driven before the Americans like sheep." At last, about two in the afternoon, after they had hurried through the middle of the town, about a mile below the field of the morning's bloodshed, the officers made their way to the front, and by menaces of death began to form them under a very heavy fire.

Bancroft, Hist. of the U.S., vol.4, p.163 - p.164

At that moment Lord Percy came in sight with the first brigade, consisting of Welsh fusileers, the fourth, the forty-seventh, and the thirty-eighth regiments, in all about twelve hundred men, with two field-pieces. Insolent as usual, they marched out of Boston to the tune of Yankee Doodle; but they grew alarmed at finding every house on the road deserted. They met not one person to give them tidings of the party whom they were sent to rescue; and now that they had made the junction, they could think only of their own safety.

Bancroft, Hist. of the U.S., vol.4, p.164

While the cannon kept the Americans at bay, Percy formed his detachment into a square, enclosing the fugitives, who lay down for rest on the ground, "their tongues hanging out of their mouths like those of dogs after a chase."

Bancroft, Hist. of the U.S., vol.4, p.164

After the junction of the fugitives with Percy, the troops under his command amounted to fully two thirds of the British army in Boston; and yet they must fly before the Americans speedily and fleetly, or be overwhelmed. Two wagons, sent out to them with supplies, were waylaid and captured by Payson, the minister of Chelsea. From far and wide minute-men were gathering. The men of Dedham, even the old men, received their minister's blessing and went forth, in such numbers that scarce one male between sixteen and seventy was left at home. That morning William Prescott mustered his regiment; and, though Pepperell was so remote that he could not be in season for the pursuit, he hastened down with five companies of guards. Before noon a messenger rode at full speed into Worcester, crying, "To arms!" A fresh horse was brought, and the tidings went on, while the minute-men of that town, after joining hurriedly on the common in a fervent prayer from their minister, kept on the march till they reached Cambridge.

Bancroft, Hist. of the U.S., vol.4, p.164

Aware of his perilous position, Percy, resting but half all hour, renewed the retreat. The light infantry marched in front, the grenadiers next, while the first brigade, which furnished the very strong flanking parties, brought up the rear. They were exposed to a fire on each side, in front, and from behind. The Americans, who were good marksmen, would lie down concealed to load their guns at one place, and discharge them at another, running from front to flank, and from flank to rear. Rage and revenge and shame at their flight led the regulars to plunder houses by the wayside, to destroy in wantonness windows and furniture, to set fire to barns and houses.

Bancroft, Hist. of the U.S., vol.4, p.164 - p.165

Beyond Lexington the troops were attacked by men chiefly from Essex and the lower towns. The fire from the rebels slackened till they approached West Cambridge, where Joseph Warren and William Heath, both of the committee of safety, the latter a provincial general officer, gave for a moment some appearance of organization to the pursuit, and the fight grew Sharper and more determined. Here the company from Danvers, which made a breastwork of a pile of shingles, lost eight men, caught between the enemy's flank guard and main body. Here, too, a musket-ball grazed the hair of Joseph Warren, whose heart beat to arms, so that he was ever in the place of greatest danger. The British became more and more "exasperated," and indulged themselves in savage cruelty. In one house they found two aged, helpless, unarmed men, and butchered them both without mercy, stabbing them, breaking their skulls, and dashing out their brains. Hannah Adams, wife of Deacon Joseph Adams, of Cambridge, lay in child-bed with a babe of a week old, but was forced to crawl with her infant in her arms and almost naked to a corn-shed, while the soldiers set her house on fire. At Cambridge, an idiot, perched on a fence to gaze at the British army, was wantonly shot at and killed. Of the Americans, there were never more than four hundred together at any one time; but, as some grew tired or used up their ammunition, others took their places; and, though there was not much concert or discipline, and no attack with masses, the pursuit never flagged.

Bancroft, Hist. of the U.S., vol.4, p.165

Below West Cambridge the militia from Dorchester, Roxbury, and Brookline came up. Of these, Isaac Gardner, of the latter place, one on whom the colony rested many hopes, fell about a mile west of Harvard college. The field-pieces began to lose their terror, so that the Americans pressed upon the rear of the fugitives, whose retreat was as rapid as it possibly could be. A little after sunset the survivors escaped across Charlestown neck.

Bancroft, Hist. of the U.S., vol.4, p.165

The troops of Percy had marched thirty miles in ten hours; the party of Smith, in six hours, had retreated twenty miles; the guns of the ships-of-war and the menace to burn the town of Charlestown saved them from annoyance during their rest on Bunker Hill, and while they were ferried across Charles river.

Bancroft, Hist. of the U.S., vol.4, p.165 - p.166

On that day forty-nine Americans were killed, thirty-four wounded, and five missing. The loss of the British in killed, wounded, and missing, was two hundred and seventy-three. Among the wounded were many officers; Smith was hurt severely. Many more were disabled by fatigue.

Bancroft, Hist. of the U.S., vol.4, p.166

All the following night the men of Massachusetts streamed in from scores of miles around, old men as well as young. They had scarce a semblance of artillery or warlike stores, no powder, nor organization, nor provisions; but there they were, thousands with brave hearts, determined to rescue the liberties of their country. "The night preceding the outrages at Lexington there were not fifty people in the whole colony that ever expected any blood would be shed in the contest;" the night after, the king's governor and the king's army found themselves closely beleaguered in Boston.

Bancroft, Hist. of the U.S., vol.4, p.166

"The next news from England must be conciliatory, or the connection between us ends," said Warren. "This month," so William Emerson of Concord, late chaplain to the provincial congress, chronicled in a blank leaf of his almanac, "is remarkable for the greatest events of the present age." "From the nineteenth of April 1775," said Clark, of Lexington, on its first anniversary, "will be dated the liberty of the American world."

Chapter 11:

Effects of the Day of Lexington and Concord,

The General Rising,

April-June 1775

Bancroft, Hist. of the U.S., vol.4, p.167

DARKNESS closed upon the country and upon the town, but it was no night for sleep. Heralds by swift relays transmitted the war message from hand to hand, till village repeated it to village; the sea to the backwoods; the plains to the highlands; and it was never suffered to droop till it had been borne north and south, and east and west, throughout the land. It spread over the bays that received the Saco and the Penobscot and the St. John's. Its loud reveille broke the rest of the trappers of New Hampshire, and, ringing like buglenotes from peak to peak, overleapt the Green Mountains, swept onward to Montreal, and descended the ocean river, till the responses were echoed from the cliffs of Quebec. The hills along the Hudson told one to another the tale. As the summons hurried to the south, it was one day at New York; in one more at Philadelphia; the next it lighted a watchfire at Baltimore; thence it waked an answer at Annapolis. Crossing the Potomac near Mount Vernon, it was sent forward without a halt to Williamsburg. It traversed the Dismal Swamp to Nansemond along the route of the first emigrants to North Carolina. It moved onward and still onward through boundless forests of pines to Newbern and to Wilmington. "For God's sake, forward it by night and by day," wrote Cornelius Harnett by the express which sped for Brunswick. Patriots of South Carolina caught up its tones at the border, and despatched it to Charleston, and through moss-clad live oaks and palmettoes still farther to the south, till it resounded among the New England settlements beyond the Savannah. Hillsborough and the Mecklenburg district of North Carolina rose in triumph, now that their wearisome uncertainty had its end. The Blue Ridge took up the voice, and made it heard from one end to the other of the valley of Virginia. The Alleghanies opened their barriers, that the "loud call" might pass through to the hardy riflemen on the Holston, the Watauga, and the French Broad. Ever renewing its strength, powerful enough even to create a commonwealth, it breathed its inspiring word to the first settlers of Kentucky; so that hunters, who made their halt in the matchless valley of the Elkhorn, commemorated the nineteenth day of April by naming their encampment LEXINGTON.

Bancroft, Hist. of the U.S., vol.4, p.168

With one impulse, the colonies sprung to arms; with one spirit, they pledged themselves to each other "to be ready for the extreme event." With one heart, the continent cried: "Liberty or Death."

Bancroft, Hist. of the U.S., vol.4, p.168

The first measure of the Massachusetts committee of safety, after the dawn of the twentieth of April, was a circular to the several towns in Massachusetts. "We conjure you," they wrote, "by all that is dear, by all that is sacred; we beg and entreat, as you will answer it to your country, to your consciences, and, above all, to God himself, that you will hasten and encourage by all possible means the enlistment of men to form the army, and send them forward to head-quarters at Cambridge with that expedition which the vast importance and instant urgency of the affair demands."

Bancroft, Hist. of the U.S., vol.4, p.168

The country people of Massachusetts had not waited for the call. As soon as they heard the cry of blood they snatched their firelocks from the walls, and wives and mothers and sisters took part in preparing the men of their households to go forth to the war. The farmers rushed to "the camp of liberty," often with nothing but the clothes on their backs, without a day's provisions, and many without a farthing in their pockets. Their country was in danger; their brethren were slaughtered; their arms alone employed their attention. On their way, the inhabitants opened their hospitable doors, and all things were in common. For the first night of the siege, Prescott of Pepperell, with his Middlesex minute-men, kept the watch over the entrance to Boston; and, while Gage was driven for safety to fortify the town at all points, the Americans talked of driving him and his regiments into the sea.

Bancroft, Hist. of the U.S., vol.4, p.169

At the same time, the committee by letter gave the story of the preceding day to New Hampshire and Connecticut, whose assistance they entreated. "We shall be glad," they wrote, "that our brethren who come to our aid may be supplied with military stores and provisions, as we have none of either more than is absolutely necessary for ourselves." And without stores or cannon, or supplies even of powder, or of money, Massachusetts, by its congress, on the twenty-second of April, resolved unanimously that a New England army of thirty thousand men should be raised, and established its own proportion at thirteen thousand six hundred. The term of enlistment was fixed for the last day of December.

Bancroft, Hist. of the U.S., vol.4, p.169

Long before this summons, the ferries over the Merrimack were crowded by men from New Hampshire. "We go," said they, "to the assistance of our brethren." By one o'clock of the twentieth, upward of sixty men of Nottingham assembled at the meeting-house with arms and equipments, under Cilley and Dearborn; before two, they were joined by bands from Deerfield and Epsom; and they set out together for Cambridge. At dusk they reached Haverhill ferry, a distance of twenty-seven miles, having run rather than marched; they halted in Andover only for refreshments, and, traversing fifty-five miles in less than twenty hours, by sunrise of the twenty-first paraded on Cambridge common.

Bancroft, Hist. of the U.S., vol.4, p.169 - p.170

The veteran John Stark, skilled in the ways of the Indian, the English, and his countrymen, able to take his rest on a bear-skin with a bank of snow for a pillow, frank and humane, eccentric but true, famed for coolness and courage and integrity, had no rival in the confidence of his neighbors, and was chosen colonel of their regiment by their unanimous vote he rode in haste to the scene of action, on the way encouraging the volunteers to rendezvous at Medford. So many followed that, on the morning of the twenty-second, he was detached with three hundred to take post at Chelsea, where his battalion, which was one of the fullest in the besieging army, became a model for its discipline.

Bancroft, Hist. of the U.S., vol.4, p.170

By the twenty-third there were already about two thousand men from the interior parts of New Hampshire, desirous "not to return before the work was done." Many who remained near the upper Connecticut threw up the civil and military commissions held from the king; for, said they, "the king has forfeited his crown, and all commissions from him are therefore vacated."

Bancroft, Hist. of the U.S., vol.4, p.170

In Connecticut, Trumbull, the governor, sent out writs to convene the legislature of the colony at Hartford on the Wednesday following the battle. On the morning of the twentieth, Israel Putnam of Pomfret, in leather frock and apron, was assisting hired men to build a stone wall on his farm, when he heard the cry from Lexington. He set off instantly to rouse the militia officers of the nearest towns. On his return, he found hundreds who had mustered and chosen him their leader. Issuing orders for them to follow, he pushed forward without changing the check shirt he had worn in the field, and reached Cambridge at sunrise the next morning, having ridden the same horse a hundred miles within eighteen hours. He brought to the service of his country courage, and a heart than which none throbbed more honestly or warmly for American freedom.

Bancroft, Hist. of the U.S., vol.4, p.170

From Wethersfield a hundred young volunteers marched for Boston on the twenty-second, well armed and in high spirits. From the neighboring towns men of the largest estates, and the most esteemed for character, seized their firelocks and followed. By the second night, several thousands from the colony were on their way. Some had fixed on their standards and drums the colony arms, and round it, in letters of gold, the motto, that God who brought over their fathers would uphold the sons.

Bancroft, Hist. of the U.S., vol.4, p.170 - p.171

In New Haven, Benedict Arnold, captain of a volunteer company, agreed with his men to march the next morning for Boston. "Wait for proper orders," was the advice of Wooster; but their self-willed commander, brooking no delay, extorted supplies from the committee of the town, and on the twenty-ninth reached the American head-quarters with his company. There was scarcely a town in Connecticut that was not represented among the besiegers.

Bancroft, Hist. of the U.S., vol.4, p.171

The nearest towns of Rhode Island were in motion before the British had finished their retreat. At the instance of Hopkins and others, Wanton, the governor, though himself inclined to the royal side, called an assembly. Its members were all of one mind; and when Wanton, with several of the council, showed hesitation, they resolved, if necessary, to proceed alone. The council yielded, and confirmed the unanimous vote of the assembly for raising an army of fifteen hundred men. "The colony of Rhode Island," wrote Bowler, the speaker, to the Massachusetts congress, "is firm and determined; and a greater unanimity in the lower house scarce ever prevailed." Companies of the men of Rhode Island preceded this early message.

Bancroft, Hist. of the U.S., vol.4, p.171

Massachusetts gained confidence now that New Hampshire and Connecticut and Rhode Island had come to its support. The New England volunteers were men of substantial worth, of whom almost every one represented a household. The members of the several companies were well known to each other, as to brothers, kindred, and townsmen; known to the old men who remained at home, and to all the matrons and maidens. They were sure to be remembered weekly in the exercises of the congregations; and morning and evening, in the usual family devotions, they were commended with fervent piety to the protection of heaven. Every young soldier lived and acted, as it were, under the keen observation of all those among whom he had grown up, and was sure that his conduct would occupy the tongues of his village companions while he was in the field, and be remembered his life long. The camp of liberty was a gathering in arms of schoolmates, neighbors, and friends; and Boston was beleaguered round from Roxbury to Chelsea by an unorganized, fluctuating mass of men, each with his own musket and his little store of cartridges, and such provisions as he brought with him, or as were sent after him, or could be contributed by the people round about.

Bancroft, Hist. of the U.S., vol.4, p.171 - p.172

The British officers, from their own weakness and from fear of the American marksmen, dared not order a sally. Their confinement was the more irksome, for it came of a sudden before their magazines had been filled, and was followed by "an immediate stop to supplies of every kind." They had scoffed at the Americans as cowards who would run at their sight; and they had saved themselves only by the rapidity of their retreat. Re-enforcements and three new general officers were already on the Atlantic, and these would have to be received into straitened quarters by a defeated army. England, and even the ministers, would condemn the inglorious expedition which had brought about so sudden and so fatal a change. The officers shrunk from avowing their own acts; and, though no one would say that he had seen the Americans fire first, they tried to make it pass current that a handful of countrymen at Lexington had begun a fight with a detachment that outnumbered them as twelve to one.

Bancroft, Hist. of the U.S., vol.4, p.172

The Americans, slowly provoked and long-suffering, treated the prisoners with tenderness, nursed the wounded as though they had been kinsmen, and invited Gage to send out British surgeons for their relief. Yet Percy could degrade himself so far as to calumniate the country people who gave him chase, and officially lend himself to the falsehood that "the rebels scalped and cut off the ears of some of the wounded who fell into their hands." He should have respected the name which he bore; and he should have respected the men before whom he fled.

Bancroft, Hist. of the U.S., vol.4, p.172

To the inhabitants of Boston, Gage made the offer that, if they would promise not to join in an attack on his troops, and would lodge their arms with the selectmen at Faneuil Hall, the men, women, and children, with all their effects, should have safe conduct out of the town. The proposal was accepted. For several days the road to Roxbury was thronged with wagons and trains of exiles; but they were not allowed to take with them any food. The provincial congress devised measures for distributing five thousand of the poor among the villages of the interior. But the loyalists of Boston, of whom two hundred entered the king's service, soon prevailed with Gage to violate his word.

Bancroft, Hist. of the U.S., vol.4, p.172 - p.173

On the twenty-seventh of April the assembly of Connecticut read the vote of Massachusetts, that New England should bring into the field thirty thousand men. On the next day they despatched two envoys to Gage to plead for peace, yet to assure him of their most firm resolution to defend their rights to the last extremity and to aid their brethren. The mission was fruitless; but in the mean time the populous colony made ready to treat with sword in hand.

Bancroft, Hist. of the U.S., vol.4, p.173

In the American camp there was no unity. At Roxbury, John Thomas had commanded, and received encomiums for the good order which prevailed in his division; but Ward, the general who was at Cambridge, had the virtues of a magistrate rather than of a soldier. He was old, unused to a Separate military command, too infirm to appear on horseback, and wanting in "quick decision and activity." The troops from other colonies, under leaders of their own, did not as yet form an integral part of one "grand American" army.

Bancroft, Hist. of the U.S., vol.4, p.173

Of the Massachusetts volunteers, the number varied from day to day. Many of them returned home almost as soon as they came, for want of provisions Or clothes, or from the pressure of affairs which they had left so suddenly. Of those who enlisted in the Massachusetts army, a very large number absented themselves on furlough. Ward feared that he should be left alone. Of artillery, there were no more than six three-pounders and one six-pounder in Cambridge, besides sixteen pieces in Watertown, of different sizes, some of them good for nothing. There was no ammunition but for the six three-pounders, and very little even for them. After scouring five principal counties, the whole amount of powder that could be found was less than sixty-eight barrels. The other colonies were equally unprovided. In the colony of New York there were not more than one hundred pounds of powder for sale.

Bancroft, Hist. of the U.S., vol.4, p.173 - p.174

Notwithstanding these obstacles, the scheming genius of New England was in the highest activity. While the expedition against Ticonderoga was sanctioned by a commission granted to Benedict Arnold, the Massachusetts congress, which was then sitting in Watertown, received from Jonathan Brewer, of Waltham, a proposition to march with a body of five hundred volunteers to Quebec, by way of the rivers Kennebec and Chaudiere, in order to draw the governor of Canada, with his troops, into that quarter, and thus secure the northern and western frontiers from inroads. He was sure it "could be executed with all the facility imaginable." The design did not pass out of mind.

Bancroft, Hist. of the U.S., vol.4, p.174

Next to the want of military stores, the poverty of the Massachusetts treasury, which during the winter had received scarcely five thousand pounds of currency to meet all expenses, gave just cause for apprehension. For more than twenty years she had endeavored by legislative penalties to exclude the paper currency of other provinces, and had issued no notes of her own but certificates of debt, in advance of the revenue. These certificates were for sums of six pounds and upward, bearing interest; they had no forced circulation, and were kept at par by the high condition of her credit and her general prosperity. The co-operation of neighboring colonies compelled her congress, in May, to legalize the paper money of Connecticut and Rhode Island, and to issue her own treasury notes. Of her first emission of one hundred thousand pounds, there were no notes under four pounds, and they all preserved the accustomed form of certificates of public debt, of which the use was not made compulsory. But, in less than three weeks, an emission of twenty-six thousand pounds was authorized for the advance pay to the soldiers; and these "soldiers' notes," of which the smallest was for one dollar, were made a legal tender "in all payments without discount or abatement." Rhode Island put out twenty thousand pounds in bills, of which the largest was for forty shillings, the smallest for six-pence.

Bancroft, Hist. of the U.S., vol.4, p.174

On the fifth of May the provincial congress resolved "that General Gage had disqualified himself for serving the colony in any capacity; that no obedience was in future due to him; that he ought to be guarded against as an unnatural and inveterate enemy." To take up the powers of civil government was an instant necessity; but the patriots of the colony checked their eagerness to return to their ancient custom of annually electing their chief magistrate, and resolved to await "explicit advice" from the continental congress.

Bancroft, Hist. of the U.S., vol.4, p.174 - p.175

New Hampshire agreed to raise two thousand men, of whom perhaps twelve hundred reached the camp. Folsom was their brigadier, but John Stark was the most trusty officer. Connecticut offered six thousand men; and about twenty-three hundred remained at Cambridge, with Spenser as their chief, and Putnam as second brigadier.

Bancroft, Hist. of the U.S., vol.4, p.175

Rhode Island voted fifteen hundred men; and probably about a thousand of them appeared round Boston, under Nathaniel Greene. He was one of eight sons, born rear the Narragansett bay in Warwick. In that quiet seclusion, Gorton and his followers, untaught of universities, had reasoned on the highest questions of being. They had held that in America Christ was coming to his temple; that outward ceremonies, baptism and the eucharist, and also kings and lords, bishops and chaplains, were but carnal ordinances, sure to have an end; that humanity must construct its church by "the voice of the Son of God," the voice Of reason and love. The father of Greene, descended from ancestry of this school, was at once an anchor-smith, a miller, a farmer, and, like Gorton, a preacher. The son excelled in diligence and in manly sports. None of his age could wrestle or skate or run better than he, or stand before him as a neat ploughman and a skilful mechanic.

Bancroft, Hist. of the U.S., vol.4, p.175

Aided by intelligent men of his own village or of Newport, he read Euclid, and learned to apply geometry to surveying and navigation; he studied Watts's Logic, Locke on the Human Understanding, pored over English versions of the Lives of Plutarch, the Commentaries of Caesar, and became familiar with some of the best English classics, especially Shakespeare and Milton.

Bancroft, Hist. of the U.S., vol.4, p.175

When the stamp act was resisted, he and his brothers rallied at the drum-beat. Simple in his tastes, temperate as a Spartan, and a lover of order, he was indefatigable at study or at work. He married, and his home became the abode of peace and hospitality. His neighbors looked up to him as an extraordinary man, and from 1770 he was their representative in the colonial legislature. In 1773, he rode to Plainfield, in Connecticut, to witness a grand military parade; and the spectacle was for him a good commentary on Sharp's Military Guide. In 1774, in a coat and hat of the Quaker fashion, he was seen watching the exercise and maneouvres of the British troops at Boston, where he bought of Henry Knox, a bookseller, treatises on the art of war.

Bancroft, Hist. of the U.S., vol.4, p.176

On the day of Lexington, Greene, who was then a captain, started to share in the conflict; but, being met by tidings of the retreat of the British, he went back to take his seat in the Rhode Island legislature. He served as a commissioner to concert military plans with Connecticut; and, when in May the Rhode Island brigade of fifteen hundred men was enlisted, he was elected its general. None murmured at the advancement, which was due to his ability.

Bancroft, Hist. of the U.S., vol.4, p.176

On the twenty-third of April, the day after the dissolution of the provincial congress of New York, the news from Lexington burst upon the city. Though it was Sunday, the inhabitants speedily unloaded two sloops which lay at the wharfs, laden with flour and supplies for the British at Boston, of the value of eighty thousand pounds. The next day Dartmouth's despatches arrived with Lord North's conciliatory resolve, and with lavish promises of favor. But the royal government lay hopelessly prostrate. Isaac Sears concerted with John Lamb to stop all vessels going to Quebec, Newfoundland, Georgia, or Boston, where British authority was still supreme. The people shut up the custom-house, and the merchants whose vessels were cleared out dared not let them sail.

Bancroft, Hist. of the U.S., vol.4, p.176

In the following days the military stores of the city of New York were secured, and volunteer companies paraded in the streets. Small cannon were hauled from the city to King's Bridge; churchmen as well as Presbyterians took up arms. As the old committee of fifty-one lagged behind the zeal of the multitude, on the first of May the people, at the usual places of election, chose for the city and county a new general committee of one hundred, who "resolved in the most explicit manner to stand or fall with the liberty of the continent." All parts of the colony were summoned to send delegates to a provincial convention, to which the city and county of New York deputed one-and-twenty as their representatives.

Bancroft, Hist. of the U.S., vol.4, p.176 - p.177

Eighty-three members of the new general committee met as soon as they were chosen; and, on the motion of John Morin Scott, seconded by Alexander Macdougall, an association was set on foot, engaging, by all the ties of religion, honor, and love of country, to submit to committees and to congress, to withhold supplies from British troops, and at the risk of lives and fortunes to repel every attempt at enforcing taxation by parliament. Fourteen members of the New York assembly, most of them supporters of the ministry, entreated General Gage to cease hostilities till fresh orders could be received from the king, and especially to land no military force in New York. The royal council despatched two agents to represent to the ministry how severely the rash conduct of the army at Boston had injured the friends of the king, while the New York committee thus addressed the lord mayor and corporation of London, and through them the people of Great Britain:

Bancroft, Hist. of the U.S., vol.4, p.177

"Born to the bright inheritance of English freedom, the inhabitants of this extensive continent can never submit to slavery. The disposal of their own property with perfect spontaneity is their indefeasible birthright. This they are determined to defend with their blood, and transfer to their posterity. The present machinations of arbitrary power, if unremittedly pursued, will, by a fatal necessity, terminate in a dissolution of the empire. This country will not be deceived by measures conciliatory in appearance. We cheerfully submit to a regulation of commerce by the legislature of the parent state, excluding in its nature every idea of taxation. When our unexampled grievances are redressed, our prince will find his American subjects testifying, by as ample aids as their circumstances will permit, the most unshaken fidelity to their sovereign. America is grown so irritable by oppression that the least shock in any part is, by the most powerful sympathetic affection, instantaneously felt through the whole continent. This city is as one man in the cause of liberty. We speak the real sentiments of the confederated colonies, from Nova Scotia to Georgia, when we declare that all the horrors of civil war will never compel America to submit to taxation by authority of parliament." The letter was signed by the chairman and eighty-eight others of the committee, of whom the first was John Jay.

Bancroft, Hist. of the U.S., vol.4, p.177

On the sixth the delegates to the continental congress from Massachusetts and Connecticut drew near. Along roads which were crowded as if the whole city had come out to meet them, they made their entry amid loud acclamations, the ringing of bells and every demonstration of sympathy.

Bancroft, Hist. of the U.S., vol.4, p.178

On Monday the delegation from Massachusetts, with a part of that of New York, were escorted across the Hudson rive? by two hundred of the militia under arius, and three hundred citizens. Triumphal honors awaited them at Newark and Elizabethtown. The governor of New Jersey could not conceal his chagrin that Gage "had risked commencing hostilities." On the second of May the New Jersey committee of correspondence called a provincial congress for the twenty-third at Trenton. To anticipate its influence, the governor convened the regular assembly eight days earlier at Burlington, and laid before them the project of Lord North. The assembly could see in the proposition no avenue to reconciliation, and declared their intention to "abide by the united voice of the continental congress."

Bancroft, Hist. of the U.S., vol.4, p.178

Such, too, was the spirit of Pennsylvania. "Let us not have it said of Philadelphia that she passed noble resolutions and neglected them," were the words of Mifflin, youngest of the orators who on the twenty-fifth of April addressed the town-meeting called in that city on receiving the news from Lexington. Thousands were present, and agreed "to associate for the purpose of defending with arms their lives, their property, and liberty." Thomas Paine from that day "rejected the sullen Pharaoh of the British throne forever." Each township in Berks county resolved to raise and discipline its company. The inhabitants of Westmoreland organized themselves into regiments. Reading formed a company of men who wore crape for a cockade, in token of sorrow for the slaughter of their brethren. In Philadelphia, thirty companies, with fifty to one hundred in each, daily practiced the manual exercise of the musket. One of them was raised from the Quakers; another, known as "the Old Men's," consisted of about fourscore German emigrants who had served in Europe.

Bancroft, Hist. of the U.S., vol.4, p.178 - p.179

The Pennsylvania assembly, which met on the first day of May, rejecting the overtures of the governor, "could form no prospect of lasting advantages for Pennsylvania but from a communication of rights and property with the other colonies." At a banquet the toast was given: "A speedy and happy issue to the present disturbances;" to which Charles Lee, over acting his part, responded: "A speedy and general insurrection in Great Britain and Ireland." On the fifth, Franklin arrived after a voyage over the smoothest seas, and the next morning was unanimously elected a deputy to the congress; but the delegation, to which Thomas Willing and James Wilson were added, were still instructed to combine, if possible, a redress of grievances with "union and harmony between Great Britain and the colonies's. Wilson was one of the first in arms, and was elected captain of a company of volunteers.

Bancroft, Hist. of the U.S., vol.4, p.179

In Maryland, at the request of the colonels of militia, Eden, at Annapolis, gave up the arms and ammunition of the province to the freemen of the county. Pleased with his concession, the provincial convention distinguished itself by its moderation; and its delegates to congress determined to labor for a reconciliation.

Bancroft, Hist. of the U.S., vol.4, p.179

In Virginia, on the second of May, at the cry from Lexington, the independent company of Hanover and its county committee were called together by Patrick Henry. The soldiers, most of them young men, elected him their chief, and marched for Williamsburg, on the way greatly increasing in numbers.

Bancroft, Hist. of the U.S., vol.4, p.179

Alarmed by the "insurrections," Dunmore convened the council, and in a proclamation of the third pretended that he had removed the ammunition, lest it should be seized by slaves. Message after message could not arrest the march or change the purpose of Henry. Lady Dunmore retired to the Fowey man-of-war. At sunrise on the fourth the governor's messenger met Henry at New Kent, and, as a compensation for the gunpowder taken out of the magazine, paid him three hundred and thirty pounds, for which he was to account to the convention of Virginia. The sum was found to be more than the value of the powder, and the next Virginia convention directed the excess to be paid back.

Bancroft, Hist. of the U.S., vol.4, p.179 - p.180

Two days after the return of the volunteers Dunmore issued a proclamation against a "certain Patrick Henry" and his "deluded followers;" and secretly denounced him to the ministry as "a man of desperate circumstances, who had been very active in exciting a spirit of revolt among the people for many years past." But Louisa county, on the eighth, sent the insurgents its thanks; on the ninth, Spottsylvania approved their prudent, firm, and spirited conduct; and Orange county, in a letter signed among others by the young and studious James Madison, a recent graduate of Princeton college, declared: "The blow struck in Massachusetts is a hostile attack on this and every other colony, and a sufficient warrant to use reprisal."

Bancroft, Hist. of the U.S., vol.4, p.180

On the eleventh, Patrick Henry set off for the continental congress. Amid salutes and huzzas, a volunteer guard accompanied him to the Maryland side of the Potomac, where, as they said farewell, they invoked God's blessing on the champion of their "dearest rights and liberties."

Bancroft, Hist. of the U.S., vol.4, p.180

In twelve or thirteen days the message from Lexington was borne to Newbern, in North Carolina, where it "wrought a great change." The governor, in his panic, ordered the cannon in the town to be dismounted; and, after a remonstrance made in the name of the inhabitants by Abner Nash, "the oracle of their committee and a principal promoter of sedition," he shipped his wife to New York, and fled to Fort Johnston, where a sloop-of-war had its station.

Bancroft, Hist. of the U.S., vol.4, p.180

In South Carolina, Charles Pinckney, on learning the inflexibility of parliament using power intrusted to him by the provincial congress, appointed a committee of five to place the colony in a state of defence; on the twenty-first of April, the very night after their organization men of Charleston, without disguise, under their direction, seized all the powder in the public magazines, and removed eight hundred stand of arms and other military stores from the royal arsenal. The tidings from Lexington induced the general committee to hasten the meeting of the provincial congress, whose members, on the second of June, Henry Laurens being their president, associated themselves for defence against every foe; "ready to sacrifice their lives and fortunes to secure her freedom and safety." They resolved to raise two regiments of infantry and a regiment of rangers. To this end, one hundred and forty thousand pounds sterling were issued in bills of credit, which for a year and a half did not fall in value. "We are ready to give freely half or the whole of our estates for the security of our liberties," was the universal language.

Bancroft, Hist. of the U.S., vol.4, p.181

The militia officers threw up their commissions from the royal governor, and submitted to the orders of congress. A council of safety was charged with executive powers. In the midst of these proceedings Lord William Campbell, their new governor, arrived, and the provincial congress thus addressed him: "No lust of independence has had the least influence upon our counsels; no subjects more sincerely desire to testify their loyalty and affection. We deplore the measures, which, if persisted in, must rend the British empire. Trusting the event to Providence, we prefer death to slavery." "The people of Charleston are as mad as they are here in Boston," was the testimony of Gage.

Bancroft, Hist. of the U.S., vol.4, p.181

The skirmish at Lexington became known in Savannah on the tenth of May, and added Georgia to the union. At that time she had about seventeen thousand white inhabitants and fifteen thousand Africans. Her militia was not less than three thousand. Her frontier, which extended from Augusta to St. Mary's, was threatened by the Creeks, with four thousand warriors; the Chickasas, with four hundred and fifty; the Cherokees, with three thousand; the Choctas, with twenty-five hundred. But danger could not make her people hesitate. On the night of the eleventh, Noble Wimberley Jones, Joseph Habersham, Edward Telfair, and others, broke open the king's magazine in the eastern part of the city, and took from it over five hundred pounds of powder. To the Boston wanderers they sent sixty-three barrels of rice and one hundred and twenty-two pounds in specie; and they kept the king's birthday by raising a liberty-pole. "A general rebellion throughout America is coming on suddenly and swiftly," reported Sir James Wright, the governor; "matters will go to the utmost extremity."

Bancroft, Hist. of the U.S., vol.4, p.181 - p.182

The great deed, which in the mean time was achieved in the North, was planned in Connecticut, and executed at her cost. Parsons, of that colony, on his way to Hartford, crossing Arnold, who was bound for Massachusetts, obtained of him an account of the state of Ticonderoga, and the great number of its brass cannon. At Hartford, on the twenty-seventh of April, Parsons, taking as his advisers Samuel Wyllys and Silas Deane, with the assistance of three others projected the capture of the fort; and, without formally consulting the assembly or the governor and council, they, on their own receipts, obtained money from the public treasury, and on the twenty-eighth sent forward Noah Phelps and Bernard Romans. The next day Captain Edward Mott, of Preston, chairman of the Connecticut committee, followed with five associates. Ethan Allen was encouraged by an express messenger to raise men chiefly in the New Hampshire Grants. On the morning of the first of May the party, which had grown to the number of sixteen, left Salisbury. At Pittsfield, in Massachusetts, the Connecticut party were joined by John Brown, the young lawyer of that village, by Colonel James Easton, and by volunteers from Berkshire. At Bennington they found Ethan Allen, who sent the alarm through the hills and valleys of Vermont; and on Sunday, the seventh of May, about one hundred Green Mountain Boys and near fifty soldiers from Massachusetts, under the command of Easton, rallied at Castleton. Just then arrived Arnold, with only one attendant. He brought a commission from the Massachusetts committee of safety, which was disregarded; and the men unanimously elected Ethan Allen their chief.

Bancroft, Hist. of the U.S., vol.4, p.182

On the ninth the party arrived at Orwell. With the utmost difficulty, a few boats were brought together; and eighty-three men, crossing the lake with Allen, landed near Ticonderoga. The boats were sent back for Seth Warner and the rear-guard; but, if they were to be waited for, there could be no surprise. The men were therefore at once drawn up in three ranks; and, as the first beams of morning broke upon the mountain peaks, Allen addressed them: "Friends and fellow-soldiers, we must this morning quit our pretensions to valor, or possess ourselves of this fortress; and, inasmuch as it is a desperate attempt, I do not urge it on, contrary to will. You that will undertake voluntarily, poise your firelock."

Bancroft, Hist. of the U.S., vol.4, p.182 - p.183

At the word, every firelock was poised. "Faa to the right!" cried Allen; and, placing himself at the head of the centre file, Arnold keeping emulously at his side, he marched to the gate. It was shut, but the wicket was open. The sentry snapped a fusil at him. The Americans rushed into the fort, darted upon the guards, and, raising the Indian war-whoop, such as had not been heard there since the days of Montcalm, formed on the parade in hollow square, to face each of the bar racks. One of the sentries, after wounding an officer, and being slightly wounded himself, cried out for quarter, and showed the way to the apartment of the commander. "Come forth instantly, or I will sacrifice the whole garrison," cried Ethan Allen as he reached the door. At this, Delaplace, the commander, came out undressed, with his breeches in his hand. "Deliver to me the fort instantly," said Allen. "By what authority " asked Delaplace. "In the name of the great Jehovah, and the continental congress!" answered Allen. Delaplace began to speak again, but was peremptorily interrupted; and, at sight of Allen's drawn sword near his head, he gave up the garrison, ordering his men to be paraded without arms. Thus Ticonderoga, which cost the British nation eight millions sterling, a succession of campaigns, and many lives, was won in ten minutes by a few undisciplined volunteers, without the loss of life or limb.

Bancroft, Hist. of the U.S., vol.4, p.183

The Americans took with the fortress nearly fifty prisoners, who, as of right, were sent to Connecticut; and they gained one thirteen-inch mortar, more than a hundred pieces of cannon, swivels, stores, and small arms. To a detachment under Seth Warner, Crown Point, with its garrison of twelve men, surrendered upon the first summons. Another party succeeded in making a prisoner of Skene, a dangerous British agent; and in getting possession of Skenesborough, now known as Whitehall.

Bancroft, Hist. of the U.S., vol.4, p.183

John Brown, of Pittsfield, was charged to carry to the continental congress the account of the great acquisition which inaugurated the day of its assembling. Meantime, until its advice could be known, the legislature of Massachusetts, considering that the expedition began in Connecticut, requested the legislature of that colony to take the conquest under their sole direction and care.

Bancroft, Hist. of the U.S., vol.4, p.183 - p.184

The movement extended itself eastward to the borders of New England. The Canceaux, a king's ship, lay at anchor in Portland harbor; on the eleventh of May a party of sixty men from Georgetown, too feeble to take the vessel, seized Mowat, its captain, and two of his officers, who chanced to be with him on shore. The officer left in command of the ship threatened and even began a bombardment of the town. At a late hour Mowat was released for the night. The desire for revenge rankled in his veins, and infected the admiral of the station.

Bancroft, Hist. of the U.S., vol.4, p.184

To the harbor of Machias a king's cutter, the Margaretta, convoyed two sloops, to be freighted with lumber for the army at Boston. On Sunday, the eleventh of June, the patriots of the town, aided by volunteers from Mispecka and Pleasant River, seized the captain of the sloops "in the meeting-house," and afterward got possession of his vessels. The Margaretta did not fire on the town, but in the dusk of the evening fell down the harbor, and the next morning proceeded on her voyage. She was pursued by Captain Jeremiah O'Brien and forty men in one of the captured sloops, and by twenty others from Machias in a schooner; and, being a dull sailer, she was soon overtaken. An obstinate sea-tight took place; the captain of the cutter was mortally wounded and six of his men were hurt, when, after an hour's resistance, the British flag was struck, for the first time on the ocean, to Americans.

Bancroft, Hist. of the U.S., vol.4, p.184

The extension of hostilities to the sea had, on the seventh of June, been discussed in the congress of Massachusetts; but it was difficult for the colony to conceive itself in a state of war with Great Britain. "A war has begun," wrote Joseph Warren, from the Massachusetts congress; "but I hope Britain, after a full conviction both of our ability and resolution to maintain our right, will act with wisdom; this I most heartily wish, as I feel a warm affection still for the parent state."

Chapter 12:

The American Revolution Emanates From the People,

May-July 1775

Bancroft, Hist. of the U.S., vol.4, p.185

THE Massachusetts congress, by a swift ship, sent to England a calm and accurate statement of the events of the nineteenth of April, fortified by depositions, with a charge to Arthur Lee, their agent, to give it the widest circulation. These were their words to the inhabitants of Britain: "Brethren, we profess to be loyal and dutiful subjects, and, so hardly dealt with as we have been, are still ready, with our lives and fortunes, to defend the person, family, crown, and dignity of our royal Sovereign. Nevertheless, to the persecution and tyranny of his cruel ministry we will not submit; appealing to heaven for the justice of our cause, we determine to die or be free."

Bancroft, Hist. of the U.S., vol.4, p.185

The news from Lexington and Concord surprised London in the last days of May. The people of England were saddened at the conflict, which they had been told never would come; and were irresolute between national pride and sympathy with the struggle for English liberties. "The effects of General Gage's attempt at Concord are fatal," said Dartmouth; "the happy moment of advantage is lost." The condemnation of Gage was universal. Hutchinson, the chief misleader of the government, vainly strove to hide his dejection. He ceased to be consulted and sunk into insignificance.

Bancroft, Hist. of the U.S., vol.4, p.185 - p.186

The French legation in London took notice that the resistance of the nineteenth of April was made with a full knowledge of the king's answer to the address of the two houses of parliament, pledging lives and fortunes for the reduction of America. "The Americans," wrote Garnier to Vergennes, "display in their conduct, and even in their errors, more thought than enthusiasm; they have shown in succession that they know how to argue, to negotiate, and to fight."

Bancroft, Hist. of the U.S., vol.4, p.186

Many people in England were from that moment convinced that the Americans could not be reduced, and that England must concede their independence. The British force, if drawn together, could hold but a few insulated points; if distributed, would be continually harassed and destroyed in detail.

Bancroft, Hist. of the U.S., vol.4, p.186

An inhabitant of London, after reading morning prayers in his family as usual, closed the book with a face of grief, and to his children, of whom Samuel Rogers the poet was one, told the sad tale "of the murder of their American brethren."

Bancroft, Hist. of the U.S., vol.4, p.186

The recorder of London put on a full suit of mourning, and, being asked if he had lost a relative, answered: "Yes, many brothers at Lexington and Concord."

Bancroft, Hist. of the U.S., vol.4, p.186

Granville Sharp, who held a lucrative place in the ordnance department, declined to take part in sending stores to America, and after some delay threw up his office.

Bancroft, Hist. of the U.S., vol.4, p.186

Carleton at Quebec was attended as an aide-de-camp by Chatham's eldest son. But it was impossible for the offspring of the elder Pitt to draw his sword against the Americans; and his resignation was offered as soon as it could be done without a wound to his character as a soldier. Meantime, Carleton had sent him home as a bearer of despatches.

Bancroft, Hist. of the U.S., vol.4, p.186

Admiral Keppel, one of the most popular officers in the British navy, was ready to serve against the ancient enemies of England, but asked not to be employed in America. Of the same mind was John Cartwright, afterward so widely known as a pure and consistent political reformer.

Bancroft, Hist. of the U.S., vol.4, p.186

Ten days before the news arrived, Lord Effingham, finding that his regiment was intended for America, renounced the profession which he loved, as the only means of escaping the obligation of fighting against the cause of freedom. For this resignation the Common Hall of London thanked him publicly as "a true Englishman;" and the guild of merchants in Dublin addressed him in the strongest words of approbation.

Bancroft, Hist. of the U.S., vol.4, p.186 - p.187

The society for constitutional information, after a special meeting on the seventh of June, raised a hundred pounds, "to be applied," said they, "to the relief of the widows, orphans, and aged parents of our beloved American fellow-subjects, who, faithful to the character of Englishmen, preferring death to slavery, were, for that reason only, inhumanly murdered by the king's troops at Lexington and Concord." Other sums were added; and an account of what had been done was laid before the world by Horne Tooke in the "Public Advertiser." For this publication, three printers were fined one hundred pounds each; and Horne was pursued unrelentingly by Thurlow, till in a later year he was convicted before Lord Mansfield of a libel, fined two hundred pounds, and imprisoned for twelve months. Thurlow even asked the judge to punish him with the pillory.

Bancroft, Hist. of the U.S., vol.4, p.187

John Wesley thought that silence on his part would be a sin against God, his country, and his own soul; and, waiting but one day, he wrote severally to Dartmouth and to Lord North: "I am a high churchman, the son of a high churchman, bred up from my childhood in the highest notions of passive obedience and non-resistance; and yet, in spite of all my long-rooted prejudices, I cannot avoid thinking these, an oppressed people, asked for nothing more than their legal rights, and that in the most modest and inoffensive manner that the nature of the thing would allow. But waiving this, I ask: Is it common sense to use force toward the Americans? Whatever has been affirmed, these men will not be frightened, and they will not be conquered easily. Some of our valiant officers say: 'Two thousand men? will clear America of these rebels.' No: nor twenty thousand, be they rebels or not, nor perhaps treble that number. They are strong; they are valiant; they are one and all enthusiasts; enthusiasts for liberty; calm, deliberate enthusiasts. In a short time they will understand discipline as well as their assailants.

Bancroft, Hist. of the U.S., vol.4, p.187 - p.188

"But you are informed, 'they are divided among themselves.' So was poor Rehoboam informed concerning the ten tribes; so was Philip informed concerning the people of the Netherlands. No: they are terribly united; they think they are contending for their wives, children, and liberty. Their supplies are at hand; ours are three thousand miles off. Are we able to conquer the Americans, suppose they are left to themselves? We are not sure of this; nor are we sure that all our neighbors will stand stock-still."

Bancroft, Hist. of the U.S., vol.4, p.188

On the twenty-fourth the citizens of London desired the king to consider the situation of the English people, " who had nothing to expect from America but gazettes of blood, and mutual lists of their slaughtered fellow-subjects;" and again they prayed for the dissolution of parliament, and a dismission forever of the present ministers. As he refused to receive this address on the throne, it was never presented; but it was entered in the books of the city and published under its authority. The request was timely; there was no chance for peace except the ministers should retire, and leave Chatham to be installed as conciliator; but the stubborn king, whatever might happen, was resolved not to change his government. There existed no settled plan, no reasonable project; the conduct of the administration hardly looked beyond the day; and every question of foreign policy was, for the moment, made subordinate to that of the reduction of the rebels. The enforcement of the treaty of Paris respecting Dunkirk was treated as a small matter. The complaints of France for the wrongs her fishermen had suffered, and the curtailment of her boundary in the fisheries of Newfoundland, were uttered with vehemence, received with suavity, and recognised as valid.

Bancroft, Hist. of the U.S., vol.4, p.188

On the evening of the fourteenth the cabinet ministers assembled in very bad humor. Some of Lord North's colleagues threw all the blame on his too great lenity; one and another said: "There is no receding." The most active person at the meeting was Sandwich, who had been specially summoned; a man of talents, greedy alike of glory and of money, unfit to leads madly bent on coercion.

Bancroft, Hist. of the U.S., vol.4, p.188 - p.189

At the North, the king "relied upon the attachment of his faithful allies, the Six Nations of Indians." The order to engage them was sent in his name directly to the Indian agent, Guy Johnson, whose functions were made independent of the too scrupulous Carleton. "Lose no time," it was said; "induce them to take up the hatchet against his majesty's rebellious subjects in America. It is a service of very great importance; fail not to exert every effort that may tend to accomplish it; use the utmost diligence and activity." It was the opinion at court that "the next word from Boston would be of some lively action, for General Gage would wish to make sure of his revenge."

Bancroft, Hist. of the U.S., vol.4, p.189

The sympathy for America reached the king's own brother, the weak but amiable duke of Gloucester. In July he crossed the channel, with the view to inspect the citadels along the eastern frontier of France. When he left Dover, nothing had been heard from America later than the retreat of the British from Concord, and the surprise at Ticonderoga. Metz, the strongest place on the east of France, was a particular object of his journey; and, as his tour was made with the sanction of Louis XVI., he was received there by the Count de Broglie as the guest of the king. Among the visitors on the occasion came a young man not yet eighteen, whom De Broglie loved with parental tenderness, Gilbert Motier de la Fayette. His father had fallen in his twenty-fifth year, in the battle of Minden, leaving his only child less than two years old. The boyish dreams of the orphan had been of glory and of liberty; at the college in Paris, at the academy of Versailles, no studies charmed him like tales of republics; though rich by inheritances and married at sixteen, he was haunted by a passion for roving the world as an adventurer to strike a blow for fame and freedom. A guest at the banquet in honor of the duke of Gloucester, he listened with avidity to an authentic version of the uprising of the New England husbandmen. Reality had now brought before him something more wonderful than his brightest visions; the youthful nation, insurgent against oppression and fighting for the right to govern itself, took possession of his imagination, and before he left the table the men of Lexington and Concord had won for America a volunteer in Lafayette.

Bancroft, Hist. of the U.S., vol.4, p.189

In Paris, wits, philosophers, and coffee-house politicians were all to a man warm Americans, considering them as a brave people, struggling for natural rights, and endeavoring to rescue those rights from wanton violence; and that, having no representatives in parliament, they could owe no obedience to British laws. This argument they turned in all its different shapes, and fashioned into general theories.

Bancroft, Hist. of the U.S., vol.4, p.189 - p.190

From the busy correspondence with the French embassy at London, Vergennes saw clearly the delusion of the British ministry in persuading themselves that the Americans would soon tire; or that their superiority on the ocean was sufficient to reduce colonies, which could so well provide within themselves for their wants. Franklin, who took with him a thorough knowledge of the resources of Great Britain and was known to be more zealous than ever, enjoyed at Versailles the reputation of being endowed with the qualities that fitted hind to create a free nation, and become the most celebrated among men. Yet Vergennes wrote with forecast: "The spirit of revolt, wherever it breaks out, is always a troublesome example. Moral maladies, as well as those of the physical system, can become contagious. We must be on our guard, that the independence which produces so terrible an explosion in North America may not communicate itself to points that interest us. We long ago made up our own mind to the results which are now observed; we saw with regret that the crisis was drawing near; we have a presentiment that it may be followed by more extensive consequences. We do not disguise from ourselves the aberrations which enthusiasm can encourage, and which fanaticism can effectuate."

Bancroft, Hist. of the U.S., vol.4, p.190

Louis XVI was persuaded to send an emissary to America to watch the progress of the revolution. This could best be done from England; and the embassy at London, as early as the tenth of July, began its preliminary inquiries. "England," such was the substance of its numerous reports to Vergennes, "is in a position from which she never can extricate herself. Either all rules are false or the Americans will never again consent to become her subjects."

Bancroft, Hist. of the U.S., vol.4, p.190

On the tenth of May 1775, a few hours after the surrender of Ticonderoga, the second continental congress met at Philadelphia. Among the delegates appeared Franklin and Samuel Adams; John Adams and Washington and Richard Henry Lee; soon joined by Patrick Henry, and by George Clinton, Jay, and the younger. Robert R. Livingston of New York.

Bancroft, Hist. of the U.S., vol.4, p.190 - p.191

They formed no confederacy; they were not an executive government; they were not even a legislative body; but only committees from twelve colonies, deputed to consult on measures of conciliation, with no means of resistance to oppression beyond a voluntary agreement to suspend importations from Great Britain. They owed the hall for their sessions to the courtesy of the carpenters of the city; there was not a foot of land over which they had jurisdiction; and they had not power to appoint one civil officer to execute their decisions. Nor was one soldier enlisted nor one officer commissioned in their name. They had no treasury, and no authority to lay a tax or to borrow money. They had been elected, in part at least, by bodies which had no recognised legal existence; they were intrusted with no powers but those of counsel; most of them were held back by explicit or implied instructions; and they represented nothing more solid than the unformed opinion of an unformed people. They were encountered by the decision of parliament to enforce its authority, by the king's refusal to act as a mediator, and the actual outbreak of civil war. The waters had risen; the old roads were obliterated; and they must strike out a new path for themselves and for the continent.

Bancroft, Hist. of the U.S., vol.4, p.191

The exigency demanded the instant formation of one great commonwealth, and the declaration of independence. "They are in rebellion," said Edmund Burke, "and have done so much as to necessitate them to do a great deal more." Independence had long been the desire of Samuel Adams, and was already the reluctant choice of Franklin and of John Adams, from a conviction that it could not ultimately be avoided; but its immediate declaration was not possible. The consciousness that there existed a united nation was a natural and inevitable, but also a slow and gradual ripening of the American mind. Massachusetts might have come to a result with a short time for reflection; but congress must respect thirteen distinct organizations of men, of whom one fifth had for their mother tongue some other language than the English, and wait for the just solution from a sentiment superior to race and language.

Bancroft, Hist. of the U.S., vol.4, p.191

The Americans were persuaded that they were set apart for the great duty of establishing freedom in the New World, and setting up an example to the Old; yet, by the side of this creative impulse, the love of the mother country lay deeply seated in the descendants of British ancestry, and this love was strongest in the province where the collision had begun.

Bancroft, Hist. of the U.S., vol.4, p.192

The parent land which they loved was an ideal England, preserving as its essential character, through all accidents of time and every despotic tendency of a transient ministry, the unchanging attachment to liberty. Of such an England the congress cherished the language, the laws, and the people; and they would not be easily persuaded that independence of her was the only mode of preserving their inherited rights. They came together thus undecided, and they long remained undecided. They struggled against every forward movement, and made none but by compulsion. Not by any preconceived purpose, but by the natural succession of events which they could not have avoided, it became their office to inaugurate a union and constitute a nation.

Bancroft, Hist. of the U.S., vol.4, p.192

On die eleventh of May they listened to the narrative of the deeds of the nineteenth of April and their consequences, and the approval of the conduct of Massachusetts was unanimous. But, as that province entreated direction not less than assistance, the subject was approached with reserve.

Bancroft, Hist. of the U.S., vol.4, p.192

On the thirteenth, Lyman Hall presented himself as a delegate for the parish of St. John's in Georgia, and was gladly admitted with the right to vote, except when the question should be taken by colonies.

Bancroft, Hist. of the U.S., vol.4, p.192

The first important decision of congress related to New York. The city and county on the fifteenth asked how to conduct themselves with regard to the regiments which were known to be under orders to that place; and, with the sanction of Jay and his colleagues, they were instructed not to oppose their landing, but not to suffer them to erect fortifications; to act on the defensive, but, for the protection of the inhabitants and their property, to repel force by force. Indeed, no means were at hand to prevent the disembarkation of the British regiments. All parties tacitly agreed to avoid every decision which should invite attack or make reconciliation impossible. In conformity with this policy, Jay made the motion for a second petition to the king.

Bancroft, Hist. of the U.S., vol.4, p.192 - p.193

On the eighteenth, congress received the news of the capture of Ticonderoga; but as yet they did not harbor the thought of invading Canada. For many days the state of the union engaged congress in a committee of the whole. The bolder minds welcomed the tendency toward an entire separation from Britain. The decision appeared for a time to rest on South Carolina; and the delegates from that province approved the proposal of Jay.

Bancroft, Hist. of the U.S., vol.4, p.193

Boston was so strictly beleaguered that it was only from the islands in and near the harbor that fodder, or straw, or fresh meat could be obtained for the British army. On the twenty-first, about sunrise, it was discovered that they were attempting to secure the hay on Grape island. Three alarm guns were fired; the drums beat to arms; the bells of Weymouth and Braintree were set a-ringing; and men of Weymouth, Braintree, Hingham, and other places, swarmed to the sea-side. Warren, ever the bravest among the brave, was among them. The Americans drove off the English, and set fire to the hay.

Bancroft, Hist. of the U.S., vol.4, p.193

On the twenty-fifth, Howe, Clinton, and Burgoyne arrived with re-enforcements. They brought angling-rods and expected a friendly reception; they found themselves pent up in a narrow peninsula as enemies.

Bancroft, Hist. of the U.S., vol.4, p.193

On the second day after their arrival twenty or thirty Americans passed under their eyes from Chelsea to Hog island and thence to East Boston, and drove off or destroyed a great deal of stock. A schooner and a sloop, followed by a party of marines in boats, were sent from the British squadron to arrest them. The Americans retreated to Hog island, and cleared it of more than three hundred sheep, besides cows and horses. They then drew up on Chelsea neck, and by nine in the evening received reenforcements, with two small fourpounders. With Putnam in command and Warren present, they kept up the fight till eleven, when the British, abandoning the schooner, withdrew. The next morning at daybreak it was boarded by the provincials, who carried off four fourpounders and twelve swivels, and then set it on fire. The English lost twenty killed and fifty wounded; of the provincials, four only were wounded, and those slightly.

Bancroft, Hist. of the U.S., vol.4, p.193

Encouraged by these successes, the New Englanders stripped every island between Chelsea and Point Alderton of cattle and forage.

Bancroft, Hist. of the U.S., vol.4, p.193 - p.194

On the northern frontier, the possession of Ticonderoga and Crown Point stimulated the enterprise of the settlers of Vermont. A schooner, called for the occasion Liberty, was manned and armed; and Arnold, who had been at sea, took the command. With a fresh southerly wind, he passed up Lake Champlain; early on the morning of the eighteenth, at the head of a party in boats, he surprised a sergeant and twelve men, and captured them, their arms, two serviceable brass fieldpieces, and a British sloop which lay in the harbor of St. John's. In about an hour the wind suddenly shifted; and, with a strong breeze from the north, Arnold returned with his prizes.

Bancroft, Hist. of the U.S., vol.4, p.194

On the rumor that congress thought of the abandonment of Ticonderoga the foresters west of the Green Mountains unanimously raised a loud protest. "Five hundred families," wrote Arnold, "would be left at the mercy of the king's troops and the Indians." The Massachusetts congress remonstrated, while Connecticut, with the consent of New York, ordered one thousand of her sons to march as speedily as possible to the defence of the two fortresses. The command of Lake Champlain was the best security against an attack from red men and Canadians. Carleton, the governor of Canada, was using his utmost efforts to form a body capable of protecting the province. Officers from the French Canadian nobility were taken into pay; the tribes nearest the English settlements were tampered with; in north-western New York, Guy Johnson was insulating the settlers in Cherry Valley, winning the favor of the Six Nations, and duping the magistrates of Schenectady and Albany; while La Corne Saint-Luc, the old French superintendent of the Indians of Canada, a man who joined reflective malice to remorseless cruelty, sent belts to the northern tribes as far as the falls of St. Mary and Michilimackinac.

Bancroft, Hist. of the U.S., vol.4, p.194

Beyond the Alleghanies a commonwealth was rising on the banks of the Kentucky river; and the principles on which it was formed were those of self-dependence.

Bancroft, Hist. of the U.S., vol.4, p.194 - p.195

Henderson and his associates had, during the winter, negotiated a treaty with the Cherokees for the land between the Ohio, the Cumberland Mountains, the Cumberland river, and the Kentucky river; on the seventeenth of March they received their deed. To this territory Daniel Boone, with a body of enterprising companions, proceeded at once to mark out a path up Powell's valley, and through mountains and canebrakes beyond. On the twenty-fifth of the same month they were waylaid by Indians, who killed two men and wounded another very severely. Two days later the savages killed and scalped two more. "Now," wrote Daniel Boone, "is the time to keep the country while we are in it. If we give way now, it will ever be the case;" and he pressed forward to the Kentucky river. There, on the first of April, at the distance of about sixty yards from its west bank, near the mouth of Otter creek, he began a stockade fort, which took the name of Boonesborough. The founders of the colony rested their titles to their lands on occupancy and a deed from head warriors of the Cherokees. The commonwealth of Kentucky, which its fathers at first named Transylvania, began with independence. Richard Calloway was one of its early martyrs. In the town of St. Asaph resided John Floyd, a surveyor, who emigrated from south-western Virginia; an able writer, respected for his culture; of innate good-breeding; ready to defend the weak; to follow the trail of the savage; heedless of his own life, if he could recover women and children who had been made captive; destined to do good service, and survive the dangers of western life till American independence should be fought for and won. At Boiling Spring lived James Harrod, the same who, in 1774, had led a party of forty-one to Harrodsburg, and during the summer of that year had built the first log-cabin in Kentucky; a tall and resolute backwoodsman; unlettered, but not ignorant; intrepid, yet gentle; revered for energy and for benevolence; always caring for others, as a father, brother, and protector; unsparing of himself; never weary of kind offices to those around him; the first to pursue a stray horse, or to go to the rescue of prisoners; himself a skilful hunter, for whom the rifle had a companionship and the wilderness a charm; so that in age his delight was in excursions to the distant range of the receding buffaloes, till at last he plunged into the remote forest, and was never heard of more.

Bancroft, Hist. of the U.S., vol.4, p.195 - p.196

The state, now that it has become great and populous, honors the memory of Boone, the simple-hearted man, who is best known as its pioneer. He was kindly in his nature, and never wronged a human being, not even a red man. "I with others have fought Indians," he would say, "but I do not know that I ever killed one; if I did, it was in battle, and I never knew it." He was no hater of them, and never desired their extermination. In woodcraft he was acknowledged to be the first among men. It was in his nature to love to hover on the frontier, with no abiding place, accompanied by the wife of his youth, who was the companion of his long life and travel. When at last death put them both to rest, Kentucky reclaimed their bones from their graves far up the Missouri, and now they lie buried above the cliffs of the Kentucky river, overlooking the lovely valley of the capital of that commonwealth. Around them are emblems of wilderness life; the turf of the blue grass lies lightly above them; and they are laid with their faces turned upward and westward, and their feet toward the setting sun.

Bancroft, Hist. of the U.S., vol.4, p.196

A like spirit of independence prevailed in the highlands which hold the head-springs of the Yadkin and the Catawba. The region was peopled chiefly by Presbyterians of Scotch-Irish descent, who brought to the New World the creed, the spirit of resistance, and the courage of the covenanters.

Bancroft, Hist. of the U.S., vol.4, p.196 - p.197

The people of the county of Mecklenburg had carefully observed the progress of the controversy with Britain; and, during the winter, political meetings had repeatedly been held in Charlotte. That town had been chosen for the seat of the Presbyterian college, which the legislature of North Carolina had chartered, but which the king had disallowed; and it was the centre of the culture of that part of the province. The number of houses in the village was not more than twenty; but the district was already well settled by herdsmen who lived apart on their farms. In May 1775, they received the address to the king of the preceding February, in which both houses of parliament declared the American colonies to be in a state of rebellion. This was to them evidence that the crisis in American affairs was come, and they proposed among themselves to abrogate all dependence on the royal authority. But the militia companies were sworn to allegiance; and "how," it was objected, "can we be absolved from our oath?" "The oath," it was answered, "binds only while the king protects." At the instance of Thomas Polk, the commander of the militia of the county, two delegates from each company were called together in Charlotte, as a representative committee. Before their consultations had ended, the message of the innocent blood shed at Lexington came up from Charleston, and inflamed their zeal. They were impatient that their remoteness forbade their direct activity; had it been possible, they would have sent a hundred bullocks from their fields to the poor of Boston. No minutes of the committee are known to exist, but the resuit of their deliberations, framed with superior skill, precision, and comprehensiveness, remains as a monument of their wisdom and their courage. Among the delegates to that memorable assembly was Ephraim Brevard, one of a numerous family of patriot brothers, himself in the end a martyr to the public cause. Trained in the college at Princeton, ripened among the brave Presbyterians of middle Carolina, he digested the system which was then adopted, and which formed in effect a declaration of independence, as well as a system of government. "All laws and commissions confirmed by or derived from the authority of the king or parliament," such are the well-considered words of these daring statesmen, "are annulled and vacated; all commissions, civil and military, heretofore granted by the crown to be exercised in the colonies, are void; the provincial congress of each province, under the direction of the great continental congress, is invested with all legislative and executive powers within the respective provinces, and no other legislative or executive power does or can exist at this time in ally part of these colonies. As all former laws are now suspended in this province, and the congress has not yet provided others, we judge it necessary, for the better preservation of good order, to form certain rules and regulations for the internal government of this country, until laws shall be provided for us by the congress."

Bancroft, Hist. of the U.S., vol.4, p.197

In accordance with these principles, the freemen of the county formed themselves into nine military companies, electing their own officers. The tenure alike of military and civil officers was "the pleasure of their several constituents." All public and county taxes, all quit-rents to the crown, were sequestered; and it was voted that persons receiving new commissions from the king, or exercising old ones, should be dealt with as enemies of the country.

Bancroft, Hist. of the U.S., vol.4, p.198

The resolves were to be enforced till the provincial congress should otherwise ordain, or the British parliament resign its arbitrary pretensions with respect to America. At the same time, the militia companies were directed to provide themselves with arms; and Thomas Polk and Joseph Kenedy were appointed to purchase flints, lead, and powder.

Bancroft, Hist. of the U.S., vol.4, p.198

On the thirty-first of May the resolutions were signed by Brevard as clerk of the committee, and wee adopted by the people with the enthusiasm which springs from the combined influence of religion and the love of civil liberty. The resolves were transmitted with all speed to be printed in' Charleston; they startled the governors of Georgia and North Carolina, who forwarded them to the British government. An authentic copy of the resolves was despatched by order of the convention to the continental congress, that the world might know their authors had renounced their allegiance to the king of Great Britain, and constituted a government for themselves.

Bancroft, Hist. of the U.S., vol.4, p.198

The messenger stopped on his way at Salisbury; and there, to a crowd round the court-house, the resolves were read and approved. The western counties were the most populous part of North Carolina; and the royal governor had written: "I have no doubt that I might command their best services at a word on any emergency. I consider I have the means in my own hands to maintain the sovereignty of this country to my royal master in all events." And yet he was obliged to transmit the resolutions of Mecklenburg, which he described as "most traitorously declaring the entire dissolution of the laws and constitution, and setting up a system of rule and regulation subversive of his majesty's government."

Chapter 13:

Massachusetts Asks for George Washington as Commander-in-Chief,

May-June 17, 1775

Bancroft, Hist. of the U.S., vol.4, p.199

"UNHAPPY it is," said Washington, "to reflect that a brother's sword has been sheathed in a brother's breast, and that the once happy and peaceful plains of America are either to be drenched with blood or inhabited by slaves. Sad alternative! But can a virtuous man hesitate in his choice?" He foresaw the long contest which was to precede the successful vindication of the liberties of America; and from the first he avowed to his friends "his full intention to devote his life and fortune" to the cause. To mark the necessity of immediate preparation for war, he wore in congress his uniform as an officer.

Bancroft, Hist. of the U.S., vol.4, p.199

Franklin, who knew with certainty that every method of peaceful entreaty had been exhausted, reproved irresoluteness and delay. "Make yourselves sheep," he would say, "and the wolves will eat you;" and again, "God helps them who help themselves;" adding, hopefully: "United, we are well able to repel force by force." Thus "he encouraged the revolution," yet wishing for independence as the spontaneous action of a united people. The people of the continent, now that independence was become inevitable, still longed that the necessity for it might pass by.

Bancroft, Hist. of the U.S., vol.4, p.199 - p.200

In this state of things Dickinson seconded the motion of Jay for one more petition to the king; but his determination to sustain Massachusetts was never in doubt. He did not ask merely relief from parliamentary taxation; he insisted on security against the encroachments of parliament on charters and laws so distinctly and firmly that Samuel Adams pronounced the Farmer a thorough Bostonian.

Bancroft, Hist. of the U.S., vol.4, p.200

On the twenty-fourth, the chair of the president becoming vacant by the departure of Peyton Randolph, John Hancock of Massachusetts was elected unanimously in his stead; and Harrison of Virginia conducted him to the chair, saying: "We will show Britain how much we value her proscriptions;" for the proscription of Samuel Adams and Hancock had long been known, though it had not yet been proclaimed. On the twenty-fifth directions were given to the provincial congress in New York to fortify posts at the upper end of the island near King's Bridge, and on each side of Hudson river in the Highlands. A post was to be taken near Lake George.

Bancroft, Hist. of the U.S., vol.4, p.200

On that same day Duane moved in the committee of the whole, that "the opening of a negotiation to accommodate the unhappy disputes subsisting between Great Britain and the colonies be made a part of the petition to the king." After a warm debate of two days, it was unanimously resolved "that, for safety against every attempt to carry the unconstitutional acts into execution by force of arms, the colonies be immediately put into a state of defence; but that, with a sincere desire of contributing by all the means, not incompatible with a just regard for their undoubted rights and true interests, to the promotion of this most desirable reconciliation, an humble and dutiful petition be presented to his majesty." To this the motion of Duane was added in spite of an unyielding opposition.

Bancroft, Hist. of the U.S., vol.4, p.200

All this while congress counselled New York to arm and train its militia, and to embody men for the protection of its chief city against invasion. On the twenty-ninth, by the band of Jay, they again addressed the Canadians, but without setting before them adequate motives for rising.

Bancroft, Hist. of the U.S., vol.4, p.200 - p.201

This is the moment when the proposal of Lord North to settle the strife between Great Britain and the thirteen colonies was pressed upon the attention of the American people. On the thirtieth Willing of Philadelphia brought before congress a paper without signature yet unquestionably authentic, which, after an appeal to the affections of the colonists for the king and country, declared that the overture contained in the resolution of the house of commons on the basis of relief of the colonies from taxation by parliament was honorable for Great Britain and safe for the colonies; that neither king, nor ministry, nor parliament, nor the nation would admit of further relaxation; but that, if it should not be accepted, "a perfectly united ministry would employ the whole force of the kingdom to reduce the rebellious and refractory provinces and colonies." An acceptance of the offer by congress would have been an acquiescence in the parliamentary change of the charter of Massachusetts.

Bancroft, Hist. of the U.S., vol.4, p.201

Lord North and Lord Dartmouth earnestly desired to win the consent of Virginia to this insidious offer, and for that purpose Lord Dunmore, by their injunctions, summoned the house of burgesses of Virginia to meet on the first day of June 1775. Peyton Randolph, the speaker, who had presided over the congress at Philadelphia, entered Williamsburg with an escort of independent companies of horse and foot, which eclipsed the pomp of the governor, and in the eyes of the people raised the importance of the newly created continental power. The session was opened by a speech recommending accommodation on the basis of Lord North's resolve. But the moment chosen for the discussion was inopportune; Dunmore's menace of a servile insurrection had filled the South with horror and alarm. The retreat from Concord had raised the belief that the American forces would prove invincible; and some of the burgesses appeared in the uniform of the provincial troops, wearing a hunting-shirt of coarse homespun linen over their clothes, and a woodman's axe at their sides.

Bancroft, Hist. of the U.S., vol.4, p.201

Jefferson came down from Albemarle with clear perceptions of public duty. When parliament oppressed the colonies by imposing taxes, he would have been content with their repeal; when it mutilated the charter and laws of Massachusetts, he still hoped for conciliation through the wisdom of Chatham; but after Lexington green had been stained with blood, he, like Dickinson, would no longer accept acts of repeal unless accompanied by security against further aggression.

Bancroft, Hist. of the U.S., vol.4, p.201 - p.202

The burgesses approved the conduct of the Indian war of the previous year, and provided for its cost; but the governor would not pass their bill, because it imposed a specific duty of five pounds on the head, about ten per cent on the value, of every slave imported from the West Indies. The last exercise of the veto power by the king's representative in Virginia was for the protection of the slave-trade.

Bancroft, Hist. of the U.S., vol.4, p.202

The assembly, having on the fifth thanked the delegates of the colony to the first congress, prepared to consider the proposal of Lord North. The anxious governor sent them an apology for his removal of the powder belonging to the province, and reminded them that he had ventured his life in the service of Virginia; but the burgesses, after taking testimony which proved his avowed intention to raise, free, and arm slaves, selected Jefferson to draught their reply.

Bancroft, Hist. of the U.S., vol.4, p.202

While the house was thus employed, Dunmore, learning from Gage that Samuel Adams and Hancock were soon to be proscribed, and fearing he might be detained as a hostage, suddenly, in the night following the seventh of June, went on board the Fowey at York, giving, as a reason for his flight, his apprehension of "failing a sacrifice to the daring atrociousness and unmeasurable fury of great numbers of the people."

Bancroft, Hist. of the U.S., vol.4, p.202 - p.203

The burgesses paid no heed to his angry words. On the twelfth, in the words of Jefferson, they addressed to him as their final answer that, "next to the possession of liberty, they should consider a reconciliation as the greatest of all human blessings, but that the resolution of the house of commons only changed the form of oppression, without lightening its burdens; that government in the colonies was instituted for the colonies themselves; that the British parliament had no right to meddle with their constitution, or prescribe either the number or the pecuniary appointments of their officers; that they had a right to give their money without coercion, and from time to time; that they alone were the judges, alike of the public exigencies and the ability of the people; that they contended not merely for the mode of raising their money, but for the freedom of granting it; that the resolve to forbear levying pecuniary taxes still left unrepealed the acts restraining trade, altering the form of government of Massachusetts, changing the government of Quebec, enlarging the jurisdiction of courts of admiralty, taking away the trial by jury, and keeping up standing armies; that the invasion of the colonies with large armaments by sea and land was a style of asking gifts not reconcilable to freedom; that the resolution did not propose to the colonies to lay open a free trade with all the world; that, as it involved the interest of all the other Colonies, they were bound in honor to share one fate with them; that the bill of Lord Chatham on the one part, and the terms of congress on the other, would have formed a basis for negotiation and a reconciliation; that, leaving the final determination of the question to the general congress, they will weary the king with no more petitions, the British nation with no more appeals." "What, then," they ask, "remains to be done?" and they answer: "We commit our injuries to the justice of the even-handed Being who doth no wrong."

Bancroft, Hist. of the U.S., vol.4, p.203

"In my life," said Shelburne, "I was never more pleased with a state paper than with the assembly of Virginia's discussion of Lord North's proposition. It is masterly." At Versailles, Vergennes was equally attracted by its wisdom and dignity; he particularly noticed the insinuation that a compromise might be effected on the basis of the modification of the navigation acts; and, as he saw many ways opened of settling every difficulty, it was long before he could persuade himself that the British ministry was so infatuated as to neglect them all. From Williamsburg, Jefferson repaired to Philadelphia; but, before he arrived there, decisive communications had been received from Massachusetts.

Bancroft, Hist. of the U.S., vol.4, p.203 - p.204

That colony still languished in anarchy, from which they were ready to relieve themselves, if they could but wring the consent of the continental congress to their "taking up and exercising the powers of civil government." The congress of Massachusetts further invited the general congress "to assume the regulation and direction of the army, then collecting from different colonies for the defence of the rights of America." In the same moment Samuel Adams received a private letter from Joseph Warren, interpreting the words as a request that the continent should "take the command of the army by appointing Washington as its generalissimo." The bearer of the letter had hardly finished his commission of explaining more fully the wishes of Massachusetts, when an express arrived with the news that Howe and Clinton and Burgoyne had landed in Boston; that British re-enforcements were arriving; that other parts of the continent were threatened with war. A letter received from the congress of New Hampshire intimated that "the voice of God and nature" was summoning the colonies to independence.

Bancroft, Hist. of the U.S., vol.4, p.204

On the earliest occasion John Adams explained the composition and character of the New England army, its merits and its wants, the necessity of its being adopted by the continent, and the consequent propriety that congress should name its general. Then, speaking for his constituents, he pointed out George Washington as the man above all others fitted for that station, and best able to promote union. Samuel Adams seconded his colleague. The delegates from the Ancient Dominion, especially Pendleton, Washington's personal friend, disclaimed any wish that the Massachusetts commander should be superseded by a Virginian, and from delicacy declined the nomination of their own colleague. Washington himself had never aspired to the honor, though for some time he had been "apprehensive that he could not avoid the appointment."

Bancroft, Hist. of the U.S., vol.4, p.204

The balloting for officers was delayed, that the members from New York might consult their congress on the nominations from that colony.

Bancroft, Hist. of the U.S., vol.4, p.204

With an empire to found and to defend, congress had not as yet had the disposal of one penny of money. In the urgency of extreme distress, they undertook to borrow six thousand pounds, to be applied to the purchase of gunpowder for what was now for the first time called THE CONTINENTAL ARM?.

Bancroft, Hist. of the U.S., vol.4, p.204

In the arrangement of its committees and the distribution of business, its policy was an armed defence, while waiting for a further answer from the king. On the seventh of June one of its resolutions spoke of "the Twelve United Colonies," Georgia being not yet included; and the name implied an independent nation; but on the eighth it recommended to Massachusetts not to elect a governor of their own, but to intrust the executive power to the elective council "until a governor of the king's appointment would consent to govern the colony according to its charter."

Bancroft, Hist. of the U.S., vol.4, p.204 - p.205

The twelfth of June is a memorable day, for it brought into the clearest light the difference between the dispositions of America and of the British government. On that day Gage established martial law throughout Massachusetts and by public proclamation proscribed Samuel Adams and John Hancock, reserving them for condign punishment as rebels and traitors, in terms which included as their abettors not only all who should remain in arms about Boston, but every member of the Massachusetts government and of the continental congress.

Bancroft, Hist. of the U.S., vol.4, p.205

On the twelfth of June the general congress made its first appeal to the people of the twelve united colonies by enjoining them to keep a fast on one and the same day, on which they were to recognise "King George III as their rightful sovereign, and to look up to the great Governor of the world for the restoration of the invaded rights of America and a reconciliation with the parent state."

Bancroft, Hist. of the U.S., vol.4, p.205

Measures were next taken for organizing and paying an American continental army. At that moment troops might without effort have been enlisted for the war; congress, with want of foresight, ordered them to be enlisted only till the end of the year, before which time a favorable answer from the king was hoped for. Washington, Schuyler, and others, were deputed to prepare the necessary rules and regulations. It was further resolved to enlist six companies of expert riflemen in Pennsylvania, two in Maryland, and two in Virginia; and, on the fifteenth of June, it was voted to appoint a general Thomas Johnson of Maryland nominated George Washington; and he was elected by ballot unanimously.

Bancroft, Hist. of the U.S., vol.4, p.205 - p.206

Washington was then forty-three years of age. In stature he a little exceeded six feet; his limbs were sinewy and well-proportioned; his chest broad; his figure stately, blending dignity of presence with ease. His robust constitution had been tried and invigorated by his early life in the wilderness, the habit of occupation out of doors, and rigid temperance; so that few equalled him in strength of arm, or power of endurance, or noble horsemanship. His complexion was florid; his hair dark brown; his head in its shape perfectly round. His broad nostrils seemed formed to give escape to scornful anger. The lines of his eyebrows were long and finely arched. His dark blue eyes, which were deeply set, had an expression of resignation, and an earnestness that was almost pensiveness. His forehead was sometimes marked with thought, but never with inquietude; his countenance was pleasing and full of benignity.

Bancroft, Hist. of the U.S., vol.4, p.206

At eleven years old left to the care of an excellent but unlettered mother, he grew up without learning. Of arithmetic and geometry he acquired just knowledge enough to be able to practice measuring land; but all his instruction at school taught him not so much as the orthography or rules of grammar of his own tongue. His culture was altogether his own work; yet from early life he never seemed uneducated. At sixteen he went into the wilderness as a surveyor, and for three years continued the pursuit, where the forests trained him, in meditative solitude, to freedom and largeness of mind; and nature revealed to him her obedience to serene and silent laws. In his intervals from toil he seemed always to be attracted to the society of the best men, and to be cherished by them. Fairfax, his employer, an Oxford scholar, already aged, became his fast friend. He read little, but with close attention. Whatever he took in hand he applied himself to with care; and his papers, which have been preserved, show how he almost imperceptibly gained the power of writing correctly, always expressing himself with clearness and directness, often with a happy choice of language and with grace.

Bancroft, Hist. of the U.S., vol.4, p.206 - p.207

When the frontiers on the West became disturbed, he at nineteen was commissioned an adjutant-general with the rank of major. At twenty-one he went as the envoy of Virginia to the council of Indian chiefs on the Ohio, and to the French officers near Lake Erie. Fame waited upon him from his youth; and no one of his colony was so much spoken of. He conducted the first military expedition from Virginia that crossed the Alleghanies. Braddock selected him as an aid, and he was the only man who came out of the disastrous defeat near the Monongahela with increased reputation, which extended to England. The next year, when he was but four-and-twenty," the great esteem " in which he was held in Virginia, and his "real merit," led the lieutenant-governor of Maryland to request that he might be "commissioned and appointed second in command" of the army designed to in arch to the Ohio; and Shirley, the commander-in-chief, heard the proposal "with great satisfaction and pleasure," for "he knew no provincial officer upon the continent to whom he would so readily give that rank as to Washington." In 1758 he acted under Forbes as a brigadier, and but for him that general would never have crossed the mountains.

Bancroft, Hist. of the U.S., vol.4, p.207

Courage was so natural to him that it was hardly spoken of; no one ever at any moment of his life discovered in him the least shrinking in danger; and he had a hardihood of daring which escaped notice, because it was enveloped by calmness and wisdom.

Bancroft, Hist. of the U.S., vol.4, p.207

All agree that he was most amiable. His address was most easy and agreeable, his step firm and graceful, his air neither grave nor familiar. He was as cheerful as he was spirited, frank and communicative in the society of friends, fond of the fox-chase and the dance, often sportive in his letters, and he liked a hearty laugh. "His smile," writes Chastellux, "was always the smile of benevolence." This joyousness of disposition remained to the last, though the vastness of his responsibilities was soon to take from him the right of displaying the impulsive qualities of his nature, and the weight which he was to bear was to overlay and repress his gayety and openness.

Bancroft, Hist. of the U.S., vol.4, p.207

His hand was liberal, giving quietly and without observation, as though he was ashamed of nothing but being discovered in doing good. He was kindly and compassionate, and of lively sensibility to the sorrows of others; so that, if his country had only needed a victim for its relief, he would have willingly offered himself as a sacrifice. But while he was prodigal of himself, he was ever parsimonious of the blood of his countrymen.

Bancroft, Hist. of the U.S., vol.4, p.207

Early in life he inherited from an elder brother the estate of Mount Vernon, which he managed with prudent care; but, as a public man, he knew no other aim than the good of his country, and in the hour of his country's poverty he refused personal emolument for his service.

Bancroft, Hist. of the U.S., vol.4, p.207 - p.208

His faculties were so well balanced and combined that his constitution, free from excess, was tempered evenly with all the elements of activity, and his mind resembled a well-ordered commonwealth; his passions, which had the intensest vigor, owned allegiance to reason; and, with all the fiery quickness of his spirit, his impetuous and massive will was held in check by consummate judgment. He had in his composition a calm, which gave him in moments of highest excitement the power of self-control, and enabled him to excel in patience, even when he had most cause for disgust. Washington was offered a command when there was little to bring out the unorganized resources of the continent but his own influence, and authority was connected with the people by the most frail, most attenuated, scarcely discernible threads; yet, vehement as was his nature, impassioned as was his courage, he so restrained his ardor that he never failed continuously to exert that influence, and never exerted it so sharply as to break its force.

Bancroft, Hist. of the U.S., vol.4, p.208

His faculty of secrecy, in which he was unsurpassed, had the character of prudent reserve, not of concealment. His great natural power of vigilance had been developed by his life in the wilderness.

Bancroft, Hist. of the U.S., vol.4, p.208

His understanding was lucid and his judgment accurate, so that his conduct never betrayed hurry or confusion. No detail was too minute for his personal inquiry and continued supervision; and at the same time he comprehended events in their widest aspects and relations. He never seemed above the object that engaged his attention, and he was always equal, without an effort, to the solution of the highest questions affecting the destiny of mankind, even when there existed no precedents to guide his decision. In the perfection of the reflective powers he had no peer.

Bancroft, Hist. of the U.S., vol.4, p.208

In this way he never drew to himself admiration for the possession of any one quality in excess, never made in council any one suggestion that was sublime but impracticable, never in action took to himself the praise or the blame of undertakings astonishing in conception, but beyond his means of execution. It was the most wonderful accomplishment of this man that, placed upon the largest theatre of events, at the head of the greatest revolution in human affairs, he never failed to observe all that was possible, and at the same time to bound his endeavors by that which was possible.

Bancroft, Hist. of the U.S., vol.4, p.208 - p.209

A slight tinge in his character, perceptible only to the close observer, revealed the region from which he sprung, and he might be described as the best specimen of manhood as developed in Virginia; but his qualities were so faultlessly proportioned that the whole people rather claimed him as its choicest representative, the most complete expression of all its attainments and aspirations. He studied his country and conformed to it, not from calculation, but from a sincere, ever-active benevolence and sympathy. His countrymen felt that he was the best type of America; they lived in his life, and made his success and his praise their own.

Bancroft, Hist. of the U.S., vol.4, p.209

Profoundly impressed with confidence in God's providence, and exemplary in his respect for the forms of public worship, no philosopher of the eighteenth century was more firm in the support of freedom of religious opinion, none more remote from bigotry; but belief in God and trust in his overruling power formed the essence of his character. Divine wisdom not only illumines the spirit, it inspires the will. Washington was a man of action; his creed appears in his life; professions burst from him very rarely, and only at those great moments of crisis in the fortunes of his country when earth and heaven seemed actually to meet, and his emotions became too intense for suppression; but his whole being was one continued act of faith in the eternal, intelligent, moral order of the universe. Integrity was so completely the law of his nature that a planet would sooner have shot from its sphere than he have departed from his uprightness, which was so constant that it often seemed to be almost impersonal. "His integrity was the most pure, his justice the most inflexible I have ever known," writes Jefferson, "no motives of interest or consanguinity, of friendship or hatred, being able to bias his decision."

Bancroft, Hist. of the U.S., vol.4, p.209 - p.210

They say of Giotto that he introduced goodness into the art of painting; Washington carried it with him to the camp and the cabinet, and established a new criterion of human greatness. The purity of his will confirmed his fortitude; and, as he never faltered in his faith in virtue, he stood fast by that which he knew to be just; free from illusions; never dejected by the apprehension of the difficulties and perils that went before him, and drawing the promise of success from the justice of his cause. Hence he was persevering, leaving nothing unfinished; devoid of all taint of obstinacy in his firmness; seeking and gladly receiving advice, but immovable in his devotedness to right.

Bancroft, Hist. of the U.S., vol.4, p.210

Of a "retiring modesty and habitual reserve," his ambition was no more than the consciousness of power, and was subordinate to his sense of duty; he took the foremost place, for he knew from inborn magnanimity that it belonged to him, and he dared not withhold the service required of him; so that, with all his humility, he was by necessity the first, though never for himself or for private ends. He loved fame, the approval of coming generations, the good opinion of his fellow-men of his own time, and he desired to make his conduct coincide with their wishes; but not fear of censure, not the prospect of applause, could tempt him to swerve from rectitude, and the praise which he coveted was the sympathy of that moral sentiment which delights in uprightness.

Bancroft, Hist. of the U.S., vol.4, p.210

There have been soldiers who have achieved mightier victories in the field, and made conquests more nearly corresponding to the boundlessness of selfish ambition; statesmen who have been connected with more startling upheavals of society; but it is the greatness of Washington that in public trusts he used power solely for the public good; that he was the life and moderator and stay of the most momentous revolution in human affairs, its moving impulse and its restraining power. Combining the centripetal and the centrifugal forces in their utmost strength and in perfect relations, with creative grandeur of instinct he held ruin in check, and renewed and perfected the institutions of his country. Finding the colonies disconnected and dependent, he )eft them such a united and well-ordered commonwealth as no visionary had believed to be possible. So that it has been truly said: "He was as fortunate as great and good."

Bancroft, Hist. of the U.S., vol.4, p.210 - p.211

This also is the praise of Washington: that never in the tide of time has any man lived who had in so great a degree the almost divine faculty to command the trust of his fellowmen and rule the willing. Wherever he became known, in his family, his neighborhood, his county, his native state, the continent, the camp, civil life, among the common people, in foreign courts, throughout the civilized world, and even among the savages, he beyond all other men had the confidence of his kind.

Bancroft, Hist. of the U.S., vol.4, p.211

Washington saw at a glance the difficulties of the position to which he had been chosen. He was appointed by a government which, in its form, was one of the worst of all possible governments in time of peace, and was sure to reveal its defects still more plainly in time of war. It was inchoate and without an executive head; the several branches of administration, if to be conducted at all, were to be conducted by separate, ever-changing, and irresponsible committees; and all questions of legislation and of action ultimately decided by the one ill-organized body of men, to whom there had hardly been granted power even to originate advice. They were not the representatives of a union; they alone constituted the union of which, as yet, there was no other bond. One whole department of government, the judicial, was entirely wanting. So was, in truth, the executive. The congress had no ability whatever to enforce a decree of their own; they had no revenue, and no authority to collect a revenue; they had none of the materials of war; they did not own a cannon, nor a pound of powder, nor a tent, nor a musket; they had no regularly enlisted army, and had even a jealousy of forming an army, and depended on the zeal of volunteers, or of men to be enlisted for less than seven months. There were no experienced officers, and no methods projected for obtaining them. Washington saw it all. He was in the enjoyment of fame; he wished not to forfeit the esteem of his fellow-men; and his eye glistened with a tear as he said in confidence to Patrick Henry on occasion of his appointment: "This day will be the commencement of the decline of my reputation."

Bancroft, Hist. of the U.S., vol.4, p.211

But this consideration did not make him waver. On the sixteenth of June he appeared in his place in congress, and, after refusing all pay beyond his expenses, he spoke with unfeigned modesty: "As the congress desire it, I will enter upon the momentous duty, and exert every power I possess in their service, and for the support of the glorious cause. But I beg it may be remembered by every gentleman in the room that I this day declare, with the utmost sincerity, I do not think myself equal to the command I am honored with."

Bancroft, Hist. of the U.S., vol.4, p.212

The next day the delegates of all the colonies resolved unanimously in congress "to maintain and assist him, and adhere to him, the said George Washington, Esquire, with their lives and fortunes in the same cause."

Bancroft, Hist. of the U.S., vol.4, p.212

By his commission he was invested with the command over all forces raised or to be raised by the United Colonies, and with full power and authority to order the army as he should think for the good and welfare of the service, "in unforeseen emergencies using his best circumspection, and advising with his council of war;" and he was instructed to take "special care that the liberties of America receive no detriment."

Bancroft, Hist. of the U.S., vol.4, p.212

Washington knew that he must depend for success on a steady continuance of purpose in an imperfectly united continent, and on his personal influence over separate and half-formed governments, with most of which he was wholly unacquainted. He foresaw a long and arduous struggle; but a secret consciousness of his power bade him not to fear; and he never admitted the thought of sheathing his sword or resigning his command till the work of vindicating American liberty should be done. To his wife he unbosomed his inmost mind: "I hope my undertaking this service is designed to answer some good purpose. I rely confidently on that Providence which has heretofore preserved and been bountiful to me.

Bancroft, Hist. of the U.S., vol.4, p.212

His acceptance changed the aspect of affairs. John Adams, looking with complacency upon "the modest and virtuous, the amiable, generous, and brave general," as the choice of Massachusetts, said: "This appointment will have a great effect in cementing the union of these colonies. The general is one of the most important characters of the world; upon him depend the liberties of America." All hearts turned with affection toward Washington. This is he who was raised up to be, not the head of a party, but the father of his country.

Chapter 14:

Bunker Hill,

June 16-17, 1775

Bancroft, Hist. of the U.S., vol.4, p.213

THE army round Boston was "a mixed multitude," as yet "under very little discipline, order, or government." Ward was enjoined to obey the decisions of the committee of safety, whose directions reached him through the council of war. Of the private men, great numbers were able-bodied, active, and unquestionably brave, and there were officers worthy of leading such men. But a vicious system of granting commissions to those who raised companies or regiments had opened the way to officers without capacity, and the real strength of the army was inferior to the returns. From an insufficient supply of tents, troops were quartered in the colleges and private houses. There was a want of money, of clothing, of engineers, but, above all, of ammunition. "Confusion and disorder reigned in every department."

Bancroft, Hist. of the U.S., vol.4, p.213

Each colony had its own militia laws, so that there was no uniformity in discipline. Of the soldiers from the other colonies, only the New Hampshire regiments had as yet been placed under the command of Ward. Of the men of Connecticut, a part were with Spencer at Roxbury; several hundred at Cambridge with Putnam, the second brigadier, who was distinguished for bold advice, alertness, and popular favor, and was seen constantly on horseback or on foot, working with his men or encouraging them. He repeatedly but vainly asked leave to advance the lines to Prospect Hill. Yet the army never doubted its superiority to its enemy; and danger and war were becoming attractive.

Bancroft, Hist. of the U.S., vol.4, p.214

The British forces gave signs of shame at their confinement. The secretary of state frequently assured the French minister at London that they would take the field, and that the Americans would soon tire of the strife. The king of England, who had counted the days necessary for the voyage of the transports, was "trusting soon to hear that Gage had dispersed the rebels, destroyed their works, opened a communication with the country," and imprisoned the leading patriots of the colony.

Bancroft, Hist. of the U.S., vol.4, p.214

The peninsilla of Boston, at that time connected with the mainland only by a very low and narrow isthmus, had at its south a promontory then known as Dorchester neck, with three hills commanding the town. At the north lay the peninsula of Charlestown, in length not much exceeding a mile, in width a little more than half a mile, but gradually diminishing toward the causeway, which kept asunder the Mystic and the Charles. Near its northeastern termination rose the round, smooth acclivity of Bunker Hill, one hundred and ten feet high, commanding both peninsulas. The high land then fell away by a gradual slope for about seven hundred yards, and just north by east of the town of Charlestown it reappeared with an elevation of about seventy-five feet, which bore the name of Breed's Hill. These heights of Dorchester and Charlestown commanded Boston.

Bancroft, Hist. of the U.S., vol.4, p.214

About the middle of May a joint committee from the committee of safety and the council of war, after a careful examination, recommended that several eminences within the limits of the town of Charlestown should be occupied, and that a strong redoubt should be raised on Bunker Hill. A breastwork was thrown up across the road near Prospect Hill, and Bunker Hill was to have been fortified as soon as artillery and powder should be supplied; but delay would have rendered even the attempt impossible. Gage, with the three major-generals, was determined to extend his lines north and south, over Dorchester and Charlestown. The execution of the plan was fixed for the eighteenth of June.

Bancroft, Hist. of the U.S., vol.4, p.214 - p.215

This design became known in the American camp, and raised a desire to anticipate the movement. Accordingly, on the fifteenth of June, the Massachusetts committee of safety informed the council of war that, in their opinion, Dorchester Heights should be fortified; and they recommended unanimously to establish a post on Bunker Hill.

Bancroft, Hist. of the U.S., vol.4, p.215

In searching for an officer suited to the enterprise, the choice fell on William Prescott of Pepperell, colonel of a regiment from the north-west of Middlesex, who himself was solicitous to be employed in the perilous duty, and on the evening after the vote of the committee of safety, a night and day only in advance of the purpose of Gage, a brigade of one thousand men was placed under his command.

Bancroft, Hist. of the U.S., vol.4, p.215

Soon after sunset, the party, composed of three hundred of Prescott's own regiment, detachments from those of Frye and of Bridge, and two hundred men of Connecticut, under the gallant Thomas Knowlton of Ashford, were ordered to parade on Cambridge common. They were a body of husbandmen, not in uniform, bearing for the most part fowling-pieces which had no bayonets, and carrying in horns and pouches their stinted supply of powder and bullets. Langdon, the president of Harvard college, who was one of the chaplains to the army, prayed with them fervently; then, as the late darkness of the midsummer evening closed in, they marched for Charlestown in the face of the proclamation, issued only four days before, by which all persons taken in arms against their sovereign were threatened under martial law with death by the cord as rebels and traitors. Prescott and his party were the first to defy the menace; he was resolved "never to be taken alive."

Bancroft, Hist. of the U.S., vol.4, p.215 - p.216

When, with hushed voices and silent tread, they and the wagons laden with intrenching tools had passed the narrow isthmus, Prescott called around him Richard Gridley, an experienced engineer, and the field officers, to select the spot for their earthworks. The committee of safety had proposed Bunker Hill; but Prescott had "received orders to march to Breed's Hill." He obeyed the orders as he understood them; and with the ready assent of his companions, who were bent on straitening the English to the utmost, it was upon the eminence nearest Boston and best suited to annoy the town and shipping in the harbor that, under the light of the stars, the engineer drew the lines of a redoubt of nearly eight rods square. The bells of Boston had struck twelve before the first sod was thrown up. Then every man of the thousand plied in his turn the pick axe and spade, and with such expedition that the parapet soon assumed form and height, and capacity for defence. "We shall keep our ground," thus Prescott related that he silently revolved his position, "if some screen, however slight, can be completed before discovery." The Lively lay in the ferry between Boston and Charlestown, and a little to the eastward were moored the Falcon, sloop-of-war, and the Somerset, a ship of the line; the veteran not only set a watch to patrol the shore, but, bending his ear to every sound, twice repaired to the margin of the water, where he heard the drowsy sentinels from the decks of the men-of-war still cry: "All is well."

Bancroft, Hist. of the U.S., vol.4, p.216

The few hours that remained of darkness hurried away, but not till "the line of circumvallation was already closed." As day dawned, the seamen were roused to action; and every one in Boston was startled from slumber by the cannon of the Lively playing upon the redoubt. Citizens of the town, and British officers, and tory refugees, the kindred of the insurgents, crowded to gaze with wonder and surprise at the mall fortress of earth freshly thrown up, and "the rebels," who were still plainly seen at their toil. A battery of heavy guns was forthwith mounted on Copp's Hill, which was directly opposite at a distance of but twelve hundred yards, and an incessant shower of shot and bombs was rained upon the works; but Prescott, whom Gridley had forsaken, calmly considered how he could best continue his line of defence.

Bancroft, Hist. of the U.S., vol.4, p.216 - p.217

At the foot of the hill on the north was a slough, beyond which an elevated tongue of land, having few trees, covered chiefly with grass, and intersected by fences, stretched away to the Mystic. Without the aid of an engineer, Prescott himself extended his line from the east side of the redoubt northerly for about twenty rods toward the bottom of the hill; but the men were prevented from completing it "by the intolerable fire of the enemy." Still, the cannonade from the battery and shipping could not dislodge them, though it was a severe trial to raw soldiers, unaccustomed to the noise of artillery. Early in the day a private was killed and buried. To inspire confidence, Prescott mounted the parapet and walked leisurely backward and forward, examining the works and giving directions. One of his captains, perceiving his motive, imitated his example. From Boston, Gage with his telescope descried the commander of the party. "Will he fight?" asked the general of Willard, Prescott's brother-in-law, late a mandamus councillor, who was at his side. "To the last drop of his Mood," answered Willard. As the British generals saw that every hour gave fresh strength to the intrenchments of the Americans, by mane o'clock they deemed it necessary to alter the plan previously agreed upon, and to make the attack immediately on the side that could be soonest reached.

Bancroft, Hist. of the U.S., vol.4, p.217

The day was one of the hottest of the season. After their fatigues through the night, the American partisans might all have pleaded their unfitness for action; some left the post, and the field officers, Bridge and Brickett, being indisposed, could render their commander but little service. Yet Prescott was dismayed neither by weariness nor desertion. "Let us never consent to being relieved," said he to his own regiment, and to all who remained; "these are the works of our hands, to us he the honor of defending them." He despatched repeated messengers for re-enforcements and provisions; but at the hour of noon no assistance had appeared. His men had toiled all the night long, had broken their fast only with what they had brought in their knapsacks the evening before, had, under a burning sky, without shade, amid a storm of shot and shells, continued their labor all the morning, and were now preparing for a desperate encounter with a vastly superior force; yet no refreshments were sent them, and during the whole day they received not even a cup of cold water, nor so much as a single gill of powder. The agony of suspense was now the greater, because no more work could be done in the trenches; the tools were piled up in the rear, and the men were waiting, unemployed, till the fighting should begin.

Bancroft, Hist. of the U.S., vol.4, p.217 - p.218

The second messenger from Prescott, on his way to the head-quarters at Cambridge, was met by Putnam, who was hastening to Charlestown. The brigadier seems to have seen that the successful defence of the peninsula required intrenchments on the summit of Bunker Hill. He therefore rode up to the redoubt on Breed's Hill, where he did not appear again during the whole day, and asked of Prescott "that the in trenching tools might be sent off." It was done; but, of the large party that took them away, few returned; and Putnam found no leisure to fortify the crown of the higher hill.

Bancroft, Hist. of the U.S., vol.4, p.218

To abundant equipments of every kind the British troops in Boston, though in number hardly more than five thousand effective men, added experience and exact discipline. Taking advantage of high water, the Glasgow sloop-of-war and two floating batteries had been moored where their guns raked the isthmus of Charlestown. Between the hours of twelve and one, by order of General Gage, boats and barges, manned by oars, all plainly visible to Prescott and his men, bore over the unruffled sheet of water from Long Wharf to Moulton's Point in Charlestown the fifth, the thirty-eighth, the forty-third, and the fifty-second regiments of infantry, with ten companies of grenadiers, ten of light infantry, and a proportion of field artillery—in all about two thousand men. They were commanded by Major-General Howe, who was assisted by Brigadier-General Pigot. It was noticed that Percy, pleading illness, let his regiment go without him. The British landed under cover of the shipping, on the outward side of the peninsula, near the Mystic, with a view to outflank the American party, surround them, and make prisoners of the whole detachment.

Bancroft, Hist. of the U.S., vol.4, p.218

The way along the banks of the river to Prescott's rear lay open; he had remaining with him but about seven or eight hundred men, worn with toil and watching and hunger; he knew not how many were coming against him; his flank was unprotected; he saw no signs of re-enforcements; the enemy had the opportunity to surround and crush his little band. "Never were men placed in a more dangerous position." But Howe, who was of a sluggish temperament, halted on the first rising ground and sent back for more troops.

Bancroft, Hist. of the U.S., vol.4, p.218

When Prescott perceived the British begin to land on the point east by north from the fort, he made the best disposition of his scanty force, ordering the train of artillery with two field-pieces, and the Connecticut forces under Knowlton, "to go and oppose them."

Bancroft, Hist. of the U.S., vol.4, p.218 - p.219

About two hundred yards in the rear of the unfinished breastwork a fence with two rails, of which the posts were set in a low stone wall, extended for three hundred yards or more toward the Mystic. The mowers had but the day before passed over the meadows, and the grass lay on the ground in cocks and windrows. There the men of Connecticut, in pursuance of Prescott's order, took their station. Nature had provided "something of a breast work," or a ditch had been dug many years before They grounded arms and made a slight fortification against musket-balls by interweaving the newly mown grass between the rails, and by carrying forward a post and rail-fence alongside of the first, and piling the fresh hay between the two. But the line of defence was still very far from complete. Nearer the water the bank was smooth and without obstruction, declining gently for sixty or eighty yards, where it fell off abruptly. Between the rail-fence and the unfinished breastwork the space was open, and remained so; the slough at the foot of the hill guarded a part of the distance; nearly a hundred yards were left almost wholly unprotected.

Bancroft, Hist. of the U.S., vol.4, p.219

Brooks, afterward governor of Massachusetts, one of Prescott's messengers, had no mode of reaching head-quarters but on foot. He found the general anxious and perplexed. Ward saw the imprudence of risking a battle for which the army was totally unprepared. To the committee of safety, which was in session, the committee of supplies expressed its concern at the "expenditure of powder;" "any great consumption by cannon might be ruinous;" and it is a fact that the Americans, with incomplete companies composed of "raw, irregular, and undisciplined troops," enlisted chiefly within six weeks, commanded, many of them, by untried officers, gathered from four separate colonies, with no reciprocal subordination but from courtesy and opinion, after collecting all the ammunition that could be obtained north of the Delaware, had in the magazine for an army, engaged in a siege and preparing for a fight, no more than twenty-seven half-barrels of powder, with a gift from Connecticut of thirty-six half-barrels more.

Bancroft, Hist. of the U.S., vol.4, p.219 - p.220

Ward determined, if possible, to avoid a general action. Apprehending that, if re-enforcements should leave his camp, the main attack of the British would be made upon Cambridge, he refused to impair his strength at head-quarters; but he ordered the New Hampshire regiments of Stark, stationed at Medford, and of Reed, near Charlestown neck, to march to Prescott's support.

Bancroft, Hist. of the U.S., vol.4, p.220

When word was brought that the British were actually landing in Charlestown, the general regarded it as a feint, and still refused to change his plan. But the zeal of individuals admitted of no control. The welcome intelligence that the British had actually sallied out of Boston thrilled through men who were "waiting impatiently to avenge the blood of their murdered countrymen." Owing to the want of activity in Ward, who did not leave his house during the whole day, all method was wanting; but, while the bells were ringing and the drums beating to arms, officers who had longed for the opportunity of meeting the British in battle, soldiers who clung to the officers of their choice with constancy, set off for the scene of battle, hardly knowing themselves whether they were countenanced by the general, or the committee of safety, or the council of war; or moved by the same impetuous enthusiasm which had brought them forth on the nineteenth of April, and which held "an honorable death in the field for the liberties of all America preferable to an ignominious slavery."

Bancroft, Hist. of the U.S., vol.4, p.220

The septuagenarian Seth Pomeroy of Northampton was roused by the continuance of the cannonade, and rode to Charlestown neck; there, thoughtful for his horse, which was a borrowed one, he shouldered his fowling-piece, marched over on foot, and, amid loud cheers of welcome, took a place at the rail-fence.

Bancroft, Hist. of the U.S., vol.4, p.220 - p.221

Joseph Warren, after discharging his duty in the committee of safety, resolved to take part in the battle. He was entreated by Elbridge Gerry not thus to expose his life. "It is sweet and becoming to die for one's country," was his answer. Three days before, he had been elected a provincial major-general. He knew the defects of the American camp, the danger of the intrenched party, and how the character of his countrymen and the interests of mankind hung in suspense on the conduct of that day. About two o'clock he crossed Bunker Hill unattended, and with a musket in his hand. He stood for a short time near a cannon at the rail-fence in conversation with Putnam, who was ready to receive his orders; but Warren declined to assume authority, and passed on to the redoubt, where the chief attack was expected. There Prescott proposed that he should take the command; but he answered as he had done to Putnam: "I come as a volunteer, to learn from a soldier of experience;" and in choosing his station he looked only for the place of danger and importance.

Bancroft, Hist. of the U.S., vol.4, p.221

Of the men of Essex who formed Little's regiment, full a hundred and twenty-five hastened to the aid of Prescott; Worcester and Middlesex furnished more than seventy from Brewer's regiment, and with them the prudent and fearless William Buckminster of Barre, their lieutenant-colonel. From the same counties came above fifty more, under John Nixon of Sudbury. Willard Moore of Paxton, a man of superior endowments, led about forty of Worcester county; from the regiment of Whitcomb of Lancaster, there appeared at least fifty privates, but with no higher officers than captains. Not more than six light field-pieces were brought upon the ground; and these, from want of ammunition, were scarcely used.

Bancroft, Hist. of the U.S., vol.4, p.221 - p.222

At the rail-fence there were, as yet, but the Connecticut men whom Prescott had detached. The two field-pieces had been deserted by the artillerymen. After the British had landed, and just before they advanced, a party of New Hampshire levies arrived, conducted by Colonel John Stark, who, next to Prescott, brought the largest number of men into the field. When they came to the isthmus, which was raked by cannon, Dearborn, one of his captains who walked by his side, advised a quick step. "One fresh man in action is worth ten fatigued ones," replied Stark; and he marched leisurely across Charlestown neck through the galling fire. The rugged trapper was as calm as though he had been hunting in his native woods. At a glance upon the beach along Mystic river, "I saw there," he related, "the way so plain that the enemy could not miss it." While some of his men continued the line of defence by still weaving grass between the rails, others, at his bidding, leaped down the bank, and, with stones from adjacent walls, threw up a breastwork to the water's edge. Behind this, and wholly exposed on the side of the water, he posted triple ranks of his men; the rest knelt or lay down. The time allowed him no opportunity of consulting with Prescott; they fought independently; Prescott to defend the redoubt, Knowlton and Stark, with Reed's regiment, to protect its flank. These are all who arrived before the beginning of the attack; and not more than a hundred and fifty others of various regiments, led by different officers or driven by their own zeal, reached the battle-ground before the retreat. From first to last Putnam took an active interest in the expedition; and the appointment of Prescott to its command was made with his concurrence. Without interfering with that command, he was now planning additional works on Bunker Hill, now mingling with the Connecticut troops at the rail-fence, now threatening officers or men who seemed to him dilatory or timid, now at Cambridge in person, or again by message, demanding re-enforcements, ever engaged in aiding and encouraging here and there, as the case required. After the first landing of the British, he sent orders by his son to the Connecticut forces at Cambridge, "that they must all meet and march immediately to Bunker Hill to oppose the enemy." Chester and his company ran for their arms and ammunition, and marched with such alacrity that they reached the battleground before the day was decided.

Bancroft, Hist. of the U.S., vol.4, p.222

While the camp at Cambridge was the scene of confusion, Howe caused refreshments to be distributed abundantly among his troops. The re-enforcements which he had demanded arrived, consisting of several more companies of light infantry and grenadiers, the forty-seventh regiment, and a battalion of marines. "The whole," wrote Gage, "made a body of something above two thousand men;" "about two thousand men and two battalions to re-enforce him," wrote Burgoyne; "near upon three thousand," thought very accurate observers, and a corps of five regiments, one battalion, and twenty flank companies, more than seventy companies, must, after all allowances, be reckoned at two thousand five hundred men or more. It comprised the chief strength of the army.

Bancroft, Hist. of the U.S., vol.4, p.222 - p.223

Not till the news reached Cambridge of this second landing at Charlestown was Ward relieved from the apprehension that the main body of the British would interpose themselves between Charlestown and Cambridge. Persuaded of the security of the camp, and roused by the earnest entreaties of Devens of Charlestown, himself a member of the committee of safety, Ward consented to order re-enforcements, among them his own regiment; but it was too late. The whole number of Americans in the battle, including all such as crossed the causeway seasonably to take part in the fight, according to the most solemn assurances of the officers who were in the action, to the testimony of eye-witnesses, to contemporary inquirers, and to the carefully considered judgment of Washington, did not exceed one thousand five hundred men.

Bancroft, Hist. of the U.S., vol.4, p.223

Nor should history forget to record that, as in the army at Cambridge, so also in this gallant band, the free negroes of the colony had their representatives; for the right of free negroes to bear arms in the public defence was at that day not disputed in New England. They took their place in the ranks with white men; and their names may be read on the pension rolls of the country, side by side with those of other soldiers of the revolution.

Bancroft, Hist. of the U.S., vol.4, p.223

Two days after the expedition to Concord, Gage had threatened that if the Americans should occupy Charlestown heights the town should be burnt. Its inhabitants, however, had always been willing that the threat should be disregarded. The time for the holocaust was come. Pretending that his flanking parties were annoyed from houses in the village, Howe sent a boat over with a request to Clinton and Burgoyne to burn it. The order was immediately obeyed by a discharge of shells from Copp's Hill. The inflammable buildings caught in an instant, and a party of men landed and spread the fire; but, from a sudden shifting of the wind, the movements of the British were not covered by the smoke of the conflagration.

Bancroft, Hist. of the U.S., vol.4, p.223

At half past two o'clock, or a very little later, General Howe, not confining his attack to the left wing alone advariced to a simultaneous assault on the whole front from the redoubt to Mystic river. In Burgoyne's opinion, "his disposition was soldier-like and perfect." Of the two columns which were put in motion, the one was led by Pigot against the redoubt, the other by Howe himself against the flank, which seemed protected by nothing but a fence of rails and hay easy to be scrambled over, so that Prescott, when his left should be turned, would find the enemy in his rear, and be forced to surrender.

Bancroft, Hist. of the U.S., vol.4, p.224

As they began to march, the battery on Copp's Hill, from which Clinton and Burgoyne were watching every movement, kept up an incessant fire, which was seconded by the Falcon and the Lively, the Somerset and the two floating batteries; the town of Charlestown, consisting of five hundred edifices of wood, burst into a blaze; and the steeple of its only church became a pyramid of fire. All the while the masts of the shipping and the heights of the British camp, the church-towers, the house-tops of a populous town, and the acclivities of the surrounding country, were crowded with spectators to watch the battle which was to take place in full sight on a conspicuous eminence.

Bancroft, Hist. of the U.S., vol.4, p.224

As soon as Prescott perceived that the enemy were in motion, he commanded Robinson, his lieutenant-colonel, the same who conducted himself so bravely in the fight at Concord, and Henry Woods, his major, famed in the villages of Middlesex for ability and patriotism, with separate detachments to flank the enemy; and they executed his orders with prudence and daring. He then went through the works to encourage and animate his inexperienced soldiers. "The redcoats will never reach the redoubt," such were his words, as he himself used to narrate them, "if you will but withhold your fire till I give the order, and be careful not to shoot over their heads." After this round he took his post in the redoubt, well satisfied that the men would do their duty.

Bancroft, Hist. of the U.S., vol.4, p.224

The British advanced in line in good order, steadily and slowly, pausing on the march for their artillery to prepare the way, and firing with muskets as they advanced. But they fired too soon and too high, doing but little injury.

Bancroft, Hist. of the U.S., vol.4, p.224 - p.225

Encumbered with their knapsacks, they ascended the steep hill with difficulty, covered as it was with grass reaching to their knees, and intersected with walls and fences. Prescott waited till the enemy had approached within eight rods as he afterward thought, within ten or twelve rods as the committee of safety of Massachusetts wrote, when he gave the word: "Fire!" At once, from the redoubt and breastwork, every gun was discharged. Nearly the whole front rank of the enemy fell, and the rest, to whom this determined resistance was unexpected, were brought to a stand. For a few minutes fifteen or ten—who can count such minutes—each one of the Americans, completely covered while he loaded his musket, exposed only while he stood upon the wooden platform or steps of earth in the redoubt to take aim, fought according to his own judgment and will; and a close and unremitting fire was continued and returned, till the British staggered, wavered, and then, in disordered masses, retreated precipitately to the foot of the hill, and some even to their boats.

Bancroft, Hist. of the U.S., vol.4, p.225

The column of the enemy, which advanced near the Mystic under the lead of Howe, moved gallantly against the rail-fence, and, when within eighty or one hundred yards, displayed into line with the precision of troops on parade. Here, too, the Americans, commanded by Stark and Knowlton, cheered on by Putnam, who like Prescott bade them reserve their fire, restrained themselves as if by universal consent, till at the proper moment, resting their guns on the rails of the fence, they poured forth a deliberate, well-directed, fatal discharge; here, too, the British recoiled from the volley, and, after a short contest, were thrown into confusion, sounded a retreat, and fell back till they were covered by the ground.

Bancroft, Hist. of the U.S., vol.4, p.225

Then followed moments of joy in that unfinished redoubt, and behind the grassy rampart, where New England husband men beheld veteran battalions shrink before their arms. Their hearts bounded as they congratulated each other. The night-watches, thirst, hunger, danger whether of captivity or death, were forgotten. They promised themselves victory.

Bancroft, Hist. of the U.S., vol.4, p.225 - p.226

As the British soldiers retreated, the officers were seen, by the spectators on the opposite shore, running down to them, using passionate gestures, and pushing them forward with their swords. After an interval of about fifteen minutes, during which Prescott moved round among his men, cheering them with praise, the British column under Pigot rallied and advanced, though with apparent reluctance, in the same order as before, firing as they approached within musket-shot. This time the Americans withheld their fire till the enemy were within six or five rods of the redoubt, when, as the order was given, it seemed more fatal than before. The enemy continued to discharge their guns, and pressed forward with spirit. "But from the whole American line there was," said Prescott, "a continuous stream of fire;" and though the British officers exposed themselves fearlessly, remonstrating, threatening, and even striking the soldiers to urge them on, they could not reach the redoubt, but in a few moments gave way in greater disorder than before. The wounded and the dead covered the ground in front of the works, some lying within a few yards of them.

Bancroft, Hist. of the U.S., vol.4, p.226

On the flank the British light infantry again marched up its companies against the grass-fence, but could not penetrate it. "Indeed," wrote some of the survivors, "how could we penetrate it? Most of our grenadiers and light infantry, the moment of presenting themselves, lost three fourths, and many nine tenths of their men. Some had only eight or nine men in a company left, some only three, four, or five." On the ground where but the day before the mowers had swung the scythe in peace, "the dead," relates Stark, "lay as thick as sheep in a fold." Howe for a few seconds was left nearly alone, so many of the officers about him having been killed or wounded; and it required the utmost exertion of all, from the generals down to the subalterns, to repair the rout.

Bancroft, Hist. of the U.S., vol.4, p.226

At intervals, the artillery from the ships and batteries was playing, while the flames were rising over the town of Charlestown and laying waste the places of the graves of its fathers, and streets were falling together, and ships at the yards were crashing on the stocks, and the kindred of the Americans, from the fields and hills and house-tops around, watched every gallant act of their defenders. "The whole," wrote Burgoyne, "was a complication of horror and importance beyond anything it ever came to my lot to be witness to. It was a sight for a young soldier that the longest service may not furnish again."

Bancroft, Hist. of the U.S., vol.4, p.226

"If we drive them back once more," cried Prescott, "they cannot rally again." To the husbandmen about him the terrible and appalling scene was altogether new, and not one of them shrunk from duty. "We are ready for the redcoats again," they shouted, cheering their commander.

Bancroft, Hist. of the U.S., vol.4, p.226 - p.227

In the longer interval that preceded the third attack, a council of officers disclosed the fact that the ammunition was almost exhausted. Though Prescott had sent in the morning for a supply, he had received none, and there were not fifty bayonets in his party. A few artillery cartridges were discovered, and, as the last resource, the powder in them was distributed, with the direction that not a kernel of it should be wasted.

Bancroft, Hist. of the U.S., vol.4, p.227

The royal army, exasperated at retreating before an enemy whom they had professed to despise, and by the sight of many hundreds of their men who lay dead or bleeding on the ground, prepared to renew the engagement. While the light infantry and a part of the grenadiers were left to continue the attack at the rail-fence, Howe concentrated the rest of his forces upon the redoubt. Cannon were brought to bear in such a manner as to rake the inside of the breastwork from one end of it to the other, so that the Americans were obliged to crowd within their fort. Then the British troops, having disencumbered themselves of their knapsacks, advanced in column with fixed bayonets. Clinton, who from Copp's Hill had watched the battle, at this critical moment, without orders, pushed off in a boat and put himself at the head of two battalions, the marines and the forty-seventh, which seemed to hesitate on the beach as if uncertain what to do. These formed the extreme left of the British, and advanced from the south; the fifth, the thirty-eighth, and forty-third battalions formed the centre, and attacked from the east; on their right was the fifty-second with grenadiers, who forced the now deserted intrenchments.

Bancroft, Hist. of the U.S., vol.4, p.227 - p.228

The Americans within the redoubt, attacked at once on three sides by six battalions, at that time numbered less than seven hundred men. Of these, some had no more than one, none more than four rounds of ammunition left. But Prescott's self-possession increased with danger. He directed his men to wait till the enemy were within twenty yards, when they poured upon them a deadly volley. The British wavered for an instant, and then sprang forward without returning the fire. The American fire slackened, and began to die away. The British reached the rampart on the southern side. Those who first scaled the parapet were shot down as they mounted. Pitcairn fell mortally wounded, just as he was entering the redoubt. A single artillery cartridge furnished powder for the last muskets which the Americans fired. The breastwork being abandoned, the ammunition expended, the redoubt half filled with regulars, at a little before four Prescott, on the point of being surrounded, gave the word to retreat. He himself was among the last to leave the fort, escaping unhurt, though with coat and waistcoat rent and pierced by bayonets, which he parried with his sword. The men, retiring through the sally-port or leaping over the walls, made their way through their enemies, each for himself, without much order, and the dust which rose from the dry earth now powdered in the sun, and the smoke of the engagement, gave them some covering. The British, who had turned the north-eastern end of the breastwork, and had come round the angle of the redoubt, were too much exhausted to use the bayonet against them with vigor, and at first the parties were so closely intermingled as to interrupt the firing; a supply of ball for the artillery, sent from Boston during the battle, was too large for the fieldpieces which accompanied the detachment.

Bancroft, Hist. of the U.S., vol.4, p.228

The brave men of the redoubt would have been effectually cut off but for the provincials at the rail-fence and the bank of the Mystic, who had repulsed the enemy twice, and now held them in check till the main body had left the hill. Not fill then did the Connecticut companies under Knowlton, and the New Hampshire soldiers under Stark, quit the station, which they had "nobly defended." The retreat was made with more regularity than could have been expected of troops who had been for so short a time under discipline, and of whom many had never before seen an engagement. Trevett and his men drew off the only field-piece that was saved. The musket of Pomeroy was struck and marked by a ball. The redoubt, the brow of Bunker Hill, and the passage across the Charlestown causeway, were the principal places of slaughter.

Bancroft, Hist. of the U.S., vol.4, p.228 - p.229

Putnam, at the third onset, was absent, "employed in collecting men" for re-enforcements, and was encountered by the retreating party on the northern declivity of Bunker Hill. Acting on his own responsibility, he now for the first time during the day assumed the supreme direction. Without orders from any person, he rallied such of the fugitives as would obey him, joined them to a detachment which had not arrived in season to share in the combat, and took possession of Prospect Hill, where he encamped that very night.

Bancroft, Hist. of the U.S., vol.4, p.229

Repairing to head-quarters, Prescott offered with three fresh regiments to recover his post; but for himself hem sought neither promotion nor praise, and, having performed the best service, never thought that he had done more than his duty. It is the contemporary record that during the battle "no one appeared to have any command but Colonel Prescott," and that "his bravery could never be enough acknowledged and applauded." The camp long repeated the story of his self-collected valor; and a historian of the war, who best knew the judgments of the army, has rightly awarded the "highest prize of glory to Prescott and his companions."

Bancroft, Hist. of the U.S., vol.4, p.229

The British were unable to continue the pursuit beyond the isthmus. They had already brought their best forces into the field; more than a third of those engaged lay dead or bleeding; and the survivors were fatigued, and overawed by the courage of their adversaries. The battle put an end to an offensive operations on the part of Gage.

Bancroft, Hist. of the U.S., vol.4, p.229

The number of the killed and wounded in his army was, by his own account, at least one thousand and fifty-four. Seventy commissioned officers were wounded, and thirteen were slain. Of these, there were one lieutenant-colonel, two majors, and seven captains. For near half an hour there had been a continued sheet of fire from the provincials; and the action was hot for double that period. The oldest soldiers had never seen the like. The battle of Quebec, which won half a continent, did not cost the lives of so many officers as the battle of Bunker Hill, which gained nothing but a place of encampment.

Bancroft, Hist. of the U.S., vol.4, p.229

That Howe did not fall was a marvel. The praises bestowed on his apathetic valor, on the gallantry of Pigot and Rawdon, on the conduct of Clinton, reflected honor on the untrained farmers, who, though inferior in numbers, had tasked the most strenuous exertions of their assailants before they could be dislodged from the defences which they had had but four hours to construct.

Bancroft, Hist. of the U.S., vol.4, p.229 - p.230

The loss of the Americans amounted to one hundred and forty-five killed and missing, and three hundred and four wounded. The brave Moses Parker, of Chelmsford, was wounded and taken prisoner; he died in Boston jail. Major Willard Moore received one severe wound at the second attack, and soon after another, which he felt to be mortal; so bidding farewell to those who would have borne him off, he insisted on their saving themselves, and remained to die for the good cause, which he had served in council and in arms. Buckminster was dangerously wounded, but recovered. The injury to Nixon was so great that he suffered for many months, and narrowly escaped with his life. Thomas Gardner, a member of congress from Cambridge, was hastening with some part of his regiment to the redoubt; but, as he was descending Bunker Hill, he was mortally wounded by a random shot. His towns men mourned for the rural statesman, in whom they had long and unanimously reposed their confidence; and Washington gave him the funeral honors due to a gallant officer. Andrew McClary, on that day unsurpassed in bravery, returning to reconnoitre, perished by a chance cannon-ball on the isthmus.

Bancroft, Hist. of the U.S., vol.4, p.230

Just at the moment of the retreat fell Joseph Warren, the last in the trenches. In him were combined swiftness of thought and resolve, courage, endurance, and manners which won universal love. He opposed the British government, not from interested motives nor from resentment. Guileless and intrepid, he was in truth a patriot. As the moment for the appeal to arms approached, he watched with joy the revival of the generous spirit of New England's ancestors; and wherever the peril was greatest he was present, animating not by words alone, but ever by his example. His integrity, the soundness of his judgment, his ability to write readily and well, his fervid eloquence, his exact acquaintance with American rights and the infringements of them, gave authority to his advice in private and in the provincial congress. Had he lived, the future seemed burdened with his honors; he cheerfully sacrificed all for the freedom of his country and the rights of man.

Bancroft, Hist. of the U.S., vol.4, p.230 - p.231

By his countrymen he was "most sincerely and universally lamented;" his mother would not be consoled. His death, preceded by that of his wife, left his children altogether orphans, till the continent, at the motion of Samuel Adams, adopted them in part at least as its own. The congress of his native state, who knew him well, had chosen him to guide their debates, and had recently raised him to high command in their army, proclaimed their "veneration for Joseph Warren, as for one whose memory is endeared to his countrymen, and to the worthy in every part and age of the world, so long as virtue and valor shall be esteemed among men."

Bancroft, Hist. of the U.S., vol.4, p.231

The reports of the generals show the opinions in the two camps after the battle. "The success," wrote Gage to Dartmouth, "which was very necessary in our present condition, cost us dear. The number of killed and wounded is greater than our forces can afford. We have lost some extremely good officers. The trials we have had show the rebels are not the despicable rabble too many have supposed them to be; and I find it owing to a military spirit encouraged among them for a few years past, joined with uncommon zeal and enthusiasm. They intrench, and raise batteries; they have engineers. They have fortified all the heights and passes around this town, which it is not impossible for them to annoy. The conquest of this country is not easy; you have to cope with vast members. In all their wars against the French, they never showed so much conduct, attention, and perseverance as they do now. I think it my duty to let your lordship know the true situation of affairs."

Bancroft, Hist. of the U.S., vol.4, p.231

On the other hand, Ward, in a general order, gave thanks to "the officers and soldiers who behaved so gallantly at the action in Charlestown;" and, in words which expressed the conviction of his camp, he added: "We shall finally come off victorious, and triumph over the enemies of freedom and America." The events of the day confirmed Washington in his habitual belief that the liberties of America would be preserved. To his English friends Franklin wrote: "Americans will fight; England has lost her colonies forever."

Chapter 15:

The Army Round Boston,

June 17-August 1775

Bancroft, Hist. of the U.S., vol.4, p.232

DURING the evening and night after the engagement the air trembled with the groans of the wounded, as they were borne over the Charles and through the streets of Boston to ill-provided hospitals. To the end of the war, the courage of the insurgents in this battle of the people, and their skill as marksmen, never went out of mind. The loss of officers was disproportionately great; and the gloom of the British was deepened by the reflection that they had fought against their own kindred. The mortally wounded, like Abercrombie, had not the consolation that their memory would be held in honor.

Bancroft, Hist. of the U.S., vol.4, p.232

America was, beyond any country in the world, the land of the most varied legislative experience; but in its remoteness from danger and its abhorrence of a standing army there was not any organized force except of the people as a militia; so that it had no choice of officers but from those of the militia who had chanced to see some short service in the French wars, retired English officers who had made their homes in America, or civilians.

Bancroft, Hist. of the U.S., vol.4, p.232

On the day of the Bunker Hill battle the continental congress elected four major-generals. From deference to Massachusetts, the first of these was Artemas Ward, though he had not yet received a commission from that colony, and from his broken health was unfit for the station.

Bancroft, Hist. of the U.S., vol.4, p.232 - p.233 - p.234

The Americans, with ingenuous confidence, assumed that Charles Lee, the son of an English officer and trained up from boyhood for the army, was, as he represented himself, a soldier of ability and large experience, and their friend from conviction of the equity of their cause. "From what I know of him," wrote Sir Joseph Yorke, then British minister at the Hague, "he is the worst present which could be made to any army." Reduced to half pay, he had "no chance of being provided for at home," and, as an adventurer, sought "employment in any part of the world." Clinging to England all the while and holding it "wretchedness itself not to be able to herd with the class to which he had been accustomed from his infancy," he looked upon the Americans as "bad company," and unworthy of independence. No position was too high for his conceit; yet he was too petulant to persevere even in intrigues to supplant his superiors. He wrote with vivacity and sometimes with terseness, but never with feeling; for he had no sincerity and loved neither man nor woman. He was subject to "spleen and gloomy moods;" excitable almost to madness; alike violent and versatile. He passed for a brave man, but in sudden danger he quailed. His mobility, though sometimes mistaken for activity, only disguised his inefficiency. He was poor in council; prodigal of censure; downcast in disaster; after success, claiming honor not his own; ever ready to cavil and perplex. He professed to be a free-thinker; but he had only learned of scoffers to deny "the God of the Jews," curse the clergy, and hate orthodox dissenters. Ill-mannered, a great sloven, wretchedly profane, always with dogs about him, his numerous eccentricities were neither exaggerations nor caricatures of anything American, and disclosed an unsound mind. Having no fellow-feeling with the common people, he would have preferred a country of slaves under a lenient master to a democratic government. His sordid soul had no passion so strong as covetousness, and he was always seeking to escape spending money even on himself. Having been an aide-de-camp to the king of Poland, he claimed to "have passed through the higher military ranks in some of the most respectable services of Europe, and to be a major-general of five years' standing," and had waited upon congress with the thought of being chosen commander-in-chief. At the moment of accepting employment from a nation which was looking to France for sympathy, he assured his own king of his readiness to serve against the natural hereditary enemies of England with the utmost alacrity and zeal. He often regretted having hazarded his "all" in the American cause. Yet congress elected him their second major-general, so that, on the retirement of Ward, he would stand next to Washington.

Bancroft, Hist. of the U.S., vol.4, p.234

New York had been asked to propose the third major-general; she had more than one citizen of superior military talent; but her provincial congress, limiting the choice to those who possessed "the gifts of fortune," selected Philip Schuyler. Montgomery hesitated, saying: "His consequence in the province makes him a fit subject for an important trust; but has he strong nerves? I could wish that point well ascertained with respect to any man so employed." The vote for him in congress was not without dissent.

Bancroft, Hist. of the U.S., vol.4, p.234

For the fourth major-general, the choice fell upon Israel Putnam, of Connecticut. Wooster, as well as Spencer, of the same colony, stood before him in age and rank, and equalled him in love of country and courage; but a skirmish at East Boston, in which he took the lead, had been heralded as a great victory, and the ballot in his favor is recorded as unanimous. Of Massachusetts by birth, at the age of thirty-seven he began his career with the commission from Connecticut of a second lieutenant, and his service had been chiefly as a ranger.

Bancroft, Hist. of the U.S., vol.4, p.234

Horatio Gates, a retired British officer who resided in Virginia, came next as adjutant-general with the rank of brigadier.

Bancroft, Hist. of the U.S., vol.4, p.234

On the twenty-first of June, Thomas Jefferson, then thirty years of age, entered congress, preceded by a brilliant reputation as a vigorous writer and a far-sighted statesman.

Bancroft, Hist. of the U.S., vol.4, p.234 - p.235

The twenty-second brought the great tidings of the battle near Bunker Hill. "A breach on our affections was needed to rouse the country to action," exclaimed Patrick Henry as he heard of the death of Warren. Congress proceeded to the election of eight brigadiers, of whom all but one were from New England. In deference to the choice of the congress of Massachusetts, the first was Seth Pomeroy; but he retired before receiving his commission. The second was Richard Montgomery, of New York, a Scotch-Irishman by birth, a soldier by profession, well-informed as a statesman, faultless in private life, a patriot from the heart. He was followed by David Wooster, of Connecticut, a brave and upright man of sixty-five; William Heath, of Roxbury, Massachusetts, a patriot farmer, who held high rank in the train-bands and had read books on the military art; Joseph Spencer, of Connecticut, a man past sixty, a most respectable citizen, but, from age and inexperience, not qualified for councils of war; John Thomas, a physician, of Kingston, Massachusetts; and John Sullivan, an able lawyer and patriot statesman of New Hampshire. The last was Nathaniel Greene, of Rhode Island, unsurpassed in the fortitude which bears up against defeat.

Bancroft, Hist. of the U.S., vol.4, p.235

Washington, who at that time was affluent, took delight in his beautifully situated home at Mount Vernon, where be gave an example of purity of life, of systematic order in the management of his estate, and benevolence to those in want. To his wife, whose miniature he wore on his breast from the day of his marriage to his death, he wrote on the eighteenth of June: "You may believe me, I should enjoy more real happiness in one month with you at home than I have the most distant prospect of finding abroad if my stay were to be seven times seven years. I have used every endeavor in my power to avoid this appointment, from a consciousness of its being a trust too great for my capacity, but, as a kind of destiny has thrown me upon this service, I shall hope that my undertaking it is designed to answer some good purpose. I shall rely confidently on that Providence which has hitherto preserved and been bountiful to me."

Bancroft, Hist. of the U.S., vol.4, p.235

At a farewell supper, the members of congress rose as they drank a health to "the commander-in-chief of the American army;" to his thanks they listened in stillness, for a sense of the difficulties before him suppressed every festal cheer.

Bancroft, Hist. of the U.S., vol.4, p.235 - p.236

On the twenty-third he was escorted out of Philadelphia by the Massachusetts delegates and many others, with music, officers of militia, and a cavalcade of light-horse. "I, poor creature," said John Adams, as he returned from this "pride and pomp of war," "I, worn out with scribbling for my bread and my liberty, low in spirits and weak in health, must leave others to wear the laurels which I have sown; others to eat the bread which I have earned." To his brother, Washington wrote confidingly: "I bid adieu to every kind of domestic ease, and embark on a wide ocean, boundless in its prospect, and in which perhaps no safe harbor is to be found." He went forth to hazard fame and life in the command of an army which had neither experienced officers, nor discipline, nor permanency, nor proper arms, nor ammunition, nor funds for its support; encouraged only by the hope that, by self-sacrifice, he might rescue the rights of his country.

Bancroft, Hist. of the U.S., vol.4, p.236

On Sunday, the twenty-fifth, all New York was in motion. Tryon, the royal governor, and Washington were to enter the city, and both were entitled to be received with public honors. As Washington, accompanied by Lee and Schuyler, under the escort of the Philadelphia light-horse, was about to cross the Hudson, the bells were rung, the militia paraded in their gayest trim, and at four o'clock in the afternoon the commander-in-chief, dressed in a uniform of blue and drawn in an open carriage by a pair of white horses, was escorted into the city by nine companies of infantry; and, from house-tops, windows, and the streets, was gazed at by multitudes of all ages and both sexes. Tryon, landing at nightfall, was noiselessly escorted by one company and a few magistrates to a house in Broadway. Amazed and cast down, he masked his designs under an air of unconcern and blandness. Washington directed Schuyler to keep watch of his movements, and wrote a warning to congress.

Bancroft, Hist. of the U.S., vol.4, p.236

On the twenty-sixth the provincial congress of New York, in their address to Washington, expressed their fullest assurance that, upon an accommodation, he would cheerfully resign his trust and become once more a citizen. "When we assumed the soldier we did not lay aside the citizen," answered Washington for himself and his officers; but, having once drawn the sword, he postponed the thought of private life to the "establishment of American liberty on the most firm and solid foundations."

Bancroft, Hist. of the U.S., vol.4, p.236 - p.237

The next day the New York congress produced its plan of accommodation. For the colonies it insisted on the repeal of obnoxious acts and the undisturbed exercise of the powers of internal legislation and taxation; it left to Great Britain the power to regulate the trade of the whole empire; and, on proper requisitions, promised assistance in the general defence, either from the colonies severally, or through a continental congress, of which the president should be appointed by the crown.

Bancroft, Hist. of the U.S., vol.4, p.237

While Washington was borne toward Cambridge on the affectionate confidence of the people, congress, which had as yet supported its commander-in-chief with nothing beyond a commission, was driven to issue continental bills of credit to the amount of two millions of dollars, and to pledge "the twelve confederated colonies" for their redemption.

Bancroft, Hist. of the U.S., vol.4, p.237

A code for the government of the continental army was adopted. The Green Mountain Boys were allowed the choice of their own officers; and as Carleton "was making preparations to invade the colonies, and was instigating the Indian nations against them," Schuyler was directed to repair to Ticonderoga and Crown Point with authority to occupy St. John's, Montreal, and any other parts of Canada. To the Indians, agents were sent with presents and speeches, "to prevent their taking any part in the commotions." Alliances with them were forbidden, except to counteract British emissaries.

Bancroft, Hist. of the U.S., vol.4, p.237 - p.238

On the sixth of July congress set forth the causes and necessity of taking up arms. Recapitulating the wrongs of America, they asked, in words which Edmund Burke ridiculed as the "nonsense" of men wholly ignorant of the state of parties in England: "Why should we enumerate our injuries in detail? By one statute it is declared that parliament can of right make laws to bind us in all cases whatsoever. What is to defend us against so unlimited a power? Not a single man of those who assume it is chosen by us; and an American revenue would lighten their own burdens in proportion as they increase ours." Lord North's proposal for conciliation they condemned as insidiously designed to divide the colonies, and leave them nothing but "the indulgence of raising the prescribed tribute in their own mode." After enumerating the hostile acts at Lexington and Concord, Boston, Charlestown, and other places, the seizure of ships, the intercepting of provisions, the attempts to imbody Canadians, Indians, and insurgent slaves, they sum up their complaint: "These colonies now feel the complicated calamities of fire, sword, and famine. We are reduced to the alternative of choosing an unconditional submission to irritated ministers, or resistance by force. The latter is our choice. We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery. Our cause is just, our union is perfect, our internal resources are great, and, if necessary, foreign assistance is undoubtedly attainable. Before God and the world, we declare that the arms we have been compelled by our enemies to assume we will employ for the preservation of our liberties; being, with one mind, resolved to die free men rather than live slaves. We have not raised armies with designs of separating from Great Britain and establishing independent states. Necessity has not yet driven us into that desperate measure. We exhibit to mankind the spectacle of a people attacked by unprovoked enemies, without any imputation or even suspicion of offence. In our own native land, in defence of the freedom that is our birthright, for the protection of our property against violence actually offered, we have taken up arms. We shall lay them down when hostilities shall cease on the part of the aggressors, and all danger of their being renewed shall be removed, and not before."

Bancroft, Hist. of the U.S., vol.4, p.238

Of this paper, the author from the first word to the last was Dickinson. The second petition to the king, written likewise by him, thus proposed a negotiation to be preceded by a truce: "We beseech your majesty to direct some mode by which the united applications of your faithful colonists to the throne, in pursuance of their common councils, may be improved into a happy and permanent reconciliation; and that, in the mean time, measures may be taken for preventing the further destruction of the lives of your majesty's subjects, and that such statutes as more immediately distress any of your majesty's colonies may be repealed."

Bancroft, Hist. of the U.S., vol.4, p.238

The United Colonies next set forth to the inhabitants of Great Britain, as countrymen and brothers, that the repeal of the laws of which they complained must go before the disbanding of their army, or the renewal of commerce. On the same day thanks were addressed to the lord mayor, aldermen, and livery of London, for their unsolicited sympathy.

Bancroft, Hist. of the U.S., vol.4, p.238

Richard Penn, one of the proprietaries of Pennsylvania and recently its governor, a most loyal Englishman, bound by the strongest motives of interest to avert American independence, was selected to bear the second petition to the throne. He assumed the trust with alacrity, and on the twelfth of July embarked on his mission. The hope of success grew out of the readiness of the Americans, on the condition of exemption from parliamentary taxation, to bear the restraints on their trade; or, as an alternative, to purchase a freedom of trade like that of Scotland by taxing themselves toward the payment of the national debt.

Bancroft, Hist. of the U.S., vol.4, p.239

On the third of July, Washington rode forth from his quarters at Cambridge, numerously attended, and took command of the continental army. A favorable opinion had gone before him; but his presence was greater than his fame. The provincial congress at Watertown welcomed him in a cordial address. Greene and the Rhode Island officers manifested affectionate confidence. Promises of mutual reliance, which were never broken, were exchanged with Trumbull, the governor of Connecticut.

Bancroft, Hist. of the U.S., vol.4, p.239

The camp contained a people in arms, rather than an army. No one could tell precisely its numbers or the state of its stores. The soldiers had enlisted under different agreements, and for periods indefinite but short. Each colony had its own rules of military government and its own system of supplies; and the term of service of the men, who were for the most part freeholders and the sons of freeholders, was fixed by specific covenants. Gates, the adjutant-general, entered immediately on his duties and found abundant occupation in bringing the incoherent regiments of novices into order, for the mutation in the troops was incessant and made the renewal of instruction equally so. Happily his temperament and manners adapted him to the duty, and he contrived in a wonderfully short time to give to their parades a decent appearance.

Bancroft, Hist. of the U.S., vol.4, p.239

While a return of the state of the army was preparing, Washington visited the American posts and reconnoitred those of the enemy. Of Charlestown nothing was to be seen but chimneys and rubbish. Above the ruins rose the tents of British forces, strongly posted on Bunker Hill, with a redoubt on Breed's Hill, and sentries extending beyond Charlestown neck. The light-horse and a few troops were in Boston; the largest part of the British army was deeply intrenched on Roxbury neck.

Bancroft, Hist. of the U.S., vol.4, p.240

Of the inhabitants of Boston, six thousand seven hundred and fifty-three remained in the town, deprived of wholesome food; confined to their houses after ten o'clock in the evening; liable to be robbed without redress; ever exposed to the malice of the soldiers and chidden for tears as proofs of disloyalty.

Bancroft, Hist. of the U.S., vol.4, p.240

The British land force, weakened on the retreat from Concord, at Bunker Hill, in skirmishes, from sickness, and by desertion, had no more than sixty-five hundred effective rank and file. But these were the choicest troops; and had dominion of the water.

Bancroft, Hist. of the U.S., vol.4, p.240

Washington found the American army dispersed in a semicircle from the west end of Dorchester to Malden, a distance of nine miles. At Roxbury where Thomas commanded, a strong work, planned by Knox and Waters, crowned the hill, and secured the pass. The centre of the army was with Ward at Cambridge, its lines reaching from the colleges almost to the river. Putnam, with four thousand men, lay intrenched on Prospect Hill. The sentinels and smaller posts stretched beyond Malden river. Apart, in a thick wood, near where the Charles enters the bay, stood the wigwams of about fifty domiciliated Indians of the Stockbridge tribe, who were on a visit to the camp. They were armed with bows and arrows, as well as guns, and accompanied by their squaws and little ones.

Bancroft, Hist. of the U.S., vol.4, p.240

As to the employment of red men, congress, on the twelfth of July, declared "their intention to seek only a neutrality of the Indian nations unless the ministerial agents should engage them in hostilities or in an offensive alliance."

Bancroft, Hist. of the U.S., vol.4, p.240 - p.241

The American rolls promised seventeen thousand men, but there were never more than fourteen thousand five hundred fit for duty. In dress there was no uniformity. The companies from Rhode Island were furnished with tents, and had the appearance of regular troops; others filled the college halls, the Episcopal church, and private houses; the fields were strown with lodges, of which some were constructed of boards, or sail-cloth, or partly of both; others of stone and turf, or of birch and other brush. Some were thrown up in a careless hurry; others were curiously wrought with doors and windows, woven out of withes and recds. The mothers, wives, brothers or sisters of the soldiers were constantly coming to the camp with supplies of clothing and household gifts. Eloquent chaplains kept alive the custom of daily prayer and weekly sermons. The habit of inquisitiveness and self-direction, and the equality of life at home between the officers and privates, stood in the way of military discipline.

Bancroft, Hist. of the U.S., vol.4, p.241

In the "great number of able-bodied men, active, zealous in the cause, and of unquestionable courage," Washington saw the materials for a good army. "If the officers will but do their duty," said Hawley, "there is no fear of the soldiery." Of incompetent officers, Washington, by a prompt use of courts-martial, made many examples. His strong and uniform will was exerted with a quiet energy. Every day, Sundays not excepted, thousands were kept at work from four till eleven in the morning strengthening the lines, and fortifying every point which could serve the enemy as a landing-place. "There are many things amiss in this camp," said the chaplain Emerson; "yet, upon the whole, God is in the midst of us."

Bancroft, Hist. of the U.S., vol.4, p.241

Lee had not been many days in the camp before he showed a disposition to treat with the British generals in Boston. From Philadelphia he had, in June, addressed to Burgoyne, his old comrade in Portugal, a public letter on American taxation by parliament and the corrupt influence of the crown. Burgoyne in reply invited Lee to "an interview" within the British lines, for "such explanations as might tend to peace;" saying: "I know Great Britain is ready to open her arms upon the first overture of accommodation." Clutching at the office of a negotiator, Lee requested the Massachusetts congress to depute one of their body to be a witness of what should pass. They dissuaded from the meeting, and referred him to a council of war for further advice. Thwarted in his purpose, Lee publicly declined to meet Burgoyne, but clandestinely assured him "upon his honor that the Americans had the certainty of being sustained by France and Spain." This treacherous assurance was reported to the British secretary of state for the colonies.

Bancroft, Hist. of the U.S., vol.4, p.241 - p.242

On the fifteenth the army of Cambridge heard Langdon, the president of Harvard college, read the declaration by the continental congress for taking up arms, and they interpreted it to mean that the Americans would never sheathe the sword till their grievances were redressed to their utmost wishes.

Bancroft, Hist. of the U.S., vol.4, p.242

In conformity to the direction of the continental congress, the people of Massachusetts, holding town-meetings according to their usage and their charter, chose a house of representatives. The wanderers from Boston, many of whom had not seen each other since they left their homes, came together at Concord, where they held their Boston town-meeting and elected representatives. On the nineteenth the provincial congress dissolved itself forever; and the new house of representatives began the restoration of government by choosing James Warren of Plymouth as its speaker. Two days later the council of twenty-eight was elected, and, preserving its concurrent legislative power, assumed all executive authority. Bowdoin, whose name stood first on the list of councillors, was made their president. His health was infirm; but he accepted the post, manifesting his zeal by this conspicuous act of what Britain esteemed overt treason. The seal of the commonwealth was changed into an Anglo-American, holding a drawn sword, with the motto: " Ense petit placidam sub libertate quietem," "With the sword he seeks placid rest under liberty." Forty thousand pounds were assessed on polls and estates; and authority was given to issue one hundred thousand more in bills of public credit, varying in amount from forty shillings to one.

Bancroft, Hist. of the U.S., vol.4, p.242

"Congress and committees rule every province," said Gage. On the twenty-fourth he wrote home that Boston was "the most disadvantageous place for all operations;" and he wished himself at New York.

Bancroft, Hist. of the U.S., vol.4, p.242 - p.243

All the time parties of Americans kept up continual skirmishes, cut off all supplies to the beleaguered army by land, cleared the islands in Boston harbor of stores of sheep, hay, cattle, and ripe grain, and destroyed the light-house in Boston harbor. When a party of carpenters and guard of marines attempted to repair the light-house, volunteers from two New England villages killed or captured them all, and were praised by Washington in general orders for their gallant conduct. The country applauded what Jefferson called "the adventurous genius and intrepidity of the New Englanders."

Bancroft, Hist. of the U.S., vol.4, p.243

The existence of the army was a miracle of the benevolence of the New England people, and its sustenance during May, June, and July, cannot be accounted for by ordinary rules. There was nothing regularly established, and yet many thousands of men were supplied. Touched by an all-pervading influence, each householder esteemed himself a sort of commissary. There were no public magazines, no large dealers in provisions; but the wants of the army rung in the ears of the farmers, and, from every cellar and barn-yard and field throughout Worcester and Hampshire and even Berkshire, such articles of food as could be spared were devoted to the camp, and everybody's wagons were used to forward them. But for this the forces must have dispersed; how it was done cannot exactly be told; popular enthusiasm keeps little record of its sacrifices; only it was done, and the troops of Massachusetts, and for a long time those of New Hampshire, were fed, without so much as a barrel of flour from the continental congress. It was time for "the confederated colonies" to interpose.

Bancroft, Hist. of the U.S., vol.4, p.243

On the nineteenth of July the continental congress read the first report from Washington, by which it appeared that the army was defective in discipline and in numbers; that officers for the regiments were in excess; that the order in rank of the major-generals and brigadiers had displeased the New England troops and governments; that still another class of officers was required to bring method into the system of supplies; that there was the most urgent need of tents, clothing, hospitals, and skilful engineers; of every kind of arms, especially artillery, and above all of powder; and that, as yet, no money had been furnished. The next day it heard the report of Schuyler that the northern army at Ticonderoga exhibited a universal want of discipline. Yet on the side of Canada it did little more than sanction the employment of a body of five thousand men for the protection of the border and the frontier. Washington was authorized to keep up an army of twenty-two thousand men in Massachusetts.

Bancroft, Hist. of the U.S., vol.4, p.243 - p.244

Franklin could remain silent no longer. After consulting with others, especially with Jefferson, on the twenty-first of July the statesman, who, twenty-one years before, had at Albany reported a plan of union, submitted an outline for confederating the colonies in one nation. Each colony was to retain and amend its own laws and constitution according to its separate discretion, while the powers of the general government were to include all questions of war, peace, and alliance; commerce, currency, and the establishment of posts; the army, the navy, and Indian affairs; the management of all lands not yet ceded by the natives; the planting of new colonies; the settlement of all intercolonial disputes. For the common treasury taxes were to be collected by the several colonies in proportion to their numbers. Congress was to consist of one body only, whose members were to be apportioned triennially according to population, to be chosen annually, and to sit in each colony in rotation. To wield the executive power, it was to select out of its own members a council of twelve, of whom one third were to be annually renewed.

Bancroft, Hist. of the U.S., vol.4, p.244

Every colony of Great Britain in North America, and even Ireland which was still classed with the colonies, was invited to accede to the union. The imperfections in the new constitution, which time and experience would surely reveal, were to be amended by congress with the approbation of a majority of the colonial assemblies. Unless Britain should consent to make acceptable retractions and indemnities, the confederation was to be perpetual. The intention of Franklin was an immediate establishment of a self-perpetuating republic, founded on the domestic power of the several states, and the limited sovereignty of the central government.

Bancroft, Hist. of the U.S., vol.4, p.244

Georgia "was no more the defaulting bank in the American chain." It had resolved neither to purchase nor to employ any slave imported thereafter from Africa, and on the sixth of July its congress adhered to all the measures of resistance.

Bancroft, Hist. of the U.S., vol.4, p.244

In the same month congress sent to Ireland a pledge of its unalterable sympathy, and its joy that the trials of America had extorted some mitigation of its wrongs.

Bancroft, Hist. of the U.S., vol.4, p.244 - p.245

While these addresses were in progress, Guy Johnson, acting independently of Carleton, was lavishing promises on the Six Nations and the savages of north-west Canada. An Iroquois chief, who attended the conference at Montreal, consented to take home a war-belt, emblazoned with the hatchet, but would engage himself no further; other savages, for whom a pipe of wine was broached, feasted on an ox which had been named Bostonian, and, as they drank its blood, they sang the war-song, with promises of prowess when they should be called to the field. Yet still the majority of the congress would not sanction the institution of governments in the several colonies. The hesitancy incensed John Adams, who maintained that the fifty or sixty men composing the congress should at once form a constitution for a great empire, provide for its defence, and in that safe attitude await the decision of the king. His letters to New England, avowing these opinions, were intercepted; and were published by the royalists as the surest way of destroying his influence. So hard it was to rend the tie that bound America to England!

Bancroft, Hist. of the U.S., vol.4, p.245 - p.246

Lord North's proposal toward conciliation had already been declared inadequate; but, as it was founded on joint resolves of parliament, officially recommended by Lord Dartmouth, and had been referred by Virginia, New Jersey, and Pennsylvania to congress, a committee, composed of Franklin, Jefferson, John Adams, and Richard Henry Lee, was constituted to report on its conditions as a basis for accommodation. Jefferson was the writer of their report, and the most decisive measure of congress was its adoption in July. The American congress had asked of the king a cessation of hostilities, and a settlement of the disputed questions by a concert between the crown and the collective colonies; Lord North offered, as the British ultimatum, to treat separately with each assembly for grants toward the general defence and for its own civil government, with the promise that parliament would abstain from taxing the province that should offer satisfactory terms. This offer was pronounced unreasonable, because it implied a purchase of the forbearance of parliament at an uncertain price; Invidious, as likely to divide the colonies and leave the dissatisfied to resist alone; unnecessary, for America had ever voluntarily contributed fully, when called upon as freemen; insulting, since the demand for money was made with fleets and armies; unjust, as it asked increased contributions without renouncing the monopoly of trade; unwarrantable, as a wrongful intermeddling in the colonial support of civil government; unsatisfactory, since it left the obnoxious acts unrepealed; insufficient, as it did not renounce the claim of a right to alter colonial charters and laws; insincere, as coming from a minister who had declared "that he would never treat with America till he had brought her to his feet;" and delusive, as it offered no option but of devastation or abject submission. If the king would order a truce and point out a method for treating with the colonies jointly, they would desire nothing better than a colonial constitution, to be established by a mutual agreement.

Bancroft, Hist. of the U.S., vol.4, p.246

Meantime, Franklin was selected to organize a post-office; a hospital was agreed to for the army and Benjamin Church elected its director; the rate of pay of officers and soldiers was finally settled. For money, a third million of dollars was ordered to be struck in paper bills, and each colony was charged to sink its quota of them. Here the question arose whether the apportionment for redemption should be according to wealth or population; and, after long deliberation, it was agreed for the time that population should constitute the distributive rule; and that all persons, including free negroes, mulattoes, and slaves, should be counted. Of four annual instalments, by which the continental notes were to be redeemed, the earliest was adjourned to the last day of November 1779.

Bancroft, Hist. of the U.S., vol.4, p.246

There was no mode of obtaining munitions of war but by throwing open the ports and inviting commerce, especially with the French and Dutch colonies; yet the last act of congress, before its adjournment, was the renewal of the agreement neither directly nor indirectly to export any merchandise or commodity whatever to Great Britain, Ireland, or to the British, or even to the foreign, West Indies:

Bancroft, Hist. of the U.S., vol.4, p.246

On the first day of August congress adjourned for five weeks, leaving the insurgent country with no representative of its unity but Washington and the army.

Chapter 16:

America Awaits the King's Decision,

July-October 1775

Bancroft, Hist. of the U.S., vol.4, p.247

IN the absence of a continental government, and with a most imperfect one in Massachusetts, it fell on Washington to take thought for his army from its general direction to its smallest want. As commander-in-chief, he scrupulously obeyed the continental congress, which, from its inchoate character, was tardy, feeble, and uncertain. In his intercourse with the neighboring colonial governments, whose good-will was his main resource, he showed deference to their laws and courtesy to their magistrates.

Bancroft, Hist. of the U.S., vol.4, p.247

By the fourth of August the army was formed into three divisions, stationed at Roxbury, Caimbridge, and Winter Hill, under Ward, Lee, and Putnam. Each division consisted of two brigades, each brigade of about six regiments; but the powder on hand was only enough to furnish each man with nine rounds of cartridge.

Bancroft, Hist. of the U.S., vol.4, p.247 - p.248

Between the twenty-fifth of July and the seventh of August fourteen hundred riflemen arrived in the camp. A company from Virginia had for its captain Daniel Morgan, who, in 1774, had gained experience in war, having taken part in the expedition of Dunmore. In person he was more than six feet high and well proportioned, of an imposing presence, moving with strength and grace, of a hardy constitution that defied fatigue, hunger, and cold. His open countenance was the mirror of an ingenuous nature. He could glow with anger, but was never mastered by it; his disposition was sweet and peaceful, and his hospitable house was the home of cheerfulness. His faculties were quickened by the approach of danger, which he was sure to be prepared to meet. An instinctive discrimination of character guided him in choosing his companions; and the obedience of his soldiers was but a return of his confidence. In ten days after he received his commission he attracted from the valley a company of ninety-six men. His first lieutenant was John Humphreys; his second, William Heth; his sergeant, Charles Porterfield. No captain ever commanded braver soldiers, or was better supported by them and his officers; in twenty-one days they marched from Winchester in Virginia to Cambridge.

Bancroft, Hist. of the U.S., vol.4, p.248

In Maryland, at the bidding of Michael Cresap, two-and-twenty of his old companions in arms came swift as the roe over the mountains; the rest of his company he picked from volunteers on the eastern side; and with dauntless spirit they marched to the siege of Boston under him as their friend and father. Driven by illness from the camp, Cresap died on his way home at New York, where he was buried with the honors of a martyr. The second Maryland company was commanded by Price, whose lieutenant was Otho Holland Williams.

Bancroft, Hist. of the U.S., vol.4, p.248

Of the eight companies from Pennsylvania, William Thompson was colonel. The second in command was Edward Hand, a native of Ireland, who had come over as a surgeon's mate. One of the captains was Hendricks, long remembered for his stately person and heroic soul.

Bancroft, Hist. of the U.S., vol.4, p.248 - p.249

In less than sixty days from the time when authority was given by congress for their enlistment, twelve companies of riflemen were in the camp. The men were strong and of great endurance, many of them more than six feet high; they wore leggins and moccasons, and an ash-colored hunting-shirt with a double cape; each one carried a rifle, a hatchet, a small axe, and a hunter's knife. They could subsist on a little parched corn, with game, killed as they went along; at night, wrapped in their blankets, they willingly made a tree their canopy, the earth their bed. The rifle in their hands sent its ball with precision a distance of two or three hundred yards. Their motto was: "LIBERTY OR DEATH." They were the first troops levied under the authority of the continental congress, and they formed the best corps in the camp. Accustomed to the independence of the woods, they gave an example of subordination, discipline, and vigilance. Enlisted for a year only, many of them, both officers and men, continued in the service during the war, and distinguished themselves in almost every field.

Bancroft, Hist. of the U.S., vol.4, p.249

Performing no one act of courage during the summer, Gage vented his ill-humor on his unhappy prisoners, throwing officers of high rank into a felon's jail, to languish of wounds and even to undergo amputation. Washington pleaded for "kindness and humanity" as the "joint rule for their treatment of prisoners;" but Gage scorned to promise reciprocity to rebels, "whose lives," he said, "by the laws of the land are destined to the cord;" nor would he acknowledge rank that was not derived from the king. Washington asserted the equality of American officers by a public order for retaliation; but when he sent the British officers who were his prisoners into the interior, he privately allowed them liberty on parole.

Bancroft, Hist. of the U.S., vol.4, p.249

The arrival of re-enforcements could not inspirit Gage to venture outside of his lines. Presaging "a long and bloody war," he confessed to Dartmouth that nothing could justify risking an attack; that even to quit Boston safely would require the greatest secrecy; but he enjoyed the triumph of cutting down the Boston Liberty Tree; and, when marauding expeditions returned with sheep and hogs and cattle captured from islands, the bells were rung as for a victory.

Bancroft, Hist. of the U.S., vol.4, p.249 - p.250

The war gradually spread over the sea; the assembly of Rhode Island, in June, fitted out two armed vessels; in July, Connecticut ordered the equipment of two more. In the same month South Carolina and Georgia sent cruisers to watch for a ship expected with gunpowder. Most of the colonies had vessels out on similar errands. Early in August, Washington proposed that Rhode Island should attempt to seize a public magazine in Bermuda; for, said he, "we are in a situation which requires us to run all risks;" but, before the advice could be carried out, George Ord, in a sloop despatched from. Philadelphia by Robert Morris under pretence of a trading voyage to New Providence, had taken the magazine by surprise, and, in conjunction with a schooner from South Carolina, had brought away more than a hundred barrels of powder. On the ninth the Falcon, a British sloop-of-war, was seen from Cape Ann in chase of two schooners bound to Salem. One of these was taken; a fair wind wafted the other into Gloucester harbor. Linzee, the captain of the Falcon, followed with his prize, and, after anchoring, sent his lieutenant and thirty-six men in a whale-boat and two barges to bring under his bow the schooner that had escaped. As the bargemen boarded her at her cabin windows, men from the shore fired on them, killing three and wounding the lieutenant in the thigh. Linzee sent his prize and a cutter to cannonade the town. They did little injury; while the Gloucester men, with the loss of but two, took both schooners, the cutter, the barges, and every man in them, Linzee losing half his crew. On the second of September, Washington ordered Broughton, of Marblehead, as an army captain, "to take command of a detachment of the army of the United Colonies," in a schooner equipped at the continental expense, and to intercept all vessels laden with supplies for the British army. Other naval officers were employed more directly under the federal authority, and with good success.

Bancroft, Hist. of the U.S., vol.4, p.250

The life of Washington in Cambridge "was one continual round of vexation and fatigue." The troops of Connecticut and Rhode Island were engaged only to the first of December, those of Massachusetts only to the end of the year; and no provision had been made for filling their places. Of the continental currency, the paymaster had not a dollar in hand. The commissary-general had strained his credit to the utmost for subsistence for the army; so had Mifflin, who in August had been appointed quartermaster-general. The stated allowance to the troops was from necessity reduced. For the coming winter there were no adequate means of procuring blankets, shelter, and fuel. The country expected tidings of the expulsion of the British from Boston when the want of powder compelled inactivity. The general might have shielded his good name by letting the truth be known, but the public cause would have suffered; and "braving the shafts of censure, and pledging a soldier's fame, which was dearer to him than life," he submitted in silence to the reproach of having adopted from choice the system of inaction at which his soul revolted.

Bancroft, Hist. of the U.S., vol.4, p.250 - p.251

In New Jersey, the popular government moved side by side with that of the king. The provincial congress, which assembled in May and again in August, directed a general association, took cognizance of those who held back, assumed the regulation of the militia, apportioned a levy of ten thousand pounds, excused the Quakers from bearing arms though not from contributing to relieve distress, and, by providing for the yearly election of its successors, severed from the colonial legislature the appointment of future delegates to the general congress. In October, the new provincial congress, chosen by the qualified voters of each county, enrolled two regiments for the continental service. William Alexander, commonly called the earl of Stirling, a member of the royal council, a man of courage, intelligence, and promptitude, entered the army as colonel of the battalion of East New Jersey. The expenses were met by a reluctant issue of thirty thousand pounds in bills of credit.

Bancroft, Hist. of the U.S., vol.4, p.251

Of Pennsylvania the first convention, in June 1774, aimed at no continuing political organization, and referred the choice of delegates to congress to the house of representatives, in which loyalists formed the majority. At the second convention, held in January 1775, the president, Joseph Reed, exerted all his influence, in public and in private, to defeat the intention of arming the province; and desired to be known to the ministry as a person who, though opposed to parliamentary taxation, had such weight and influence in the province that the British government upon the whole might wish him to be on their side. Dickinson did not make his appearance in the meeting till the day before its dissolution, and then only to ward off the taunts of his enemies. The committee of Philadelphia was empowered to give notice, if a provincial congress should again become necessary; all else was left to the legislature.

Bancroft, Hist. of the U.S., vol.4, p.251 - p.252

So long as the continental congress strove to avoid a total rupture with England, the wealth and social influence of Philadelphia made common cause with the family of Penn, who, from their interests and their position, were the most sincere friends to conciliation with Britain. This policy received the support of Dickinson, who claimed to lead the patriot party of Pennsylvania. But the system rested on a contradiction. The proprietaries had ties of loyalty to Britain which they never would break; and Dickinson had pledged himself not to lay down arms till the rights of America should be redeemed. His coalition with the proprietary party could last only so long as a hope remained of a reconciliation between America and the king. When this illusion shall vanish, the proprietaries must adhere to the king, and Pennsylvania transfer the direction of its affairs to a popular convention. The house in June appointed a committee of safety with Dickinson at its head, and placed at its disposition thirty-five thousand pounds in bills of credit. At the adjourned session in September, energetic memorials from private meetings were laid on the table.

Bancroft, Hist. of the U.S., vol.4, p.252

The assembly of Delaware assented to keeping up an armed force, and unanimously assumed their share of the expense. Its first convention, its assembly, and its council of safety, moved onward in harmony.

Bancroft, Hist. of the U.S., vol.4, p.252

The people of Maryland intrusted the conduct of resistance to a series of conventions. All parties acquiesced in the principle of deriving power from the people; and the province, though its movement was sometimes retarded, proceeded in an unbroken line. In November 1774, its convention adhered to the association adopted in the general congress. At all adjourned session in December, fifty-five members being present from sixteen counties, it resolved unanimously to resist to the utmost alike, taxation by parliament and the enforcement of the penal acts against Massachusetts; and voted with equal unanimity a militia, to be composed of all the freemen of the colony between fifteen and sixty. It resolved that all former difficulties about religion or politics from henceforth should cease, and be forever buried in oblivion; so that, with the establishment of the republic, the Catholic had the assurance of recovering his rightful political equality in the land which a Catholic proprietary had set apart for religious freedom. Charles Carroll of Carrollton, who had not had so much as a vote at the polls, was placed unanimously on the committee of correspondence.

Bancroft, Hist. of the U.S., vol.4, p.252 - p.253

A leading part was taken by Samuel Chase. By profession a lawyer, in character he was downright, brave, and persevering; capable of error from rashness, or prejudice, or self-will, but not of faltering in the cause which he approved. Of a warm and impatient temperament, he did not always shun coarse invective; but his energy, his scorn of plausible hypocrisy, his eloquence, justly won for him public confidence. In April 1775, a day or two before the arrival of news from Lexington, on occasion of a rumor that New York city was to be fortified and garrisoned, the Maryland convention gave their delegates discretion to proceed "even to the last extremity, if indispensably necessary for the safety and preservation of their liberties and privileges." The proprietary at this time was an illegitimate infant child of the late libertine Lord Baltimore, the last of that name; and it might seem a shame to a commonwealth that its executive power should be transferable to such an one by testamentary disposition. Yet the proprietary party had struck deep root. The prudent lieutenant-governor, Robert Eden, acquiesced in what he could not prevent or alter; and both he and the proprietary party were treated as neutrals.

Bancroft, Hist. of the U.S., vol.4, p.253

The convention which met at Annapolis on the twenty-sixth of July, seeing "no alternative but base submission or manly resistance," "approved of the opposition by arms to British troops." The temporary government which was instituted was, in its form, a universal association of the people of Maryland, one by one. Recognising the continental congress as invested with a general supervision, it managed internal affairs through a provincial council of safety, and subordinate executive committees, which were appointed in every county, parish, or hundred. It directed the enrolment of forty companies of minute-men; established a military code; and authorized the emission in paper of more than a quarter of a million of dollars. It extended the franchise to all freemen having a visible estate of forty pounds sterling, and Protestant and Catholic thenceforward went to the polls together. The government thus instituted was administered with regularity and lenity.

Bancroft, Hist. of the U.S., vol.4, p.253 - p.254

In Virginia, the retreat of the governor from Williamsburg foreshadowed the end of the colonial system. On the twenty-fourth of July, Dunmore summoned the house before him at what he called "his present residence," that is, on board of a British man-of-war; unless they would come, he would not give his assent even to such of their acts as he approved. Had they appeared, the legislature might have found themselves kept as hostages. The message could not but be voted unanimously a high breach of the rights of the house. In concurrence with the council, the house appropriated money for the expense of ratifying the treaty with the Indians on the Ohio, and then adjourned till the twelfth of October; but no quorum ever again assembled. In the one hundred and fifty-sixth year from the institution of legislative government in Virginia, the king, in the person of his governor, abdicated his legislative power in the oldest and most loyal of his colonies.

Bancroft, Hist. of the U.S., vol.4, p.254 - p.255

On the seventeenth of July 1775, its people assembled at Richmond in a convention. Every procedure was marked by that mixture of courage and moderation which in times of revolution is the omen of success. The military preparations had nothing in view beyond defence. Two regiments of regular troops in fifteen companies were called into being; sixteen regiments of minute-men were to keep themselves in readiness for actual service. To the command of the first regiment of regulars the convention elected Patrick Henry. For the relief of scrupulous consciences in the army, it was made an instruction that dissenting clergymen might act as chaplains. Delegates to serve in general congress for a year were elected, and among them once more Richard Bland. Of the same lineage with Giles Bland who ninety-nine years before had perished as a martyr to liberty, trained in the college of William and Mary, and afterward in the university of Edinburgh, he was venerable from a long career in the service of civil liberty. In 1766 he had displayed the rights of the colonies with vigor and foresight. His deep blue eyes are now dimmed; his step has lost its certainty; he rises to decline the appointment, and the convention hangs on his words. "My country's approbation shall ever animate me, as far as I am able, to support the glorious cause in which America is now engaged; but advanced age renders me incapable of an active part in the great council of the United Colonies, and I desire that some abler person may supply my place." The convention, unanimously thanking him for his fidelity, released him from further service. A strong party, at the head of which were Henry, Jefferson, and Carrington, turned for his successor to George Mason, a man of yet rarer virtues, now for the first time a member of a political body. He was a patriot who renounced ambition, making no quest of fame, never appearing in public life but from a sense of duty and for a great end. "He will not refuse," said Jefferson and Henry, "if ordered by his country." As he pleaded an overwhelming domestic grief for his refusal, tears ran down the presiding officer's cheeks, and the convention listened to him with the sympathy of a family circle. In his stead he recommended Francis Lee, who was accordingly chosen, yet only by one vote over a candidate noted for dread of a democratic republic. In the election of the committee of safety Edmund Pendleton, who was known to desire "a redress of grievances and not a revolution of government," was placed at its head.

Bancroft, Hist. of the U.S., vol.4, p.255

To defray the charges of the late Indian war, and to provide for defence, Virginia, following the general example, directed an emission of three hundred and fifty thousand pounds in paper currency, the smallest bill to be for one shilling and threepence. George Mason urged the continuance of the land-tax and the poll-tax, which would have annually sunk fifty thousand pounds; but taxation was suspended for a year.

Bancroft, Hist. of the U.S., vol.4, p.255

The convention once more declared before God and the world that they would defend their king and his government as founded on the constitution; but that they were determined to maintain their just rights and privileges, even at the extremest hazards.

Bancroft, Hist. of the U.S., vol.4, p.255

Lord William Campbell, the new royal governor of South Carolina, put himself under the direction of the passionate and violent among his irresponsible subordinates. He turned away from Bull, the prudent lieutenant-governor, and would not notice the elements for conciliation, nor heed the advice of the considerate and best informed. The patriot council of safety earnestly desired to avoid the necessity of independence; but the governor wrote home that "the people of the best sense and the greatest authority, as well as the rabble, had been gradually led into the most violent measures by a set of desperate and designing men."

Bancroft, Hist. of the U.S., vol.4, p.255 - p.256

On the tenth of July, after intercepted letters had revealed the tampering of British agents with Indians, and tidings had arrived of the battle of Bunker Hill, Campbell met his first legislature, and said to them: "I warn you of the danger you are in of drawing down inevitable ruin on this flourishing colony." The assembly lingered inactive through the summer, asking in vain to be adjourned.

Bancroft, Hist. of the U.S., vol.4, p.256

The residents in the low country were unanimously patriots; but in the districts of Camden and Ninety-Six he was assured that thousands were animated by affection to the king. From the line of the Catawba and Wateree to the Congaree and Saluda, and all the way to Georgia, the rude settlers were chiefly herdsmen and dissenters. A body of Germans, who occupied Saxe-Gotha on the Congaree, looked to the king as their landlord, and desired not to risk an ejectment; others, recently escaped from poverty in Europe, cared mainly for subsistence and quiet. West of Orangeburg there had been no representation of the inhabitants, who, as a class, were newly arrived, and untrained in public life. Partisans of the crown—Fletchall, the very active and spirited Robert Cunningham, Patrick Cunningham, and others—strove to fill the minds of these rude husbandmen with bitterness against "the gentlemen;" the council of safety sent William Henry Drayton and a clergyman, William Tennent, to counteract them, and the summer was passed in indecisive struggles. Fort Augusta, in Georgia, was taken and held by the Americans. At Ninety-Six quiet was restored by a truce rather than by the submission of the royalists. It was at this time that Andrew Pickens was first heard of as a captain in arms; a Puritan in religion, a patriot in thought and deed. On the other hand, Moses Kirkland took down to Campbell the assurance that a British force would be joined by four thousand men, and was sent to concert with Gage an expedition against South Carolina.

Bancroft, Hist. of the U.S., vol.4, p.256 - p.257

The discovery that a large body of savages stood ready to seize the scalping-knife at the king's behest set the community of South Carolina in a blaze. One of the last acts of Gage was to write to Stuart, the Indian agent for the southern department: "The people of Carolina, in turning rebels to their king, have lost all faith; when opportunity offers, make the Indians take arms against his majesty's enemies, and distress them all in their power. Supply them with what they want, be the expense what it will, as every exertion must now be made on the side of government." On receiving this order, Stuart sent by way of Pensacola to the lower Creeks and even to the Chickasas; to the upper Creeks and their great chief; to the Little Tallassees, and to the Overhill Cherokees and their assembled chiefs, to lavish on them ammunition and promises of honor and favor that they might be ready "to act in the execution of any concerted plan for distressing the rebels." Cameron, the deputy agent, shrunk from the task, saying: "I pray God there may be no intention to involve the Cherokees in the dispute; for the Indians could not be restrained from committing the most inhuman barbarities on women and children. I am averse to acts of this nature, though my duty to my sovereign exceeds all other considerations."

Bancroft, Hist. of the U.S., vol.4, p.257 - p.258

The council of safety slowly admitted the need of defending the harbor of Charleston. During the summer more than twenty thousand pounds of gunpowder were taken from British vessels which were boarded off Savannah river and near St. Augustine. The export of rice was allowed on no other terms than that it should be exchanged for arms and ammunition, which were obtained from Hispaniola and from the French and Dutch islands. All who refused the association were disarmed, even though they were in the service of the crown. On the thirteenth of September, just after a full discovery of the intrigues of the governor with the country people, his arrest was proposed; the motion was defeated in the general committee, through the opposition of Rawlins Lowndes, by a vote of twenty-three against sixteen; but the council of safety ordered William Moultrie, colonel of the second regiment, to take possession of Fort Johnson, on James Island. Aware of the design, the governor, on the fifteenth of September, having suddenly dissolved the last royal assembly ever held in South Carolina, fled for refuge to comfortless quarters on board the small man-of-war, the Tamer. During the previous night three companies dropped down with the ebb tide from Gadsden's wharf, landed on James Island, and entered the fort, in which but three or four men remained. Lord William Campbell sent his secretary in the boat of the Tamer, to demand "by what authority they had taken possession of his majesty's fort;" and an officer answered: "We are American troops, under Lieutenant-Colonel Motte; we hold the fort by the express command of the council of safety." "By whom is this message given?" Without hesitation the officer replied: "I am Charles Cotesworth Pinckney;" and the names of Motte and Pinckney figured in the next despatches of the governor. Moultrie gave directions for a large blue flag with a crescent in the right-hand corner. A schooner was stationed between Fort Johnson and the town, to intercept the man-of-war's boats. A post was established at Haddrell's Point, and a fort on Sullivan's island was proposed. The tents On James Island contained at least five hundred men, well armed and clad, strictly disciplined, and instructed not merely in the use of the musket, but the exercise of the great guns. The king's arsenal supplied cannon and balls. New gun-carriages were soon constructed, for the mechanics, almost to a man, were hearty in the cause, and hundreds of negro laborers were brought in from the country to assist in work. None stopped to calculate expense.

Bancroft, Hist. of the U.S., vol.4, p.258

In North Carolina, fourth among the thirteen colonies in importance, all classes, for the distance of a hundred miles from the sea, were penetrated with enthusiasm for liberty. Men whom royalists revered as of "the first order of people in the country," of unblemished integrity and earnest character, loyal by nature, after thoughtful consideration decided irrevocably against the right of the British parliament to tax the colonies. In Brunswick county, Robert Howe, formerly captain of Fort Johnston, employed himself in training the people to arms. At Newbern, the capital whose name kept in memory that its founders were from Switzerland, volunteers formed themselves into independent companies.

Bancroft, Hist. of the U.S., vol.4, p.258 - p.259

On the waters of Albemarle sound, over which the adventurous skiffs of the first settlers of Carolina had glided before the waters of the Chesapeake were known to Englishmen, the movement was assisted by the writings of young James Iredell from England, by the letters and counsels of Joseph Hewes, and by the calm wisdom of Samuel Johnston of Edenton, a native of Dundee in Scotland, a man revered for his integrity, thoroughly opposed to revolution if it could be avoided without yielding to oppression. Using a power with which the last provincial congress had invested him, on the tenth of July he summoned the people of North Carolina to elect their delegates. Two days later Dartmouth wrote from the king: "I hope that in North Carolina the governor may not be reduced to the disgraceful necessity of seeking protection on board the king's ships;" and just then Martin took refuge on board a British man-of-war.

Bancroft, Hist. of the U.S., vol.4, p.259

Richard Caswell, hastening home from the general congress and reluctantly admitting the necessity of American resistance, advised the most resolute conduct, and even censured the Newbern committee for suffering the governor to escape.

Bancroft, Hist. of the U.S., vol.4, p.259 - p.260

On the twenty-first of August the people of North Carolina assembled at Hillsborough in a convention of more than one hundred and eighty members. A spirit of moderation controlled their zeal; Caswell proposed Samuel Johnston as president, and he was unanimously elected. In a vituperative, incoherent proclamation, Martin had warned them against assembling, as tending to unnatural rebellion; they voted his proclamation "a false and seditious libel," and ordered it to be burnt by the hangman. They professed allegiance to the king, and resistance to parliamentary taxation. They resolved that the people of the province, singly and collectively, were bound by the acts of the continental congress and their provincial convention, because in both they were represented by persons chosen by themselves. The religious and political scruples of the regulators were removed by a conference. Intrigues of Martin with the Highlanders were divulged by Farquhard Campbell; and a committee, on which were many Scots, urged them, not wholly without success, to unite with the other inhabitants of America in defence of rights derived from God and the constitution. The meditated resistance involved a treasury which for the time was supplied by an emission of paper money; the purchase of ammunition and arms; a regular force of one thousand men; an organization of the militia of the colony; an annual provincial congress to be elected by all freeholders; a committee of safety for each of the six districts into which the province was divided; a provincial council, consisting of the president of the convention and two members from each of the six divisions, as the great executive power. Richard Caswell was detained for service at home, and John Penn, a Virginian by birth, became his successor in the general congress.

Bancroft, Hist. of the U.S., vol.4, p.260

On the twenty-fourth, Franklin's plan of a confederacy was introduced by William Hooper, a native of Boston; trained under James Otis to the profession of the law; now a citizen of Wilmington, "the region of politeness and hospitality." The proposition was about to be adopted when Johnston interposed, and, on the fourth of September, it was voted, but not unanimously, that a general confederation ought only to be adopted in the last necessity. Hooper acquiesced; and the house, in its address to the inhabitants of the British empire, unanimously disavowed the desire of independence, asking only to be restored to the state existing before 1763.

Bancroft, Hist. of the U.S., vol.4, p.260

On the eighteenth of October the provincial council held its first meeting. Among its members were Samuel Johnston; Samuel Ashe, whose name a mountain county and the fairest town in the western part of the commonwealth keep in memory; and Abner Nash, an eminent lawyer, described by Martin as "the oracle of the committee of Newbern and a principal promoter of sedition;" the perilous office of president fell unanimously to Cornelius Hamett of New Hanover, who was honored as "the Samuel Adams of North Carolina." Thus prepared, the people of the colony awaited the answer to the last petition of congress to the king.

Bancroft, Hist. of the U.S., vol.4, p.260

During the first weeks of July neither the court nor the ministers nor the people had taken a real alarm. Even Edmund Burke believed that Gage, from his discipline and artillery as well as his considerable numbers, would beat "the raw American troops." An hour before noon of the twenty-fifth tidings of the Bunker Hill battle reached the cabinet, and spread rapidly through the kingdom and through Europe. "Two more such victories," said Vergennes, "and England will have no army left in America."

Bancroft, Hist. of the U.S., vol.4, p.260 - p.261

Gage was recalled. The command in America was assigned in Canada to Carleton, in the thirteen colonies to Howe. Ten thousand pounds and an additional supply of three thousand arms were forwarded to Quebec; and, notwithstanding a caution from Barrington, word was sent to Carleton that it was " hoped the next spring to have in North America an army of twenty thousand men, exclusive of the Canadians and Indians." The king, as elector of Hanover, in August made the first contribution. By garrisoning Gibraltar and Minorca with five battalions of electoral infantry, he disengaged an equal number of British troops for service in America. The embarkation of the Hanoverians was courteously promoted by the senate of Hamburg. Not till the first of November did they sail.

Bancroft, Hist. of the U.S., vol.4, p.261

The reply to Bunker Hill from England reached Washington before the end of September; and removed from his mind every doubt of the necessity of independence. So reasoned Greene; and the army was impatient when any of the chaplains prayed for the king. The general congress, which as sembled in September, was undecided. Intercepted letters of John Adams, in which he had freely unbosomed his complaints of its tardiness and had thrown blame on Dickinson, brought upon the New England statesman the hostility of the proprietary party and of social opinion in Philadelphia. When a "jealousy of New England" broke forth in congress, and a member insinuated distrust of its people, "as artful and designing men, altogether pursuing selfish purposes," Gadsden answered: "I only wish we would imitate instead of abusing them; so far from being under any apprehensions, I bless God there is such a people in America."

Bancroft, Hist. of the U.S., vol.4, p.261

The prohibition by parliament of the fisheries of New England, and the restriction on the trade of the southern colonies, went into effect on the twentieth of July: as a measure of counteraction, the ports of America should have been thrown open; but, though secret directions were given for importing powder and arms from "the foreign West Indies," the committee on trade was not appointed till the twenty-second of September, and then hesitated to act.

Bancroft, Hist. of the U.S., vol.4, p.261 - p.262

The roll of the army at Cambridge had, from its first formation, borne the names of men of color, but as yet without legislative approval. On the twenty-sixth Edward Rutledge, of South Carolina, moved the discharge of all the negroes in the army, and he was strongly supported by many of the southern delegates; but the opposition was so determined that "he lost his point."

Bancroft, Hist. of the U.S., vol.4, p.262

From an unconfessed want of effective power, the continental congress shrunk from taking into consideration the "inexpressibly distressing" situation of the commander-in-chief. At length a letter from him compelled attention to the critical state of his army. Powder, artillery, fuel, shelter, clothing, provisions, and the soldiers' pay were wanting; and, except the riflemen, all the troops, by the terms of their enlistment, must be disbanded on or before the end of December. For this state of things congress could provide no adequate remedy. On the thirtieth of September they therefore appointed Franklin, Lynch, and Harrison a committee to repair to the camp, and, with the New England colonies and Washington, to devise a method for enlisting the army anew.

Bancroft, Hist. of the U.S., vol.4, p.262

Gage, on the tenth of October, embarked for England, and, on his arrival, was dismissed into retirement with high rank and its emoluments. The instructions to Howe, the new commander-in-chief, advised the transfer of the war to New York; but, from the advanced state of the season, and the want of sufficient transports, he decided to winter at Boston. Five days after the departure of Gage the committee from congress arrived at the camp. Franklin brought with him the conviction that the separation from Britain was inevitable. His presence within sight of his native town was welcomed with affectionate veneration. "During the whole evening," wrote Greene, "I viewed that very great man with silent admiration." With Washington for the military chief, with Franklin for the leading adviser from congress, the conference with the New England commissioners, notwithstanding all difficulties, harmoniously devised a scheme for forming, governing, and supplying a new army of about twenty-three thousand men, whom the general was authorized to enlist without delay, yet not as he wished, for the war, but only for the next campaign. The proposed arrangements, in all their details, had the aspect of an agreement between the army, the continental congress, and the New England colonies; their successful execution depended on those four colonies alone.

Bancroft, Hist. of the U.S., vol.4, p.263

After the conference broke up the committee remained two days, to advise with the general. On this visit Franklin confirmed the steadfast affection, confidence, and veneration of Washington.

Bancroft, Hist. of the U.S., vol.4, p.263

Franklin was still at the camp when news from Maine justified his interpretation of the purposes of the British. In the previous May, Mowat, a naval officer, had been held prisoner for a few hours at Falmouth, now Portland; and we have seen Linzee, in a sloop-of-war, driven with loss from Gloucester; it was one of the last acts of Gage to plan with the admiral how to wreak vengeance on the inhabitants of both those ports. The design against Gloucester was never carried out; but Mowat, in a ship of sixteen guns, attended by three other vessels, went up the harbor of Portland, and, after a short parley, at half-past nine, on the morning of the sixteenth of October, began to fire upon the town. In five minutes several houses were in a blaze; parties of marines landed to spread the conflagration. All sea-going vessels were burnt except two, which were carried away. St. Paul's church, the public buildings, and about one hundred and thirty dwelling-houses, three fourths of the whole, were burnt down; those that remained standing were shattered by balls and shells. By the English account, the destruction was still greater. At the opening of a severe winter, the inhabitants were turned adrift in poverty and misery. The indignation of Washington was kindled at these "savage cruelties," this new "exertion of despotic barbarity." "Death and destruction mark the footsteps of the enemy," said Greene; "fight or be slaves is the American motto." Sullivan was sent to fortify Portsmouth; Trumbull of Connecticut took thought for the defence of New London.

Bancroft, Hist. of the U.S., vol.4, p.263 - p.264

On the third of October one of the delegates of Rhode Island laid before congress their instructions of the preceding August to use their whole influence for building, equipping, and employing a continental fleet. This was the origin of our navy. The proposal met great opposition; but John Adams pursued it unremittingly, though "for a long time against wind and tide." On the fifth, Washington was authorized to employ two armed vessels to intercept British store-ships bound for Quebec; on the thirteenth, two armed vessels, of ten and of fourteen gnus, were voted, and, seventeen days later, two others of thirty-six guns. But much time would pass before their equipment; as yet congress established no court for "the condemnation of vessels taken from the enemy," nor was war waged on the high sea, nor reprisals authorized, nor the ports opened to foreign nations.

Bancroft, Hist. of the U.S., vol.4, p.264

On the sixteenth the new legislature of Pennsylvania was organized. All of its members who were present subscribed the usual engagement of allegiance to the king. In a few days the Quakers presented an address, deprecating everything "likely to widen or perpetuate the breach with their parent state." To counteract this movement, the committee for the city and liberties of Philadelphia, sixty-six in number, headed by George Clymer and Mackean, went two by two to the statehouse and delivered their remonstrance.

Bancroft, Hist. of the U.S., vol.4, p.264

Congress, for the time, was like a ship at sea without a rudder, rolling and tossing with every wave. One day would bring measures for the defence of New York and Hudson river, or for the invasion of Canada; the next, nothing was to be done that could further irritate Great Britain. The continuance of the army around Boston depended on the efficiency of all the New England provinces; New Hampshire remained without a government. On the eighteenth of October her delegates asked, in her behalf, that the general congress would sanction her instituting a government, as the only means of preventing the greatest confusion; yet the majority of that body let the month run out before giving an answer, for they still dreamed of conciliation through their last petition to the king.

Chapter 17:

Final Answer of the King to America,

August-December 1775

Bancroft, Hist. of the U.S., vol.4, p.265

THE Americans, entering most reluctantly on a war with Britain, preserved an instinctive feeling that the relations of affinity were suspended rather than destroyed; they held themselves called to maintain the liberties of the British people, as well as their own; and never looked upon the transient ministers who were their oppressors as the type of the parent country. The moment approaches when the king and parliament irreversibly rejected their last petition; to understand that decision, it is necessary to state precisely the question at issue.

Bancroft, Hist. of the U.S., vol.4, p.265

The administration of numerous colonies, each of which had a representative government of its own, was conducted with inconvenience from a want of central unity; in war, experience showed a difficulty in obtaining proportionate aid from them all; in peace, the crown officers were impatient of owing their support to the periodical votes of colonial legislatures. To remedy this seeming evil, James II consolidated all authority over the country north of the Potomac, and undertook to govern it by his own will.

Bancroft, Hist. of the U.S., vol.4, p.265

The revolution of 1688 restored to the colonies their representative governments, and the collision between the crown officers and the colonial legislatures was renewed. Threats of parliamentary intervention were sometimes heard; but for nearly three quarters of a century no minister had been willing to gratify the pertinacious entreaties of placemen by disturbing America in the enjoyment of her liberties.

Bancroft, Hist. of the U.S., vol.4, p.265 - p.266

Soon after the accession of George III., the king, averse to governing so many prosperous and free and loyal colonies by consent, resolved, through the paramount power of parliament, to introduce a new colonial system, which Halifax, Bedford, and especially Charles Townshend, had matured, and which was to have sufficient vigor to control the unwilling. First, the charter governments were to be reduced to one uniform, direct dependence on the king by the abolition of the jurisdiction of the proprietaries in Maryland and Pennsylvania, and by the alteration or repeal of the charters of Massachusetts, Connecticut, and Rhode Island. Secondly, for the pay of the crown officers, the British parliament was to establish in each colony a permanent civil list, independent of the assemblies, so that every branch of the judicial and executive government should be wholly of the king's appointment and dependent on his will. Thirdly, the British parliament was, by its own act of taxation, to levy on the colonies a revenue toward maintaining their military establishment. Townshend, as the head of the board of trade, was unfolding the plan in the house of commons just before Bute retired.

Bancroft, Hist. of the U.S., vol.4, p.266 - p.267

The execution of the design fell to George Grenville. Now Grenville conceived himself to be a whig of the straitest sect, for he believed implicitly in the supreme power of parliament. He was pleased with the thought of moulding the whole empire into closer unity by means of parliamentary taxation; but his regard for vested rights forbade him to consent to a wilful abrogation of charters. The Americans complained to him that a civil list raised by the British parliament would reduce the colonial assemblies to a nullity; Grenville saw the force of the objection, disclaimed the purpose, dropped that part of the plan, and proposed to confine the use of the parliamentary revenue to the expenses of the military establishment. The colonists again interposed with the argument that, by the theory of the British constitution, taxation and consent by representation are inseparable correlatives; to this Grenville listened, and answered that in parliament, as the common council, the whole empire was represented collectively, though not distributively; but that as in Britain some increase of the number of voters was desirable, so taxation of the colonies ought to be followed by a colonial representation; and, with this theory of constitutional law, he passed the stamp act.

Bancroft, Hist. of the U.S., vol.4, p.267

When a difference at court drove Grenville from office, his theory lost its importance, for no party in England or America undertook its support. The new ministers by whom his colonial policy was to be changed had the option between repealing the tax as an unwarranted exercise of power by parliament, or as an unwise exercise of a power of which the rightful possession could not admit of dispute. The first was the choice of Pitt, and its adoption would have ended the controversy; the second was that of Rockingham. He abolished the tax and sent over assurances of his friendship; but his declaratory act assumed to establish as the law of the empire that the legislative power of the parliament of Britain reached to the colonies in all cases whatsoever. In 1688, the assertion of the paramount power of parliament against a king who would have sequestered all legislative liberty was a principle of freedom; but, in the eighteenth century, the assertion of the absolute power of a parliament acting in concert with the king was to frame an instrument of tyranny. The colonies denied the unqualified authority of a legislature in which they were not represented; and, when they were told that they were as much represented as nine tenths of the people of Britain, the British people, enlightened by the discussion, from that day complained unceasingly of the inadequateness of a parliament in whose election nine tenths of them had no voice whatever.

Bancroft, Hist. of the U.S., vol.4, p.267 - p.268

More than a generation passed away before the reform of the British House of Commons began; the issue was precipitated upon America. In the very next year Charles Townshend, resuming the system which he had prepared in the administration of Bute, proposed a tax by the British parliament to be collected in America on tea, glass, paper, and painters' colors; and introduced the tax by a preamble, asserting that "it is expedient that a revenue should be raised in his majesty's dominions in America for defraying the charge of the administration of justice and support of civil government, and toward further defraying the expenses of defending the said dominions." Grenville had proposed taxes by parliament solely for the military defence of the colonies; Townshend's preamble further promised an ever-increasing American civil list, independent of American assemblies, to be disposed of by ministers at their discretion for salaries, gifts, or pensions. Here lay the seeds of a grievance indefinite in its extent, taking from the colonies all control over public officers and expenses, and introducing a government by the absolute power of the British parliament, liable to be administered in the interest of Britain and its agents, without regard to the rights and liberties and industries and welfare of the people.

Bancroft, Hist. of the U.S., vol.4, p.268

Just as Townshend had intrenched the system in the statute-book he died, and left behind him no able statesman for its steadfast upholder; while the colonies were unanimous in resisting the innovation, and avoided the taxes by stopping imports of the articles which were taxed. The government gave way, and repealed all Townshend's taxes except on tea. Of that duty Lord North maintained that it was but a reduction of the ancient duty of a shilling a pound payable in England, to one of threepence only payable in America; and that the change of the place where the duty was to be collected was nothing more than a regulation of trade to prevent smuggling tea from Holland. The statement, so far as the amount of the tax was concerned, was true; but the sting of the tax act lay in its preamble: Rockingham's declaratory act affirmed the power of parliament in all cases whatsoever; Townshend's preamble declared the expediency of using that power to raise a large colonial revenue. Still collision was averted; for the Americans, in their desire for peace, gave up the importation of tea, and no regular British trader found it prudent to brave their will.

Bancroft, Hist. of the U.S., vol.4, p.268

At this, the king, against the opinion of Lord North and of the East India company, directed that company itself to export its tea to America, and to pay in American ports the duty imposed by parliament; hoping that the low price at which the tea under the greatly diminished duty could be offered for sale would tempt Americans to buy. But the colonists would not suffer the tea to be exposed for sale; the crown officers yielded to their resistance everywhere except at Boston, and there the tea was thrown overboard.

Bancroft, Hist. of the U.S., vol.4, p.268 - p.269

The king and the Bedford party seized the occasion to change by act of parliament the charter granted by William and Mary to Massachusetts. The change could bring no advantage to Britain, and really had nothing to recommend it; to the people of Massachusetts and to the people of all the colonies, submission to the change would have been an acknowledgment of the absolute power of parliament over American liberty as well as property. The people of Massachusetts resisted; the king answered: "Blows must decide," A congress of the colonies approved the conduct of Massachusetts; parliament pledged itself to support the king. In 1773, a truce was possible; after the alteration of the charter of Massachusetts in 1774 by act of parliament, America would have been pacified by a simple repeal of the acts which were innovations; in 1775, after blood had been shed at Lexington, security for the future was demanded.

Bancroft, Hist. of the U.S., vol.4, p.269

British statesmen of all schools but Chatham's affirmed the power of parliament to tax America; America denied that it could be rightfully taxed by a body in which it was not represented, for rightful taxation and consent were inseparable. British politicians rejoined that taxation was but an act of legislation; that, therefore, to deny to parliament the right of taxation was to deny to parliament all right of legislation for the colonies, even to regulate trade. To this America made answer that, in reason and truth, representation and legislation are inseparable; that the colonies, being entitled to English freedom, were not bound by any act of a body to which they did not send members; but, as they desired to avoid a conflict, they proposed as a fundamental act their voluntary submission to every parliamentary diminution of their liberty which existed in 1763 including the navigation acts and taxes for regulating trade, on condition of relief from the new system of administration and of security against future attempts for its introduction. Richard Penn was the agent of congress to bear to the king its petition for his concurrence in its endeavor to restore peace and union.

Bancroft, Hist. of the U.S., vol.4, p.269 - p.270

Four days after the petition to the hing had been adopted by congress, Richard Penn sailed from Philadelphia on his mission. He arrived in Bristol on the thirteenth of August, and was the next day in London. Joint proprietary of Pennsylvania, of which he for a time was governor, long a resident in America, intimately acquainted with many of its leading statesmen, the chosen suppliant from its united delegates, an Englishman of a loyalty above impeachment or suspicion, he singularly merited the confidence of the government. But not one of the ministers waited on him, or sent for him, or even asked him, through subordinates, one single question about the state of the colonies. He could not obtain an opportunity of submitting a copy of the petition to Lord Dartmouth till the twenty-first. The king would not see him. "The king and his cabinet," said Suffolk, "are determined to listen to nothing from the illegal congress, to treat with the colonies only one by one, and in no event to recognise them in any form of association."

Bancroft, Hist. of the U.S., vol.4, p.270

"The Americans," reasoned Sandwich, "will soon grow weary, and Great Britain will subject them by her arms." "Lord North," wrote Sir Gilbert Elliot, "is as fat and lazy as ever." He was a skilful manager of a corrupt house of commons, but was unfit for the direction of great affairs. The king "showed his determination," such were his own words, "to force the deluded Amen cans into submission." He chid Lord North for "the delay in framing a proclamation, declaring them rebels and forbidding all intercourse with them." On the twenty-third of August, two days after Penn had delivered a copy of the petition of congress, he sent out a proclamation setting forth that many of his subjects in the colonies had proceeded to an avowed rebellion by arraying themselves to withstand the execution of the law, and traitorously levying war against him. "There is reason," so ran its words, "to apprehend that such rebellion hath been much encouraged by the traitorous correspondence, counsels, and comfort of divers wicked and desperate persons within our realm;" and measures were announced "to bring to condign punishment the authors" in America, "and abettors" in England, "of such traitorous designs."

Bancroft, Hist. of the U.S., vol.4, p.270 - p.271

This irrevocable proclamation having been made, Penn and Arthur Lee were "permitted" on the first of September to present the original of the American petition to Lord Dartmouth who promised to deliver it to the king; but, on their pressing for an answer, "they were informed that no answer would be given." Lee expressed sorrow at the refusal, because it would occasion much bloodshed; and the secretary answered:

"If I thought the refusal would be the cause of shedding one drop of blood, I should never have concurred in it."

Bancroft, Hist. of the U.S., vol.4, p.271

The proclamation, when read at the royal exchange, was received with a general hiss.

Bancroft, Hist. of the U.S., vol.4, p.271

Just after Penn's arrival the ambassador of France reported: "These people appear to me in a delirium; that there can be no conciliation we have now the certainty. Rochford even assures me once more, that it is determined to burn the town of Boston, and in the coming spring to transfer the seat of operations to New York."

Bancroft, Hist. of the U.S., vol.4, p.271

Vergennes could not persuade himself that the British government should refuse conciliation, when nothing was asked for but the revocation of acts posterior to 1763; and in his incredulity he demanded of the ambassador a revision of his opinion. "I persist," answered De Guines, "in thinking negotiations impossible. The parties differ on the form and on the substance as widely as white and black. An English ministry in a case like this can yield nothing, for, according to the custom of the country, it must follow out its plan or resign. The only sensible course would be to change the administration. The king of England is as obstinate and as feeble as Charles I., and every day he makes his task more difficult and more dangerous." Vergennes gave up his doubts, saying: "The king's proclamation cuts off the possibility of retreat; America or the ministers must succumb."

Bancroft, Hist. of the U.S., vol.4, p.271

In a few weeks the proclamation reached the colonies at several ports. Men said: "While America is still on her knees, the king aims a dagger at her heart." Abigail Smith, the wife of John Adams, was at the time in their home near the foot of Penn Hill, charged with the sole care of their brood of children; managing their farm; keeping house with frugality, though opening her doors to the houseless and giving with good-will a part of her scant portion to the poor; seeking work for her own hands, and ever occupied, now at the spinning-wheel, now making amends for having never been sent to school by learning French, though with the aid of books alone. Since the departure of her husband for congress, the arrow of death had sped near her by day, and the pestilence that walks in darkness had entered her humble mansion; she was still weak after a violent illness; her house was a hospital in every part; and, such was the distress of the neighborhood, she could hardly find a well person to assist in looking after the sick. Her youngest son had been rescued from the grave by her nursing; her own mother had been taken away, and, after the austere manner of her forefathers, buried without prayer. Woe followed woe, and one affliction trod on the heels of another. Winter was hurrying on; during the day family affairs took off her attention, but her long evenings, broken by the sound of the storm on the ocean or the enemy's artillery at Boston, were lonesome and melancholy. But when, In November, she read the king's proclamation, she willingly gave up her "nearest friend" to his perilous duties, and sent him her cheering message: "This intelligence will make a plain path for you, though a dangerous one; I could not join to-day in the petitions of our worthy pastor for a reconciliation between our no longer parent state, but tyrant state, and these colonies. Let us separate; they are unworthy to be our brethren. Let us renounce them; and, instead of supplications, as formerly, for their prosperity and happiness, let us beseech the Almighty to blast their counsels, and bring to nought all their devices." Her voice was the voice of New England.

Bancroft, Hist. of the U.S., vol.4, p.272

Hawley discerned the coming government of the republic, even while it still lay far below the horizon; and he wrote from Watertown to Samuel Adams: "The eyes of all the continent are fastened on your body to see whether you act with the spirit and despatch which our situation calls for; it is time for your body to fix on periodical annual elections, nay, to form into a parliament of two houses."

Bancroft, Hist. of the U.S., vol.4, p.272

The legislature of Massachusetts, without waiting for further authority, In an act drawn by Elbridge Gerry, instituted courts for the condemnation of prizes taken from the British.

Bancroft, Hist. of the U.S., vol.4, p.272

The first day of November brought the king's proclamation to the general congress. The majority saw that the last hope of conciliation was gone; and, while they waited for instructions from their several constituencies before declaring independence, they acted upon the petitions of the colonies that wished to institute governments of their own. On the second in committee, on the third in the house, it was "recommended to the provincial convention of New Hampshire to call a full and free representation of the people, and, if they think it necessary, establish a government." On the fourth, the same advice was extended to South Carolina. Here was the daybreak of revolution.

Bancroft, Hist. of the U.S., vol.4, p.273

The legislature of Pennsylvania continued to require its members to subscribe the old qualification appointed by law, which included the promise of allegiance to George III.; so that Franklin, who was elected for Philadelphia through the Irish and the Presbyterians, could never take his seat. Dickinson had been returned for the county by the concurring vote of patriots who confided in his integrity, of loyalists who looked upon him as their last hope, of Quakers who trusted his regard for peace, of the proprietary party whose cause he always vindicated. The assembly, on the fourth, elected nine delegates to the continental congress. Then, on the ninth, Dickinson, with the king's late proclamation before him, reported and carried this instruction to the Pennsylvania delegates: "Though the oppressive measures of the British parliament and administration have compelled us to resist their violence by force of arms, yet we strictly enjoin you, that you, in behalf of this colony, dissent from and utterly reject any propositions, should such be made, that may cause or lead to a separation from our mother country, or a change of the form of this government." Nevertheless, the assembly approved the military association of all who had no scruples about bearing arms, adopted rules for volunteer battalions, and appropriated eighty thousand pounds in provincial paper money to defray the expenses of a military preparation. The assembly sat with closed doors, and would not allow the names of the voters on the division to be recorded in their journal.

Bancroft, Hist. of the U.S., vol.4, p.273

Delaware was swayed by the example of its more powerful neighbor; the party of the proprietary in Maryland took courage; in a few weeks the assembly of New Jersey restrained its delegates in congress by an equally stringent declaration.

Bancroft, Hist. of the U.S., vol.4, p.273 - p.274

The majority in the continental congress were ready for in dependence; but acquiesced in waiting for unanimity in its adoption. They became more resolute, more thorough, and more active; they recalled their absent members; they welcomed trophies of victory from Canada. Without as yet opening the commerce of the continent by a general act, they empowered a committee to export provisions or produce to the foreign West Indies at the risk of the continent, in order to purchase the materials of war. In November they adopted "rules for the government of the American navy," directed the enlistment of two battalions of marines, authorized the seizure of all ships employed as carriers for the British fleet or army, and sanctioned tribunals instituted in the separate colonies to confiscate their cargoes. The captures made under the authority of Washington they confirmed. To meet the further expenses of the war, they voted bills of credit for three millions more.

Bancroft, Hist. of the U.S., vol.4, p.274

"It is an immense misfortune to the whole empire," wrote Jefferson to a refugee on the twenty-ninth of November, "to have a king of such a disposition at such a time. We are told, and everything proves it true, that he is the bitterest enemy we have; his minister is able, and that satisfies me that ignorance or wickedness somewhere controls him. Our petitions told him that from our king there was but one appeal. The admonition was despised, and that appeal forced on us. After colonies have drawn the sword, there is but one step more they can take. That step is now pressed upon us by the measures adopted, as if they were afraid we would not take it. There Is not in the British empire a man who more cordially loves a union with Great Britain than I do; but, by the God that made me, I will cease to exist before I yield to a connection on such terms as the British parliament propose; and in this I speak the sentiments of America."

Bancroft, Hist. of the U.S., vol.4, p.274

"I know what my duty to my country makes me undertake, and threats can not prevent me from doing that to the utmost extent," said George III. The parties of Rockingham and Chatham were defied as the accomplices of rebels; it was the fixed plan of the king and ministers to lay America waste if she could not be reduced. Britain and Ireland could spare few troops to execute these designs; but the British king scrupled as little as his ministers to engage foreign hirelings wherever they chanced to be in the market; and had in contemplation a scheme of stupendous grandeur for obtaining a subsidiary army by negotiations at Moscow with the sovereign who claimed to hold the sceptre of Constantine.

Bancroft, Hist. of the U.S., vol.4, p.275 - p.276

From the moment when the Empress Catharine II., as a young bride, set her foot on Russian soil, it became her fixed purpose to seize on absolute power and govern alone. Though she mixed trifling pastimes with application to business, and for her recreation sought the company of the young and the gay, she far excelled those around her in industry and knowledge. Frederic said of her, that she had an infinity of talent and no religion; yet, after going over to the Greek church, she played the devotee. There was in her nature a mixture of fancy and calculation. Distinguished for vivacity of thought and for the most laborious attention to affairs, capable of prompt energy and of patient waiting, very proud of the greatness and power of her empire, her intercourse with all her subjects was marked by mildness and grace; and she made almost incredible exertions as a monarch to be useful even to the meanest, to benefit the future as well as the present age. She had known sorrow, and could feel for and relieve distress. She translated Marmontel's Belisarius into Russian as a lesson of toleration, relieved the poverty of Diderot by a lasting provision, and invited Alembert to superintend the education of her son, who was to be her successor. One day she proposed to the imperial academy the question of the emancipation of serfs; and she suffered the printing of a dissertation having for its motto, "In favorem libertatis omnia jura clamant," "All right clamors for freedom." Tragedy, comedy, music, wearied her; she had no taste but to build, or to regulate her court; no ambition but to rule and to make a great name. In the crowd of courtiers, who were all eager for advancement, she compared herself to a hare worried by many hounds; and among an unscrupulous nobility, in a land which was not that of her birth, she was haunted by a feeling of insecurity and an unrest of soul. But those around her were not offended at the completeness with which she belonged to a century representing the supremacy of the senses.

Bancroft, Hist. of the U.S., vol.4, p.276

Her first minister was Panin, and he was acknowledged to be the fittest man for the post, without whom no council was held, no decision taken in foreign or domestic affairs. He was more persistent than bold, and was guided by experience rather than comprehensive views. He had the faults of pride, inflexibility, and dilatoriness; but he was unapproachable by corruption. At home, his political principles led him to desire some limitation of the power of the sovereign by a council of nobles; toward foreign states he was free from rancor. It had been the policy of France to save Poland by stirring up Sweden and Turkey against Russia; yet Panin did not misjudge the relations of Russia to France. With England he wanted no treaty except with stipulations for aid in the contingency of a war of Russia with the Ottoman Porte, and, as that condition could not be obtained, he always declined her alliance.

Bancroft, Hist. of the U.S., vol.4, p.276

One day Panin happened to inquire of the British minister the news from America. Gunning seized the moment to answer that the measures in progress would shortly end the rebellion; then, as if hurried by excess of zeal to utter an unauthorized speculation of his own, he asked leave to acquaint his king that, "in case the circumstances of affairs should render any foreign forces necessary, he might reckon upon a body of her imperial majesty's infantry." It was the interest and policy of Russia to preserve the favor of the British king and his ministry. The answer of the empress—which Panin, on the morning of the eighth of August, reported to the British minister, carefully avoided mention of the request for subsidiary troops, but expressed gratitude for favors received from England during her last war, and she charged Panin to repeat her very words, that "she found in herself an innate affection for the British nation which she should always cherish." The envoy interpreted a woman's discreet reticence and lavish sentimentality as a promise of twenty thousand infantry.

Bancroft, Hist. of the U.S., vol.4, p.276 - p.277

Gunning's despatch from Moscow was received in London on the first day of September, with elation. That very day Suffolk prepared the answer to the minister. To Catharine, George himself with his own hand wrote: "I accept the succor that your majesty offers me of a part of your troops, whom the acts of rebellion of my subjects in some of my colonies in America unhappily require; I shall provide my minister with the necessary full powers; nothing shall ever efface from my memory the offer your imperial majesty has made to me on this occasion." Gunning was ordered to ask for twenty thousand disciplined men, completely equipped and prepared on the opening of the Baltic in spring to embark by way of England for Canada, where they were to serve under the British general. The journey from London to Moscow required about twenty-three days; yet they all were confident of receiving the definitive promise by the twenty-third of October, in season to announce it at the opening of parliament; and Lord Dartmouth hurried off messages to Howe and to Carleton, that the empress of Russia had given the most ample assurances of letting them have any number of infantry that might be wanted.

Bancroft, Hist. of the U.S., vol.4, p.277

On the eighth, Suffolk despatched a second courier to Gunning, with a project of a treaty for two years, within which the king and his ministers were confident of crushing the insurrection. The levy money might be seven pounds sterling a man, payable one half in advance, the other on embarkation. A subsidy was not to be refused. "I will not conceal from you," wrote Suffolk to Gunning, "that, this accession of force being very earnestly desired, expense is not so much an object as in ordinary cases." Gigantic bribery was authorized.

Bancroft, Hist. of the U.S., vol.4, p.277

On the tenth, Gunning poured out to the empress assurances of the most inviolable attachment of England. "Has any progress been made," she asked, with the utmost coolness, "toward settling your dispute in America?" and, without waiting for an answer, she added: "For God's sake, put an end to it as soon as possible, and do not confine yourselves to one method of accomplishing this desirable end; there are other means of doing it than force of arms, and they ought all to be tried. You know my situation has lately been full as embarrassing, and, believe me, I did not rest my certainty of success upon one mode of acting. There are moments when we must not be too rigorous. The interest I take in everything that concerns you makes me speak thus freely upon this subject."

Bancroft, Hist. of the U.S., vol.4, p.278

Gunning, who found himself most unexpectedly put upon the defensive, answered: "Resentment has not yet found its way into his majesty's councils." But Catharine repeated her wishes for a speedy and a peaceful end to the difference, citing her own example of lenity and concession as the best mode of suppressing a rebellion.

Bancroft, Hist. of the U.S., vol.4, p.278

Late on the twenty-fourth the first courier of Lord Suffolk reached Moscow a few hours after Catharine's departure for some days of religious seclusion in the monastery at Voskresensk. As no time was to be lost, Gunning hastened to Panin, who received him cordially, and consented to forward to the empress in her retirement a copy of the king's letter. He next repaired to the vice-chancellor, Ostermann, who calmly explained to him the impossibility of conceding the request for troops.

Bancroft, Hist. of the U.S., vol.4, p.278

The empress having, on the thirtieth, returned to Moscow, Gunning waited on Panin by appointment. The autograph letter, which he wished to deliver to her in person, said positively that she had made him an offer of troops; Panin insisted on an acknowledgment that no such offer had been made, and, after much expostulation, Gunning confessed: "It is true; in your answer to me, no explicit mention was made of troops." Panin then gave the message of the empress, that she was affected by the cordiality of the king, that in return her friendship was equally warm, but that she had much repugnance to the employment of her troops in America. "And could not his majesty," asked Panin, "make use of Hanoverians?"

Bancroft, Hist. of the U.S., vol.4, p.278

Gunning, in reply, spoke at great length on the gratitude due from the empress to the British king, and desired Panin to deliver to her the autograph letter of George III.

Bancroft, Hist. of the U.S., vol.4, p.278

The next morning, before Panin was up, Gunning hurried to him, and, to remove objections, offered to be content with a corps of fifteen thousand men. It was the grand duke's birthday; he repaired to court to see the empress, but she did not appear. He returned to the palace in the evening; but the empress, feigning indisposition, excused herself from seeing him.

Bancroft, Hist. of the U.S., vol.4, p.278 - p.279

Meantime, the proposal was debated in council; and objections without end rose up against the traffic in troops. Besides, a naked demand of twenty thousand men to serve in America under British command as mercenaries, with no liberty left to herself but to fix the price of her subjects in money, and so plunge her hand as deeply as she pleased into the British exchequer, was an insult to her honor. She framed, accordingly, a sarcastic and unequivocal answer: "I am just beginning to enjoy peace, and your majesty knows that my empire has need of repose. There is an impropriety in employing so considerable a body in another hemisphere, under a power almost unknown to it, and almost removed from all correspondence with its sovereign. Moreover, I should not be able to prevent myself from reflecting on the consequences which would result for our dignity, for that of the two monarchies and the two nations, from this junction of our forces, simply to calm a rebellion which is not supported by any foreign power."

Bancroft, Hist. of the U.S., vol.4, p.279

The letter of the king of England to the empress was in his own hand; her answer was purposely in that of her private secretary.

Bancroft, Hist. of the U.S., vol.4, p.279

The answer was so exceptionable that the British envoy was in doubt whether it was fit to be received; but he suppressed his discontent. His king found the manner of the empress not "genteel;" for, said he, "she has not had the civility to answer me in her own hand; and has thrown out expressions that may be civil to a Russian ear, but certainly not to more civilized ones."

Bancroft, Hist. of the U.S., vol.4, p.279

The conduct of this negotiation was watched by every court from Moscow to Madrid; but no foreign influence had any share in determining the empress. The decision was founded on her own judgment and that of her ministers. When a transient report prevailed, that the English request was to be granted, Vergennes wrote to the French envoy at Moscow: "I cannot reconcile Catharine's elevation of soul with the dishonorable idea of trafficking in the blood of her subjects." To the envoy Panin denied the truth of the rumor, adding: "Nor is it consistent with the dignity of England to employ foreign troops against its own subjects."

Bancroft, Hist. of the U.S., vol.4, p.279

The empress continued to be profuse of courtesies to Gunning; and, when in December he took his leave, she renewed the assurances of her readiness to assist his king on all occasions, adding: "But one cannot go beyond one's means."

Chapter 18:

Final Answer of Parliament to America,

October-December 1775

Bancroft, Hist. of the U.S., vol.4, p.280

THE members of parliament, as they reached London for the session, heard rumors that the empress of Russia was to spare a large detachment from her army to aid in suppressing the rebellion in America. "When the Russians arrive, will you go and see their camp?" wrote Edward Gibbon, the great historian, in October, to a friend. "The worst of it is, the Baltic will soon be frozen up, and it must be late next year before they can get to America." Couriers from Moscow dispelled this confidence.

Bancroft, Hist. of the U.S., vol.4, p.280 - p.281

Vergennes found it difficult to believe that the mistakes of the British ministers could be so great as they really were. He received hints of negotiations for Russian troops; yet could the king of England be willing to send foreign mercenaries to make war on his own subjects? Henry IV of France would not have accepted the aid of foreign troops to reduce Paris their employment by Britain would render it impossible in any event to restore affectionate relations between the parent state and the colonies. So reasoned the guiding statesman of France, but the British government, with fierce impetuosity, turned to the many princelings of Germany, who now had the British exchequer at their mercy. Loyal addresses began to come in, to the joy of Lord North; but the king saw danger to the royal authority in any appeal to popular opinion. So long as the public was under the delusion that the colonies had long premeditated independence, violent measures were acquiesced in "by a majority of individuals of all ranks and professions," and no effect was produced on the funds or on commerce.

Bancroft, Hist. of the U.S., vol.4, p.281

"I am fighting the battle of the legislature," said the king as the time of meeting parliament drew near; "I therefore have a right to expect an almost unanimous support; I know the uprightness of my intentions, and am ready to stand any attack of ever so dangerous a kind." The good sense of the English people reasoned very differently, and found an organ among the ministers. The duke of Grafton by letter entreated Lord North to go great lengths to bring about a durable reconciliation, giving as his reasons that "the general inclination of men of property in England differed from the declarations of the congress in America little more than in words; that many hearty friends to government had altered their opinions by the events of the year; that their confidence in a strong party among the colonists, ready to second a regular military force, was at an end; that, if the British regular force should be doubled, the Americans, whose behavior already had far surpassed every one's expectation, could and would increase theirs accordingly; that the contest was not only hopeless, but fraught with disgrace; that the attendant expenses would lay upon the country a burden which nothing could justify but an insult from a foreign enemy; that, therefore, the colonies should be invited by their deputies to state to parliament their wishes and expectations, and a truce be proclaimed, until the issue should be known."

Bancroft, Hist. of the U.S., vol.4, p.281

Of this communication Lord North took no note whatever until within six days of the opening of parliament, and then replied by enclosing a copy of the intended speech. Hastening to court, Grafton complained of the violent and impracticable schemes of the ministers, framed in a misconception of the resources of the colonies; and he added: "Deluded themselves, they are deluding your majesty." The king debated the business at large; but when he announced that a numerous body of German troops was to join the British forces, Grafton answered: "Your majesty will find too late that twice the number will only increase the disgrace, and never effect the purpose."

Bancroft, Hist. of the U.S., vol.4, p.281

On the twenty-sixth of October, two days after the failure of the first great effort to hire Russian mercenaries became known to the government, the king met the parliament. Making no allusion to the American congress or to its petition for conciliation and peace, he charged the colonies with levying a rebellious war for the purpose of establishing an in dependent empire. He professed to have received the most friendly offers of foreign assistance. He recommended an increase of the navy and the army; at the same time, he proposed to send commissioners with power to grant pardons and receive the submission of the several colonies.

Bancroft, Hist. of the U.S., vol.4, p.282

In the house of commons Acland, who moved the address, presented the question as between the independence of America, or her submission?" Lyttelton, a former governor of South Carolina, in seconding him, "seemed to take pleasure in informing the house that the negroes in the southern colony were numerous, and ready to imbrue their hands in the blood of their masters." The address was adopted by a vote of two hundred and seventy-eight against one hundred and ten.

Bancroft, Hist. of the U.S., vol.4, p.282

On the report of the address, the debate was renewed. "If we suffer by the war," said Lord North, "the Americans will suffer much more. Yet," he added, "I wish to God, if it were possible, to put the colonies as they were in 1763." His seeming disinclination to the measures of his own ministry drew on him a rebuke from Fox for not resigning his place. "The present war," argued Adair at length, "took its rise from the assertion of a right, at best but doubtful in itself; from whence the warmest advocates for it have long been forced to admit that this country can never derive a single shilling of advantage. The Americans say: 'Place us in the situation of the year sixty-three, and we will return to our constitutional subjection.' Take them at their word. If they should recede from their own proposals, you may then have recourse to war, with the advantage of a united instead of a divided people at home." Sir Gilbert Elliot was unwilling "to send a large armament to America without sending at the same time terms of accommodation." "I vote for the address," said Rigby, "because it sanctifies coercive measures. America must be conquered, and the present rebellion must be crushed ere the dispute will be ended." The commons unhesitatingly confirmed their vote of the previous night.

Bancroft, Hist. of the U.S., vol.4, p.283

Among the lords, Shelburne spoke of the petition of the congress as the fairest ground for an honorable and advantageous accommodation; and of Franklin as one whom "he had long and intimately known, and had ever found constant and earnest in the wish for conciliation upon the terms of ancient connection." His words were a prophecy of peace, and of himself and Franklin as its mediators; but on that night he was overborne by a majority of two to one. Some of the minority entered a protest, in which they said: "We conceive the calling in foreign forces to decide domestic quarrels to be a measure both disgraceful and dangerous."

Bancroft, Hist. of the U.S., vol.4, p.283

That same day the university of Oxford, the favored printer of the translated Bible for all whose mother tongue was the English, the natural guardian of the principles and the example of Wycliffe and Latimer and Ridley and Cranmer, the tutor of the youth of England, addressed the king against the Americans as "a people who had forfeited their lives and fortunes to the justice of the state."

Bancroft, Hist. of the U.S., vol.4, p.283 - p.284

On the last day of October, Lord Stormont, the British ambassador, was received at the French court. The king of France, whose sympathies were all on the side of monarchical power, said to him: " Happily the opposition party is now very weak." From the king, Stormont went to Vergennes, who expressed the desire to live in perfect harmony with England; "far from wishing to increase your embarrassments," said he, "we see them with some uneasiness." "The consequences," observed Stormont, "cannot escape a man of your penetration and extensive views." "Indeed, they are very obvious," responded Vergennes; "they are as obvious as the consequences of the cession of Canada. I was at Constantinople when the last peace was made; when I heard its conditions, I told several of my friends there that England would ere long have reason to repent of having removed the only check that could keep her colonies in awe. My prediction has been but too well verified. I equally see the consequences that must follow the independence of North America, if your colonies should carry that point, at which they now so visibly aim. They might, when they pleased, conquer both your islands and ours. I am persuaded that they would not stop there, but would in process of time advance to the southern continent of America, and either subdue its inhabitants or carry them along with them, and in the end not leave a foot of that hemisphere in the possession of any European power. All these consequences will not indeed be immediate: neither you nor I shall live to see them; but for being remote they are not less sure."

Bancroft, Hist. of the U.S., vol.4, p.284

On the first of November the duke of Manchester said to the lords: "The violence of the times has wrested America from the British crown, and spurned the jewel because the setting appeared uncouth;" but the debate which he opened had no effect except that Grafton took part with him, and as a consequence resigned his place as keeper of the privy seal. On the tenth Richard Penn was called to the bar of the house of lords, where he bore witness in great detail to the sincerity of the American congress in their wish for conciliation, and to the unanimity of support which they received from the people. The duke of Richmond proposed to accept the petition from that congress to the king as a ground for conciliation; he was ably supported by Shelburne; but his motion, like every similar motion in either house, was negatived by a majority of about two to one.

Bancroft, Hist. of the U.S., vol.4, p.284 - p.285

On the same day Rochford retired on a pension, making way for Lord Weymouth, who greatly surpassed him in ability and resolution. Dartmouth took the privy seal, but without a seat in the cabinet. The American department was transferred to Lord George Sackville Germain, who concentrated in himself all the political patronage of the house of Dorset, and promised to carry out the measures recommended by him in the house of commons on the twenty-eighth of March 1774. The man thus selected to conduct the civil war in America stood before Europe as an officer cashiered for cowardice on the field of battle. George II., who was brave and a strict disciplinarian, thought the sentence just, and was inexorable toward him. His admission to court at the accession of George III confirmed the rupture between Pitt and the earl of Bute. He owed his rehabilitation to Rockingham, to whom he instantly proved false. Chad ham would never sit with him at the council board. Haunted by corroding recollections and stupidly self-confident, he entered on the high office, for which he was of all men the least competent; eager to efface his ignominy by rivalling the career of Pitt in the seven years' war. But he had not any one quality that fitted him for an important military office: so that his appointment was of the very best augury for the insurgent Americans. Minutely precise and formal, he had a feverish activity, punctuality to a minute, and personal application, but no sagacity, nor quick perception, nor soundness of judgment, nor that mastery over others which comes from force of character and warmth of heart. He could not plan a campaign, and was a most uncomfortable chief, always proposing to the general officers under his direction measures which they had not the means to execute, and always throwing upon them the fault of failure. His rancor toward those at whom he took offence was bitter and unending; his temper petulant, and ruled by passions violent and constant, yet petty in their objects. Apparelled on Sunday morning in gala, as if for the drawing-room, he constantly marched out all his household to his parish church, where he would mark time for the Singing gallery, chide a rustic chorister for a discord, stand up during the sermon to survey the congregation or overawe the idle, and gesticulate approbation to the preacher, or cheer him by name.

Bancroft, Hist. of the U.S., vol.4, p.285 - p.286

The capacity of Germain had been greatly overrated. He was restless and loved intrigue; ambitious, opinionated, and full of envy; when he spoke, it was arrogantly, as if to set others right; his nature combined contemptuous haughtiness toward his inferiors and subordinates, and meanness of spirit. Without fidelity, fixed principles, or logical clearness of mind, unfit to conduct armies or affairs, he joined cowardice with love of superiority and "malevolence" toward those who thwarted or opposed him. He was rich; but in a period of corrupt government he was distinguished for the inordinate gratification of his own cupidity in the exercise of his powers of patronage and confiscation. Though smooth and kindly to his inferiors and dependants, he was capable of ordering the most atrocious acts of cruelty; could rebuke his generals for checking savages in their fury as destroyers; and at night, on coming home to his supper and his claret—the friendless man, unloving and unloved, could, with cold, vengeful malice, plan how to lay America in ashes, since he knew not how to reduce her to submission.

Bancroft, Hist. of the U.S., vol.4, p.286

Germain's appointment shows how little the sympathies of the English people were considered; the administration, as it was now constituted, was the weakest, the most destitute of principles, and the most unpopular of that century. The England that the world revered, the England that kept alive in Europe the vestal fire of freedom, was at this time outside of the government, though steadily gaining political strength. "Chatham, while he had life in him, was its nerve." Had Grenville been living, it would have included Grenville; it retained Rockingham, Grenville's successor; it had now recovered Grafton, Chatham's successor. The king's policy was not in harmony with the England of the revolution, nor with that of the eighteenth century, nor with that of the nineteenth. The England of to-day, which receives and brightens and passes along the torch of liberty, has an honest lineage, and springs from the England of the last century; but it had no representative in the ministry of Lord North or the majority of the fourteenth parliament. America would right herself within a year; Britain and Ireland must wait more than a half-century.

Bancroft, Hist. of the U.S., vol.4, p.286 - p.287

How completely the ministry were stumbling along without a policy appeared from the debates. On the eighth Lord Barrington asked of the house in a committee of supply an appropriation for twenty-five thousand men to be employed in America, and said with seeming authority of a minister: "The idea of taxing America is entirely given up; the only consideration is how to secure the constitutional dependency of that country. The general plan adopted by administration is first to arm, and then send out commissioners." But when Lord North, on the thirteenth, in a committee of supply moved the full tax of four shillings in the pound on land, he had to encounter and overcome the rankling discontent of the landed gentry, for whom a reduction of a shilling in the pound of the land-tax was to have been the first fruits of their support of the American measures, and he spoke in this wise: "When his majesty's ministers said that the idea of taxation was abandoned, they never intended by that expression more than that taxation is but a matter of secondary consideration, when the supremacy and legislative authority of this country are at stake. Taxation is not, nor ever was out of their view. It should be insisted on and enforced, to insure your legislative authority, though no kind of advantage should arise from it." The explanation gave satisfaction; Lord North retained support by a sacrifice of his opinions and of America.

Bancroft, Hist. of the U.S., vol.4, p.287

On the sixteenth Burke brought forward a bill for composing the existing troubles by renouncing the pretension to an American revenue. "If we are to have no peace," replied Germain, "unless we give up the right of taxation, the contest is brought to its fair issue. I trust we shall draw a revenue from America; the spirit of this country will go along with me in the idea to crush rebellious resistance."

Bancroft, Hist. of the U.S., vol.4, p.287

As he said this, the orders were already on the way to hire troops of the roytelets of Brunswick and Hesse-Cassel, and, in defiance of the laws of the empire, to raise recruits in Germany; for, if Britain was to crush the Americans, it could not be done by Englishmen.

Bancroft, Hist. of the U.S., vol.4, p.287 - p.288

In Ireland the ministry controlled a majority of her legislature, and sought to allay discontent by concessions in favor of her commerce and manufactures. The consent of the Irish house of commons was requested to sending four thousand of the troops on the Irish establishment to America, and receiving in their stead four thousand German Protestants. "If we give our consent," objected Ponsonby, in the debate on the twenty-fifth of November, "we shall take part against America, contrary to justice, to prudence, and to humanity." "The war is unjust," said Fitzgibbon, "and Ireland has no reason to be a party therein." Sir Edward Newenham could not agree to send more troops to butcher men who were fighting for their liberty; and he reprobated the introduction of foreign mercenaries as equally militating against true reason and sound policy. "If men must be sent to America," cried George Ogle, "send foreign mercenaries, not the sons of Ireland." Hussey Burgh condemned the American war as "a violation of the law of nations, the law of the land, the law of humanity, the law of nature; he would not vote a single sword without an address recommending conciliatory measures; the ministry, if victorious, would only establish a right to the harvest when they had burnt the grain." Yet the troops were voted by one hundred and twenty-one against seventy-six, although the resolution to replace them by foreign Protestants was negatived.

Bancroft, Hist. of the U.S., vol.4, p.288

The majority in both parliaments did not quiet Lord North. Sir George Saville describes him "as one day for conciliation; but, as soon as the first word is out, he is checked and controlled, and, instead of conciliation, out comes confusion." On the first of December he pressed to a second reading the American bill, which consolidated the several penal acts and enlarged them into a prohibition of the trade of all the thirteen colonies. American vessels and goods were made the property of their captors; the prisoners might be compelled to serve the king even against their own countrymen. No one American grievance was removed.

Bancroft, Hist. of the U.S., vol.4, p.288

The atrocity of the measure was exposed in the house of commons, but without effect; on the third reading, in the house of lords, Mansfield said: "The people of America are as much bound to obey the acts of the British parliament as the inhabitants of London and Middlesex. I have not a doubt in my mind that ever since the peace of Paris the northern colonies have been meditating a state of independence on this country. But, allowing that all their professions are genuine, are we to stand idle because we are told this is an unjust war? The justice of the cause must give way to our present situation; and the consequences which must ensue should we recede, would, nay must, be infinitely worse than agreeing to a final separation." After these words, the bill was adopted without a division.

Bancroft, Hist. of the U.S., vol.4, p.288 - p.289

Outside of parliament, the opinion of the most intelligent among the philosophers of Britain was divided. The lukewarm Presbyterian, William Robertson, would have the British "leaders at once exert the power of the British empire in its full force," and station a "few regiments in each capital." Like Mansfield, he was certain that the Americans had been aiming all along at independence; and, like the Bedford party, he held it fortunate that matters had so soon been brought to a crisis. As a lover of mankind, he was ready to bewail the check to prosperous and growing states; but, said he, "we are past the hour of lenitives and half exertions."

Bancroft, Hist. of the U.S., vol.4, p.289

On the other hand, John Millar, the professor of law in the university of Glasgow, taught the youth of Scotland who frequented his lectures "that the republican form of government is by far the best, either for a very small or a very extensive country."

Bancroft, Hist. of the U.S., vol.4, p.289

"I cannot but agree with him," said David Hume, who yet maintained that it would be "most criminal"to disjoint the established government in Great Britain, where he believed a republic would so certainly be the immediate forerunner of despotism that none but fools would think to augment liberty by shaking off monarchy. But he had no faith in the universal application of the monarchical principle. "The ancient republics," said he, rising above the influence of his philosophy, "were somewhat ferocious and torn by bloody factions; but they were still much preferable to the ancient monarchies or aristocracies, which seem to have been quite intolerable. Modern manners have corrected this abuse; and all the republics in Europe, without exception, are so well governed that one is at a loss to which we should give the preference. I am an American in my principles, and wish we would let them alone to govern or misgovern themselves, as they think proper.

Bancroft, Hist. of the U.S., vol.4, p.289 - p.290

But one greater than Robertson and wiser than Hume gave the best expression to the mind of Scotland. Adam Smith, the peer and the teacher of statesmen, enrolled among the benefactors of our race, one who had closely studied the economy of France as well as of Britain, and who in his style combined the grace and the clearness of a man of the world with profound wisdom and the sincere search for truth, applied to the crisis those principles of freedom and right which made Scotland, under every disadvantage of an oppressive form of feudalism and a deceitful system of representation, an efficient instrument in promoting the liberties of mankind. He would have the American colonies either fairly represented in parliament or independent. The prohibitory laws of England toward the colonies he pronounced "a manifest violation of the most sacred rights," "impertinent badges of slavery imposed upon them without any sufficient reason by the groundless jealousy of the merchants and manufacturers of the mother country." "Great Britain," said he, "derives nothing but loss from the dominion she assumes over her colonies." "It is not very probable that they will ever voluntarily submit to us; the blood which must be shed in forcing them to do so is every drop of it the blood of those who are or of those whom we wish to have for our fellow-citizens." "They are very weak who flatter themselves that, in the state to which things are come, our colonies will be easily conquered by force alone." And he pointed out the vast immediate and continuing advantages which Great Britain would derive if she "should voluntarily give up all authority over her colonies, and leave them to elect their own magistrates, to enact their own laws, and to make peace and war as they might think proper."

Bancroft, Hist. of the U.S., vol.4, p.290

Josiah Tucker, an English royalist writer on political economy, had studied perseveringly the laws of nature, which are the laws of God, in their application to commerce; and, at the risk of being rated a visionary enthusiast, he sought to convince the landed gentry that Great Britain would lose nothing if she should renounce her colonies and cultivate commerce with them as an independent nation. This he enforced with such strength of argument and perspicuity of statement that he made a proselyte of Soame Jenyns who wrote verses in his praise, and was approved by Lord Mansfield.

Bancroft, Hist. of the U.S., vol.4, p.290

Through the clouds of conflict and passion rose the cheering idea that the impending change, which had been deprecated as the ruin of the empire, would bring no disaster to Britain. American statesmen had struggled to avoid a separation; the measures of the British government, as one by one they were successively borne across the Atlantic—disregard of the petition of congress by the king, his speech to parliament, his avowed negotiations for mercenaries, the closure of the ports of all the thirteen colonies and the confiscation of all their property on the ocean—forced upon them the conviction that they must protect and govern themselves.

Chapter 19:

Annexation of Canada,

August-December 1775

Bancroft, Hist. of the U.S., vol.4, p.291

THE continental congress had, on the first of June 1775, disclaimed the purpose of invading Canada; and a French version of their resolution was distributed among its inhabitants. But on the ninth of that month the governor of the province proclaimed the American borderers to be rebellious traitors, established martial law, summoned the French peasantry to serve under the old colonial nobility, and instigated alike the converted Indian tribes and the savages of the Northwest to take up the hatchet against New York and New England. These movements made the occupation of Canada by America an act of self-defence; it received the unflinching approval of Dickinson and occupied in a special manner the attention of New York.

Bancroft, Hist. of the U.S., vol.4, p.291

The French nobility and the Catholic clergy acquiesced in the new form of government; but a large part of the British residents detested their subjection to arbitrary power; and the Canadian peasantry denied the authority of their seigniors as magistrates, resisted their claim of a right to command their military services, and were willing to welcome an invasion.

Bancroft, Hist. of the U.S., vol.4, p.291

At the instance of Carleton, the Catholic bishop sent a mandate to the several parishes, to be read by the clergy after divine service; but the peasantry persisted in refusing to turn out.

Bancroft, Hist. of the U.S., vol.4, p.291 - p.292

Schuyler, on taking command of the northern army, despatched Major John Brown to learn the state of Canada. On the twenty-seventh of July the regiment of Green Mountain Boys elected its officers; and Seth Warner, a man of courage and good judgment, was chosen its lieutenant-colonel. Preparations were made for crossing the boundary; but Schuyler had only twelve hundred men, and, judging them insufficient for the enterprise, he waited for the orders which, on the sixth of August, he solicited from congress. Before the middle of the month Brown returned from a perilous march of observation, and reported that now was the time to acquire Canada, where there were only about four hundred regulars, beside the garrison of three hundred at St. John's; that the inhabitants were friends; that the militia refused to serve under the French officers lately appointed. At the same time, a new arrival at Ticonderoga changed the spirit of the camp.

Bancroft, Hist. of the U.S., vol.4, p.292

We have seen Richard Montgomery, who had served in the army from the age of fifteen, gain distinction in the seven years' war. Failing after the peace in his pursuit of the promotion to which his good service gave him a right to aspire, he sold his commission and emigrated to New York. Here, in 1773, he renewed his acquaintance with the family of Robert R. Livingston, and married his eldest daughter. Never intending to draw his sword again, studious in his habits, he wished for a country life at Rhinebeck; and his wife, whose affections he entirely possessed, willingly conformed to his tastes. The father of his wife used to say that, "if American liberty should not be maintained, he would carry his family to Switzerland, as the only free country in the world." Her grandfather, the aged Robert Livingston, was the stanchest patriot of them all. In 1773, in his eighty-fourth year, he foretold the conflict with England; at the news of the retreat of the British from Concord, he confidently announced American independence. After the battle of Bunker Hill, as he lay calmly on his death-bed, his last words were: "What news from Boston?"

Bancroft, Hist. of the U.S., vol.4, p.292 - p.293

The county of Dutchess in April 1775, selected Montgomery as a delegate to the first provincial convention in New York, where he distinguished himself by modesty, decision, and sound judgment. Accepting his appointment as brigadier-general, he reluctantly bade adieu to his "quiet scheme of life," "perhaps," he said, "forever; but the will of an oppressed people, compelled to choose between liberty and slavery, must be obeyed."

Bancroft, Hist. of the U.S., vol.4, p.293

On the sixth of August, from Albany, he advised that Tryon should be conducted out of the way of mischief to Hartford. He reasoned in favor of the occupation of Canada, as the means of guarding against Indian hostilities, and displaying to the world the strength of the confederated colonies; it was enlarging the sphere of operations, but a failure would not impair the means of keeping the command of Lake Champlain. Summoned by Schuyler to Ticonderoga, he was attended as far as Saratoga by his wife, whose gloomy forebodings he soothed by cheerfulness and good humor. His last words to her at parting were: "You will never have cause to blush for your Montgomery."

Bancroft, Hist. of the U.S., vol.4, p.293

When, on the seventeenth of August, he arrived at Ticonderoga, Schuyler departed for Saratoga, promising to return on the twentieth. That day passed, and others; and still he did not come. On the twenty-fifth, Montgomery wrote to him entreatingly to join the army with all expedition, as the way to give it confidence in his spirit and activity. On the evening of the twenty-sixth, Schuyler, at Albany, received an express from Washington, urging the acquisition of Canada, and promising an auxiliary enterprise by way of the Kennebec. "I am sure," wrote the chief, "you will not let any difficulties, not insuperable, damp your ardor; perseverance and spirit have done wonders in all ages. You will therefore, by the return of this messenger, inform me of your ultimate resolution; not a moment's time is to be lost." In obedience to this letter, Schuyler set off for his army.

Bancroft, Hist. of the U.S., vol.4, p.293 - p.294

Montgomery, wherever he came, looked to see what could be done, and to devise the means of doing it; he had informed Schuyler that he should probably reach St. John's on the first day of September. Schuyler sent back no reply. "Moving without your orders," pursued Montgomery, "I do not like; but the prevention of the enemy is of the utmost consequence; for, if he gets his vessels into the lake, it is over with us for the present summer;" and he went forward with a thousand or twelve hundred men. On the fourth of September he was joined at Isle La Motte by Schuyler, and they proceeded to Isle-aux-Noix. The next day a declaration of friendship was dispersed among the inhabitants. On the sixth, Schuyler, with forces not exceeding a thousand, marched toward St. John's. In crossing a creek, the left of the advanced line was attacked by a party of Indians; but, being promptly supported by Montgomery, it beat off the assailants, yet with a loss of nine subalterns and privates. The next day, acting on false information, Schuyler led back the troops unmolested to the Isle-aux-Noix. From that station he wrote to congress that he should retire, unless he should "receive their orders to the contrary." He further announced to them that in health he was "so low as not to be able to hold the pen;" and, being put to bed in a covered boat, he withdrew from the conduct of the campaign.

Bancroft, Hist. of the U.S., vol.4, p.294

His letter was the occasion of "a large controversy" in congress; the proposal to abandon Isle-aux-Noix was severely disapproved, and it was resolved to spare neither men nor money for his army. If the Canadians would remain neuter, no doubt was entertained of the acquisition of Canada. Schuyler was encouraged to attend to his health, and thus the command of the invading army fell to Montgomery.

Bancroft, Hist. of the U.S., vol.4, p.294

The gallant Irishman, on the day after Schuyler left Isle-aux-Noix, began the investment of the well-provisioned citadel of St. John's. The Indians kept quiet, and the zealous efforts of the governor, the clergy, and the French nobility had hardly added a hundred men to the garrison. Carleton thought himself abandoned by all the earth, and wrote to the British commander-in-chief at Boston: "I had hopes of holding out for this year, had the savages remained firm; but now we are on the eve of being overrun and subdued."

Bancroft, Hist. of the U.S., vol.4, p.294

On the morning after Montgomery's arrival near St. John's he marched five hundred men to the north of the fortress, where he stationed them to cut off its connections. A sally from the fortress was beaten off, and the American detachment was successfully established at the divergence of the roads to Chambly and Montreal. Additions to his force and supplies of food were continually arriving through the indefatigable attention of Schuyler; and, though the siege flagged for the want of powder, the investment was soon made so close that the retreat of the garrison was impossible.

Bancroft, Hist. of the U.S., vol.4, p.295

Ethan Allen had been sent to Chambly to raise a corps of Canadians. They gathered round him with spirit, and his officers advised him to lead them without delay to the army; but, with boundless rashness, he indulged himself in a vision of surprising Montreal as he had surprised Ticonderoga. In the night preceding the twenty-fifth of September he passed over from Longueil to Long Point with about eighty Canadians and thirty Americans, though he had so few canoes that but a third of his party could embark at once. About two hours after sunrise he was attacked by a mixed party of regulars, English residents of Montreal, Canadians, and Indians, in all about five hundred men, and, after a defence of an hour and three quarters, he surrendered himself and thirty-eight men; the rest fled to the woods. The wounded prisoners, seven in number, entered the hospital; the rest were shackled together in pairs, and distributed among different transports in the river. Allen, the captor of Ticonderoga, was chained with heavy leg-irons and shipped to England, where he was imprisoned in Pendennis castle.

Bancroft, Hist. of the U.S., vol.4, p.295

The issue of this adventure daunted the Canadians for a moment; but difficulties only brought out the resources of Montgomery. Of the field officers, he esteemed Brown above others for his ability; Macpherson, his aide-de-camp, a very young man, of good sense and rare endowments, was universally beloved; in John Lamb, captain of a New York company of artillery, he found "a restless genius, brave, active, and intelligent, but very turbulent and troublesome." "The troops carried the spirit of freedom into the field, and thought for themselves." He wrote home: "The master of Hindostan could not recompense me for this summer's work, where no credit can be obtained. O fortunate husbandmen, would I were at my plough again!" Yet, amid all his vexations, he so won the affection of his army that every sick soldier, officer, or deserter, that passed home, agreed in praising him wherever they stopped, so that his reputation rose throughout the country.

Bancroft, Hist. of the U.S., vol.4, p.295 - p.296

Anxious to relieve St. John's, Carleton, after the capture of Allen, succeeded in assembling about nine hundred Canadians at Montreal; but the inhabitants generally favored the American cause, and they disappeared by desertions, thirty or forty of a night, till he was left almost as forlorn as before. The Indians "were easily dejected and chose to be of the strongest side, so that when they were most wanted they vanished."

Bancroft, Hist. of the U.S., vol.4, p.296

In this state of mutual weakness the inhabitants of the parishes of Chambly turned the scale. Ranging themselves under James Livingston of New York, then a resident in Canada, and assisted by Major Brown, with a small detachment from Montgomery, they sat down before the fort in Chambly, which, on the eighteenth of October, after a siege of a day and a half, was ingloriously surrendered by the English commandant. The colors of the seventh regiment were transmitted to congress; the prisoners, one hundred and sixty-eight in number, were marched to Connecticut; but the great gain to the Americans was seventeen cannon and six tons of powder.

Bancroft, Hist. of the U.S., vol.4, p.296

The army of Montgomery yielded more readily to his guidance; Wooster of Connecticut had arrived, and set an example of cheerful obedience to his orders. At the north-west a battery was constructed on an eminence within two hundred and fifty yards of the fort; and by the thirtieth it was in full action. To raise the siege, Carleton, having by desperate exertions brought together about eight hundred Indians, Canadians, and regulars, on the last day of October attempted to take them across the St. Lawrence; but, as they drew near the southern bank, Warner, with three hundred Green Mountain Boys and men of the second New York regiment, poured on them so destructive a fire that they retired with loss and in disorder.

Bancroft, Hist. of the U.S., vol.4, p.296

At the news of Carleton's defeat, Maclean, the commandant of St. John's, deserted by the Canadians and losing all hope of support, retired to Quebec, while the besiegers pushed on their work with unceasing diligence, keeping up a well-directed fire by day and night. On the third of November after a Siege of fifty days, the fort of St. John's surrendered; and its garrison, consisting of five hundred regulars and one hundred Canadians, many of whom were of the French gentry, marched out with the honors of war.

Bancroft, Hist. of the U.S., vol.4, p.296 - p.297

On the twelfth, unopposed, Montgomery took possession of Montreal. He came to give the Canadians the opportunity of establishing their freedom and reforming their laws; and he requested them to choose, as soon as possible, "faithful representatives to sit in the continental congress, and make a part of that union." He earnestly urged Schuyler to pass the winter in the chief town of upper Canada. "I have courted fortune," he wrote to his brother-in-law, "and found her kind. I have one more favor to solicit, and then I have done." Men, money, and artillery were wanting; in the face of a Canadian winter, he nevertheless resolved to form a junction with the regiments sent through the wilderness by Washington, and attempt the liberation of the lower part of the province through the co-operation alike of its French and English inhabitants. The attempt must be made before the breaking up of the ice in the river, when the arrival of British reinforcements from Europe would render success impossible.

Bancroft, Hist. of the U.S., vol.4, p.297

The invasion of Canada by the Americans was the natural result of the capture of Ticonderoga. It was not in its origin the deliberate purpose of congress. An attack on the northern border of New York was formally threatened from Canada, and the opinion prevailed that it could be best resisted by meeting it in the land of the enemy. Washington had put aside every private suggestion to divide his strength; nor could he be tempted even to take part in an expedition against Nova Scotia. But as war raged on the St. Lawrence, his duty as commander-in-chief required that he should promote its success; and, being informed of the possibility of reaching Quebec by land, he was led to take the chances of surprising its citadel by the aid of the Canadians themselves. In this wise it came about that he organized an expedition to the lower St. Lawrence. For its chief officer he selected Benedict Arnold, who had taken part in the surprise of Ticonderoga, and who in former days as a trader had visited Quebec, where he still kept up a correspondence.

Bancroft, Hist. of the U.S., vol.4, p.297

The detachment from the army round Boston consisted of ten companies of New England infantry, one of riflemen from Virginia, and two from Pennsylvania: in all, two battalions of about eleven hundred men.

Bancroft, Hist. of the U.S., vol.4, p.297

The lieutenant-colonels were Roger Enos and the brave Christopher Greene of Rhode Island. The majors were Return J. Meigs of Connecticut, and Timothy Bigelow, the early patriot of Worcester, Massachusetts. Daniel Morgan, with Humphreys and Heth, led the Virginia riflemen; Hendricks, a Pennsylvania company; Thayer commanded one from Rhode Island, and, like Arnold, Meigs, Dearborn, Henry, Senter, and Melvin, left a journal of the expedition. Aaron Burr, then but nineteen years old, and his friend Matthias Ogden, carrying muskets and knapsacks, joined as volunteers. Samuel Spring attended as chaplain.

Bancroft, Hist. of the U.S., vol.4, p.298

The instructions given to Arnold had for their motive affectionate cooperation with the Canadians. They enjoined respect for the rights of property and the freedom of conscience, " ever considering that God alone is the judge of the hearts of men, and to him only in this case they are answerable." "Should Chatham's son fall into your power," wrote Washington, "you cannot pay too much honor to the son of so illustrious a character, and so true a friend to America." Chatham, from his fixed opinion of the war, desired to withdraw his son from the service; and Carleton, anticipating that wish, had already sent him home as bearer of despatches. To the Canadians Washington's words were: "The cause of America and of liberty is the cause of every American whatever may be his religion or his descent. Come, then, range yourselves under the standard of general liberty."

Bancroft, Hist. of the U.S., vol.4, p.298

Boats and provisions having been collected, the detachment, on the evening of the nineteenth of September, sailed from Newburyport, and the next morning entered the Kennebec. Passing above the bay where that river is met by the Androscoggin, they halted at Fort Western, which consisted of two block-houses, and one large house, enclosed with pickets, hard by the east bank of the river, on the site of Augusta. The detachment followed in four divisions, in as many successive days. Each division took provisions for forty-five days. On the twenty-fifth, Morgan and the riflemen were sent first to clear the path; Greene and Bigelow followed with three companies of musketeers; Meigs with four more went next; Enos with three companies closed the rear.

Bancroft, Hist. of the U.S., vol.4, p.298 - p.299

They ascended the river slowly to Fort Halifax, opposite Waterville; daily to their waists in water, hauling their boats against a very rapid current. On the fourth of October they passed the vestiges of an Indian chapel, a fort, and the grave of the missionary Rasles. After they took leave of settlements and houses at Norridgewock, their course lay up the swift Kennebec, which flowed through the thickly forested and almost trackless wild; now rowing, now dragging their boats, now bearing them on their shoulders round rapids and cataracts, across morasses, over craggy highlands. On the tenth the party reached the dividing ridge between the Kennebec and Dead river. An advance party of seven men marked the shortest carrying-place from the Kennebec to the Dead river by snagging the bushes and blazing the trees. Their way stretched through forests of pine, balsam fir, cedar, cypress, hemlock, and yellow birch, and over three ponds, that lay hid among the trees and were full of trout. After passing them, they had no choice but to carry their boats, baggage, stores, and ammunition across a swamp, which was overgrown with bushes and white moss, often sinking knee deep in the wet turf. From Dead river, Arnold on the thirteenth wrote to the commander of the northern army, announcing his plan of co-operation. Of his friends in Quebec he inquired what ships were there, what number of troops, and what was the disposition of the Canadians and merchants; and he rashly made an Indian the bearer of his letters.

Bancroft, Hist. of the U.S., vol.4, p.299

Following the Dead river eighty-three miles, encountering near its source a series of small ponds choked with fallen trees, and afterward seventeen portages, in ten or twelve days more the main body arrived at the great carrying-place to the Chaudiere. On the way they heard that Enos, who commanded the rear, had, without any justification from his orders, led back his three companies to Cambridge.

Bancroft, Hist. of the U.S., vol.4, p.299

The mountains had been clad in snow since September; winter was howling around them, and their course was still to the north. On the night preceding the twenty-eighth of October some of the party encamped on the summits from which the waters flow to the St. Lawrence. As they advanced, their sufferings increased. Some went barefoot for days together. Their path was shagged with thorns; their clothes had become so torn they were almost naked; at night they had no couch or cover but branches of evergreens. Often for successive days and nights they were exposed to drenching storms, and had to cross torrents that were swelling with the rain. Their provisions failed, so that they even eat the dogs that followed them. Many a man, struggling to march on, stiffened with cold and death. Here and there a helpless invalid was left behind, with perhaps a soldier to hunt for a red squirrel, a jay, or a hawk, or gather roots and plants for his food, and watch his expiring breath. On Dead river, Macleland, the lieutenant of Hendricks's company, was suffering from inflammation of the lungs; his friends tenderly carried him on a litter across the mountain, Hendricks in his turn putting his shoulder to the burden.

Bancroft, Hist. of the U.S., vol.4, p.300

The men had hauled their barges up stream nearly all the way for one hundred and eighty miles, had carried them nearly forty miles, through hideous woods and mountains, over swamps, which they were obliged to cross three or four times to fetch their baggage; yet starving, and with uncertainty ahead, officers and men pushed on with invincible fortitude.

Bancroft, Hist. of the U.S., vol.4, p.300

In the too great eagerness to descend the rocky channel of the Chaudiere, three of their boats, laden with ammunition and precious stores, which had been brought along with so much toil, were overset in the whirls of the stream. On the second of November, French Canadians came up with two horses, driving before them five oxen, at which the party fired a salute, and laughed with frantic delight. On the fourth, about an hour before noon, they descried a house at Sertigan, twenty-five leagues from Quebec, near the fork of the Chaudiere and the Du Loup. It was the first they had seen for thirty-one days; and never could the view of cultivated fields or flourishing cities awaken such ecstasy of gladness as this rude hovel on the edge of the wilderness. Macleland was brought down to its shelter, though he breathed his farewell to the world the day after his arrival.

Bancroft, Hist. of the U.S., vol.4, p.300

The party followed the winding river to the parish of St. Mary, straggling through a fiat and rich country, which had for its ornament low, bright, whitewashed houses, the comfortable abodes of a cheerful and hospitable people. Here and there along the road chapels met their eyes, and images of the Virgin Mary, and rude imitations of the Saviour's sorrows.

Bancroft, Hist. of the U.S., vol.4, p.301

By the labor of seven weeks, Cramahe, the lieutenant-governor, had put the walls of Quebec into a good posture for defence. Communications, intrusted by Arnold to friendly Indians, had been, in part at least, intercepted. A vessel from Newfoundland had brought a hundred carpenters. Colonel Allan Maclean arrived on the twelfth with a hundred and seventy men, levied chiefly among disbanded Highlanders who had settled in Canada. The Lizard and the Hunter, ships-of-war, were in the harbor; and the masters of merchant ships with their men were detained for the defence of the town.

Bancroft, Hist. of the U.S., vol.4, p.301

At nine in the evening of the thirteenth Arnold began his embarkation in canoes, which were but thirty in number, and carried less than two hundred at a time; by crossing the river three times, before daybreak on the morning of the fourteenth all of his party, except about one hundred and fifty left at Point Levi, were landed undiscovered at Wolfe's Cove. The five hundred half-armed musketeers met no resistance as they climbed the oblique path to the Plains of Abraham. "The enemy being apprised of their coming," Arnold "found it impracticable to attack them without too great risk." In the evening he sent a flag to demand the surrender of the place. The British would not receive the flag, and would not come out. The invaders had no chance of success, except their friends within the walls should rise; and of this there were no signs. As the result, their ammunition being reduced to but five rounds to each man, on the nineteenth Arnold withdrew his party to Point aux Trembles, eight leagues above Quebec, where they awaited the orders of Montgomery.

Bancroft, Hist. of the U.S., vol.4, p.301 - p.302

The St. Lawrence, near the mouth of the Sorel, was guarded by continental troops under Easton. In the darkest hour of the night following the sixteenth of November, Carleton, disguised as a peasant, passed them in a small boat. On the next day Prescott, the British brigadier, from sheer cowardice, surrendered the flotilla of eleven sail, with all the soldiers, sailors, and stores on board, without a blow given or received. Touching as a fugitive at Trois Rivieres, Carleton arrived on the nineteenth at Quebec. He had witnessed how much of the success of Wolfe had been due to the rashness of Montcalm in risking a battle outside of the walls. His caution and his firmness were guarantees that the place would be pertinaciously defended.

Bancroft, Hist. of the U.S., vol.4, p.302

The progress of Montgomery had emboldened a party in Quebec to confess a willingness to receive him on terms of capitulation. But, on the twenty-second, Carleton ordered all persons who would not join in the defence of the town to leave it within four days; and after their departure he found himself supported by more than three hundred regulars, three

hundred and thirty Anglo-Canadian militia, five hundred and forty-three French Canadians, four hundred and eighty-five seamen and marines, beside a hundred and twenty artificers capable of bearing arms.

Bancroft, Hist. of the U.S., vol.4, p.302

After Montreal was taken and winter was come, Montgomery was left with no more than eight hundred men to garrison his conquests, and to go down against Quebec. Even most of the Green Mountain Boys had gone home.

Bancroft, Hist. of the U.S., vol.4, p.302 - p.303

On the twenty-sixth, leaving St. John's under the command of Marinus Willett of New York, intrusting the government of Montreal to Wooster of Connecticut, and in the spirit of a law-giver who was to regenerate the province, making a declaration that on his return he would call a convention of the Canadian people, Montgomery, with artillery and provisions, embarked three hundred men, and on the third of December made a junction with Arnold. "The famine-proof veterans," now but six hundred and seventy-five in number, were paraded, to hear their praises from the lips of the hero who, in animating words, did justice to their courage and superior style of discipline. From the public stores which he had taken they received clothing suited to the terrible climate; and about noon on the fifth the army, composed of less than a thousand American troops and a volunteer regiment of about two hundred Canadians, appeared before Quebec, which had a garrison of nearly twice their number, more than two hundred cannon of heavy metal, and provisions for eight months. There could therefore be no hope of its capture but by storm, and, as the engagements of the New England men ended with the thirty-first of December, the assault must be made within twenty-six days. Montgomery grieved for the loss of life that might ensue, but his decision was prompt and unchanging. The works of the lower town were the weakest; these he thought it possible to carry, and then the favor of the inhabitants in the upper town, their concern for their property, the unwarlike character of the garrison, the small military ability of Carleton, offered chances of success.

Bancroft, Hist. of the U.S., vol.4, p.303

Montgomery demanded the surrender of she city; but his flag of truce was not admitted; and every effort at correspondence with the citizens failed.

Bancroft, Hist. of the U.S., vol.4, p.303

Four or five mortars were placed in St. Roc's, but the small shells which they threw did no essential injury to the garrison. A battery was begun about seven hundred yards south-west of St. John's gate; as the ground was frozen, the gabions and the interstices of the fascines were filled with snow; and on this water was poured, which froze instantly in the intense cold. On the fifteenth, the day after the work was finished, a flag of truce was again sent toward the wall, but the governor would " hold no parley with rebels." Montgomery knew that Carleton could not be provoked into making a sally, and would sooner be buried under heaps of ruins than come to terms.

Bancroft, Hist. of the U.S., vol.4, p.303

"To the storming we must come at last," said Montgomery. On the evening of the sixteenth, at a council of the commissioned officers of Arnold's detachment, a large majority voted for making an assault as soon as the men could be provided with bayonets, hatchets, and hand-grenades. "In case of success," Montgomery promised to the soldiery "the effects of those who had been most active against the united colonies." Days of preparation ensued, during which he revolved his desperate situation. His rapid conquests had filled the world with his praise; the colonies held nothing impossible to his good conduct and fortune; he had received the order of congress to hold Quebec, if it should come into his hands; and Howe never doubted of its surrender. Should Quebec be taken, the Canadians would enter heartily into the union and send their deputies to congress. "Fortune," said Montgomery, "favors the brave; and no fatal consequences are likely to attend a failure."

Bancroft, Hist. of the U.S., vol.4, p.304

One day the general, accompanied by his aide-de-camp, Macpherson, went out to meditate on "the spot where Wolfe had fallen, fighting for England in friendship with America." He had lost the ambition which once sweetened a military life, and a sense of duty was now his only spring of action; if the Americans should continue to prosper, he wished to return to the retired life in which he alone found delight; but, said he, "should the scene change, I shall be always ready to contribute to the public safety." And his last message to his brother-in-law was: "Adieu, my dear Robert; may your happy talents ever be directed to the good of mankind."

Bancroft, Hist. of the U.S., vol.4, p.304

As the time for the assault drew near, three captains in Arnold's battalion showed mutinous disaffection. In the evening of the twenty-third, Montgomery repaired to their quarters, and in few words gave them leave to stand aside; "he would compel none; he wanted with him no persons who went with reluctance." His words recalled the officers to their duty, but the incident hurried him into a resolution to attempt gaining Quebec before the first of January. At sundown of Christmas he reviewed Arnold's battalion at Morgan's quarters, and addressed them with spirit; after which a council of war agreed upon a night attack on the lower town. Their intention was revealed by a deserter, so that every preparation was made against a surprise; two thirds of the garrison lay on their arms; in the upper town, Carleton and others not on duty slept in their clothes; in the lower, volunteer pickets kept watch; and they all wished ardently that the adventurous attempt might not be delayed.

Bancroft, Hist. of the U.S., vol.4, p.304

The night of the twenty-sixth was clear, and so cold that no man could handle his arms or scale a wall. The evening of the twenty-seventh was hazy, and the troops were put in motion; but, as the sky soon cleared up, the general, who was tender of their lives, called them back, choosing to wait for the shelter of clouds and darkness.

Bancroft, Hist. of the U.S., vol.4, p.304 - p.305

For the next days the air was serene, and a mild westerly wind brightened the sky. On the thirtieth a snow-storm from the north-east set in. But a few hours more of the old year remained, and with it the engagement of many of his troops would expire. Orders were therefore given for the troops to be ready at two o'clock of the following morning; and, that they might recognise one another, each soldier wore in his cap a piece of white paper, on which some of them wrote: "LIBERTY OR DEATH".

Bancroft, Hist. of the U.S., vol.4, p.305

Colonel James Livingston, with less than two hundred Canadians, was to attract attention by appearing before St. John's gate, on the south-west; while a company of Americans under Brown were to feign a movement on Cape Diamond, where the wall faces south by west, and from that high ground, at the proper time, were to fire rockets, as the signal for beginning the real attacks on the lower town, under Arnold from the west and north, under Montgomery from the south and east. If successful, both would meet in Mountain street, near Prescot gate.

Bancroft, Hist. of the U.S., vol.4, p.305

The general, who reserved for his' own party less than three hundred Yorkers, led them in Indian file from head-quarters at Holland House to Wolfe's Cove, and then about two miles farther along the shore. In several places they were obliged to scramble up slant rocks covered with two feet of snow, and then, with a precipice on their right, to slide down fifteen or twenty feet. The wind, which was at east by north, blew furiously in their faces, with cutting hail, which the eye could not endure; their constant step wore the frozen snow into little lumps of ice, so that the men were fatigued by struggles not to fall, and could not keep their arms dry.

Bancroft, Hist. of the U.S., vol.4, p.305 - p.306

The signal from Cape Diamond being given more than half an hour too soon, the general, with his aides-de-camp, Macpherson and Burr, pushed on with the front, composed of Cheesman's company and Mott's; and more than half an hour before day they arrived at the first barrier, with the guides and carpenters. The rest of the party lagged behind; and the ladders were not within half a mile. Montgomery and Cheesman were the first that entered the undefended barrier, passing on between the rock and the pickets which the carpenters began to saw and wrench away. While a message was sent back to hurry up the troops, Montgomery went forward to observe the path before him. It was a very narrow defile, falling away to the river precipitously on the one side, and shut in by the scarped rock and overhanging cliff on the other, so that not more than five or six persons could walk abreast; a house, built of logs and extending on the south nearly to the river, with loopholes for musketry and a battery of two three-pounders intercepted the passage. It was held by a party consisting of thirty Canadians and eight British militia men under John Coffin, with nine seamen as cannoneers under Barnsfare, the master of a transport. The general listened, and heard no sound; but lights from lanterns on the Plains of Abraham, as well as the signal rockets, had given the alarm; and in the morning twilight, through the storm, his troops were seen in full march from Wolfe's Cove. At their approach to the barrier where Coffin commanded, the sailors stood at their guns with lighted linstocks.

Bancroft, Hist. of the U.S., vol.4, p.306

Montgomery waited till about sixty men had joined him inside of the row of pickets; then exclaiming, " Men of New York, you will not fear to follow where your general leads; push on, brave boys! Quebec is ours!" he pressed forward at double quick time to carry the battery. As he appeared on a little rising in the ground, at a distance of fifty yards or less from the mouths of the cannon, which were loaded with grapeshot, Barnsfare discharged them with deadly aim. Aaron Burr, who showed personal bravery and good conduct, escaped unhurt; Montgomery, his aid Macpherson, the young and gallant Cheesman, and ten others fell dead; Montgomery from three wounds. With him the soul of the expedition fled. Donald Campbell, who assumed the command of the Yorkers, seeing no chance of success, ordered an immediate retreat, which was effected without further loss.

Bancroft, Hist. of the U.S., vol.4, p.306 - p.307

On the north-western side of the lower town Arnold led twice as many troops as followed Montgomery. The path along the St. Charles had been narrowed by masses of ice thrown up from the river; and the battery by which it was commanded might have raked every inch of it with grapeshot, while their flank was exposed to musketry from the walls. As they reached Palace gate, the bells of the city were rung, the drums beat a general alarm, and the cannon began to play. The Americans ran along in single file, holding down their heads on account of the storm, and covering their guns with their coats. Lamb and his company of artillery followed with a field-piece on a sled; the field-piece was soon abandoned, but he and his men took part in the assault.

Bancroft, Hist. of the U.S., vol.4, p.307

The first barricade was at the Sault au Matelot, a jutting rock which left little space between the river beach and the precipice. Near this spot Arnold was wounded in the leg by a musket-ball, and carried off disabled; but Morgan's men, who formed the van, rushed forward to the port-holes and fired into them, while others, Morgan himself the first, Charles Porterfield the second, mounted by ladders, carried the battery, and took its captain and guard prisoners. But Morgan was attended only by his own company and a few Pennsylvanians. It was still very dark; he had no guide, and he knew nothing of the defences of the town. The faces of the men were hoar with frost and icicles, their muskets useless in the storm. The glow of attack began to subside, and the danger of their position to appear. They were soon joined by Greene, Bigelow, and Meigs, so that there were at least two hundred Americans in the town, who all pressed on in the narrow way to the second barricade, at the eastern extremity of Sault an Matelot street, where the defences extended from the rock to the river. Under the direction of Greene, heroic efforts were made to carry them. With a voice louder than the northeast gale, Morgan cheered on his riflemen; but, though Heath and Porterfield and a few others in the front files ascended the scaling-ladders, it was only to see on the other side rows of troops pre pared to receive them on hedges of bayonets, if they had leaped down. Here was the greatest loss of life; the assailants were exposed in the narrow street to a heavy fire from houses on both sides; some of the officers received several balls in their clothes; others fell. The moment for retreat soon went by. Some few escaped over the shoal ice on the St. Charles. Near daylight, about two hundred of the Americans took shelter in houses of stone, from which they could fire. It was then that Hendricks, while aiming his rifle, was shot through the heart.

Bancroft, Hist. of the U.S., vol.4, p.307 - p.308

Carleton could now direct all his force against the party of Arnold. By his orders, Captain Laws, with two hundred men, sallied from Palace gate in their rear; Dearborn's company was found divided into two parties, each of which successively surrendered, leaving "the flower of the rebel army" "cooped up," within the town. Morgan proposed that they should cut their way through their enemies; but it had become impracticable; and, after maintaining the struggle till the last hope was gone, at ten o'clock they gave themselves up. To the captives Carleton proved a humane and generous enemy. The loss of the British was in considerable; that of the Americans, in killed or wounded, was about sixty; in prisoners, between three and four hundred.

Bancroft, Hist. of the U.S., vol.4, p.308

When the battle was over, thirteen bodies were found at the place now known as Pres-de-Ville. That of Cheesman, whose career had been brief but gallant, had fallen over the rocks. In the pathway lay Macpherson, the pure-minded, youthful enthusiast for liberty, as spotless as the new-fallen snow which was his winding-sheet; full of promise for war, lovely in temper, dear to the army, honored by the affection and confidence of his chief. There, too, by his side, lay Richard Montgomery, on the spot where he fell. At his death he was in the first month of his fortieth year. He was tall and slender, well-limbed, of a graceful address, and a strong and active frame. He could endure fatigue, and all changes and severities of climate. His judgment was cool, though he kindled in action, imparting sympathetic courage. Never negligent of duty, never avoiding danger, discriminating and energetic, he had the power of conducting free men by their voluntary love and esteem. An experienced soldier, he was well versed in letters and in natural science. In private life, he was a good husband, brother, and son, an amiable and faithful friend. He overcame difficulties which others shunned to encounter. Foes and friends paid tribute to his worth. The governor, lieutenant-governor, and council of Quebec, and all the principal officers of the garrison, buried him and his aide-de-camp, Macpherson, with the honors of war.

Bancroft, Hist. of the U.S., vol.4, p.308 - p.309

At the news of his death, "the city of Philadelphia was in tears; every person seemed to have lost his nearest friend." Congress proclaimed for him "their grateful remembrance, respect, and high veneration; and, desiring to transmit to future ages a truly worthy example of patriotism, conduct, boldness of enterprise, insuperable perseverance, and contempt of danger and death," they reared a marble monument "to the glory of Richard Montgomery."

Bancroft, Hist. of the U.S., vol.4, p.309

Frederic of Prussia gave him praise as a military chief. In the British parliament Barre, his veteran fellow-soldier in the late war, wept profusely as he expatiated on their fast friendship and participation of service in the season of enterprise and glory, when Canada was conquered for Britain, and, holding up the British commanders in review, pronounced a glowing tribute to his superior merits. Edmund Burke contrasted the condition of the eight thousand men, starved, disgraced, and shut up within the single town of Boston, with the movements of the hero who in one campaign had conquered two thirds of Canada. "I," replied North, "cannot join in lamenting the death of Montgomery as a public loss. Curse on his virtues, they've undone his country. He was brave, he was able, he was humane, he was generous; but still he was only a brave, able, humane, and generous rebel." "The term of rebel," retorted Fox, "is no certain mark of disgrace. The great assertors of liberty, the saviors of their country, the benefactors of mankind in all ages, have been called rebels. We owe the constitution which enables us to sit in this house to a rebellion."

Bancroft, Hist. of the U.S., vol.4, p.309

So passed away Montgomery, with the love of all that knew him, the grief of the rising republic, and the eulogies of the world.

Chapter 20:

Advancing Toward Independence,

Last Months of 1775-March 1776

Bancroft, Hist. of the U.S., vol.4, p.310

A STEADY current drifted the country toward a closer union and independence. The British government refused to treat with the general congress. The American colonies, if they mean to make their resistance effectual, must confine their intercourse with the British government exclusively to the representatives of the colonies in union. In New Jersey the assembly granted the usual annual support of the royal government, and then considered the draft of a separate address to the king; but, as that mode of action tended to insulate the provinces, Dickinson, Jay, and Wythe were sent by the general congress to Burlington, to dissuade from the measure. Admitted to the assembly on the fifth of December, Dickinson invited them to wait and find an answer in the conduct of the parliament and the administration. "After Americans were put to death without cause at Lexington," said he, "had the new continental congress drawn the sword and thrown away the scabbard, all lovers of liberty would have applauded. To convince Britain that we will fight, an army has been formed and Canada invaded. Success attends us everywhere; the Canadians fight in our cause; so that we have nothing to fear but from Europe, which is three thousand miles distant. Until this a controversy, the strength and importance of our country were not known; united it cannot be conquered. Should Britain be unsuccessful in the next campaign, France will not sit still. Nothing but unity and bravery will bring Britain to terms; separate petitions we should avoid, for they would break our union; rest, then, on your former noble petition, and on that of united America." "We have nothing to expect from the mercy or justice of Britain," argued Jay; "vigor and unanimity, not petitions, are our only means of safety." Wythe of Virginia spoke to the same purpose; and the well-disposed assembly of New Jersey conformed to their advice.

Bancroft, Hist. of the U.S., vol.4, p.311

Under orders from the New York Convention, Isaac Sears, in the night of the twenty-fourth of August, removed cannon from the battery of the city. Captain Vandeput, of the Asia, a British man-of-war in the harbor of the city, kept up a heavy but ineffective fire on the working party, who succeeded in removing twenty-one eighteen-pounders with their carriages. It was feared that a bombardment would follow, and families began to retreat into the country.

Bancroft, Hist. of the U.S., vol.4, p.311

Congress, on the sixth of October, under the form of a general resolution, advised the arrest of Tryon; on the twenty-seventh, when his arrest was imminent, he fled. From a ship-of-war in the harbor, he recommended to the inhabitants of New York a separate petition. Their congress, on the motion of John Morin Scott, rejected the thought of "a separate declaration, as inconsistent with the glorious plan of American union;" on motion of Macdougall, they confirmed the deliberative powers of the continental congress; and they established a committee of safety, with full executive powers within the colony. The general congress gave directions to Lord Stirling to garrison fortresses on Hudson river by six companies from New Jersey, and to encamp the rest of the New Jersey troops contiguous to New York. Aided by his battalion, a party of Jersey minute-men disarmed the disaffected in Queen's county, Long Island.

Bancroft, Hist. of the U.S., vol.4, p.311 - p.312

Under the influence of Sir John Johnson, the Indian agent among the Mohawks, disbanded Highlanders who dwelt in the valley of the Mohawk river prepared to rally to the king's standard. By order of the general congress, Schuyler with militia from Albany, joined on the way by Herkimer and other militia, marched upon Johnstown, took the parole of Johnson to preserve neutrality, and, on the twentieth of January 1776, compelled between two and three hundred Highlanders to ground their arms in front of his forces. In the two following days Herkimer completed the disarmament of the disaffected. Schuyler and his party received the approbation of congress.

Bancroft, Hist. of the U.S., vol.4, p.312

British men-of-war were masters of the bay and the harbor of New York, the East river, and Hudson river below the Highlands; neither Staten Island nor Long Island could prevent the landing of British troops; the possession of Long Island would give the command of Manhattan Island. The colony of New York, guided by men of high ability, courage, and purity, had pursued a system of moderation, at first from a desire to avoid a revolution, if it could be done without a surrender of American rights; and, when that hope failed, with the purpose of making it manifest to all that independence was adopted from necessity. It was wise to delay the outbreak of hostilities till warlike stores could be imported. Under a sort of truce the British men-of-war were not fired upon; and in return vessels laden with provisions to purchase powder in St. Eustatius went and came without question.

Bancroft, Hist. of the U.S., vol.4, p.312

The declaration of independence by the united colonies was prepared in the convictions of all the American people. The many are more sagacious, disinterested, and courageous than the few. Language was their creation; the science of ethics, as the word implies, is deduced from their conscience; law itself, as the greatest jurists have perceived, is moulded by their nature; the poet imbodies in words their oracles and their litanies; the philosopher draws ideal thought from the storehouse of their mind; the national heart is the home of high, enduring designs. The people, whose spirit far outran conventions and congresses, had grown weary of atrophied institutions. Instead of continuing a superstitious reverence for the sceptre and the throne, as the symbols of order, they yearned for a system resting directly on the eternal, unchangeable rule of right.

Bancroft, Hist. of the U.S., vol.4, p.312 - p.313

Reid, among Scottish metaphysicians, and Chatham, the foremost of British statesmen, had discovered in COMMON SENSE the criterion of morals and truth; the common sense of the people claimed its right to sit in judgment on the greatest question ever raised in the political world. The people were more and more possessed with a silent, meditative feeling of independence. Their old affection for England remained paramount till the king's proclamation declared them rebels. All the colonies, as though they had been but one individual, felt themselves wounded to the soul when they heard and could no longer doubt that George III was hiring foreign mercenaries, and domesticated negroes, and regiments of ruthless red men to reduce them to subjection.

Bancroft, Hist. of the U.S., vol.4, p.313

The new conviction demanded utterance; and, as the debates in congress were secret, it had no outlet but the press. In November, Franklin encouraged Thomas Paine, who was the master of a singularly lucid style, to write an appeal to the people of America in favor of an immediate declaration of independence. He was at that time a little under forty years of age; the son of a Quaker of Norfolk in England, brought up in the faith of George Fox and Penn, the only school in England where he could have learned the principles which he was now to assert. He had been in America not much more than a year; but in that time he had frequented the society of Franklin, Rittenhouse, Clymer, and Samuel Adams. His essay, when finished, was shown to Franklin, to Rittenhouse, to Samuel Adams, and to Benjamin Rush, and Rush gave it the title of COMMON SENSE.

Bancroft, Hist. of the U.S., vol.4, p.313

"In the early ages of the world," so it was reasoned, "mankind were equals; the heathen introduced government by kings, which the will of the Almighty, as declared by Gideon and the prophet Samuel, expressly disapproved. Hereditary succession might put posterity under the government of a rogue or a fool. England hath known some few good monarchs, but groaned beneath a much larger number of bad ones since the conquest, in which time there have been no less than eight civil wars and nineteen rebellions. In short, monarchy and succession have laid not this kingdom only, but the world, in blood and ashes.

Bancroft, Hist. of the U.S., vol.4, p.313

"The period of debate on the struggle between England and America is closed. Arms must decide the contest; the appeal was the choice of the king, and the continent hath accepted the challenge.

Bancroft, Hist. of the U.S., vol.4, p.313 - p.314

"The sun never shone on a cause of greater worth. 'Tis not the affair of a city, a county, a province, or a kingdom, but of a continent, of at least one eighth part of the habitable globe. 'Tis not the concern of a day, a year, or an age; posterity are involved in it, even to the end of time.

Bancroft, Hist. of the U.S., vol.4, p.314

"Europe, and not England, is the parent country of America: this new world hath been the asylum for the persecuted lovers of civil and religious liberty from every part of Europe; we claim brotherhood with every European Christian, and triumph in the generosity of the sentiment.

Bancroft, Hist. of the U.S., vol.4, p.314

"Much hath been said that Britain and the colonies, in conjunction, might bid defiance to the world. What have we to do with setting the world at defiance? Our plan is commerce; and that will secure us the friendship of all Europe. It is the true interest of America to steer clear of European contentions, which she never can do while by her dependence on Britain she is the makeweight in the scale of British politics.

Bancroft, Hist. of the U.S., vol.4, p.314

"The distance at which the Almighty hath placed England and America is a strong and natural proof that the authority of the one over the other was never the design of heaven. They belong to different systems—England to Europe, America to itself. Everything short of independence is leaving the sword to our children.

Bancroft, Hist. of the U.S., vol.4, p.314

"Nothing but a continental form of government can keep the peace of the continent inviolate from civil wars. The colonies have manifested such a spirit of good order and obedience to continental government as is sufficient to make every reasonable person easy and happy on that head; if there is any true cause of fear respecting independence, it is because no plan is yet laid down. Let a continental conference be held, to frame a continental charter, or charter of the United Colonies.

Bancroft, Hist. of the U.S., vol.4, p.314

"All men, whether in England or America, confess that a separation between the countries will take place on time or other. To find out the very time, we need not go far, for the time hath found us. The present, likewise, is that peculiar time which never happens to a nation but once—the time of forming itself into a government.

Bancroft, Hist. of the U.S., vol.4, p.314 - p.315

"Nothing can settle our affairs so expeditiously as an open and determined declaration for independence. While we profess ourselves the subjects of Britain, we must, in the eyes of foreign nations, be considered as rebels. A manifesto published and despatched to foreign courts, setting forth the miseries we have endured and declaring that we had been driven to the necessity of breaking off all connection with her, at the same time assuring all such courts of our desire of entering into trade with them, would produce more good effects to this continent than a ship freighted with petitions to Britain.

Bancroft, Hist. of the U.S., vol.4, p.315

"A government of our own is our natural right. Ye that love mankind, stand forth! Every spot of the Old World is overrun with oppression; Freedom hath been hunted round the globe; Europe regards her like a stranger, and England hath given her warning to depart; oh, receive the fugitive, and prepare an asylum for mankind!"

Bancroft, Hist. of the U.S., vol.4, p.315

The pamphlet "Common Sense" was published on the eighth of January, most opportunely, for on that day the king's speech at the opening of parliament arrived. When Washington came to read the king's speech, he let it be known that in his opinion independence should be declared. Greene wrote to his friend Ward, a delegate from Rhode Island in congress: "Permit me, from the sincerity of my heart, ready at all times to bleed in my country's cause, to recommend a declaration of independence, and call upon the world and the great God who governs it to witness the necessity, propriety, and rectitude thereof." John Adams, who had been elected chief justice in Massachusetts, was then at home. Scorning the threats of the king, he gave his advice to the New England colonies to persevere in the war to the end, even if no other colony than New York would join with them.

Bancroft, Hist. of the U.S., vol.4, p.315

But in America the formation of new governments was like passing through death to life. The convention of New Hampshire, which was the first to frame a government of its own, disavowed the intention of separating from the parent country, and merged the executive power in the two branches of the legislature only during "the unnatural" contest with Great Britain. The legislature of Maryland voted unhesitatingly to put the province in a state of defence, but on the eleventh of January bore their testimony to the equity of the English constitution, and forbade their delegates in congress to assent to any proposition for independence, foreign alliance, or confederation.

Bancroft, Hist. of the U.S., vol.4, p.316

"The tyrant!" said the impatient Samuel Adams, as he read the proceedings at the late opening of parliament; "his speech breathes the most malevolent spirit, and determines my opinion of its author as a man of a wicked heart. I have heard that he is his own minister; why, then, should we cast the odium of distressing mankind upon his minions? Guilt must lie at his door; divine vengeance will fall on his head;" and, with the aid of Wythe of Virginia, the patriot set vigorously to work to bring on a confederation and independence.

Bancroft, Hist. of the U.S., vol.4, p.316

On the day after the publication of "Common Sense," Wilson came to congress with the king's speech in his hand; and, quoting from it the words which charged the colonists with aiming at a separation, he moved the appointment of a committee to explain to their constituents and to the world the principles and grounds of their opposition, and their present intentions respecting independence. He was strongly supported. On the other hand, Samuel Adams insisted that congress had already been explicit enough, and rallied the bolder members, in the hope to defeat the proposal; but, in the absence Of John Adams, even his colleagues, Cushing and Paine, sided with Wilson, and the vote of Massachusetts formed a part of his majority. When Cushing's constituents heard of his wavering, they elected Elbridge Gerry in his place; at the moment, Samuel Adams repaired to Franklin. In a free conversation, these two great sons of Boston agreed that confederation must be speedily brought on, even though the concurrence of every colony could not be obtained. "If none of the rest will join," said Samuel Adams to Franklin, "I will endeavor to unite the New England colonies in confederating." "I approve your proposal," said Franklin; "and, if you succeed, I will cast in my lot among you."

Bancroft, Hist. of the U.S., vol.4, p.316 - p.317

On the sixteenth, Franklin, who best knew the folly of expecting peace through British commissioners, endeavored to get a day fixed for the consideration of his plan of a confederacy; but he was opposed by Hooper, who, contrary to his own wishes, obeyed the instructions of North Carolina, and the majority was against him. The inexorable malice of the king and his officers could alone impel the thirteen colonies to a united assertion of independence. It soon left no option to the oldest and largest and most populous of them all.

Bancroft, Hist. of the U.S., vol.4, p.317

Driven from the land of Virginia, Dunmore maintained command of the water by means of a flotilla composed of three vessels-of-war, carrying altogether fifty-four guns, aided by ships, light vessels, and tenders. His first outrage was on the press. Finding fault with the newspaper published by John Holt at Norfolk, he sent on shore a small party, who brought off two printers and the materials of a printing-office.

Bancroft, Hist. of the U.S., vol.4, p.317

A few months later this precedent was followed in New York. Isaac Sears, entering the city with a party of mounted volunteers from Connecticut, rifled the printing-house of the tory Rivington; but the act was censured by the committee and convention of New York as an infringement of the liberty of the press, and a dangerous example to their enemies.

Bancroft, Hist. of the U.S., vol.4, p.317

In Virginia the war began with the defence of Hampton, a small village at the end of the isthmus between York and James rivers. An armed sloop, driven on its shore in a gale, had been rifled and set on fire. Dunmore blockaded the port. Its inhabitants summoned to their aid one company of the Virginia regulars and another of minute-men, besides a body of militia. On the twenty-sixth of October, Dunmore sent tenders into Hampton Roads to burn the town. The guard marched out to repel them, and George Nicholas, who commanded the Virginians, discharged his musket at one of the tenders. It was the first gun fired in Virginia against the British; his example was followed by his party. The British on that day vainly attempted to land. In the following night the Culpepper riflemen were despatched to Hampton. The next day the British renewed the attack; the fire of the riflemen killed a few and wounded more. One of the tenders was taken, with its armament and seven seamen; the rest were towed out of the creek. The Virginians lost not a man.

Bancroft, Hist. of the U.S., vol.4, p.317 - p.318

In England, Dunmore had been taken at his word, and Lord Dartmouth had enjoined him, with the regulars whom he was authorized to send for, and "the men whom he had said he could raise from among Indians, negroes, and other persons," to bring together "at least force enough to withstand attacks, if not to reduce the colony to obedience." He accordingly raised the king's flag, proclaimed martial law, required every person capable of bearing arms to resort to his standard under penalty of forfeiture of life and property, and declared freedom to "all indented servants, negroes, or others, appertaining to rebels," if they would "join for the reducing the colony to a proper sense of its duty." "I hope," said he, "it will oblige the rebels to disperse to take care of their families and property." The men to whose passions he appealed were either convicts, bound to labor in expiation of misdeeds, or Africans, some of them freshly imported. They formed the majority of the population on tide-water, and on the lonely plantations dwelt in clusters around the homes of their owners. Dunmore further sent for the small detachment of regulars stationed in Illinois and the North-west; authorized John Connolly to raise a regiment in the backwoods of Virginia and Pennsylvania; commissioned Mackee, a deputy superintendent, to raise one of western savages; and directed them all to march to Alexandria For himself he undertook to "raise one regiment of white people, to be called the Queen's Own Loyal Virginia; the other of negroes, to be called Lord Dunmore's Ethiopian."

Bancroft, Hist. of the U.S., vol.4, p.318

Connolly was arrested in Maryland in November, and the movements at the West were prevented. The general congress promptly invited Virginia to institute a government of her own. A thrill of indignation effaced all differences of party. William Campbell and Gibson stood ready to march from Fincastle and West Augusta with rifle companies of "as fine men as ever were seen." In the valley of the Blue Ridge the congregations of Germans, quickened by the preaching of Muhlenberg, were eager to take up arms.

Bancroft, Hist. of the U.S., vol.4, p.318

The Virginians could plead, and did plead, that "their assemblies had repeatedly attempted to prevent the horrid traffic in slaves, and had been frustrated by the cruelty and covetousness of English merchants, who prevailed on the king to repeal their merciful acts." Had Dunmore been undisputed master of the country when he attempted to enroll the negroes, a social revolution might have ensued. An appeal to them from a fugitive governor could leave no permanent trace.

Bancroft, Hist. of the U.S., vol.4, p.319

Norfolk, almost entirely deserted by native Virginians, became the refuge of the factors of Glasgow merchants, who were imbodied as its loyal militia.

Bancroft, Hist. of the U.S., vol.4, p.319

The committee of safety at Williamsburg, informed of these transactions, sent a regiment and about two hundred minute-men, under the command of Colonel Woodford, to defend the inhabitants of the low country. With the minutemen, John Marshall, afterward chief justice of the United States, served as a lieutenant. They came down on the south side of the Elizabeth river. Informed of their approach, Dunmore, collecting volunteers and what regular troops he could muster, took a well-chosen position on the north side of the Great Bridge, on a piece of firm ground accessible only by a long causeway over a marsh. The Virginians threw up a breastwork at the south end of the same causeway. After some delay, Dunmore was so rash as to risk an attempt to surprise them. On the eighth of December, after dark, he sent about two hundred regulars, composed of all that had arrived of the fourteenth regiment, and of officers, sailors, and gunners from the ships, mixed with townsmen of Norfolk. After the break of day and before sunrise, Leslie planted two fieldpieces between the bridge and the causeway, and gave orders for the attack; but, at the first discharge of the cannon, the bravest of the Virginians rushed to the trenches. The advance party of regulars, about one hundred and twenty in number, led by Fordyce, a captain in the fourteenth, were met on the causeway by a well-directed fire; while Stevens, with a party of the Culpepper minute-men, posted on an eminence about a hundred yards to the left, took them in flank. They wavered; Fordyce, with a courage which was the admiration of all beholders, rallied them and led them on, till, struck with many rifle-balls, he fell dead within a few steps of the breastwork. The regulars then retreated, after a struggle of about fourteen minutes, losing over sixty in killed and wounded. Fordyce was buried by the Virginians with the honors due to his gallantry.

Bancroft, Hist. of the U.S., vol.4, p.319 - p.320

In the following night Leslie abandoned the fort and retreated to Norfolk. Nothing could exceed the consternation of its Scotch inhabitants: rich factors, with their wives and children, leaving their large property behind in midwinter, crowded on board ships, scantily provided with even the necessaries of life. Poor people and runaway negroes were huddled together, without comfort or even pure air.

Bancroft, Hist. of the U.S., vol.4, p.320

On the fourteenth, Robert Howe, from North Carolina, assumed the command and took possession of Norfolk. Just one week later the Liverpool ship-of-war and the brig Maria were piloted into the harbor. They brought the three thousand stand of arms, with which Dunmore had promised to imbody negroes and Indians enough to reduce Virginia. Martin of North Carolina obtained a third part of them.

Bancroft, Hist. of the U.S., vol.4, p.320

The governor sent a flag of truce on shore to inquire if he and the fleet might be supplied with fresh provisions, and was answered in the negative. Showing his instructions to Belew, the captain of the Liverpool, the two concurred in opinion that Norfolk was "a town in actual rebellion, accessible to the king's ships;" and they prepared to carry out the king's instructions for such "a case."

Bancroft, Hist. of the U.S., vol.4, p.320

On New Year's day, 1776, the Kingfisher was stationed at the upper end of Norfolk; a little below her the Otter; Belew, in the Liverpool, anchored near the middle of the town; and next him lay Dunmore; the rest of the fleet was moored in the harbor. Between three and four in the afternoon a severe fire was begun from about sixty pieces of cannon. When night was coming on, Dunmore ordered out several boats to burn warehouses on the wharfs, and hailed to Belew to set fire to a large brig which lay in the dock. The vessels of the fleet emulated each other in sending boats on shore to spread the flames along the river; and, as the buildings were chiefly of pine wood, the conflagration, driven by the wind, spread with amazing rapidity. Mothers with little ones in their arms were seen by the glare, running to get out of the range of cannon-balls. Several times the British attempted to land with artillery, but were driven back. The cannonade, with but one short pause, was kept up till two the next morning. The flames raged for three days, till four fifths of the houses were reduced to ashes and heaps of ruins.

Bancroft, Hist. of the U.S., vol.4, p.320 - p.321

In this manner the royal governor burned the best of the towns in England's oldest and most loyal colony, to which Elizabeth had given a name, Raleigh devoted his fortune, and Shakespeare and Bacon and Herbert foreshadowed greatness; a colony whose people had established the national church, and were proud that their ancestors, in the day of the British commonwealth, had been faithful to the line of kings.

Bancroft, Hist. of the U.S., vol.4, p.321

"I hope," said Washington, as he learned the fate of the rich emporium of Virginia, "I hope this and the threatened devastation of other places will unite the whole country in one indissoluble band against a nation which seems lost to every sense of virtue, and those feelings which distinguish a civilized people from the most barbarous savages." When first of December, heard of the burning of Norfolk, the two regiments already in service were increased, and seven more were ordered to be raised. Of one of these Hugh Mercer was elected colonel; the command of another was given to the Lutheran minister, Peter Muhlenberg, who left the pulpit to form out of his several congregations one of the most perfect battalions in the army.

Bancroft, Hist. of the U.S., vol.4, p.321

The demand of a world-wide commerce broke forth from Virginia. On motion of Archibald Cary, her convention, on the twentieth of January 1776, instructed her delegates in favor of opening the ports of the colonies to all persons willing to trade with them, Great Britain, Ireland, and the British West Indies excepted. That this recommendation should have been left, after ten months of war, to be proposed by a provincial convention, is another evidence of the all but invincible attachment of the colonies to England. The progress of the war brought to America independence in all but the name; she had her treasury, her army, the rudiments of a navy, incipient foreign relations, and a striving after free trade with the world. She must be self-dependent, whether she would be so or not; through no other way would the king allow her to hope for rest.

Bancroft, Hist. of the U.S., vol.4, p.321 - p.322

In the army round Boston, Washington for more than two months scarcely emerged from one difficulty before he was plunged into another. His best dependence for powder and flints, and in part for artillery, was on prizes made under the pine-tree flag by the brave Manly and others of New England. The men who enlisted for the coming year were desired to bring their own arms; those whose time expired were compelled to part with theirs at a valuation; for blankets the general appealed to the families of New England, asking at least one from each household; the nearer villages, in their town-meetings, encouraged the supply of wood to the camp by voting a bounty from the town treasuries.

Bancroft, Hist. of the U.S., vol.4, p.322

The enlistments for the new army went on slowly, for the New England men were disinclined to engagements which would take them far from home, on wages to be paid irregularly and tardily and in a constantly depreciating currency. For want of funds to answer the accounts of the commissary and quartermaster, the troops were forced to submit to a reduced allowance.

Bancroft, Hist. of the U.S., vol.4, p.322

Connecticut soldiers, whose enlistment expired early in December, hastened home so soon as they became free; but others of their colony were ready to take their places. At the call of the colonial governments, three thousand men from the militia of Massachusetts and two thousand from New Hampshire had repaired to the camp with celerity, and cheerfully braved "the want of wood, barracks, and blankets." The fortifications were extended to Lechmere's Point, and every possible landing-place for a sallying party from Boston was secured by intrenchments.

Bancroft, Hist. of the U.S., vol.4, p.322

On the first day of January 1776, the tri-colored American banner, not yet spangled with stars, but showing thirteen stripes of alternate red and white in the field, and the united red and white crosses of Saint George and Saint Andrew on a blue ground in the corner, was unfurled over the new continental army round Boston.

Bancroft, Hist. of the U.S., vol.4, p.322 - p.323

On that day free negroes stood in the ranks by the side of white men. The first general order of Ward had required a return, among other things, of "the complexion" of the soldiers; and black men, like others, were retained in the service after the troops were adopted by the continent. We have seen Edward Rutledge defeated in his attempt to compel their discharge; in October, the conference at the camp, with Franklin, Harrison, and Lynch, thought it proper to exclude them from the new enlistment; but Washington, at the crisis of his distress, finding that they were very much dissatisfied at being discarded, reversed the decision, and asked the approval of congress. That body appointed Wythe, Samuel Adams, and Wilson to deliberate on the question and, on their report, it was decided "that the free negroes, who had served faithfully in the army at Cambridge might be re-enlisted therein, but no others." The right of free negroes to take part in the defence of the country having thus been partially admitted by the highest power, the limitation was lost sight of, and they served in the American armies during every period of the war.

Bancroft, Hist. of the U.S., vol.4, p.323

The enlistments for the army of Washington were embarrassed by the want of funds; he could neither pay off the old army nor assure the punctual payment of the militia. In January 1776, he was left with but about ten thousand dollars, and this small sum was held as a reserve. The Massachusetts council was authorized to lend him fifty thousand pounds; and it was left to Massachusetts, with the aid of Rhode Island, Connecticut, and New Hampshire, to keep up the numbers of the army while it remained on her soil.

Bancroft, Hist. of the U.S., vol.4, p.323

The troops before Boston were a mixture of recruits and transient militia, requiring a constant renewal of elementary instruction. There was a dearth of bayonets, a want of at least two thousand muskets; the artillery was poor, and was chiefly a gathering from accidental sources. There was no sufficient store of powder; for members of congress, eager to give profitable occupation to ship-builders among their constituents reserved what little was obtained for the use of vessels which could not be prepared for sea before more ample stores would arrive; and Washington, anxious as he was "to keep above water in the esteem of mankind," was compelled to conceal his want from the public, from his friends, and even from most of his officers.

Bancroft, Hist. of the U.S., vol.4, p.323

At the moment when he was left with not half so many serviceable troops as the army which he besieged, the chimney-corner heroes in congress, on the twenty-second of December 1775, after a long and most serious debate "authorized him to attack Boston, notwithstanding the town might thereby be destroyed."

Bancroft, Hist. of the U.S., vol.4, p.323 - p.324

Repelling the insinuation of inactivity, he answered the superior civil power: "It is not perhaps in the pages of his tory to furnish a case like ours: to maintain a post within musket-shot of the enemy for six months together without powder, and at the same time to disband one army and recruit another within that distance of twenty odd British regiments, is more, probably, than ever was attempted."

Bancroft, Hist. of the U.S., vol.4, p.324 - p.325

On the ninth of February he wrote to the president of congress, in words of dignity and wisdom: "The purport of this letter will be directed to a single object. Through you I mean to lay it before congress, and at the same time that I beg their serious attention to the subject, to ask pardon for intruding an opinion, not only unasked, but repugnant to their resolves. The disadvantages attending the limited enlistment of troops are too apparent to those who are eyewitnesses of them to render any animadversions necessary; but to gentlemen at a distance whose attention is engrossed by a thousand important objects, the case may be otherwise. This cause precipitated the fate of the brave Montgomery and brought on the defeat which followed. That we were not at one time obliged to dispute these lines from the troops disbanding of themselves before the militia could be got in, proves that General Howe was either unacquainted with our situation or restrained by his instructions. Since the first of December we never have been able to act upon the offensive, and at times were not in a condition to defend; yet the cost of marching home one set of men and bringing in another amounts to near as much as the keeping up a respectable body of troops the whole time, ready for any emergency. To this may be added that you never can have a well-disciplined army. To make men well acquainted with the duties of a soldier, under proper discipline and subordination, requires time, and in this army, where there is so little distinction between the officers and soldiers, requires an uncommon degree of attention. To expect the same service from raw recruits as from veteran soldiers is to expect what never did, and perhaps never will, happen. Men familiarized to danger meet it without shrinking; troops unused to service apprehend danger where no danger is. Men of a day's standing grow careless of their arms, ammunition, and camp utensils, and lay us under fresh expense for every fresh set. To this may be added the seasoning which new recruits must have to a camp, and the loss consequent thereupon. With all due deference, I take the freedom to give it as my opinion that, if congress have any reason to believe that there will be occasion for troops another year, and, consequently, for another enlistment, they would save money and have infinitely better troops if they were, even at a bounty of twenty, thirty, or more dollars, to engage men for and during the war. It will never do to let the matter alone, as it was last year, until the time of service was near expiring. The hazard is too great, in the first place; in the next, the trouble and perplexity of disbanding one army and raising another at the same instant and in such a critical situation as the last was, are scarcely in the power of words to describe, and such as no man who has experienced them once will ever undergo again. If congress should differ from me, I beg that they will believe that I have nothing more in view than the public weal."

Bancroft, Hist. of the U.S., vol.4, p.325

The state of his army gave him many an uneasy hour when all around him were wrapped in sleep; and he often considered how much happier would have been his lot if, instead of accepting the chief command, he had taken his musket on his shoulder and entered the ranks. "The means used to conceal his weakness from the enemy concealed it also from his friends, and added to their wonder." But the order of congress was never out of his mind; and when in February his army was reorganized, and the shallow bay west of Boston was frozen over, he was ready to lead a general assault on the town, had not the council of war almost unanimously disapproved the proposal. As soon as he had in reserve one hundred barrels of powder, he proceeded in his own way to break up the "nest" of the British.

Bancroft, Hist. of the U.S., vol.4, p.325 - p.326

The army in that town consisted of nearly eight thousand rank and file, beside officers and the complements of the ships-of-war. The young officers were full of ingenious devices to amuse the common soldiers, and to relieve their own wearisome hours. The Old South meeting-house was turned into a riding-school; Faneuil Hall became a play-house, where the officers appeared as actors; they even attempted balls and planned a masquerade. The winter was mild; provisions arrived in abundance from Ireland and England, from Barbados and An tigua. The time was whiled away in comfortable quarters, without a thought of danger.

Bancroft, Hist. of the U.S., vol.4, p.326 - p.327

To obtain heavy ordnance, Washington, in November 1775, had despatched General Knox to Ticonderoga. In obedience to his minute orders, forty-three cannon, among which one was of twenty-four pounds and eleven of eighteen pounds, with mortars, lead, and flints, were laden upon forty-two exceedingly strong sleds and drawn by eighty yoke of oxen to Cambridge. With a community of thought and purpose and secrecy that made of the army one mind and one will, Washington prepared first to take possession of Dorchester Heights which would give the command of a great part of Boston, and next of Nook Hill in immediate contiguity to the town. The time chosen for the erection of the works was the eve of the anniversary of "the Boston massacre." The superintending engineer was Rufus Putnam. The council of Massachusetts, at Washington's request, called in five regiments of minute-men from the nearest towns, and almost as many more, well armed, came as volunteers. To divert the attention of the British, a heavy cannonade and bombardment of the town was kept up during two nights. Soon after candle-light on the fourth of March the firing was renewed, and was returned with such zeal that a continued roar of cannon and mortars was heard till daylight. As it began, everything was ready. Every man knew his place, and the need of acting with celerity and silence. Eight hundred went in advance as a guard, one half of them taking post on the height nearest Boston, the other at the easternmost point, opposite the castle. They were followed by carts with intrenching tools, and by the working party of twelve hundred, under the command of Thomas, an officer whose great merit on this occasion is the more to be remembered from the shortness of his career. The ground, for eighteen inches deep, was frozen too hard to yield earth readily for the defences; a train of more than three hundred carts, easily drawn by oxen over the frozen marshes, brought bundles of screwed hay, to form a cover for Dorchester neck where it was exposed to a raking fire, and an amazing quantity of gabions and fascines and chandeliers for the redoubts. The drivers, as they goaded on their cattle, suppressed their voices. The temperature of the night was most favorable for out-door work; the haze that denotes a softening of the air hung round the base of the ridge; above, the moon, which that morning had become full, was shining in cloudless lustre; hundreds of men toiled in stillness with an assiduity that knew nothing of fatigue; the teams were all in motion, making their tour, some three, some four times; beneath, in the town, reposed the British general without special watchfulness or fear; the crowd of ships in the harbor kept their watches unsuspicious of peril; the inhabitants of Boston, emaciated, pining, and as yet little cheered by hope, trembled lest their own houses should be struck; the people that were left in the villages around, chiefly women and children, driven from their beds by the rattling of their windows, could watch from the hill-tops the flight of every shell, and anxiously waited for daybreak.

Bancroft, Hist. of the U.S., vol.4, p.327 - p.328

At about three in the morning the first working party was relieved. The toil was continued with fresh energy, so that strong redoubts, secure against grape-shot and musketry, crowned each of the two hills; an abattis, constructed of trees felled in the neighboring orchards, protected the foot of the ridge; the top was surrounded by barrels filled with earth and stones, which, as the hillsides were steep and bare of trees and bushes, were, in case of an attack, to be rolled down against the assailing columns. At dawn on the fifth the batteries on both sides ceased to play, and a fearful quiet prevailed. Howe, as he saw the new intrenchments loom in imposing strength, reported that "they must have been the employment of at least twelve thousand men." Some of his officers said: "Perhaps there never was so much work done in so short a space of time," and that their rising as at a word recalled to them the stories in eastern romances of the invisible agency of fairy hands. "If they retain possession of the heights," said Admiral Shuldham, "I cannot keep a ship in the harbor." A council of war saw no choice but to dislodge the New England farmers. Had the British made a sally against the party at Dorchester, the Americans had floating batteries and boats ready to carry four thousand men into Boston. Howe put twenty-four hundred men under the command of Lord Percy to make the attack. When they were seen to embark, the Americans on the heights, expecting an immediate conflict, kindled with joy. Washington said: "Remember, it is the fifth of March, a day never to be forgotten; avenge the death of your brethren." But Percy took his transports no farther than the castle; in the afternoon a gale came up from the south, and about midnight drove two or three vessels on shore; rain fell in torrents on the morning of the sixth; a movement against the American lines must have ended in the ruin of the British army. A second council of war advised the instant evacuation of Boston.

Bancroft, Hist. of the U.S., vol.4, p.328

There was no time even to propose a capitulation for the safety of the refugees, and the best that could be offered them was a passage in crowded transports from the cherished land of their nativity to the naked shores of Nova Scotia. The British confessed before the world their inability to protect their friends, who had risked everything in their cause. What trust could now be reposed in their promises?

Bancroft, Hist. of the U.S., vol.4, p.328

On the eighth, Howe, through the selectmen of Boston, wished to come to an understanding with Washington that the town should be spared, provided he might leave it without molestation. The unauthenticated proposal could meet with no reply from the American commander-in-chief; but, from want of ammunition, he was obliged to use his artillery sparingly, while Howe was hastening his embarkation. A chosen British army, sent at the expense of more than a million pounds sterling to correct revolted subjects and assert the authority of the British parliament, after being imprisoned for many months in the town they were to have crushed, found no safety but in flight.

Bancroft, Hist. of the U.S., vol.4, p.328 - p.329

In these hours the ministry had heard of the safety of Quebec, and would not hearken to a doubt of speedily crushing the rebellion. On the morning of the fourteenth of March, the British secretary of state listened to Thayendanegea, otherwise named Joseph Brant, a Mohawk, of the Wolf tribe, the chosen chief of the confederacy of the Six Nations, who spoke thus: "Brother, we hope to see these bad children, the New England people, chastised. The Indians have always been ready to assist the king." And Germain replied: "Continue to manifest attachment to the king, and be sure of his favor." "Unconditional submission" was the watchword; and when on the evening of the same day the duke of Grafton attempted once more, in the house of lords, to plead for conciliation, Dartmouth approved sending over "a sufficient force to awe the colonies into submission;" Hillsborough would "listen to no accommodation short of the acknowledgment of the right of taxation and the submission of Massachusetts to the law for altering its charter;" and Mansfield, ridiculing the idea of suspending hostilities, laughed moderate counsels away. In the laying waste which was a part of the plan, New England was to be spared the least.

Bancroft, Hist. of the U.S., vol.4, p.329

The second night after this display in the British parliament to restrain the ministry had been defeated, Washington gained possession of Nook Hill, and with it the power of opening the highway from Roxbury to Boston. At the appearance of this work, the British army and more than eleven hundred refugees began their embarkation at four in the morning, and in less than six hours were put on board one hundred and twenty transports; before ten they were under way, and the citizens of Boston, from every height and every wharf, could see the fleet sail out of the harbor in a line extending from the castle to Nantasket road.

Bancroft, Hist. of the U.S., vol.4, p.329

The lives of Thacher and Mayhew and Dana and Molineux and Quincy and Gardner, of Warren and the martyrs of Lexington, Concord, and Bunker Hill, had not been in vain. The flight had been so precipitate that the British general was obliged to remain several days in Nantasket road, to adjust the ships for the voyage. He was still within sight of the spires of Boston, when a ship-of-war from England hailed him, and delivered him despatches applauding the reasons which he had given for not leaving Boston, and deprecating its evacuation.

Bancroft, Hist. of the U.S., vol.4, p.329 - p.330

Troops from Roxbury moved into Boston; others from Cambridge crossed in boats. Everywhere appeared marks of hurry in the flight of the British; among other stores, they left behind them two hundred and fifty pieces of cannon, of which one half were serviceable; twenty-five hundred chaldrons of sea-coal; twenty-five thousand bushels of wheat; three thousand bushels of barley and oats; one hundred and fifty horses; bedding and clothing for soldiers. British store-ships, ignorant of the retreat, successively entered the harbor without suspicion, and fell into the hands of the Americans; among them a ship which, in addition to carbines, bayonets, gun-carriages, and all sorts of tools necessary for artillery, had on board more than seven times as much powder as Washington's whole stock when his last movement was begun.

Bancroft, Hist. of the U.S., vol.4, p.330

On the next day Washington ordered five of his best regiments to march under Heath to New York. On the twentieth the main body of the army made its entry into Boston. Except one meeting-house and a few wooden buildings which had been used for fuel, the houses were left in a good condition. When, two days later, the restrictions on intercourse with the town were removed and the exiles and their friends streamed in, all hearts were touched at "witnessing the tender interviews and fond embraces of those who had been long separated." For Washington, crowded welcomes and words of gratitude hung on the faltering tongues of the liberated inhabitants; the selectmen of Boston addressed him in their name: "Next to the Divine Power, we ascribe to your wisdom that this acquisition has been made with so little effusion of human blood;" and in reply he paid a just tribute to their fortitude.

Bancroft, Hist. of the U.S., vol.4, p.330

When the quiet of a week had revived ancient usages, Washington attended the Thursday lecture, which had been kept up from the days of Winthrop and Wilson, and all rejoiced with exceeding joy at seeing this New England Zion once more a quiet habitation; they called it "a tabernacle of which not one of the stakes should ever be removed, nor one of the cords be broken." The Puritan ancestry of Massachusetts seemed holding out their hands to bless the deliverer of their children.

Bancroft, Hist. of the U.S., vol.4, p.330 - p.331

On the twenty-ninth the two branches of the legislature addressed him jointly, dwelling on the respect he had ever shown to their civil constitution, as well as on his regard for the lives and health of all under his command. "Go on," said they, "still go on, approved by heaven, revered by all good men, and dreaded by tyrants; may future generations, in the peaceful enjoyment of that freedom which your sword shall have established, raise the most lasting monuments to the name of Washington." And in his answer he renewed his pledges of "a regard to every provincial institution." When the continental congress, on the motion of John Adams, voted him thanks and a commemorative medal of gold, he modestly transferred their praises to the men of his command, saying: "They were, indeed, at first a band of undisciplined husbandmen; but it is, under God, to their bravery and attention to duty that I am indebted for that success which has procured me the only reward I wish to receive, the affection and esteem of my countrymen."

Bancroft, Hist. of the U.S., vol.4, p.331

And never was so great a result obtained at so small a cost of human life. The putting the British army to flight was the first decisive victory of the industrious middling class over the most powerful representative of the medieval aristocracy, and the whole number of New England men killed in the siege of Boston after Washington took the command was less than twenty; the liberation of New England cost less than two hundred lives in battle, and the triumphant general as he looked around enjoyed the serenest delight, for he saw no mourners among those who greeted his entry.

Bancroft, Hist. of the U.S., vol.4, p.331

The men who so thoroughly represented the people of the civilized world had shown patience as well as fortitude. How long they waited, and, when the right moment came, how bravely they rose! How magnanimously they responded to the inward voice which bade them claim freedom as a birthright, and dread an acquiescence in its loss as a violation of the peace of the soul!

Bancroft, Hist. of the U.S., vol.4, p.331

For New England the dependence on England was at an end. The next general assembly that met in Rhode Island, on the fourth day of May discharged the inhabitants of that colony from allegiance to the king of Great Britain by the unanimous vote of the upper house, and in the house of deputies, where sixty were present, with but six dissentient voices.

Chapter 21:

Acts of Independence,

February-April 1776

Bancroft, Hist. of the U.S., vol.4, p.332

ON the ninth day of February John Adams had resumed his seat in congress, with Elbridge Gerry for a colleague, and with instructions from his constituents to establish liberty in America upon a permanent basis. He was in the happiest mood of mind, for the independence of his country seemed to him so bound up with the welfare of mankind that Providence could not suffer its defeat.

Bancroft, Hist. of the U.S., vol.4, p.332

Looking into himself, he saw weaknesses enough, but neither meanness nor dishonesty nor timidity. Overweening self-esteem was his chief blemish. Having more learning than Washington, better knowledge of freedom as grounded in law than Samuel Adams, clearer insight into the constructive elements of government than Franklin, more readiness in debate than Jefferson, he could early fancy himself the greatest of them all. He was capable of thinking himself the centre of any circle to which he had been no more than a tangent; and in age vanity sometimes bewildered his memory; but it did not impair the integrity of his conduct. He was humane and frank, generous and clement; if he could never sit placidly under the shade of a greater reputation than his own, his envy had hardly a tinge of malignity. He went to his task, sturdy and cheery and brave; he was the hammer and not the anvil, and it was for others to shrink from his blows. His courage was unflinching in debate, and everywhere else; he' never knew what fear was. To his latest old age he saw ten times as much pleasure as pain in the world, and was ready to begin life anew and fight its battle over again.

Bancroft, Hist. of the U.S., vol.4, p.333

In his youth he fell among skeptics, read Bolingbroke's works five times through, and esteemed himself a profound metaphysician, but he had only skimmed the speculations of others; though at first destined to be a minister, he became a rebel to Calvinism, and never had any fixed religious creed. For all that, he was a stanch man of New England, and his fond partiality to its people, its institutions, its social condition, and its laws, followed him into congress and its committees, tinctured his judgment, and clinched his prepossessions; but the elements in New England that he loved most were those which were eminently friendly to universal culture and republican equality. Son of a small freeholder, bent on making his way in the world, at twenty years old beginning to earn his own bread, pinched and starved as master of a "stingy" country school, he formed early habits of order and frugality, and steadily advanced to fortune; but there was nothing niggardly in his thrift, and his modest hospitality was prompt and hearty. He loved homage, and to those who flattered him he gave his confidence freely, and often unwisely; and, while he watched the general movement of affairs with comprehensive sagacity, he was never a calm observer of individual men. Of the choleric temperament and of a large and compact frame, he was singularly sensitive; could break out into uncontrollable rage, and never learned to rule his own spirit; but his anger did not so much drive him to do wrong as to do right ungraciously. No man was less fitted to gain his end by arts of indirection; he knew not how to intrigue, was indiscreetly talkative, and almost thought aloud; his ways of courting support were uncouth, so that he made few friends except by his weight of character and integrity; and he was unapt as the leader of a party.

Bancroft, Hist. of the U.S., vol.4, p.333 - p.334

Hating intolerance in all its forms, loving civil liberty as the glory of man and the best evidence and the best result of civilization, he, of all in congress, was incomparable as a dogmatist; essentially right-minded; loving to teach with authority; pressing onward unsparingly with his argument; impatient of contradiction; unequalled as a positive champion of the right; compelled to utter his convictions fearlessly by an inborn energy which forbade his acting otherwise. He was now too much in earnest and too much engaged by the greatness of his work, to think of himself; too anxiously desiring aid to disparage those who gave it. In the fervor of his activity, his faults disappeared. His intellect and public spirit, all the noblest parts of his nature, were called into the fullest exercise. Combining, more than any other, far-sightedness and fixedness of belief with courage and power of utterance, he was looked up to as the ablest debater in congress. He was redundant in words and cumulative in argument; but his warmth and sincerity kept him from the affectations of a pedant or a rhetorician. Forbearance was no longer in season; the irrepressible talent of persevering, peremptory assertion was wanted; the more he was hurried along by his own vehement will, the better; now his country, humanity, the age, the hour, demanded that the right should be spoken out. His sagacity rose with the approach of danger, and he dared to inquire after the system of permanent government best suited to the colonies. He looked for the essential elements of government behind its forms. He studied the principles of the British constitution not merely in the history of England, but as purified and reproduced in the governments of New England, and as analyzed and reflected in the writings of Montesquieu. "A legislative, an executive, and a judicial power comprehended the whole of what he meant and understood by government;" and, as the only secret to be discovered was how to derive these powers directly from the people, he persuaded himself, and was fast persuading others, that, by the aid of a convention, "a single month was sufficient, without the least convulsion or even animosity, to accomplish a total revolution in the government of a colony." His warmth and positiveness had not the air of passion, but appeared, as it was, the clear perception of his task. When, in the life of a statesman, were six months of more importance to the race than these six months in the career of John Adams?

Bancroft, Hist. of the U.S., vol.4, p.334 - p.335

On resuming his seat, he found a less able delegation from South Carolina. In zeal and decision Chase of Maryland kept always ahead of his friends. That province had wished to preserve its proprietary system, but only so far as was consistent with the unwavering resolution to resist to the last the usurpations of parliament. The members of congress listened with impatience to Wilson when, on the thirteenth of February, from his committee appointed the day after the publication of "Common Sense," he presented a long draft of an address to their constituents, in which they were made to disclaim the idea of renouncing their allegiance; and its author, perceiving that the majority relished neither its style nor its counsel, allowed it to subside without a vote.

Bancroft, Hist. of the U.S., vol.4, p.335 - p.336

On the sixteenth the great measure of enfranchising American commerce was seriously considered. "Open your ports," said a member; "your trade will then become of so much consequence that foreigners will protect you." "In war," argued Wilson, "trade should be carried on with greater vigor than ever, after the manner of the United Provinces in their struggle against Spain. The merchants themselves muse judge of the risks. Our vessels and our seamen are all abroad, and, unless we open our ports, will not return." Sherman wished first to secure a protective treaty with a foreign power. Harrison said more explicitly: "We have hobbled on under a fatal attachment to Great Britain; I felt that attachment as much as any man, but I feel a stronger one to my country." George Wythe took the lead. A learned and able lawyer, he cultivated poetry and letters; not rich, he was above want; in his habits he was as abstemious as an ascetic; his manners had the mirthfulness of innocence. Genial and loving, he blended gentleness with unswerving obedience to the law of duty. From 1774 his views coincided with those of Jefferson; and his artless simplicity of character, his legal erudition and acuteness, added persuasion to his words: "It is too true our ships may be taken; but we may authorize vessels to arm, and we may give letters of marque and reprisal. We may invite foreign powers to make treaties of commerce with us; but, before this measure is adopted, it is to be considered in what character we shall treat. As subjects of Great Britain? as rebels? No: we must declare ourselves a free people." With this explanation he moved: "That the colonies have a right to contract alliances with foreign powers." "This is independence," said an objector. The question whether the resolution should be considered was adopted by seven colonies against five; but the debate on opening the ports was prolonged through seven weeks of hesitation.

Bancroft, Hist. of the U.S., vol.4, p.336

On the day of this discussion the assembly of Pennsylvania formed a quorum. It still required of its members the profession of allegiance to King George; Franklin had therefore never taken his seat and now resigned it.

Bancroft, Hist. of the U.S., vol.4, p.336

Washington's advice to enlist soldiers for the war, and the solemnity with which it was enforced, arrested attention. Samuel Adams proposed to take up the question of lengthening the period of enlistments. But opposition to a standing army had long been the watchword of liberty; the New England colonies had from their beginning been defended by their own militia; in the last French war, troops had been called out only for the season. "Enlistment for a long period," said Sherman, "is a state of slavery; a rotation of service in arms is favorable to liberty." "I am in favor of the proposition to raise men for the war," said John Adams; "but not to depend upon it, as men must be averse to it, and the war may last ten years." England was sending over veteran armies; and they were to be met by soldiers engaged only for a year.

Bancroft, Hist. of the U.S., vol.4, p.336

The debate branched off into a discussion on the pay of officers, respecting which the frugal statesmen of the North differed from those of the South; John Adams thought the democratic tendency of New England less dangerous than the aristocratic tendency elsewhere. Danger hang visibly over every part of the country; on the twenty-seventh the five middle colonies from New York to Maryland were constituted one military department; the four south of the Potomac, another; and, on the first of March, six new generals of brigade were appointed. In the selection for Virginia there was difficulty; the prevailing opinion recalled Patrick Henry to civil life; in the judgment of Washington, "Mercer would have supplied the place well;" but the choice fell upon Andrew Lewis, who still suffered from "the odium thrown upon his conduct at Kanawha," where he had lingered in his camp, while the officers and men whom he sent forth, with fearless gallantry and a terrible loss of life, shed lustre over Virginia. In less than a year congress forced Lewis to resign, by promoting an inferior officer over his head.

Bancroft, Hist. of the U.S., vol.4, p.337

To meet the expenses of the war, four millions of dollars in bills were ordered to be struck; which, with six millions already issued, would form a paper currency of ten millions. A few days later a committee of seven, including Duane and Robert Morris, was appointed on the ways and means of raising other supplies for the year; but they never so much as made a report. A like committee was appointed, continued, and enlarged; and their labors were equally fruitless. Congress had neither credit to borrow nor power to tax.

Bancroft, Hist. of the U.S., vol.4, p.337

Congress was about to send commissioners to Canada, and their instructions, reported by John Adams, Wythe, and Sherman, contained this clause: "You are to declare that it is our inclination that the people of Canada may set up such a form of government as will be most likely in their judgment to produce their happiness." This invitation to the Canadians to form a government without any limitation of time was, for three or four hours, resisted by Jay and others, on the ground that it "was an independency;" but the words were adopted.

Bancroft, Hist. of the U.S., vol.4, p.337

Early in the month congress received the act of parliament prohibiting all trade with the thirteen colonies, and confiscating their ships and effects as if they were the ships and effects of open enemies. The first instinct was to retaliate; and on the eighteenth, after an able debate, privateers were authorized to cruise against ships and their cargoes, belonging to any inhabitant of Great Britain, though not of Ireland or the West Indies, by the vote of all New England, New York, Virginia, and North Carolina, against Pennsylvania and Maryland.

Bancroft, Hist. of the U.S., vol.4, p.337 - p.338

On the nineteenth, Wythe, with Jay and Wilson, was appointed to prepare a preamble to the resolutions. Wythe found himself in a minority in the committee; and when, on the twenty-second, he presented their report, he moved an amendment, charging the king himself with their grievances, inasmuch as he had "rejected their petitions with scorn and contempt." This was new ground; hitherto congress had disclaimed the authority of parliament, not allegiance to the crown. Jay, Wilson, and Johnson opposed the amendment, as severing the king from the thirteen colonies forever; it was supported by Richard Henry Lee, who seconded it, by Chase, Sergeant of New Jersey, and Harrison. At the end of four hours Maryland interposed and put off the decision for a day; but on the twenty-third the language of Wythe was accepted.

Bancroft, Hist. of the U.S., vol.4, p.338

"From their form of government and steady attachment heretofore to royalty," wrote Washington at this time of the Virginians, "my countrymen will come reluctantly into the idea of independency; but time and persecution bring wonderful things to pass." The question of opening the ports, after having been for months the chief subject of deliberation, was discussed through all the next fortnight. One kind of traffic which the European maritime powers still encouraged was absolutely forbidden, not from political reasons merely, but from a conviction of its unrighteousness and cruelty; and, without any limitation as to time or any reservation of a veto to the respective colonies, it was resolved "that no slaves be imported into any of the thirteen united colonies." The prohibition made, moreover, a revolution in the state of the black men already in America; from a body of laborers, perpetually recruited from barbarous African tribes, they were transformed into an insulated class, living in a state of domesticity, and receiving culture and employment from a superior race. It was then hoped, especially in Virginia, that the total prohibition of the slave-trade would, at no very distant day, be followed by universal emancipation.

Bancroft, Hist. of the U.S., vol.4, p.338

The first who is known to have suggested that negroes might be emancipated, and a "public provision be made to transport them to Africa, where they might probably live better than in any other country," was Samuel Hopkins of Newport, Rhode Island, a theologian, who taught that, "through divine interposition, sin is an advantage to the universe;" a firm believer in the coming of the millennium; a theorist who held virtue to require not merely disinterested love, but a love that is willing to make a sacrifice of self. Writing in a town which had grown rich by the slave-trade, he addressed a memorial to the members of the body representing the United States, "entreating them to be the happy instruments of procuring and establishing universal liberty to white and black, to be transmitted down to the latest posterity." His argument obtained no notice from the continental congress.

Bancroft, Hist. of the U.S., vol.4, p.339

The slave-trade having been denied to be a legitimate traffic and having been branded as a crime against humanity, on the sixth of April the thirteen colonies threw open their commerce to all the world, "not subject to the king of Great Britain." The colonial system was swept away from them forever, and the flag of every nation invited to their harbors. On the twenty-eighth of February the committee of correspondence of Philadelphia, against the wish of Joseph Reed their chairman, wisely resolved to call a convention of the people. The proprietary interest by the instinct of self-preservation repelled the thought of independence, complained that to save the charter of Massachusetts they were called upon to sacrifice their own, and persuaded the committee of correspondence to suspend its call. Dickinson urged upon every individual and every body of men over whom he had any influence the necessity of making terms of accommodation with Great Britain. Inglis, for a time rector of the New York Trinity church and afterward bishop of Nova Scotia, extolled him as the illustrious defender of the constitution against the siren form of independence.

Bancroft, Hist. of the U.S., vol.4, p.339

Robert Morris, an Englishman by birth and in part by education, a merchant of vast designs, speculative, and indefatigable in pursuit of gain, had "no doubt that with union the colonies could at their pleasure choose between a reconciliation and total independence;" but, if the liberties of America could not otherwise be secured, he was ready to renounce the connection with Great Britain and fight his way through.

Bancroft, Hist. of the U.S., vol.4, p.339

To moderate opposition, the assembly, acting with the proprietary governor, increased the popular representation by seventeen new members, of whom four were allowed to Philadelphia; consented to raise three battalions; extended conditionally the period of enlistment to the end of 1777 by the casting vote of its speaker; and ordered eighty-five thousand pounds to be struck in bills of credit. Then, on the sixth of April, after a long debate, the delegates for the province in congress were once more enjoined to dissent from and utterly reject any proposition that might lead to a separation from the mother country or a change of the proprietary government.

Bancroft, Hist. of the U.S., vol.4, p.340

This was the result which Dickinson desired; but Robert Morris asked, uneasily: "If these commissioners are to come, what detains them? It is time we should be on a certainty."

Bancroft, Hist. of the U.S., vol.4, p.340

Duane of New York, who, like Robert Morris, was pre pared for extreme measures if the British proposition should prove oppressive or frivolous, "waited for the expected propositions with painful anxiety."

Bancroft, Hist. of the U.S., vol.4, p.340

This waiting for commissioners Samuel Adams treated with scorn. Early in April his words were: "Is not America already independent? Why not, then, declare it? Because, say some, it will forever shut the door of reconciliation. But Britain will not be reconciled, except upon our abjectly submitting to tyranny, and asking and receiving pardon for resisting it. Has the king of Great Britain ever yet discovered the least degree of that princely virtue, clemency? It is my opinion that his heart is more obdurate, and his disposition toward the people of America more unrelenting and malignant, than was that of Pharaoh toward the Israelites in Egypt. No foreign power can consistently yield comfort to rebels, or enter into any kind of treaty with these colonies, till they declare themselves independent."

Bancroft, Hist. of the U.S., vol.4, p.340

On the twenty-eighth of the same month John Adams wrote to his wife: "We are hastening rapidly to great events. Governments will be up everywhere before midsummer, and an end to royal style, titles, and authority. May God in his providence overrule the mighty revolution for the good of mankind." Yet Dickinson and others, among whom were William Livingston of New Jersey and the elder Laurens of South Carolina, wished to wait for an alliance with the king of France.

Bancroft, Hist. of the U.S., vol.4, p.340 - p.341

The mariners of Marblehead reasoned better, learning the lesson of duty from the impulse of patriotism and the necessity of action. On the seventeenth of May, James Mugford, a Marblehead sea-captain, in a continental cruiser of but fifty tons and four guns, captured and brought into Boston harbor the British ship Hope, which had on board fifteen hundred barrels of powder. This cargo made her the most valuable prize that had been taken. When, two days later, he prepared to go out again, he was attacked at Nantasket by thirteen boats from a British man-of-war. His assailants suffered great loss and were beaten off, while no one of the Americans was hurt except Mugford, who fought heroically, and was mortally wounded.

Bancroft, Hist. of the U.S., vol.4, p.341

The seeming attempt of the ministry at conciliation, which had for its chief object the pacification of English opinion, was suffered to drag along till the news that Howe had been driven from Boston precipitated their counsels.

Bancroft, Hist. of the U.S., vol.4, p.341

The letters-patent for the commissioners, which were issued on the sixth of May, conferred power on Lord Howe and General Howe, the commanders-in-chief of the naval and land forces in America, jointly and severally, to grant pardons to such as should give early proofs of their sincere abhorrence of their defection from loyalty, and should sue for mercy. The two points in controversy were the right of parliament to tax the colonies and its right to change their charters. Lord North used to say publicly that the right of taxation was abandoned; Germain always asserted that it was not. North was willing to restore the charter of Massachusetts; the king wished rather to renounce America. The instructions to the commissioners were founded upon the resolution of the twentieth of February 1775, which the colonies had declared to be insufficient. The parliamentary change in the charter of Massachusetts was to be enforced; and secret instructions required that Connecticut and Rhode Island should be compelled, if possible, to accept analogous changes. It was said by the authority of Lord Howe that he would not go to America unless he had powers to treat on terms of conciliation; and he required and obtained permission to act alone; but, if his sincerity is left unimpeached, it is at the expense of his reputation for discernment; for the commission for restoring peace was a delusion. The ministers had provided forces sufficient, as they firmly believed, to beat down the insurrection. Edmund Burke did not believe that the colonies, left to themselves, could offer any effective resistance to the whole power of England and its allies.

Bancroft, Hist. of the U.S., vol.4, p.341 - p.342

The friends of liberty in England had never been so desponding. The budget for the year included an additional duty on newspapers, which Lord North regarded as "a species of luxury that ought to be taxed." Debate in the house of commons brought no result; Fox, who began to give evidence of a genial sagacity that saw beyond parliamentary strife the reality of general principles, vainly struggled to keep up the courage of his political friends. A most ably written pamphlet by Richard Price, on "Liberty," which he defined to be a government of laws made by common consent, won for its author the freedom of the city of London, and was widely circulated through the kingdom and the continent of Europe, especially Germany. His masterly plea for America was unavailing; but his tract gained peculiar importance from his applying to the representation of his own country the principle on which America justified her resistance. "The time may come," said he, "when a general election in Britain will be nothing but a general auction of boroughs." Carrying the war into the heart of English politics and society, he raised the cry for the reform in parliament which was never to be hushed, and transferred English opinion to the side of America for the sake of that liberty which was of all things dearest to the English nation.

Bancroft, Hist. of the U.S., vol.4, p.342

But what hope was there of reform in England? Its ruling classes prepared reform by forcing independence on America.

Bancroft, Hist. of the U.S., vol.4, p.342 - p.343

The day on which George III sealed the instructions to his commissioners congress decided to adopt no measures for receiving them until they should themselves make application to be received, and voted to raise ten millions of dollars for carrying on the war during the current year. They then took into consideration the proposition of John Adams, that "each one of the united colonies, where no government sufficient to the exigencies of their affairs had as yet been established, should adopt such government as would, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular and of America in general." This measure he had advised twelve months before, and the timid had kept it back in order still to petition and negotiate; it was now resisted through two successive days, but on the tenth of May triumphed over all procrastinators. John Adams, Edward Rutledge, and Richard Henry Lee were then appointed to prepare a preamble to the resolution. Lee and Adams, Massachusetts and Virginia, were of one mind; and on the following Monday they made their report. Recalling the act of parliament which excluded the Americans from the protection of the crown, the king's neglect to return any answer whatever to their petition, the employment of "the whole force of the kingdom, aided by foreign mercenaries, for the destruction of the good people of these colonies," they declared that it was "absolutely irreconcilable with reason and good conscience for the people of these colonies now to take the oaths and affirmations necessary for the support of any government under the crown of Great Britain, and that it was necessary that the exercise of every kind of authority under the crown should be totally suppressed, and all the powers of government exerted under the authority of the people of the colonies."

Bancroft, Hist. of the U.S., vol.4, p.343 - p.344

These words, which bore the impress of John Adams, implied the sovereignty of one continental people, a complete independence of the British parliament, crown, and nation. It was a blow dealt by the general congress against the proprietary government of Pennsylvania. Duane sounded the alarm; before changing the government of the colonies, he wished to wait for the opinions of the inhabitants, who were to be followed and not driven on. He showed that the powers conferred on him by New York did not justify him in voting for the measure without a breach of trust; and yet, if the averments of the preamble should be confirmed, he pledged New York to independence. Sherman argued that the adoption of the resolution was the best way to procure the harmony with Great Britain which New York desired. Mackean, who represented Delaware, thought the step must be taken, or liberty, property and life be lost. "The first object of New York," said Samuel Adams, "is the establishment of their rights. Our petitions are answered only by fleets and armies and myrmidons from abroad. The king has thrown us out of his protection; why should we support governments under his authority?" Floyd of New York was persuaded "that there were little or no hopes of commissioners coming to treat of peace; that therefore America ought to be in a situation to preserve her liberties another way." "This preamble contains a reflection upon the conduct of some people in America," interposed Wilson, referring to the assembly of Pennsylvania, which so late as February had required of Reed and Rittenhouse oaths of allegiance to the king. "If the preamble passes," he continued, "there will be an immediate dissolution of every kind of authority in this province; the people will be instantly in a state of nature. Before we are prepared to build the new house, why should we pull down the old one " The delegates of Pennsylvania declined to vote on the question; those of Maryland announced that, under their instructions, they should consider their colony as unrepresented, until they should receive the directions of their principals, who were then sitting at Annapolis.

Bancroft, Hist. of the U.S., vol.4, p.344 - p.345

Overruling the hesitation of the moderate men, the majority adopted the preamble, and ordered it to be published. The colonies never existed separately as independent states or peoples. As they rose, they united. The unity symbolized by the crown passed to the good people of the colonies, who collectively spoke the word for totally suppressing all authority under the king, giving the law to Pennsylvania by proscribing its proprietary government, and investing all the several colonies with authority to institute governments of their own. The measure proved "a piece of mechanism to work out independence." "The Gordian knot is cut," said John Adams as he meditated in solitude upon the lead which he had assumed in summoning so many populous and opulent colonies to rise from the state of subjection into that of independent republics. Many of those who were to take part in framing constitutions for future millions turned to him for instruction. He recalled the first principles of political morals, the lessons inculcated by American experience, and the example of England. Familiar with the wise and eloquent writings of those of her sons who had treated of liberty, and combining with them the results of his own reflections, he did not shrink from offering his advice. He declared the only moral foundation of government to be the consent of the people; yet he counselled respect for existing rules, and, to avoid opening a fruitful source of controversy, he refused to promote for the present any alteration, at least in Massachusetts, in the qualifications of voters. "There is no good government," he said, "but what is republican; for a republic is an empire of laws, and not of men;" and, to constitute the best of republics, he enforced the necessity of separating the executive, legislative, and judicial powers. The ill use which the royal governors had made of the veto power did not confuse his judgment; he upheld the principle that the chief executive magistrate ought to be invested with a negative upon the legislature. To judges he wished to assign commissions during good behavior, and to establish their salaries by law, but to make them liable to impeachment and removal by the grand inquest of the colony.

Bancroft, Hist. of the U.S., vol.4, p.345

The republics of the ancient world had grown out of cities, so that their governments were originally municipalities; to make a republic possible in the large territories embraced in the several American colonies, where the whole society could never be assembled, power was to be deputed by the many to a few, who were to be elected by suffrage, and were in theory to be a faithful miniature portrait of the people. Nor yet should all power be intrusted to one representative assembly. John Adams taught, what an analysis of the human mind and the examples of history through thousands of years unite to confirm, that a single assembly is liable to the frailties of a single individual, to passionate caprices, and to a selfish eagerness for the increase of its own importance. "If the legislative power," such were his words just as the American constitutions were forming, "if the legislative power is wholly in one assembly, and the executive in another or in a single person, these two powers will oppose and encroach upon each other, until the contest shall end in war, and the whole power, legislative and executive, be usurped by the strongest."

Bancroft, Hist. of the U.S., vol.4, p.345 - p.346

These are words to be inscribed on the memory and heart of every nation that would constitute a republic; yet at that time there was not one member of the continental congress who applied the principle to the continental congress itself. Hawley of Northampton had advised an American parliament with two houses of legislature; but John Adams as yet saw no occasion for any continental constitution except a congress, which should contain a fair representation of the colonies, and confine its authority sacredly to war, trade, disputes between colony and colony, the post-office, and the unappropriated public lands.

Bancroft, Hist. of the U.S., vol.4, p.346

In the separate colonies, he urged that all the youth should be liberally educated, and all men be required to keep arms and to be trained to their use. A country having a constitution founded on these principles, diffusing knowledge among the people, and inspiring them with the conscious dignity becoming free men, would, "when compared with the regions of monarchical or aristocratical domination, seem an Arcadia or an Elysium."

Chapter 22:

Britain Seeks Foreign Aid,

1775-1776

Bancroft, Hist. of the U.S., vol.4, p.347

COULD the king have employed none but British troops, the war by land against the colonies must have been of short duration. Sir Joseph Yorke, the British ambassador at the Hague, proposed the transfer of a brigade from the service of the Netherlands to that of his sovereign. The young stadholder made reply directly to his cousin, the king of England, declining the request. King George renewed his solicitation. In 1599, the Low Countries pledged to Queen Elizabeth as security for a loan three important fortresses, which she garrisoned with her own troops; in 1616 the Dutch discharged the debt, and the garrisons were withdrawn from the cautionary towns, except an English and a Scottish brigade which passed into the service of the United Provinces. William III recalled the English brigade, and in 1749 the privilege of recruiting in Scotland was withdrawn from the other, so that its rank and file, consisting of more than twenty-one hundred men, were of all nations, though its officers were still Scotchmen by birth or descent. In favor of the loan of these troops, it was urged that the officers already owed allegiance to the British king; that common interests connected the two countries; that the present occasion offered to the prince of Orange "the unique advantage and particular honor" of strengthening the bonds of close friendship which had been "more or less enfeebled" by the neutrality of the United Provinces during the last French war.

Bancroft, Hist. of the U.S., vol.4, p.347 - p.348

In the states general Zealand and Utrecht consented; the province of Holland objected that a commercial state should never but from necessity become involved in any quarrel. Baron van der Capellen tot den Pol, one of the nobles of Overyssel, reasoned in this wise: Furnishing the troops would be a departure from the true policy of the strictest neutrality; the country has fruitlessly sacrificed her prosperity to advance the greatness of England; she has shed rivers of blood under pretence of establishing a balance of power, and has only strengthened an empire which is now assuming a more dreadful monarchy over the seas than ever had been known; she will find herself, as formerly, engaged in a baleful war with France, her most powerful neighbor and her natural ally in the defence of the liberty of commerce; a rupture between Britain and France will bring advantage to the navigation of the republic if she would but maintain her neutrality; in the war of succession which gave to Britain the key to the Mediterranean, she had nothing for her share but the total waste of her forces and her treasure; she has religiously observed her treaties, and yet England denies her the stipulated safety of merchandise in free bottoms, and searches and arbitrarily confiscates her ships. Besides, janizaries rather than the troops of a free state should be hired to subdue the colonists. Why should a nation of men, who have borne the title of rebels and freed themselves from oppression by their swords, employ their troops in crushing the Americans, who yet are worthy of the esteem of the whole world as defending with moderation and with intrepidity the rights which God and not the British legislature has given them as men!

Bancroft, Hist. of the U.S., vol.4, p.348

These ideas, once set in motion, were sure to win the day; but the states of Overyssel suppressed all explicit declarations against England; and the states general disguised their refusal under the form of a consent to lend the brigade, on the condition that it never should be used out of Europe.

Bancroft, Hist. of the U.S., vol.4, p.348 - p.349

During the tardy course of the discussion Britain had obtained supplies of men from Germany. The electors and landgraves and reigning dukes of that empire were so accustomed to hire out their troops for their personal profit, that German troops had been engaged in every great contest which raged from Poland to Lisbon, from the North Sea to Naples, and were sometimes arrayed in the same battle on opposite sides.

Bancroft, Hist. of the U.S., vol.4, p.349

So soon as it became known that the king of England desired recruits from Germany, crowds of adventurers volunteered their aid. He had scruples about accepting their offers, saying: "The giving commissions to German officers to get men, in plain English, amounts to making me a kidnapper, which I cannot think a very honorable occupation;" but he continued a contract with a Hanoverian lieutenant-colonel for raising four thousand recruits in Germany, granting for the purpose the use of his electoral dominions and the "indispensably necessary assistance and support of his field marshal."

Bancroft, Hist. of the U.S., vol.4, p.349

A larger bounty, higher wages, and the undefined prospect of spoils in the "El Dorado" of America, attracted vagabond veterans to the British standard. The German diet had forbidden enlistments by foreign powers in any part of Germany; the court of Vienna wrote to the free cities and several of the states of the empire, that "Great Britain had no more connection with the empire than Russia or Spain, neither of which powers was permitted to recruit within its limits," and ordered its ministers to obstruct the recruiting officers in the British service; yet the king's contractor was very soon ready with an instalment of a hundred and fifty men, and promised rapid success when the enterprise should get a little better into train. The prince bishop of Liege and the elector of Cologne consented to shut their eyes to the presence of English agents, who had recruiting stations in Neuwied and at Frankfort. The undertaking was prohibited by the law of nations and of the empire; the British ministers therefore instructed their diplomatic representative at the small courts to give all possible aid to the execution of the service, but not to implicate their government. In this way foreign levies were obtained to fill up British regiments.

Bancroft, Hist. of the U.S., vol.4, p.349 - p.350

The British ministry openly sought to engage subsidiary troops in Germany. The elector of Saxony put aside the thought at its first suggestion, saying that "to send part of his army into the remote countries of the New World affected too nearly his paternal tenderness for his subjects, and seemed too much in contrast with the rules of a healthy policy."

Bancroft, Hist. of the U.S., vol.4, p.350

It was hoped that the duke of Brunswick could supply at least three thousand, and the landgrave of Hesse-Cassel five thousand; in November 1775, Suffolk repeated to Colonel Faucitt, his agent, the instructions before given to the British minister in Russia: "Your point is to get as many men as you can; it will be much to your credit to procure the most moderate terms, though expense is not so much the object in the present emergency as in ordinary cases. Great activity is necessary, as the king is extremely anxious."

Bancroft, Hist. of the U.S., vol.4, p.350

"I shall regard it as a favor," wrote the prince of Waldeck, "if the king will accept a regiment of six hundred men, composed of officers and soldiers, who, like their prince, will certainly demand nothing better than to find an opportunity of sacrificing themselves for his majesty." The offer was eagerly closed with.

Bancroft, Hist. of the U.S., vol.4, p.350

Charles, the reigning duke of Brunswick, was at that time about sixty-three. During the forty years of his rule the spendthrift had squandered a loan of twelve millions of thalers, beside millions of his revenue, on his Italian opera, his corps of French dancers, his theatre, journeys, mistresses, and gaming, his experiments in alchemy, but most of all on his little army. Within three years a new prime minister had improved his finances, and Prince Ferdinand, the heir apparent, had been admitted as co-regent. In 1764 Ferdinand had married Augusta, a sister of George III., receiving with her a dowry of eighty thousand pounds, beside an annuity of eight thousand more, chargeable on the revenues of Ireland and Hanover. His governor had been indulgent to the vices of his youth. He adopted the skepticism of his century, with which he mixed up enough of philanthropic sentiment to pass for a liberal and humane free thinker. Stately in his appearance, a student of attitudes before the glass, he was profuse of bows and affectedly polite. His eyes were of a most beautiful blue, and their expression friendly and winning. He himself and those about him professed the strongest sense of the omnipotence of legitimate princes; he loved to rule, and required obedience. He had courage, and just too much ability to be called insignificant; it was his pride to do his day's work properly; and he introduced economy into the public administration. Indifferent to his English wife, abandoned to sensual pleasure, yet indefatigable in labor, neither prodigal, nor despotic, nor ambitious, his great defect was that he had no heart, so that he was not capable of gratitude or love, nor true to his word, nor fixed in his principles, nor skilled in discriminating military worth. He was a good secondary officer, exact in the mechanism of a regiment, but unfit to plan a campaign or lead an army.

Bancroft, Hist. of the U.S., vol.4, p.351

Faucitt, on the evening of his arrival, sought a conference with the hereditary prince to whom he bore a special letter from his king. Ferdinand unreservedly approved the British proposal, and promised his interposition with his father in its favor. The reigning duke, in the distressed state of his finances, gave his concurrence with all imaginable facility.

Bancroft, Hist. of the U.S., vol.4, p.351

It remained for Faucitt to chaffer with Feronce, the Brunswick minister, on the price of the troops, to the number of four thousand infantry and three hundred light dragoons. These last were not wanted, but Faucitt accepted them, "rather than appear difficult." Sixty German dollars for each man was demanded as levy money; but thirty crowns banco, or about thirty-four and a half of our dollars, was agreed upon. Every soldier who should be killed was to be paid for at the rate of the levy money; and three wounded were to be reckoned as one killed. Brunswick demanded that the English pay should begin three months before the march of the troops, but assented to the advance of only two months' pay. The annual subsidy, after wrangling for two days, was settled at sixty-four thousand five hundred German crowns from the date of the signature of the treaty, and twice that sum for two years after the return of the troops.

Bancroft, Hist. of the U.S., vol.4, p.351

Riedesel, a colonel in the duke's service, was selected for the command, with the rank of a major-general. He was a man of honor and activity; fond of his profession, of which he had spared no pains to make himself master.

Bancroft, Hist. of the U.S., vol.4, p.351 - p.352

During the war, Brunswick furnished altogether five thousand seven hundred and twenty-three mercenaries, a number equal to more than one sixth of the able-bodied men in the principality.

Bancroft, Hist. of the U.S., vol.4, p.352

It is just to inquire if conduct like that of Ferdinand was followed by a happy life and an honorable death. Of his sons, the eldest died two years before him; two others were idiotic and blind; his eldest daughter was married to the brutal prince of Wurtemberg, and perished in 1755. The intimate relations which led George III to begin the purchase of mercenary troops with his brother-in-law made him select Ferdinand's youngest daughter, Caroline—a woman brought up in the corrupting atmosphere of her father's palace, and environed by licentiousness from her childhood—to become, at twenty-seven, the wife of the prince of Wales, and eventually a queen of Great Britain. As to the prince himself, in a battle where his incompetence as a commander assisted to bring upon Prussia a most disastrous defeat, his eyes were shot away; a fugitive, deserted by mistress and friends, he refused to take food, and so died.

Bancroft, Hist. of the U.S., vol.4, p.352

From Brunswick Faucitt hurried to Cassel, where his coming was expected by one who knew well the strait to which the British ministry was reduced. The people of Hesse pre serve the hardy and warlike character of its ancestral tribe, which the Romans could never vanquish. It was a nation of soldiers, whose valor had been proved in all the battle-fields of Europe. In the former century the republic of Venice had employed them against the Turks, and they had taken part in the siege of Athens.

Bancroft, Hist. of the U.S., vol.4, p.352

The landgrave, Frederic II., was about fifty-six, and had ruled for nearly sixteen years. His nature was brutish and obstinate. The wife of his youth, a daughter of George II., the gentlest of her race, was forced to fly from his inhumanity to his own father for protection. At the age of fifty-three he married again, but lived with his second consort on no better terms than with his first.

Bancroft, Hist. of the U.S., vol.4, p.352 - p.353

The landgrave had been scrupulously educated in the Reformed Church, of which the house of Hesse had ever regarded itself a bulwark; but he piqued himself on having disburdened his mind of the prejudices of the vulgar, courted Voltaire's esteem by doubting various narratives in the Bible, and scoffed alike at the Old Testament and the New. In his view, Calvinism had died out even in Geneva; and Luther, though commendable for having loved wine and women, was but an ordinary man; he therefore turned Catholic in 1749, from dislike to the simplicity of the established worship of his people. He had learned to favor toleration, to abolish the use of torture, and to make capital punishments exceedingly rare; at the same time, he paraded his vices publicly with shameless indecorum. Having no nationality, he sought to introduce French modes of life; had his opera, ballet-dancers, masquerades during the carnival, his French playhouse, a cast-off French coquette for his principal mistress, a French superintendent of theatres for his librarian. But nothing could be less like France than his court; life in Cassel was spiritless; "nobody here reads," said Forster; "the different ranks are stiffly separated," said the historian Muller. Birth or wealth alone had influence: merit could not command respect, nor talent hope for fostering care.

Bancroft, Hist. of the U.S., vol.4, p.353

To this man Faucitt delivered a letter from the British king. General Schlieffen, the minister with whom he was to conduct the negotiation, prepared him to acquiesce unconditionally in every demand of the landgrave.

Bancroft, Hist. of the U.S., vol.4, p.353

The first extortion of the prince was a sum of more than forty thousand pounds for hospital disbursements during the last war. The account had been liquidated, paid, and closed; but the scandalous claim was revived and enforced.

Bancroft, Hist. of the U.S., vol.4, p.353

The landgrave accumulated in the new treaty every favorable stipulation that had separately found a place in any of the old ones. In the levy money agreed upon, the Hessian contract had an advantage of twenty per cent over that with Brunswick.

Bancroft, Hist. of the U.S., vol.4, p.353

The master stroke of Schlieffen was the settlement of the subsidy. The British agent believed that one campaign would terminate the war; the Hessian therefore, with seeming moderation, accepted a double subsidy, to be paid from the signature of the treaty to its expiration. As the engagement actually continued in force for about ten years, it afforded a clear profit to the landgrave of five millions of our dollars.

Bancroft, Hist. of the U.S., vol.4, p.353 - p.354

The taxes paid by the Hessians were sufficient to defray the pay-rolls and expenses of the Hessian army. One half of this tax was rigorously exacted for the troops in the British service.

Bancroft, Hist. of the U.S., vol.4, p.354

It was stipulated that the British pay, which was higher than the Hessian, should be paid into the treasury of Hesse; and this afforded great opportunities for peculation. The payrolls, after the first month, invariably included more persons than were in the service; with Brunswick, the price to be paid for the killed and wounded was fixed; the landgrave introduced no such covenant, and was left with the right to exact full pay for every man who had been mustered into the British service, whether in active service or dead.

Bancroft, Hist. of the U.S., vol.4, p.354

The British minister urged that the Hessian soldiers should be allowed as ample and extensive enjoyment of their pay as the British; "I dare not agree to any stipulation on this head," answered Schlieffen, "for fear of giving offence to the landgrave." "They are my fellow-soldiers," said the landgrave; "and do I not mean to treat them well?"

Bancroft, Hist. of the U.S., vol.4, p.354

The sick and the wounded of the Brunswickers were to be taken care of in British hospitals; for the Hessians, the landgrave claimed the benefit of providing a hospital of his own.

Bancroft, Hist. of the U.S., vol.4, p.354

The British ministers wished to clothe the mercenary troops in British manufactures; but the landgrave would not allow this branch of his profits to be impaired.

Bancroft, Hist. of the U.S., vol.4, p.354

It had been thought in England that the landgrave could furnish no more than five thousand foot; but the price was so high that, after contracting for twelve thousand, he further bargained to supply four hundred Hessian yagers, armed with rifled gans; and then three hundred dismounted dragoons; and then three corps of artillery; taking care for every addition to require the double subsidy.

Bancroft, Hist. of the U.S., vol.4, p.354

To escape impressment, his subjects fled into Hanover; King George, who was elector of Hanover, was therefore called upon "to discourage the elopement of Hessian subjects into that country, when the demand for men to enable the landgrave to fulfil his engagement with Great Britain was so pressing."

Bancroft, Hist. of the U.S., vol.4, p.354 - p.355

It was thought essential to march the troops through the electorate to their place of embarkation; for it was not doubted, "if the Hessians were to march along the left bank of the Weser, through the territories of Prussia and perhaps half a score of petty princes, one half of them would be lost on the way by desertion." Yet very many went willingly, having been made to believe that in America they would have free license to plunder and to indulge their passions.

Bancroft, Hist. of the U.S., vol.4, p.355

Every point in dispute having been yielded to the categorical demands of the landgrave, the treaty was signed on the thirty-first day of January. This would have seemed definitive; but, as the payment of the double subsidy was to begin from the day of the signature of the treaty, the landgrave put back the date of the instrument to January the fifteenth.

Bancroft, Hist. of the U.S., vol.4, p.355

His troops were among the best in Europe; their chief commander was Lieutenant-General Heister, a brave old man of nearly sixty, cheerful in disposition, crippled with wounds, of a good understanding, but without genius for war. Next him stood Lieutenant-General Knyphausen, remarkable for taciturnity and reserve; one of the best officers in the landgrave's service.

Bancroft, Hist. of the U.S., vol.4, p.355

Of the four major-generals, not one was remarkable for capacity or skill. Of the colonels, every one praised Donop, who commanded the four battalions of grenadiers and the yagers; Rall, Minigerode, Wurmb, Loos, and four or five others had served with distinction.

Bancroft, Hist. of the U.S., vol.4, p.355

The excuse of the British ministry for yielding to all the exactions of the landgrave was their eagerness to obtain the troops early in February. "Delay," wrote Suffolk, "will mar the expected advantage." The landgrave consented that thirteen battalions should be prepared to march on the fifteenth of February; but corruption was then so thoroughly a part of the British administration that they were sent in private vessels, that interested people might levy a commission on the contractors, who did not provide transports enough at the time appointed, and even in March could not tell when they would all be ready. The first detachment from Brunswick did not sail from England till the fourth of April, and yet reached Quebec before the first division of the Hessians cleared the British channel.

Bancroft, Hist. of the U.S., vol.4, p.355 - p.356

The transports were very badly fitted up; the bedding was shamefully scanty. The clothing of the Brunswick troops was old, and only patched up for the present; "the person who executed the commission" for purchasing shoes for them in England sent "fine thin dancing pumps," and of these the greatest number were too small for use.

Bancroft, Hist. of the U.S., vol.4, p.356

The treaty with the hereditary prince of Hesse-Cassel, who ruled in Hanau, met with no obstacle. He went in person round the different bailiwicks to choose recruits, and accompanied his regiment as far as Frankfort on their way to Helvoetsluys. Conscious of the merit of this devotion, he pressed for an additional special subsidy. Suffolk granted the demand under an injunction of the most absolute secrecy, and received written promises of a discretion without bounds. "My attachment to the best of kings removes all idea of interest in me," wrote the prince.

Bancroft, Hist. of the U.S., vol.4, p.356

It was doubted if the prince of Waldeck could make good his offers, for there were already three Waldeck regiments in the service of the Netherlands; the states of the overtasked principality had complained of the loss of its subjects; but the prince vowed so warm an attachment to the "incomparable monarch" of Britain that, on the twentieth of April, the treaty with him was closed. To raise a regiment needed force and authority, and that "he should not be too tender of his own subjects." To prevent their deserting, a corps of mounted yagers escorted them to Beverungen.

Bancroft, Hist. of the U.S., vol.4, p.356

The half-crazed ruling prince of the house of Anhalt-Zerbst, brother to the empress of Russia, who lived very rarely within his own dominions but kept up sixteen recruiting-stations outside of them, wrote directly to George III., offering a regiment of six hundred and twenty-seven men; but the letter was so strange that it was pronounced not fit to be delivered, and during that year nothing came of his proposal.

Bancroft, Hist. of the U.S., vol.4, p.356

The elector of Bavaria made an overture to Elliot, the British minister at Ratisbon; but it was not heeded, for "his court was so sold to Austria and France" that he dared not speak of it "to his own ministers."

Bancroft, Hist. of the U.S., vol.4, p.356 - p.357

On the last day of February the treaties with Brunswick and Hesse were considered in the house of commons. Lord North said: "The troops are wanted; the terms on which they are procured are less than we could have expected; the force will enable us to compel America to submission, perhaps without further effusion of blood." He was answered by Lord John Cavendish: "The measure disgraces Britain, humiliates the king, and, by its extravagance, impoverishes the country." "Our business will be effected within the year," replied Cornwall; "so that the troops are all had on lower terms than ever before." Lord Irnham took a broader view: "The landgrave of Hesse and the duke of Brunswick render Germany vile and dishonored in the eyes of all Europe, as a nursery of men for those who have most money, making them destroy much better and nobler beings than themselves. The land-grave of Hesse has his prototype in Sancho Panza, who said that, if he were a prince, he should wish all his subjects to be blackamoors, so that he could turn them into ready money by selling them." A warning voice was raised by Hartley: "You set the American congress the example of applying to foreign powers; when they intervene, the possibility of reconciliation is totally cut off." "The measures of ministers," said James Luttrell who had served in America, "are death-warrants to thousands of British subjects, not steps toward regaining the colonies." George Grenville, afterward marquis of Buckingham, stated this as the alternative: "Shall we abandon America, or shall we recover our sovereignty over that country? We had better make one effort more." Lord George Germain defended the treaties on the ground of necessity; this Lord Barrington confirmed, saying British recruits could not be procured on any terms, and the bargain was the best that could be made. The ministers were sustained by their usual majority.

Bancroft, Hist. of the U.S., vol.4, p.357

Five days later they were equally well supported in the house of lords; but not without a rebuke from the duke of Cumberland, one of the king's brothers, who said: "I lament to see Brunswickers, who once to their great honor were employed in the defence of the liberties of the subject, now sent to subjugate his constitutional liberties in another part of this vast empire."

Bancroft, Hist. of the U.S., vol.4, p.357 - p.358

The whole number of men furnished in the war by Brunswick was equal to one twenty-seventh part of its collective population; by the landgrave of Hesse, to one out of every twenty of his subjects, or one in four of the able-bodied men; a proportionate conscription in 1776 would have shipped to America from England and Wales alone an army of more than four hundred thousand men. Soldiers were impressed from the plough, the workshop, the highway; no man was safe from the inferior agents of the princes, who kidnapped without scruple. Almost every family in Hesse mourned for one of its members.

Bancroft, Hist. of the U.S., vol.4, p.358

In a letter to Voltaire, the landgrave, announcing his contribution of troops, expressed his zeal to learn "the difficult principles of the art of governing men, and of making them perceive that all which their ruler does is for their special good." He wrote a catechism for princes, in which Voltaire professed to find traces of a pupil of the king of Prussia. "Do not attribute his education to me," answered the great Frederic; "were he a graduate of my school, he would never have turned Catholic, and would never have sold his subjects to the English as they drive cattle to the shambles. He a preceptor of sovereigns! The sordid passion for gain is the only motive of his vile procedure."

Bancroft, Hist. of the U.S., vol.4, p.358

From avarice he sold the flesh of his own people while they were yet alive, depriving many of existence and himself of honor. In the land of free cities and free thought, an empire which spoke the language of Luther, where Kant by profound analysis was compelling skepticism itself to bear witness to the eternal law of duty, where Lessing inculcated faith in an ever-improving education of the race, where the heart of the best palpitated with hope for the American cause—the landgrave forced his state to act against that liberty which was the child of the German forests, and the moral life of the Germanic nation. And did judgment slumber? Were the eyes of the Most High turned elsewhere? Or, in the abyss of the divine counsels, were there in preparation for a land so divided and so full of tyrants a regeneration and union after the example of America?

Chapter 23:

America Seeks Foreign Aid,

1775-1776

Bancroft, Hist. of the U.S., vol.4, p.359

France and the thirteen American colonies were attracted toward each other, and it is not easy to decide which of them made the first overture. "Chatham as the conciliator of America, that is the man to fear," wrote the Count De Guines from London, in June 1775.

Bancroft, Hist. of the U.S., vol.4, p.359

Vergennes, with wonderful powers of penetration, analyzed the character of the British ministers and their acts, and as a courtier contrasted the seeming anarchy of England with the happiness of the French in "living peacefully under a good and virtuous king." The British secretary of state desired to draw from the French ambassador at London a written denial of Lee's assertion that the Americans had a certainty of receiving support from France and Spain; but "the king of France would not suffer himself to be used as an instrument to bend the resistance of the Americans." "The principles of moderation and of justice which constantly animate the councils of the king ought," said Vergennes, "to reassure his Britannic majesty against disquiet as to our views. Far from wishing to take advantage of the embarrassments in which England is involved by American affairs, we would rather seek to give our aid in disengaging her from them. The spirit of revolt, wherever it breaks out, is always a troublesome example. Moral maladies become contagious; so that we ought to be on our guard that the spirit of independence so terrible in North America, may not be communicated to points which interest us in both hemispheres.

Bancroft, Hist. of the U.S., vol.4, p.360

"We have seen with pain the forming of the crisis, from the presentiment that it may have wider effects than nature itself can cause to be foreseen. We do not hide from ourselves the waywardnesses which enthusiasm could encourage and upon which fanaticism could operate."

Bancroft, Hist. of the U.S., vol.4, p.360

On the twenty-eighth of July 1775, Rochford, the secretary of state, conversing with De Guines, the French ambassador, remarked that "many persons of both parties were thoroughly persuaded that the way to terminate the war in America was to declare war against France." De Guines encouraged the communicativeness of the secretary, who declared it to be the English opinion that England now, as before the last peace, was a match for Spain and France united; that, in the event of a war with those powers, America, through fear of the recovery of Canada by France, would give up her contest and side with England. Rochford repeated these remarks to the Spanish envoy. Vergennes was unable to imagine how sensible people could regard a war with France as a harbor of refuge. "The English cabinet is greatly mistaken," said he, "if it thinks we regret Canada; they may themselves repent having made its acquisition." Just as he felt the need of exact information on the state of opinion in America, accident offered a most trusty agent in Bonvouloir, a French gentleman of good judgment and impenetrable secrecy. Driven from St. Domingo by the climate, he had returned by way of Philadelphia, New York, Providence, and the neighborhood of Boston; and he reported that in America every man was turned soldier, that all the world crowded to the camp of liberty. The proposition to send him back to America was submitted by De Guines from London through Vergennes to the king, who consented. Here is the beginning of the intervention of Louis XVI in the American revolution. Neither his principles nor his sentiments inclined him to aid rebellion; but the danger of an attack from the English was held before his eyes, and, on the seventh of August, Vergennes could reply to De Guines: "The king very much approves the mission of Bonvouloir. His instructions should be verbal, and confined to the two most essential objects: the one, to make to you a faithful report of events and of the prevailing disposition of the public mind; the other, to secure the Americans against jealousy of us. Canada is for them the object of distrust: they must be made to understand that we do not think of it at all; and that, far from envying them the liberty and independence which they labor to secure, we admire the nobleness and the grandeur of their efforts, have no interest to injure them, and shall with pleasure see happy circumstances place them at liberty to frequent our ports; the facilities that they will find there for their commerce will soon prove to them our esteem." With these instructions, Bonvouloir repaired to the Low Countries, and found at Antwerp an opportunity of embarking for the colonies.

Bancroft, Hist. of the U.S., vol.4, p.361

Beaumarchais, who was in England as an emissary from Louis XVI., encouraged the notion that England might seek to revive the ancient sympathies of her colonies by entering on a war with France. Having seen Arthur Lee, and having received accurate accounts of the state of America from persons newly arrived, he left London abruptly for Paris, and through Sartine presented to the king a secret memorial in favor of taking part with the insurgents. "The Americans," said he, "are full of the enthusiasm of liberty, and resolve to suffer everything rather than yield; such a people must be invincible; all men of sense are convinced that the English colonies are lost for the mother country, and I share their opinion." On the twenty-first of September the subject was discussed in the council of the king. The next day Sartine put a new commission into the hands of Beaumarchais, who returned to England.

Bancroft, Hist. of the U.S., vol.4, p.361

Yet the means of pacifying America were so obvious that Vergennes was hardly able to conceive how the English ministers could miss them. The folly imputed to them was so sure to involve the loss of their colonies that he called in question the accounts which he had received. The ambassador in England replied: "You say what you think ought to be done; but the king of England is the most obstinate prince alive, and his ministers, from fear of compromising their places, will never adopt the policy necessary in a great crisis."

Bancroft, Hist. of the U.S., vol.4, p.361 - p.362

A motion in Congress, by Chase of Maryland, to send envoys to France with conditional instructions did not prevail; but, on the twenty-ninth of November, Harrison, Franklin, Johnson, Dickinson, and Jay were appointed a secret "committee for the sole purpose of corresponding with friends in Great Britain, Ireland, and other parts of the world," and funds were set aside "for the payment of such agents as they might send on this service."

Bancroft, Hist. of the U.S., vol.4, p.362

Simultaneously, Dumas, a Swiss by birth, residing in Holland, the liberal editor of Vattel's work on international law, had written to Franklin, his personal friend, that "all Europe wished the Americans the best success in the maintenance of their liberty;" on the twelfth of December the congressional committee of secret correspondence authorized Arthur Lee, who was then in London, to ascertain the disposition of foreign powers, and Dumas, at the Hague, was charged with a similar commission.

Bancroft, Hist. of the U.S., vol.4, p.362 - p.363

Just then Bonvouloir, the discreet emissary of Vergennes, arrived in Philadelphia; and, through Francis Daymon, a Frenchman, the trusty librarian of the Library Company in that city, was introduced to Franklin and the other members of the secret committee, with whom he held several conferences by night. "Will France aid us? and at what price?" were the questions put to him. "France," answered he, "is well disposed to you; if she should give you aid, as she may, it will be on just and equitable conditions. Make your proposals, and I will present them." "Will it be prudent for us to send over a plenipotentiary?" asked the committee. "That," replied he, "would be precipitate and even hazardous, for what passes in France is known in London; but, if you will give me anything in charge, I may receive answers well suited to guide your conduct, although I can guarantee nothing except that your confidence will not be betrayed." From repeated interviews, Bonvouloir obtained such just information that his report to the French minister, though confusedly written, is in substance exact. He explained that "the Americans hesitated about a declaration of independence and an appeal to France; that the British king had not as yet done them evil enough; that they still waited to have more of their towns destroyed and more of their houses burned before they would completely abhor the emblems of British power; that a brig was dispatched to Nantes for munitions of war, and an arrangement made for purchasing the same articles of France by way of St. Domingo; that skilful engineers were much wanted; that everybody in the colonies appeared to have turned soldier; that they had given up the English flag, and had taken for their devices a rattlesnake with thirteen rattles, and a mailed arm holding thirteen arrows." His communications were to form the subject of the most momentous deliberation which had engaged the attention of a French king for two centuries.

Bancroft, Hist. of the U.S., vol.4, p.363

The want of supplies, which was so urgent that two thousand men in Washington's army were destitute of arms and unable to procure them, led to a more direct appeal; and Silas Deane—a graduate of Yale college, at one time a school-master, afterward a trader; reputed in congress to be well versed in commercial affairs; superficial, yet able to write and speak readily and plausibly; wanting deliberate forecast, accurate information, solidity of judgment, secrecy, and integrity—finding himself left out of the delegation from Connecticut, whose confidence he never possessed, solicited and received from the committee of secret correspondence an appointment as commercial commissioner and agent to France. That country, the committee on the third of March 1776 instructed him to say, "is pitched upon for the first application, from an opinion that, if we should, as there is appearance we shall, come to a total separation with Great Britain, France would be the power whose friendship it would be fittest for us to obtain and cultivate." The announcement was to be coupled with a request for clothing and arms for twenty-five thousand men, a hundred field-pieces, and a suitable quantity of ammunition.

Bancroft, Hist. of the U.S., vol.4, p.363 - p.364

For a twelvemonth the problem of granting aid to the American insurgents had been debated in the cabinet of the king of France, and his ministers were irreconcilably divided. Vergennes promoted the emancipation of America with resoluteness and prudence, remaining always master of himself, and always mindful that in point of rank he was but a subordinate in the cabinet of which he yet was the guide. The quiet and uniform influence of his department imperceptibly overcame the scruples of the inexperienced prince, who never comprehended the far-reaching influence of the question. Sartine, the minister of the marine, and St. Germain, the new secretary of war who had been called from retirement and poverty to reform the abuses in the French army, sustained Vergennes. On the other side, Maurepas, the head of the cabinet, was for peace, though his frivolity and desire to please left his opinions to the control of circumstances. Peace was the choice of Malesherbes, who had the firmness of sincerity, yet was a man of meditation and study rather than of action; and Turgot was immovable in his opposition to a war with Britain.

Bancroft, Hist. of the U.S., vol.4, p.364

The faithful report from Bonvouloir, the French agent at Philadelphia, reached Vergennes in the first days of March 1776, and furnished him an occasion for bringing before the king with unusual solemnity these "considerations:"

Bancroft, Hist. of the U.S., vol.4, p.364

"Whether France and Spain should desire the subjection or the independence of the English colonies, is problematical; on either hypothesis, they are menaced with danger.

Bancroft, Hist. of the U.S., vol.4, p.364

"The continuation of the civil war may be regarded as infinitely advantageous to France and Spain, inasmuch as it will exhaust the victors and the vanquished; but, on the other hand, there is room to fear, first, that the English ministry, feeling the insufficiency of its means, may stretch out the hand of conciliation; or, secondly, after conquering English America, may use it as an instrument to subjugate European England; or, thirdly, beaten on the continent of America, may seek indemnity at the expense of France and Spain; or, fourthly, that the colonists, on attaining independence, may from necessity become conquerors, and, by forcing their surplus produce upon Spanish America, destroy the ties which bind our colonies to their metropolis.

Bancroft, Hist. of the U.S., vol.4, p.364

"These different suppositions can almost equally conduct to war with France and Spain; on the first, because England will be tempted, by the large force she has prepared, to make the too easy conquests of which the West Indies offer the opportunity; on the second, because the Suppression of liberty in the mother country can be effected only by flattering the national hatred and jealousy; on the third, through the necessity of the ministry to divert the rage of the English people by a useful and brilliant acquisition.

Bancroft, Hist. of the U.S., vol.4, p.365

"With the exception of Havana, no one of the colonies of the two nations is in a condition to resist the smallest part of the forces which England is now sending to America. We should abuse ourselves strangely by believing the English susceptible of being held back by motives of public faith and treaties. Experience has too well proved that they regard as just and honorable whatever is advantageous to their own nation or destructive to their rivals. Englishmen of all parties are persuaded that a popular war against France or an invasion of Mexico would terminate, or at least allay, their domestic dissensions, as well as furnish resources for the extinguishment of their national debt.

Bancroft, Hist. of the U.S., vol.4, p.365

"If the king and the king of Spain were for war, it would, without doubt, be necessary to say to them that Providence has mailed out this moment for the humiliation of England by striking her with the blindness which is the surest precursor of destruction, and that it is time to determine the moment to strike the decisive blows, which would ravish from her the empire which she claims in the four quarters of the world. But this is not the point of view chosen by the two monarchs; and their part appears under actual circumstances to limit itself, with one exception, to a cautious but active foresight.

Bancroft, Hist. of the U.S., vol.4, p.365

"The continuance of the war for at least one year is desirable for the two crowns. To that end the British ministry must be maintained in the persuasion that France and Spain are pacific, so that it may not fear to embark in an active and costly campaign; while, on the other hand, the courage of the Americans might be kept up by secret favors and vague hopes, which would assist to develop ideas of independence. Should the mother country be victorious, she would for a long time need all her strength to keep down their spirit.

Bancroft, Hist. of the U.S., vol.4, p.365 - p.366

"If these considerations are judged to be well grounded, we ought to continue with dexterity to tranquillize the English ministry as to the intentions of France and Spain. It will be proper for the two monarchies to extend to the insurgents secret aid in military stores and money, without seeking any return for it beyond the political object of the moment; but it would not comport with the dignity or interest of the king to treat with the insurgents till the liberty of English America shall have acquired consistency.

Bancroft, Hist. of the U.S., vol.4, p.366

"In this moment of public danger it is indispensable to raise the effective force of the two monarchies to the height of their real power; for, whatever may be the issue of the present war between England and her colonies, of all conjectures which circumstances authorize, the least probable is that peace can be preserved."

Bancroft, Hist. of the U.S., vol.4, p.366

This discussion of American affairs was simultaneous with the passionate opposition of the aristocracy of France to the reforms of Turgot. The parliament of Paris had just refused to register the royal edicts which he had wisely prepared for the relief of the peasants and the mechanics of the kingdom; and the registration of the decrees was enforced only by the extreme exercise of his prerogative against a remonstrance of the aristocracy, who to the last resisted the measures of justice to the laboring classes, as "confounding the nobility and the clergy with the rest of the people."

Bancroft, Hist. of the U.S., vol.4, p.366

The king directed Vergennes to communicate his memorial on the colonies to Turgot, whose written opinion upon it was required. Vergennes obeyed, recommending to his colleague secrecy and celerity, for Spain was anxiously waiting the determination of the court of France. Turgot took more than three weeks for deliberation, allowed full course to his ideas, and on the sixth of April gave the king this advice:

Bancroft, Hist. of the U.S., vol.4, p.366 - p.367

"Whatever may or ought to be the wish of the two crowns, nothing can arrest the course of events which sooner or later will certainly bring about the independence of the English colonies, and, as an inevitable consequence, a total revolution in the relations of Europe and America. The Anglo-American enthusiasts for liberty may be overwhelmed by force, but their will can never be broken. If their country is laid waste, they may disperse themselves among the boundless, inaccessible backwoods, and, from the depths of their retreats, be always ready to trouble the English establishments on their coasts. If their country is reduced without a universal devastation, the courage of the colonists will be like a Spring, which remains bent only so long as an undiminished pressure weighs it down. The project of the English ministry is the most extravagant which can be conceived.

Bancroft, Hist. of the U.S., vol.4, p.367

"Should the English government, after costly efforts, fail in its plans against the colonies, it will hardly be disposed at once to form enterprises for compensation at the expense of France and Spain, when it will have lost the point of support needed for success.

Bancroft, Hist. of the U.S., vol.4, p.367

"The present war will probably end in the absolute independence of the colonies, and that event will certainly be the epoch of the greatest revolution in the commerce and politics not of England only, but of all Europe. From the prudent conduct, the courage, and intelligence of the Americans, we may sugar that they will take care, above all things, to give a solid form to their government; and, as a consequence, they will love peace and seek to preserve it.

Bancroft, Hist. of the U.S., vol.4, p.367

"The rising republic will have only to open its harbors to all nations. Sooner or later, with good-will or from necessity, all European nations who have colonies will be obliged to leave them an entire liberty of trade, to regard them no more as subject provinces but as friendly states, distinct and separate even if protected. This the independence of the English colonies will inevitably hasten. Then the illusion which has lulled our politicians for two centuries will be dispelled; it will be seen that power founded on monopoly is precarious and frail, and that the restrictive system was useless and chimerical at the very time when it dazzled the most.

Bancroft, Hist. of the U.S., vol.4, p.367

"If this is an evil, there is no way of preventing it, and no course to be taken but resignation to absolute necessity. The powers which shall obstinately resist will none the less see their colonies escape from them, to become their enemies instead of their allies.

Bancroft, Hist. of the U.S., vol.4, p.367 - p.368

"The yearly cost of colonies in peace, the enormous expenditures for their defence in war, lead to the conclusion that it is more advantageous for us to grant them entire independence, without waiting for the moment when events will compel us to give them up. Wise and happy will be that nation which shall first know how to bend to the new circumstances, and consent to see in its colonies allies and not subjects. When the total separation of America shall have healed the European nations of the jealousy of commerce, there will exist among men one great cause of war the less, and it is very difficult not to desire an event which is to accomplish this good for the human race. In our colonies we shall save many millions; and, if we acquire the liberty of commerce and navigation with all the northern continent, we shall be amply compensated.

Bancroft, Hist. of the U.S., vol.4, p.368

"Unhappily, Spain has less facility than any other power to quit the route that she has followed for two centuries, and conform to a new order of things. She has made no preparations to substitute for empire over her American provinces a fraternal connection founded on the identity of origin, language, and manners, without the opposition of interests; to offer them liberty as a gift, instead of yielding it to force. Nothing is more worthy of the wisdom of the king of Spain and his council than from this present time to fix their attention on the possibility of this forced separation, and on the measures to be taken to prepare for it.

Bancroft, Hist. of the U.S., vol.4, p.368

"It is a very delicate question to know if we can, underhand, help the Americans to ammunition or money. There is no difficulty in shutting our eyes on their purchases in our ports; our merchants are free to sell to any who will buy of them; we do not distinguish the colonists from the English; but to aid the Americans with money would excite in the English just complaints.

Bancroft, Hist. of the U.S., vol.4, p.368

"Combining all circumstances, it may certainly be believed that the English ministry does not desire war, and our preparations ought to tend only to the maintenance of peace. Peace is the preference of the king of France and the king of Spain. Every plan of aggression ought to be rejected, first of all from moral reasons. To these are to be added the reasons of interest, drawn from the situation of the two powers. Spain has not in her magazines the requirements for arming ships-of-war, and cannot in time of need assemble a due number of sailors, nor count on the ability and experience of her naval officers. Her finances could not suffice for years of extraordinary efforts.

Bancroft, Hist. of the U.S., vol.4, p.368 - p.369

"As for us, the king knows that, in spite of economies and ameliorations since the beginning of his reign, the expenditure exceeds the revenue by twenty millions; the deficit can be made good only by an increase of taxes, a partial bankruptcy, or frugality. The king from the first has rejected the method of bankruptcy, and an increase of taxes in time of peace; but frugality requires nothing but a firm will. At his accession, his finances were involved, his army and navy in a state of weakness that was scarcely to have been imagined. For an unavoidable war, resources could be found; but war ought to be shunned as the greatest of misfortunes, since it would render impossible, perhaps forever, a reform, absolutely necessary to the prosperity of the state and the solace of the people."

Bancroft, Hist. of the U.S., vol.4, p.369

Turgot had been one of the first to foretell and to desire the independence of the colonies as the means of regenerating the world; his virtues made him worthy to be the fellow-laborer of Washington; but, as a minister of his country, he looked at passing events through the clear light of genius illuminated by integrity.

Bancroft, Hist. of the U.S., vol.4, p.369

The mind of France aspired to offer liberty a home. "For my part," reasoned Chastellux, "I think there can be neither durable liberty nor happiness but for nations who have representative governments." "I think so too," remarked the octogenarian, Voltaire. "The right of self-administration," said Malesherbes to Louis XVI., as he threw up his ministry, "belongs to every community; it is a natural right, the right of reason. The safest council for a king is the nation itself." The public mind applied itself to improving the condition of the common people. Chastellux, in his work on public felicity, which was just then circulating in Paris, with the motto NEVER DESPAIR, agreed with a Scottish writer on morals, that "the sole end of all government and the universal aim of all philosophy should be the greatest happiness of the greatest number." Turgot, by his earnest purpose to restrain profligate expenditure and lighten the grievous burdens of the people, seemed called forth by Providence to prop the falling throne, and hold back the nobility from the fathomless chaos toward which they were drifting. Yet he could look nowhere for support but to the king, who had no fixed principle and therefore no stability of purpose.

Bancroft, Hist. of the U.S., vol.4, p.370

Turgot, who, like Malesherbes, believed in the imprescriptible right of man to the free use of his powers, wished that the executive chief should profit by the counsels of the collected wisdom of the nation; but he stood without any support in the cabinet. Courtiers, parliaments, the guilds of tradesmen, the noble proprietors of lands, opposed him; Count d'Artois, the king's brother, railed at him, as undermining the nobility, the bulwark and support of the throne; the police favored the privileged classes. Turgot must either through the king become all-prevailing, or go into private life. Maurepas insinuated to the king that discontent pervaded France, and that it had Turgot alone for its object; that it was not best to wait for his resignation, for he might give as his reason for the act that he was hindered in the accomplishment of good. On the twelfth of May, therefore, he was dismissed as one who was not suited to his place.

Bancroft, Hist. of the U.S., vol.4, p.370

Sartine had always supported the American policy of Vergennes, and had pleaded with the king for the colonies and for India. "If the navy of France," said he, "were at this moment able to act, France never had a fairer opportunity to avenge the unceasing insults of the English. I beseech your majesty to consider that England, by its most cherished interests, its national character, its form of government, and its position, is and always will be the true, the only, and the eternal enemy of France. Sire, with England no calculation is admissible but that of her interests and her caprices; that is, of the harm that she can do us. In 1755, at a time of perfect peace, the English attacked your ships, proving that they hold nothing sacred. We have emery reason to fear that, whatever may be the issue of their war with the insurgents, they will take advantage of their armament to fall upon your colonies or ports. Your minister would be chargeable with guilt if he did not represent to your majesty the necessity of adopting the most efficacious measures to parry the bad faith of your natural enemies."

Bancroft, Hist. of the U.S., vol.4, p.370 - p.371

These suggestions were received with a passive acquiescence; the king neither comprehended nor heeded Turgot's advice, which was put aside by Vergennes as speculative and irrelevant. The correspondence with Madrid continued; Grimaldi, the Genoese adventurer who still was minister for foreign affairs, complained of England for the aid it had rendered the enemies of Spain in Morocco, in Algeria, and near the Philippine isles, approved of sending aid clandestinely to the English colonies, and, in an autograph letter, without the knowledge even of the ambassadors of the two courts, promised to bear a part of the expense, provided the supplies could be sent from French ports in such a manner that the participation of the Catholic king could be disavowed. When, on the twenty-sixth of April, the French ministry held a conference with the Spanish ambassador, to consider the danger that menaced the two kingdoms and the necessity of preparing for war, neither Turgot nor Malesherbes was present. Vergennes was left to follow the precedent set by England during the troubles in Corsica. After a year's hesitation and resistance, the king of France, early in May, informed the king of Spain that he had resolved, under the name of a commercial house, to advance a million of French livres, about two hundred thousand dollars, toward the supply of the wants of the Americans; the Catholic king, after a few weeks' delay, assigning a false reason at his own treasury for demanding the money and admitting no man in Spain into the secret of its destination except Grimaldi, remitted to Paris a draft for a million livres more. To Beaumarchais, who was fretful at the long period of indecision on American affairs, Vergennes replied: "Do not think advice rejected because it is not eagerly adopted; all slumber is not a lethargy." The French court resolved by increasing the subsidy to encourage the insurgents to persevere; and, in early summer, Beaumarchais announced to Arthur Lee that he was authorized to promise the Americans assistance to the amount of two hundred thousand louis d'ors, nearly one million of dollars.

Bancroft, Hist. of the U.S., vol.4, p.371 - p.372

For a moment the friends of the oppressed in France had had a beautiful and a peaceful dream; but it passed away, leaving the monarchy of France to totter, and its people to awake at the example of the western world. The new minister of finance was De Clugny, a profligate statesman, who at once conciliated support by renouncing all measures of reform. "To what masters, ye great gods, do ye give up the universe!" exclaimed Condorcet. In parting with Malesherbes, the king discarded his truest personal friend; in Turgot, French monarchy lost its firmest support, the nobility its only possible savior; but no one was left in the cabinet who was able to restrain the government from yielding to the rising enthusiasm for America. So tangled is the web of history! The retirement of the two men who were the apostles of liberty pushed forward the cause of human freedom, though by irregular and disorderly movements.

Bancroft, Hist. of the U.S., vol.4, p.372

In the early part of the century the great philosopher Leibnitz had found traces of the opinions of Epicurus and Spinoza in the books that were most in vogue, and in the men of the great world who were the masters of affairs; and he foretold in consequence a general overturn in Europe. "The generous sentiment which prefers country and the general good to life," he said, "is dying out; public spirit is no more in fashion, and has lost the support of good morals and true religion; the ruling motive in the best is honor, and that is a principle which tolerates anything but baseness, does not condemn shedding a deluge of blood from ambition or caprice, and might suffer a Herostratus or a Don Juan to pass for a hero; patriotism is mocked at, and the well-intentioned who speak of what will become of posterity, are answered by saying that posterity may see to that. If this mental epidemic goes on increasing, Providence will correct mankind by the revolution which it must cause."

Bancroft, Hist. of the U.S., vol.4, p.372 - p.373

Later in the eighteenth century Wesley, like Leibnitz, predicted the approach of revolution in Europe. Men had more and more thrown off the importunate fear of an overruling Providence, and would no longer know of anything more godlike than themselves. They refused to look for anything better; the belief in the divine reason was derided like the cowering at spectres and hobgoblins; and the worship of humanity became the prevailing idolatry. Art was commissioned to gratify taste; morality had for its office to increase pleasure; forgetting that the highest liberty consists in being forced by right reason to choose the best, men cherished sensualism as a system, and self-indulgence was the law of courts and aristocracies. An unreasoning selfishness assumed that creative power was exhausted; that nothing was to be done but to keep things as they are.

Bancroft, Hist. of the U.S., vol.4, p.373

To renounce the search for eternal truth passed for wisdom; the notion that there can be no cognition of the immutable and the divine was extolled as the perfection of enlightened culture, the highest end of intellectual striving. Men cherished no wish for anything beyond appearances and vain show. The prevailing philosophy in its arrogance was proud of its chains. It not only derided the infinite in man, but it jeered at the thought that there is an infinite with which man can commune. It scoffed at all knowledge that transcends the senses, and limited itself to the inferior lessons of experience; dethroning the beautiful for the agreeable, the right for the useful, the true for the seeming; knowing nothing of a universal moral government, referring everything to the self of the individual. Hume brought this system to the test, and, applying doubt to its lessons, laid bare its corruption. His searching skepticism was the bier on which the philosophy of materialism was laid out in state, where all the world might come and see that it really was no more. But, while he taught the world that it led to nothingness, he taught nothing in its stead. He might oppose the war with America, because it threatened to mortgage all the revenues of the land in England; but, ever welcome at the Bourbon palace and acceptable to George III., he had professed to prove that tyrants should not be deposed, that the euthanasia of the British constitution would be absolutism. Skepticism may strike worn-out institutions into ruins, but it cannot build up a commonwealth; there must be a new birth in philosophy, or all is lost in the world of reflection; in political life there can be no renovation but through that inborn faith in the right which always survives in the people. Let the skeptic aristocracies and despotisms of Europe make way for a people who have power to build up the home of humanity because they have faith in eternal, unchanging justice, and trust in that overruling foresight which brings forth better things out of evil and out of good.

Chapter 24:

The British Recover Canada,

North Carolina Declares for Independence,

January-July 1776

Bancroft, Hist. of the U.S., vol.4, p.374

THE year 1775, as it opened, found the British in the undisputed possession of all the thirteen American colonies. Before the campaign for 1776 could begin, they had been driven from New England, and every governor had abandoned his post excepting in New Jersey, where be was under arrest, and in Maryland, where he was an officer of the proprietary and was left free on parole.

Bancroft, Hist. of the U.S., vol.4, p.374

The British plan of campaign for the coming season was the earliest possible relief of Quebec and the recovery of Canada by an army which was to advance by way of Montreal, Lake George and Ticonderoga to Albany, and thus insulate New England, of which the reduction was reserved to the last. At the same time Howe was to occupy the city of New York and quickly reduce the middle states. The harbor of Newport, Rhode Island, was so alluring that, with Howe's approval, it was to be occupied by a garrison. The winter months, before the campaign in the North could be undertaken, were to be employed in restoring the king's authority in the South.

Bancroft, Hist. of the U.S., vol.4, p.374

There remained near Quebec about four hundred Americans and as many wavering Canadians. Carleton, in the well-provisioned and strongly fortified town, had twice as many as both.

Bancroft, Hist. of the U.S., vol.4, p.374 - p.375

The chief command of the Americans devolved on Wooster, a frugal New England Calvinist, bred in the hatred of popery, inexperienced in war, and aged. The Green Mountain boys he summoned to come down by fifties or even by tens, as fast as parties could be collected; of Washington he asked men, heavy cannon, and mortars; to congress and to Schuyler he wrote: "We shall want everything"—men, ordnance, and money; "hard cash we must have, or starve, or quit the country, or lay it under contribution."

Bancroft, Hist. of the U.S., vol.4, p.375

Washington, without waiting to consult congress, recommended to Massachusetts, Connecticut, and New Hampshire each to raise and send forward a regiment on behalf of the continent; and the three colonies eagerly met his call, for they strongly desired the annexation of Canada. Congress ordered one regiment from Philadelphia and another from New Jersey, to be soon followed by four or five more, and encouraged western New Hampshire to contribute a regiment.

Bancroft, Hist. of the U.S., vol.4, p.375

In the first moments of sorrow at Montgomery's fall, citizens undertook with alacrity a march of many miles, through snow and over frozen lakes, without tents, to a country in that rigorous season almost inaccessible. Their unanimity, zeal, and perseverance called forth hopes of their success.

Bancroft, Hist. of the U.S., vol.4, p.375

The expulsion of the British from Boston had amazed the Six Nations, and taught them not to rely on British arms for protection. James Deane was sent with a returning deputation to treat with them. The twenty-eighth of March was given by their great council to acts of consolation for those lost in the war; on the next day new trees, as they expressed it, were raised in the place of chiefs who had fallen, and their names published to the Six Nations. On the thirty-first the confederated tribes gave each other pledges to observe a strict neutrality in the present quarrel.

Bancroft, Hist. of the U.S., vol.4, p.375

But to maintain a foothold in Canada, there was need of the strong support of its people. The Canadian clergy, in their zeal for Britain, refused absolution to the friends of the Americans; the nobility thought only for the safety of their privileges; and, without the support of their priests or their feudal superiors, the uncertain people could not be solidly organized. Congress had no troops except on short enlistments. Moreover, Quebec and Montreal were reached more readily from England by the Atlantic and the St. Lawrence than by the overland route from the colonies.

Bancroft, Hist. of the U.S., vol.4, p.375 - p.376

For four months Wooster remained the highest officer in Canada, unequal to the station which he had never sought and from which he was impatient to be relieved. Yet he was ever ready, in case of need, to sacrifice his life for his country. In the early part of his command he wisely arrested Campbell, the Indian agent of the British, and La Corne Saint-Luc, and sent them out of the province. He allowed each parish to choose its own officers, thus introducing the system of self-government in towns. He intended, through committees of safety and committees of correspondence, to lead the way to a Canadian convention which might send delegates to the American congress. With Schuyler, who was far the more testy of the two, he had constant bickerings, which divided the opinion of congress.

Bancroft, Hist. of the U.S., vol.4, p.376

On the first day of April, Wooster appeared near Quebec. Scattered on both sides of the river and at great distances from each other lay about two thousand Americans, of whom not many more than half were able to do duty. How to find food for them was a great difficulty. Their batteries were insignificant, their store of ammunition most scanty; there were no engineers and few artillerists. One half of the troops who had wintered in Canada, and Livingston's regiment of about two hundred Canadians would be free in fourteen days, and would certainly refuse to remain. Arnold, who had been made a brigadier, withdrew to Montreal. The Canadian peasantry had been forced to furnish wood and other articles at less than the market price, or for certificates, and felt themselves outraged by the arbitrariness of the military occupation. Of the more cultivated classes, French and English, seven eighths were willing to assist in repelling the invaders.

Bancroft, Hist. of the U.S., vol.4, p.376 - p.377

On the twenty-fifth of March "the congress, being of opinion that the reduction of Quebec and the general security of the province of Canada were objects of great concern," directed Washington to detach four battalions into Canada. He received the order while yet in Boston; having completed the arrangements for sending to New York such troops as were then under his immediate command, he reached that city on the thirteenth of April, and made it his first duty to speed four battalions to Canada. "Too much despatch," wrote congress, "cannot be used in sending the battalion to Quebec, as it frequently happens that a week, a day, even an hour, proves decisive." But before this letter was received the brigade was sailing up the Hudson. On the twenty-third of April, Congress, without even consulting the commander-in-chief, suddenly gave him the order to detach six additional battalions for service in Canada, and inquired of him if he could spare more. Late at night on the twenty-fifth he received the order by express; his effective force consisted of but eight thousand three hundred and one; he resigned himself to the ill-considered votes of congress, and detached six of his best battalions, containing more than three thousand men, at a time when the British ministry was directing against New York thirty thousand veteran troops. The command of the brigade was given to Sullivan; among its officers were Stark and Reed of New Hampshire, Anthony Wayne and Irvine of Pennsylvania. "At the same time," so he wrote to congress, "trusting New York and Hudson river to the handful of men remaining here is running too great a risk. The general officers now here think it absolutely necessary to increase the army at this place with at least ten thousand men."

Bancroft, Hist. of the U.S., vol.4, p.377

But congress, having stripped Washington of about half his effective force, next ordered that provisions, powder of which his stock was very low, and articles of clothing for ten thousand men, should follow, with all the hard money which the New England states could collect. Montgomery had asked for ten thousand men; they were resolved to maintain that number on the St. Lawrence, leaving Washington very much to his own devices for the protection of New York.

Bancroft, Hist. of the U.S., vol.4, p.377

For Canada a general was wanted not less than an army. Schuyler, owning himself unable to manage the men of Connecticut, proposed to himself to resign. Thomas of Massachusetts, a man of superior ability and culture, though of little experience, was raised to the rank of major-general and ordered to Quebec. In the army with which he was to hold Canada, the small-pox raged; he had never been inoculated, and his journey to the camp was a journey to meet death unattended by glory.

Bancroft, Hist. of the U.S., vol.4, p.377 - p.378

He was closely followed by Franklin, Chase, and Charles Carroll, whom congress had commissioned to promise the clergy a guarantee of their estates; to establish a free press; to allure the people of Canada by the prospect of a free trade with all nations; to set up a government for themselves, and join the federal union. John, the brother of Charles Carroll, a Jesuit, afterward archbishop of Baltimore, came with them in the hope of moderating the opposition of the Canadian clergy. The commissioners discovered on their arrival a general expectation that the Americans would be driven from the province; without hard money and a large army they could not ask the people to take part in the war.

Bancroft, Hist. of the U.S., vol.4, p.378

Thomas arrived near Quebec on the first of May, and employed three days in ascertaining the condition of his command. He found one thousand six hundred men, including officers, beside three hundred whose enlistments had expired. The sick numbered nine hundred, chiefly of the small-pox which had raged among the Americans with extreme virulence, so that men feared to be near one another and there were officers who advised to inoculate all of them who were liable to infection. Of efficient men there were but seven hundred; and of these not more than three hundred could be rallied at any one place. In all the magazines there remained but about one hundred and fifty pounds of powder and six days' provisions.

Bancroft, Hist. of the U.S., vol.4, p.378 - p.379

On the fifth a council of war agreed unanimously to pre pare for a retreat. The decision had been delayed too long. Early on the sixth, three British ships-of-war, which had forced their way up the St. Lawrence widen it was almost impracticable from ice, came into the basin and landed their marines and that part of the twenty-ninth regiment which they had on board; and not far from noon, while the Americans were embarking their sick and their artillery, about one thousand men, in two divisions, sallying out of the gates of St. John and St. Louis, attacked the American sentinels and main guard. Thomas attempted to bring his men under arms; but, unable to collect more than two hundred and fifty on the plains, he directed a retreat to Deschambault, forty-eight miles above Quebec. The troops fled with precipitation, leaving their provisions, cannon, five hundred muskets, and about two hundred of their sick. Of these, one half crept away to the Canadian peasants, by whom they were nursed with tenderness; Carleton, by proclamation, opened the general hospital to them all, with leave to return home on their recovery.

Bancroft, Hist. of the U.S., vol.4, p.379

At Deschambault it was ordered that the half-starved army should not attempt to make a stand below Sorel. The English in pursuit burned the houses of the French who had befriended the rebels.

Bancroft, Hist. of the U.S., vol.4, p.379

On the eighth the forty-seventh regiment arrived from Halifax, and, five days later, more transports and troops from Europe, while Thomas remained fifteen leagues below Montreal, at Sorel. That city was approached on the north-west, near the pass of the Cedars, by a party composed of forty regular troops from the station at Detroit, a hundred Canadians, and several hundred Indians. The troops which Arnold sent to the Cedars met with discomfitures till he went to their relief; the Indians violated capitulations by sacrificing American prisoners for their warriors who had fallen.

Bancroft, Hist. of the U.S., vol.4, p.379

The American commissioners, Franklin and his colleagues, observed that the invaders had lost the affections of the Canadian people; that, for the want of hard money, they were distressed for provisions; that they were incapable of exact discipline, because sent for short periods of service; that, always too few in numbers, they were wasted by the small-pox; and they unanimously advised immediately to withdraw the army from Canada, fortify the passes on the lakes, and station Sullivan's brigade at Fort George.

Bancroft, Hist. of the U.S., vol.4, p.379

But congress insolently enjoined Thomas to "display his military qualities and acquire laurels." Of hard money it sent forward all that it had, which was sixteen hundred sixty-two pounds, one shilling and threepence; and, unable to collect more, it resolved to supply the troops in Canada with provisions and clothing from the other colonies. It voted the necessity of keeping possession of the country and of contesting every foot of ground, especially on the St. Lawrence below the mouth of the Sorel. But the campaign in Canada was decided before its votes were known.

Bancroft, Hist. of the U.S., vol.4, p.379 - p.380

At the end of May confusion prevailed in every department of the American army. Their number did not exceed four thousand men of whom three fourths had never had the small-pox; many of their officers were incompetent. They were often without meat, and lived by levying contributions of meal.

Bancroft, Hist. of the U.S., vol.4, p.380

In the blindness of helpless zeal, on the first day of June congress resolved "that six thousand militia be employed to reenforce the army in Canada, and to keep up the communication with that province;" it called upon Massachusetts to make up half that number, Connecticut one quarter, New Hampshire and New York the rest; and, with a useless dereliction from sound policy, it authorized the employment of Indians.

Bancroft, Hist. of the U.S., vol.4, p.380

On that same day the first division of the Brunswick troops under Riedesel arrived with Burgoyne at Quebec, and, with the regiments from Ireland and others, put into the hands of Carleton an army of nine thousand nine hundred and eighty-four effective men.

Bancroft, Hist. of the U.S., vol.4, p.380

The small-pox seized Thomas, and he died just a month and a day after taking the command round Quebec. Sullivan, arriving with his party at Sorel on the fifth, found the retreat in safe progress, the heavy baggage and most of the artillery already removed to St. John's and Chambly. Assuming the command, he ordered all who were on the retreat to turn about and follow him, and the cannon to be brought back. "I assure you and the congress," he reported through Washington to congress on the sixth, "that I can in a few days reduce the army to order and put a new face to our affairs here. All our operations ought to be down the river." He sent a detachment, under a subordinate general, with one fourth of his whole force to Three Rivers, through a country with which he was unacquainted, and in ignorance of the strength and the positions of the enemy. A peasant made known to the English their approach. Twenty-five newly arrived transports, laden with troops, had, by Carleton's directions, been piloted past Quebec without stopping; and they arrived at Three Rivers just in time to take part in repelling the attack which was gallantly began by Wayne. The Americans were driven back to Sorel, losing more than two hundred men, chiefly as prisoners, saving the rest only by Carleton's want of alertness.

Bancroft, Hist. of the U.S., vol.4, p.380 - p.381

The remains of the American army encamped at Sorel did not exceed two thousand five hundred men; about a thousand more were at other stations, but most of them under inoculation. Sickness, want of food, defeat, the threefold superiority of the British in numbers and their incomparable superiority in appointments, made resistance impossible. A council of field officers all but unanimously advised retreat; Arnold, Antill, and Hazen, who were not present, were of the same mind. On the fourteenth the fleet with the British forces was coming up the river under full sail; when, an hour or a little more before their arrival, Sullivan, who was both brave and alert, broke up his camp, taking away with him everything, even to a spade. The guard at Berthier retreated by land, leaving nine boats behind.

Bancroft, Hist. of the U.S., vol.4, p.381

At Chambly all the boats and baggage were brought over the rapids, except three heavy pieces of cannon. From Montreal, Arnold, with the knowledge of the commissioners of congress, had sent off merchandise taken from the inhabitants; when the enemy came within twelve miles, he crossed with three hundred men to La Prairie. All that was left of the invading army met on the seventeenth at St. John's, half of them being sick, almost all destitute of clothing, and having no provisions except salt pork and flour. On the eighteenth the emaciated half-naked men, languidly pursued by a column under Burgoyne, escaped to Isle-Aux-Noix.

Bancroft, Hist. of the U.S., vol.4, p.381

On the day on which Sullivan halted at Isle-aux-Noix, Gates, who had been elected a major-general, was appointed to take command of the forces in Canada. Already at Albany the question arose, whether the command would revert to Schuyler the moment the army should be found south of the Canada line.

Bancroft, Hist. of the U.S., vol.4, p.381 - p.382

At Isle-aux-Noix the men fit for duty remained for eight days, till the invalids could be taken to Crown Point. They made the voyage in leaky boats which had no awnings, with no food but raw pork and hard bread or unbaked flour. A physician who was an eye-witness said: "At the sight of so much privation and distress, I wept till I had no more power to weep." Early in July the fragments of the army of Canada reached Crown Point. Everything about them was infected with the pestilence. "I did not look into a tent or a hut," says Trumbull, "in which I did not find either a dead or dying man." Of about five thousand men, housed under tents or rudely built sheds or huts of brush, exposed to the damp air of the night, full half were invalids; more than thirty new graves were made every day. In a little more than two months the northern army lost by desertion and death more than five thousand men.

Bancroft, Hist. of the U.S., vol.4, p.382

The reduction of the southern colonies was to have been finished before that of Canada.

Bancroft, Hist. of the U.S., vol.4, p.382

Martin, the governor of North Carolina, had repeatedly offered to raise a battalion from the Scottish Highlanders in that colony, and declared himself sure of the allegiance of the regulators, as of men weary of insurrection and scrupulous about their oaths. Again and again he importuned to be restored to his old rank in the army as lieutenant-colonel, promising the greatest consequences from such an appointment. He could not conceal that "the frenzy" had taken possession of all classes of men around him; yet he promised the ministry that with ten thousand stand of arms, to be sent immediately from England, with artillery, ammunition, money, some pairs of colors, a military commission for himself, and the aid of two regiments, he would force a connection with the interior and raise not the Highlanders alone, but the people of the upper country in such overwhelming numbers as to restore order in the two Carolinas, "hold Virginia in awe," and recover every colony south of Pennsylvania. In England his advice was listened to, except that rank in the army was refused him.

Bancroft, Hist. of the U.S., vol.4, p.382

Making himself busy with the affairs of his neighbors, Martin wrote to the British ministry in midsummer 1775: "The people of South Carolina forget entirely their own weakness and are blustering treason; while Charleston, that is the head and heart of their boasted province, might be destroyed by a single frigate. In charity to them and in duty to my king and country, I give it as my sincere opinion that the rod of correction cannot be spared." A few weeks later, Lord William Campbell chimed in with him, reckoning cup the many deadly perils by which they were environed: "the Indians;" "the disaffected back-country people;" their own social condition "where their slaves were five to one;" and the power of Britain from the sea.

Bancroft, Hist. of the U.S., vol.4, p.383

Allured by these assurances, an expedition against the southern colonies was ordered, in October 1775, by the king himself, whose zeal and confidence were inflamed by letters which were constantly arriving. In the month in which the king took his resolution, Campbell, the governor of South Carolina, wrote in an official report: "Let it not be entirely forgot that the king has dominions in this part of America. What defence can they make? Three regiments, a proper detachment of artillery, with a couple of good frigates, some small craft, and a bomb-ketch, would do the whole business here, and go a great way to reduce Georgia and North Carolina to a sense of their duty. Charleston is the fountain-head from whence all violence flows; stop that, and the rebellion in this part of the continent will soon be at an end."

Bancroft, Hist. of the U.S., vol.4, p.383

In conformity to the reports of Martin and Campbell, a force equal to seven regiments was ordered to be in readiness to sail from Cork early in December. "I am not apprised where they are going," thus Barrington, the secretary at war, expostulated with Dartmouth; "but, if there should be an idea of such a force marching up the country, I hope it will not be entertained. Allow me once more to remind you of the necessity there is in all military matters not to stir a step without full consultation of able military men, after giving them the most perfect knowledge of the whole matter under consideration, with all its circumstances." The warning had no influence, for the king would not consult those who were likely to disagree with him. The earl of Cornwallis, then in England, was to command the land forces of the expedition while on the way. From the army of Howe, Clinton, who was of the great family of the duke of Newcastle, was detached to reap the honor of restoring the two Carolinas to their allegiance.

Bancroft, Hist. of the U.S., vol.4, p.383 - p.384

Early in January 1776 the American commander-in-chief ascertained that Clinton was about to embark from Boston on a southern expedition. New York might be its object. Lee, whose claim to "the character of a military genius and the officer of experience" had not yet been disallowed, desired a separate command in New York. After consulting John Adams, who was then with the provincial convention at Watertown, and who pronounced the plan to be practicable, expedient and clearly authorized, Washington, uninformed of the measures already adopted, gave his consent; yet charging Lee to "keep always in view the declared intention of congress," and to communicate with the New York committee of safety, whose cooperation he himself solicited.

Bancroft, Hist. of the U.S., vol.4, p.384

Lee, who had never commanded so much as one regiment before he entered the American army, on his way to New York persuaded the governor and council of Connecticut to place two regiments under him. Straightway usurping authority, he appointed Isaac Sears assistant adjutant-general with the rank of lieutenant-colonel. The tidings that Lee, with nearly fifteen hundred men of Connecticut, was advancing upon New York without notice to its committee or its inhabitants, seemed to imply a menace. When its committee of safety wrote to request that the troops of Connecticut might not pass the border till the purpose of their coming should be explained, Lee made a jest of the letter. Both parties appealed to the general congress.

Bancroft, Hist. of the U.S., vol.4, p.384

On the fourth, Lee entered the city of New York, just two hours after Clinton, attended by only two companies of infantry and a few Highlanders, anchored in its harbor. Troops frown the Jerseys at the same time marched into town. A general consternation ensued; and, in spite of the dangers and sorrows attending a flight in winter, all the wagons that could be found were employed in removing women and children from the city, which for seven years to come was to know no peace. The opulent knew not where to find habitations; the poor, thrown upon the cold hands of exhausted charity in the interior towns, suffered from complicated wants.

Bancroft, Hist. of the U.S., vol.4, p.384 - p.385

Under the harmonizing influence of the continental committee, Lee and the New York committee held friendly conferences. Men and boys of all ages toiled with zeal to raise works of defence. To control the Sound, a fortification was raised at Hellgate; on a height west of Trinity church, a battery was erected fronting the North river; that part of the old fort which faced Broadway was torn down; Lee and Lord Stirling, crossing to Long Island, marked out the ground for an intrenched camp, extending from the Wallabout to Gowanus bay; the connection between Long Island and New York was secured by a battery of forty guns at the foot of Wall street and another of twenty guns a little farther to the south. The ships-of-war without firing a gun removed to the bay, and Lee professed to repudiate a reconciliation with Britain unless "the whole ministry should be condignly punished, and the king beheaded or dethroned."

Bancroft, Hist. of the U.S., vol.4, p.385

Clinton, who had but touched at New York, pledged his honor that for the present no more British troops were coming there, and on the eleventh "with his men and ships left the river." The seeming success of Lee drew toward him public confidence. John Adams, who had counselled his expedition to New York, wrote to him complacently "that a luckier or a happier one had never been projected;" and added: "We want you at New York; we want you at Cambridge; we want you in Virginia; but Canada seems of more importance, and therefore you are sent there. I wish you the laurels of Wolfe and Montgomery with a happier fate." "When I leave this place," so Lee wrote to Washington, the "provincial congress and inhabitants will relapse into their hysterics; the men-of-war will return to their wharfs, and the first regiments from England will take quiet possession of the town." On the first of March, on the motion of Edward Rutledge, congress, after a warm contest, revoked its order to send Lee to Canada, and invested him with the command of the continental forces south of the Potomac. "As a Virginian, I rejoice at the change," wrote Washington, who had, however, already discovered that the officer so much courted was both "violent and fickle." On the seventh he left New York, but not before a complete display of his turbulent temper. He arrested men at discretion. He deputed power to Sears to offer a test oath to a registered number of suspected persons, and, if they refused it, to send them to Connecticut as irreclaimable enemies. To the rebuke of the New York convention he answered: "When the enemy is at our door, forms must be dispensed with;" and, on the eve of his departure, he gave Ward of Connecticut the sweeping order "to secure the whole body of professed tories on Long Island." The arbitrary orders were resented by the New York delegates as "a high encroachment upon the rights of the representatives of a free people," and were reversed by congress.

Bancroft, Hist. of the U.S., vol.4, p.386

After the termination of the seven years' war nearly every one of the Highland regiment, alike soldiers and officers, settled on grants of land in America. Many of the inhabitants of northwestern Scotland, especially of the clans of Macdonald and Macleod, listened to overtures from those who had obtained concessions of vast domains and migrated to middle Carolina. Those who went first reported favorably of the sunny clime, where every man might have land of his own; and from the isles of Rasay and Skye whole neighborhoods followed, sweetening their change of abode by carrying with them their costume and opinions, their Celtic language and songs.

Bancroft, Hist. of the U.S., vol.4, p.386

Distinguished above all was Allan Macdonald of Kingsborough, and his wife Flora Macdonald who in 1746 had rescued Prince Charles Edward from his pursuers. They removed to North Carolina in 1774, and made their new home in the west of Cumberland county. She was now about fifty-five, mother of many children, of middle stature, soft features, "uncommonly mild and gentle manners and elegant presence." Her husband was aged, but still with hair jet black, of a stately figure, and a countenance that expressed intelligence and steadfastness. On the third of July 1775, he came down to Fort Johnston and concerted with Martin how to raise a battalion of "the good and faithful Highlanders."

Bancroft, Hist. of the U.S., vol.4, p.386

Clinton on his way south called on Lord Dunmore in Virginia, and remained there ten days. When Lord Dunmore learned from him that Cape Fear river was the place appointed for the meeting of the seven regiments from Ireland, he broke out into angry complaints that no heed had been paid to his representations, his sufferings, and his efforts; that Virginia, "the first on the continent for riches, power, and extent," was neglected, and the preference given to" a poor, insignificant colony," where there were no pilots, nor a harbor that could admit half the fleet, and where the army, should it land, must wade for many miles through a sandy pine barren before it could reach the inhabited part of the country.

Bancroft, Hist. of the U.S., vol.4, p.386 - p.387

Martin, who was daily expecting the British army, made haste to prepare a proclamation which was to beat down all opposition. "His unwearied, persevering agent," Alexander Maclean, brought written assurances from the principal persons to whom he had been directed to apply, that between two and three thousand men, of whom about half were well armed, would take the field at the governor's summons. Under this encouragement a commission was made out on the tenth of January 1776, authorizing Allan Macdonald of Kingsborough, with eight other Scots of Cumberland and Anson, and seventeen persons who resided in a belt of counties in middle Carolina and in Rowan, to raise and array and, by the fifteenth of February, march all the king's loyal subjects in a body to Brunswick, on Cape Fear river, opposite to Wilmington. Donald Macdonald, then in his sixty-fifth year, was to command the army; next him in rank came Donald Macleod.

Bancroft, Hist. of the U.S., vol.4, p.387

A meeting of the newly commissioned officers was summoned for the fifth of February at Cross creek, or, as it is now called, Fayetteville. At the appointed time all the Scots appeared, and four only of the rest. The trustworthy Scots, who promised no more than seven hundred men, advised to await the arrival of the British troops; the other royalists, boasting that they could array five thousand of whom five hundred they said were already imbodied, prevailed in their demand for an immediate rising.

Bancroft, Hist. of the U.S., vol.4, p.387

Collecting the Highlanders and remnants of the old regulators, Donald Macdonald, on the eighteenth, began his march, and at evening encamped on the Cape Fear river, four miles below Fayetteville. On that same day Moore, who at the first menace of danger took the field at the head of his regiment and then lay in an intrenched camp at Rockfish, was joined by Lillington with one hundred and fifty minute-men from Wilmington, by Kenon with two hundred of the Duplin militia, and by Ashe with about a hundred volunteer rangers; so that his number was increased to eleven hundred.

Bancroft, Hist. of the U.S., vol.4, p.387 - p.388

On the nineteenth, Macdonald sent Martin's proclamation into the American camp, calling on Moore and his troops to join the king's standard, or to be considered as enemies. Moore, in his instant reply, besought Macdonald not to array the deluded people under his command against men who were resolved to hazard everything in defence of the liberties of mankind. Macdonald promptly rejoined: "As a soldier in his majesty's service, it is my duty to conquer, if I cannot reclaim, all those who may be hardy enough to take up arms against the best of masters;" and he paraded his party with a view to assail Moore in the coming night. But the camp at Rockfish was too strong to be attempted; and, at the bare suspicion of such a project, two companies of Cotton's loyalist corps ran off with their arms.

Bancroft, Hist. of the U.S., vol.4, p.388

Knowing that Caswell, at the head of the minute-men of Newbern and others to the number of six or eight hundred, were marching through Duplin county to effect a junction with Moore, Macdonald became aware of his extreme danger. Cut off from the direct road along the Cape Fear river, he resolved, by celerity of movement and crossing streams at unexpected places, to disengage himself from the larger force at Rockfish, and encounter the party with Caswell alone. Before moving, he urged his men to fidelity, expressed bitter scorn of "the base cravens who had deserted the night before," and continued: "If any among you is so faint-hearted as not to serve with the resolution of conquering or dying, this is the time for such to declare themselves." The speech was answered by a general huzza for the king; but from Cotton's corps about twenty men laid down their arms. The corps then proceeded to Fayetteville, crossed the Cape Fear by night, sunk their boats, and sent a party fifteen miles in advance to secure the bridge over South river. This the main body passed on the twenty-first and took the direct route to Wilmington. On the same day Moore detached Lillington and Ashe to re-enforce Caswell, or, if that could not be effected, to occupy Moore's Creek bridge.

Bancroft, Hist. of the U.S., vol.4, p.388 - p.389

On the following day the Scots and regulators drew near to Caswell, who perceived their purpose, and, the more effectually to intercept their march, changed his own course. On the twenty-third they thought to overtake him, and were arrayed in the order of battle, eighty able-bodied Highlanders armed with broadswords, forming the centre of the army. Caswell was already posted at Corbett's Ferry, and could not be reached for want of boats; but, at a point six miles higher up the Black river, a negro succeeded in raising a broad, shallow boat that had been sunk; and while Maclean and Fraser, with a few men, a drum, and a pipe, were left to amuse Caswell, the main body of the loyalists crossed Black river near what is now Newkirk Bridge.

Bancroft, Hist. of the U.S., vol.4, p.389

On the twenty-fifth Lillington took post with his small party on the east side of the bridge over Moore's Creek. On the afternoon of the twenty-sixth Caswell reached its west side, and, raising a small breastwork and destroying a part of the bridge, awaited the enemy, who on that day advanced within six miles of him. A messenger from the loyalists, sent to his camp under the pretext of summoning him to return to his allegiance, brought back word that he had halted upon the same side of the river with themselves, and could be attacked with advantage; but the Carolina commander had no sooner misled his enemy than, lighting up fires and leaving them burning, he crossed the creek, took off the planks from the bridge, and placed his men behind such slight intrenchments as the night permitted to be thrown up.

Bancroft, Hist. of the U.S., vol.4, p.389 - p.390

The loyalists, expecting an easy victory, unanimously agreed that his camp should be assaulted. His force at that time amounted to a thousand men, consisting of the Newbern minute-men, of militia from Craven, Johnson, Dobbs, and Wake counties, and the detachment under Lillington. At one o'clock in the morning of the twenty-seventh the army of Macdonald began their march; but it was within an hour of daylight before they reached the western bank of the creek, and found that Caswell and his force had taken post on the opposite side. The Scots were now within less than twenty miles of Wilmington; orders were directly given to reduce the columns, and to form the line of battle within the verge of the wood; the rallying cry was, "King George and broadswords!" the signal for the attack, three cheers, the drum to beat and the pipes to play. It was still dark; Macleod, who led the van of about forty, was challenged at the bridge by the Carolina sentinels. Of the bridge nothing had been left but the two logs, which had served as sleepers. Macleod and John Campbell rushed forward and succeeded in getting over; Highlanders followed with broadswords. Macleod, who was greatly esteemed, was mortally wounded; he was seen to rise repeatedly from the ground, encouraging his men to come on, till he received many balls. Campbell likewise fell. In a very few minutes the assailants fled in irretrievable despair. The Americans had but three wounded, one only mortally; of their opponents, more than thirty were killed or mortally wounded, most of them on the bridge, from which they fell into the deep, muddy creek.

Bancroft, Hist. of the U.S., vol.4, p.390

The fugitives could never be rallied; during the following day Macdonald their general, and others of the chief men, were taken prisoners; among the rest, Macdonald of Kingsborough and one of his sons, who were at first confined in Halifax jail, and afterward transferred to Reading in Pennsylvania. Eight or nine hundred common soldiers were taken, disarmed, and dismissed. Thirteen wagons, with complete sets of horses, about fifteen hundred rifles in excellent condition, three hundred and fifty guns, one hundred and fifty swords, two medicine-chests just received from England, and a box of guineas and other gold coin, fell to the victors.

Bancroft, Hist. of the U.S., vol.4, p.390

As the tidings of danger to the public liberty spread through the colony the patriots took up arms in untold numbers, rumored to exceed nine thousand. Moore, under orders from the council, disarmed the Highlanders and regulators of the back country, and imprisoned the ringleaders. The menaced invasion under Clinton caused no terror. Almost every man was ready to turn out at an hour's warning. North Carolina had men enough of her own to crush domestic insurrections and repel enemies from abroad; and, as they marched in triumph through their piny forests, they were persuaded that in their own groves they could win an easy victory over British regulars. The terrors of a fate like that of Norfolk could not dismay the patriots of Wilmington.

Bancroft, Hist. of the U.S., vol.4, p.390 - p.391

North Carolina, proud of its victory over domestic enemies, and roused to defiance by the arrival of Clinton in their great river, met in congress at Halifax on the fourth of April; on the eighth appointed a select committee, of which Harnett was the head, to consider the usurpations and violences of the British parliament and king; and on the twelfth, after listening to its report, unanimously "empowered their dele gates in the continental congress to concur with the delegates of the other colonies in declaring independency and forming foreign alliances." At the same time, they reserved to their colony the sole right of forming its own constitution and laws. The people of North Carolina were the first in America to vote an explicit sanction to independence.

Bancroft, Hist. of the U.S., vol.4, p.391

The border colony on the south had shown equal decision. So early as July 1775, Sir James Wright, the able governor of Georgia, had frankly written home: "God grant conciliatory measures may take place; there is not an hour to be lost; the state of affairs will not admit of the least delay." The people of Georgia met in congress; a council of safety maintained an executive supervision; local affairs were left to parochial committees; but the crown officers were not molested. The militia officers were compelled to sign the association, and a ship which arrived with two hundred and four slaves was forced to go away without landing them. In September two hundred and fifty barrels of powder were taken by the "liberty" people from a vessel at Tybee.

Bancroft, Hist. of the U.S., vol.4, p.391

"Twelve months ago," said the people of Georgia in 1776, "we were declared rebels, and yet we meat with no opposition; Britain may destroy our towns, but we can retire to the back country and tire her out." On the appearance of a small squadron in the Savannah, Joseph Habersham, on the eighteenth of January, with a party of volunteers, confined Sir James Wright under a guard in his own house. The other crown officers either fled or were seized.

Bancroft, Hist. of the U.S., vol.4, p.391

The provincial congress, which assembled in Savannah on the second of February, elected Archibald Bulloch, John Houstoun, Lyman Hall, Button Gwinnet, and George Walton their delegates to the continental congress; and, being so remote from the seat of congress, they declined to give them any other instruction than this: "Keep in view the general utility, remembering that the great and righteous cause in which we are engaged is not provincial but continental; and concur in all measures calculated for the common good." In this way the delegates of Georgia ware left free to join in declaring independence whenever it should be the choice of the continental congress.

Bancroft, Hist. of the U.S., vol.4, p.391 - p.392

A few days after this instruction was adopted, the royal governor, taking with him the great seal of the province, escaped by night to Bonaventure, rowed through Tybee creek to the Scarborough man-of-war, and reported "Georgia to be totally under the influence of the Carolina people; nothing but force could pave the way for the commissioners." His flight imposed upon the congress of Georgia the necessity of framing a constitution, which, on the fifteenth of April 1776, was accepted as "the groundwork of a more stable and formal government." Archibald Bulloch was elected its first president, and on the first day of May was charged by the council of safety to enforce all the resolutions of congress, without regard to any individual or set of men; "for," they reasoned, "no government can be said to be established while any part of the community refuses submission to its authority." Accepting the supreme command of the colony, Bulloch answered: "The appointment is derived from the free and uncorrupt suffrages of my fellowcitizens. I shall enforce and carry into execution every resolve and law of" the "congress" of Georgia.

Chapter 25:

How South Carolina Advanced to Independence,

February-July 1776

Bancroft, Hist. of the U.S., vol.4, p.393

THE American congress needed an impulse from the resolute spirit of some government springing wholly from the people. On the eighth of February 1776, the convention of South Carolina, by Drayton their president, presented their thanks to John Rutledge and Henry Middleton for their services in the American congress, which had made its appeal to the King of kings, established a navy, treasury, and general postoffice, exercised control over commerce, and granted to colonies permission to create civil institutions, independent of the regal authority. The next day arrived Gadsden, the highest officer in the army of the province, and he in like manner received the welcome of public gratitude. In return, he presented the standard which was to be used by the American navy, representing in a yellow field a rattlesnake of thirteen full-grown rattles coiled to strike, with the motto: DON'T TREAD ON ME. When, on the tenth, the report on reforming the provincial government was considered and many hesitated, Gadsden spoke out for the absolute independence of America. The majority had thus far refused to contemplate the end toward which they were irresistibly impelled. One member avowed his willingness to ride post by day and night to Philadelphia, in order to assist in reuniting Great Britain and her colonies; the elder Laurens "bore his testimony against the principles of 'Common Sense;'" but the criminal laws could not be enforced for want of officers; public and private affairs were running into confusion; the imminent danger of invasion was proved by intercepted letters; so that necessity compelled the adoption of some adequate system of rule.

Bancroft, Hist. of the U.S., vol.4, p.394

While a committee of eleven was preparing the organic law, Gadsden, on the thirteenth, began to act as senior officer of the army. Companies of militia were called down to Charleston, and the military forces augmented by two regiments of riflemen. In the early part of the year Sullivan's Island was a wilderness, thickly covered with myrtle, live-oak, and palmettos; there, on the second of March, William Moultrie was ordered to complete a fort large enough to hold a thousand men.

Bancroft, Hist. of the U.S., vol.4, p.394

Within five days after the convention received the act of parliament of the preceding December which authorized the capture of American vessels and property, they gave up the hope of reconciliation; and, on the twenty-sixth of March 1776, asserting "the good of the people to be the origin and end of all government," and enumerating the unwarrantable acts of the British parliament, the implacability of the king, and the violence of his officers, they established a constitution for South Carolina. The executive power was intrusted to a president who was endowed with a veto on legislation and was commander-in-chief; the congress resolved itself into a general assembly, till their successors should be elected by the people in the following October. The numerous and arbitrary representation, which had prevailed originally in the committee of 1774 and had been continued in the first and second congress of 1775, was confirmed by the new instrument, so that Charleston kept the right of sending thirty members to the general assembly. The old laws prescribing the qualifications of the electors and the elected were continued in force. A legislative council of thirteen was to be elected by the assembly out of their own body; the assembly and the legislative council elected jointly by ballot the president and vice-president. The privy council of seven was composed of the vice-president, three members chosen by ballot by the assembly, and three by the legislative council. The judges were chosen by joint ballot of the two branches of the legislature, by whose address they might be removed, though otherwise they were to hold office during good behavior.

Bancroft, Hist. of the U.S., vol.4, p.395

On the twenty-seventh, John Rutledge was chosen president, Henry Laurens vice-president, and William Henry Drayton chief justice. On accepting office, Rutledge addressed the general assembly: "To preside over the welfare of a brave and generous people is in my opinion the highest honor any man can receive. In so perilous a season as the present, I will not withhold my best services. I assure myself of receiving the support and assistance of every good man in the colony; and my most fervent prayer to the omnipotent Ruler of the universe is, that under his gracious providence the liberties of America may be forever preserved."

Bancroft, Hist. of the U.S., vol.4, p.395

On the next day the oaths of office were administered; then, to display the existence of the new constitution, the council and assembly, preceded by the president and vice-president and by the sheriff bearing the sword of state, walked out in a solemn procession from the state-house to the exchange, in the presence of the troops and the militia of South Carolina. The people, with rapture and tears of joy, crowded round the men whom they had chosen to office from among themselves.

Bancroft, Hist. of the U.S., vol.4, p.395

Early in April the legislative bodies addressed the president: "Conscious of our natural and unalienable rights, and determined to make every effort to retain them, we see your elevation from the midst of us to govern this country, as the natural consequence of unprovoked, cruel, and accumulated oppressions. Chosen by the suffrages of a free people, you will make the constitution the great rule of your conduct; in the discharge of your duties under that constitution we will support you with our lives and fortunes."

Bancroft, Hist. of the U.S., vol.4, p.395

In words penned by Drayton and Cotesworth Pinckney, the assembly condemned the British plan of sending Commissioners to treat with the several colonies as a fraudulent scheme for subverting their liberties by negotiations, and resolved to communicate with the court of Great Britain only through the continental congress.

Bancroft, Hist. of the U.S., vol.4, p.395 - p.396

When, on the eleventh of April, they closed their session, "On my part," said Rutledge, "a most solemn oath has been taken for the faithful discharge of my duty; on yours, a solemn assurance has been given to support me therein. The constitution shall be the invariable rule of my conduct. I repose the most perfect confidence in your engagement. If any persons in your parishes and districts are still strangers to the merits of the dispute between Great Britain and the colonies, you will explain it to them fully, and teach them their inherent rights. The endeavors to engage barbarous nations to imbrue their hands in the innocent blood of helpless women and children, and the attempts to make ignorant domestics subservient to the most wicked purposes, are acts at which humanity must revolt.

Bancroft, Hist. of the U.S., vol.4, p.396

"Seeing no alternative but unconditional submission or a defence becoming men born to freedom, no man who is worthy of life, liberty, or property will hesitate about the choice. Superior force may lay waste our towns and ravage our country, it can never eradicate from the breasts of free men those principles which are ingrafted in their very nature.

Bancroft, Hist. of the U.S., vol.4, p.396

"Of this colony the reputation for generosity and magnanimity is universally acknowledged. I trust that the only strife among brethren will be, who shall do most to serve and to save an injured country."

Bancroft, Hist. of the U.S., vol.4, p.396

On the twenty-third of April the court was opened at Charleston, and the chief justice after an elaborate exposition charged the grand jury in these words: "The law of the land authorizes me to declare, and it is my duty to declare the law, that George III., king of Great Britain, has abdicated the government, that he has no authority over us, and we owe no obedience to him.

Bancroft, Hist. of the U.S., vol.4, p.396

"It has been the policy of the British authority to cramp and confine our trade so as to be subservient to their commerce, our real interest being ever out of the question; the new constitution is wisely adapted to enable us to trade with foreign nations, and thereby to supply our wants at the cheapest markets in the universe; to extend our trade infinitely beyond what has ever been known; to encourage manufactures among us; and to promote the happiness of the people from among whom, by virtue and merit, the poorest man may arrive at the highest dignity. The Almighty created America to be independent of Britain; to refuse our labors in this divine work is to refuse to be a great, a free, a pious, and a happy people!"

Bancroft, Hist. of the U.S., vol.4, p.397

Rutledge was equal to the office which he had accepted; order and method grew at once out of the substitution of a single executive for committees; from him the officers of the regiments, as well as of the militia, derived their Commissions. To prepare for the British army and naval squadron which were known to be on the way, the mechanics and laborers of Charleston, assisted by great numbers of negroes from the country, were employed in fortifying the town. When the veteran Armstrong arrived to take the command of the army, he found little more to do than receive the hospitalities of the inhabitants.

Bancroft, Hist. of the U.S., vol.4, p.397

The British fleet and transports designed to act in Carolina did not leave Cork harbor till February; they were scattered by a storm soon after going to sea; they met most violent adverse gales and winds; and not till the third of May, after a passage of more than eighty days, did Sir Peter Parker, Cornwallis, and such ships as kept them company, enter Cape Fear river and deliver to Clinton his instructions. These instructions directed him to proclaim pardon to all but "the principal instigators of the rebellion, to dissolve provincial congresses and committees of safety, to restore the regular administration of justice, to arrest the persons and destroy the property of all who should refuse to give satisfactory tests of their obedience." From North Carolina he might proceed at his own choice to Virginia or to South Carolina, in like manner "to seize the persons and destroy the property of rebels." If he proceeded to South Carolina he was to reduce Charleston, as a prelude to the fall of Savannah.

Bancroft, Hist. of the U.S., vol.4, p.397

All joined "to lament the fatal delays." It was too late to invade North Carolina, which had suppressed its loyal insurrection. With the formidable armament Clinton inclined to look into the Chesapeake, which would bring him nearer New York; bait Lord William Campbell urged an attack on Charleston; and, as intelligence was received "that the works erected by the rebels on Sullivan's Island, which was the key to the harbor, were unfinished, Clinton acquiesced in the proposal of the commodore to attempt the reduction of that fortress by a sudden attack."

Bancroft, Hist. of the U.S., vol.4, p.397 - p.398

Before leaving his government, Martin had sent a party to burn the house of Hooper, the noble-minded delegate in the continental congress; Cornwallis, with nine hundred men—it was his first exploit in America—landed in Brunswick county, and, with a loss of two men killed and one taken prisoner, burned and ravaged the plantation of Robert Howe. As the British retired from North Carolina, Clinton in a proclamation of the fifth of May invited the people "to apease the vengeance of an incensed nation," and offered pardon to all who would submit, except Robert Howe and Cornelius Harnett.

Bancroft, Hist. of the U.S., vol.4, p.398

The peace of Charleston was undisturbed except by gathering rumors that an English fleet and transports had arrived in Cape Fear river. Its citizens, taking courage from the efficiency with which the government of the colony was administered, toiled in the trenches; and bands of negroes from the neighboring plantations were employed upon the works. The bloom of the magnolia was yellowing, when, on the first day of June, expresses from Christ Church parish brought news to the president that a fleet of forty or fifty sail lay anchored about twenty miles to the north of Charleston bar.

Bancroft, Hist. of the U.S., vol.4, p.398

Rutledge ordered the alarm to be fired; and while the townsmen were looking out for horses, carriages or boats to remove their wives and children, he called down the militia from the country by expresses, and, in company with Armstrong who arrived toward the end of April, visited all the fortifications. Barricades were thrown up across the principal streets; defences were raised at the points most likely to be selected for landing; lead, gleaned from the weights of windows, was cast into musket-balls; and a respectable force was concentred at the capitol.

Bancroft, Hist. of the U.S., vol.4, p.398 - p.399

The invaders of South Carolina had come only upon the most positive assurances that the friends of the British government in the province would rise at their bare appearance. At a moment when instant action was essential to their success they were perplexed by uncertainty of counsel between Clinton and Sir Peter Parker, the respective commanders of the army and the naval force. On the eighth Moultrie received from Clinton the proclamation, in which the British general declared the existence of "a most unprovoked and wicked rebellion within South Carolina," the "succession of crimes of its inhabitants," the tyranny of its congress and committees, the error, thus far incorrigible, of an "infatuated and misguided multitude," the duty of "proceeding forthwith against all bodies of men in arms, congresses, and committees, as open enemies of the state;" but "from humanity" he consented "to forewarn the deluded people," and to offer in the king's name "free pardon to such as should lay down their arms and submit to the laws." Having done this, he consulted Cornwallis on the best means of gaining possession of Sullivan's Island; and both agreed that they could not more effectually cooperate with the intended movement of the fleet than by landing on Long Island, which was said to communicate with Sullivan's Island at low water by a ford. Clinton had had four days' time to sound the ford; but he took the story of its shallowness on trust.

Bancroft, Hist. of the U.S., vol.4, p.399

General Lee travelled leisurely to the south, in March taking up his quarters in the palace of the British governors at Williamsburg. As querulous as ever, he praised the congress of New York as angels of light compared with the Virginia committee of safety. He directed the arrest of Eden, the governor of Maryland, without ceremony or delay, though that province was not within his district, and resented the interference. Not till the fourth of June did he reach Charleston. On the ninth, attended by his aides-de-camp and by Robert Howe of North Carolina, he inspected Haddrell's point in the bay of Charleston. After examining its fortifications he crossed to Sullivan's Island, where he found a fort of which the front and one side were finished; and twelve hundred men encamped in its rear in booths that were roofed with palmetto leaves. Within the fort, mechanics and laborers were lifting and fitting heavy palmetto logs for its walls. He had scarce glanced at the work when he declared that "he did not like that post; it could not hold out half an hour; there was no way to retreat;" it was but a "slaughter pen," and the garrison would be sacrificed.

Bancroft, Hist. of the U.S., vol.4, p.399 - p.400

The battalions raised in South Carolina, although congress bore its proportion of their cost, still remained under the direction of the president of the colony and its officers. This circumstance became of the greatest importance. To Armstrong no command whatever had been conceded; Lee was invested with the military command only through an order from Rutledge. Weeks afterward he continued in secret to express impatience at "this complex play they were acting of Duke and no Duke;" but with Rutledge he took care to avoid a rupture.

Bancroft, Hist. of the U.S., vol.4, p.400

On that same day Clinton landed four or five hundred men on Long Island, showing that the first attack was to be made on the outpost of the city. Lee proposed to Rutledge to withdraw from Sullivan's Island without a blow; but Rutledge, interposing his authority, would not suffer it; yet on the tenth the very first order of Lee to Moultrie, except one which was revoked as soon as issued, directed that officer to construct bridges for his retreat, and he repeated and enforced the order several times that day and on almost every succeeding one. Happily Moultrie's courage was of that placid kind that could not be made anxious or uneasy; he weighed carefully his danger and his resources; with imperturbable confidence, formed his plan for repelling the impending attack by sea and by land; and never admitted the thought that he could be driven from his post.

Bancroft, Hist. of the U.S., vol.4, p.400

On the tenth, while the continental congress was finishing the debate on independence, the Bristol, whose guns had been previously taken out, came over the bar, attended by thirty or forty vessels, and anchored at about three miles from Fort Sullivan. In Charleston, from which this movement was distinctly visible, all was action; on the wharfs, warehouses of great value were thrown down to give room for the fire of cannon and musketry from the lines along East bay; intrenchments surrounded the town; the barricades, in the principal streets, were continued to the water; and arrow-headed embankments were projected upon the landing-places. Every one without distinction "labored with alacrity" in sun and in rain.

Bancroft, Hist. of the U.S., vol.4, p.400

On the eleventh the two regiments from North Carolina arrived. That same day Lee, not being permitted by Rutledge to direct the total evacuation of the island, ordered Moultrie immediately to send four hundred of his men over to the continent; in his postscript he added: "Make up the detachment to five hundred." On the thirteenth he writes: "You will detach another hundred of men" to strengthen the corps on the other side of the creek. But South Carolina was with Moultrie, and mechanics and negro laborers were sent down to help in the work on his fort. On the twelfth the wind blew so violently that two ships which lay outside of the bar were obliged for safety to stand out to sea, and this assisted to posepone the attack.

Bancroft, Hist. of the U.S., vol.4, p.401

On the fifteenth Lee stationed Armstrong, Moultrie's superior, at Haddrell's point; but the brave Pennsylvanian, manifesting for Moultrie a hearty friendship, never interfered with him. On that same day Sir Peter Parker gave to the captains of his squadron his arrangement for taking the batteries on Sullivan's Island; and on the sixteenth he communicated it to Clinton. The conduct of the British betrayed hesitation and unharmonious councils; and the Carolinians made such use of the consequent delay that by the seventeenth they were in an exceedingly good state of preparation at every outpost and in town. To capture and garrison Sullivan's Island, Clinton, consulting with Cornwallis, landed his army of more than three thousand men, thoroughly provided with arms, artillery, and ammunition, on Long Island, a naked sand, where nothing grew except a few bushes that harbored myriads of mosquitoes, and where the troops suffered from the burning sun, the want of good water and the bad quality and insufficient supply of provisions. After every man had been landed it occurred to Clinton to make a trial of the ford. He waded in up to his neck; so did others of his officers; and then he announced, through Vaughan to Sir Peter Parker, that there remained seven feet of water at low tide; and that therefore the troops could not take the share they expected in the intended attack. Compelled to propose something, Clinton fixed on the twenty-third for the joint attack; but it was hindered on that day by an unfavorable wind.

Bancroft, Hist. of the U.S., vol.4, p.401 - p.402

In the following night Muhlenberg's regiment arrived. On receiving Lee's orders, they had instantly set off from Virginia and marched to Charleston without tents, continually exposed to the weather. Of all the Virginia regiments, this was the most complete, the best armed, best clothed, and best equipped for immediate service.

Bancroft, Hist. of the U.S., vol.4, p.402

The confidence of Sir Peter Parker was unshaken. To make all sure, he exercised a body of marines and seamen in the art of entering a fort through its embrasures. Coming down to the island, Lee took Moultrie aside and said: "Do you think you can maintain this post?" Moultrie answered: "Yes, I think I can." Lee fretted at Moultrie's too easy disposition, and wished to remove him from the command.

Bancroft, Hist. of the U.S., vol.4, p.402

On the twenty-fifth the squadron was increased by the arrival of the Experiment, a ship of sixty guns, which passed the bar on the next day. Letters of encouragement came from Tonyn, then governor of East Florida, who was impatient for an attack on Georgia; he would have had a body of Indians raised on the back of South Carolina and a body of royalists to "terrify and distract, so that the assault at Charleston would have struck an astonishing terror and affright." He reported South Carolina to be in "a mutinous state that delighted him;" "the men would certainly rise on their officers; the battery on Sullivan's Island would not discharge two rounds." This opinion was spread through the fleet, and became the belief of every sailor. With or without Clinton's aid, the commodore was persuaded that he could silence Moultrie's batteries, and that then his well-drilled seamen and marines could take and keep possession of the fort, till Clinton should "send as many troops as he might think proper, who might enter the fort in the same way."

Bancroft, Hist. of the U.S., vol.4, p.402

One day Captain Lempriere, the same who in the former year had taken more than a hundred barrels of powder from a vessel at anchor off St. Augustine, was walking with Moultrie on the platform, and, looking at the British ships-of-war, all of which had already come over the bar, addressed him: "Well, colonel, what do you think of it now?" "We shall beat them," said Moultrie. "The men-of-war," rejoined the captain, "will knock your fort down in half an hour." "Then," said Moultrie, "we will lie behind the ruins and prevent their men from landing."

Bancroft, Hist. of the U.S., vol.4, p.402 - p.403

On the morning of the twenty-eighth a gentle sea-breeze summoned to the attack. Lee, from Charleston, for the tenth or eleventh time, charged Moultrie to finish the bridge for his retreat, promised him re-enforcements which he never sent, and still meditated removing him from his command; while Moultrie, whose faculties under the outward show of indolent calm were strained to their utmost tension, rode to visit his advanced guard on the east. Here the commander, William Thomson of Orangeburg, of Irish descent, a native of Pennsylvania, but from childhood a citizen of South Carolina, a man of rare worth, as an officer brave and intelligent, had, at the extreme point, posted fifty of the militia behind sand-hills and myrtle bushes. A few hundred yards in the rear, breastworks had been thrown up, which he guarded with three hundred riflemen of his own regiment from Orangeburg and its neighborhood, with two hundred of Clark's North Carolina regiment, two hundred more of the men of South Carolina under Horry, and the raccoon company of riflemen. On his left he was protected by a morass; on his right by one eighteen-pounder and one brass six-pounder, which overlooked the spot where Clinton would wish to land.

Bancroft, Hist. of the U.S., vol.4, p.403 - p.404

Seeing the enemy's boats in motion on the beach of Long island and the men-of-war loosing their topsails, Moultrie hurried back to his fort. He ordered the long roll to beat, and officers and men to their posts. His whole number, including himself and officers, was four hundred and thirty-five, of whom twenty-two were of the artillery, the rest of his own regiment—men who were bound to each other, to their officers, and to him, by personal affection and confidence. Next to him in command was Isaac Motte; his major was the fearless and faultless Francis Marion. The fort was a square, with a bastion at each angle; built of palmetto logs, dovetailed and bolted together, and laid in parallel rows sixteen feet asunder, with sand filled in between the rows. On the eastern and northern sides the palmetto wall was only seven feet high, but it was surmounted by thick plank, so as to be tenable against a scaling party; a traverse of sand extended from east to west. The southern and western curtains were finished with their platforms, on which cannon were mounted. The standard, which was advanced to the south-east bastion, displayed a flag of blue with a white crescent on which was emblazoned LIBERTY. The number of cannon in the fort, bastions and the two cavaliers was but thirty-one, of which no more than twenty-one could at the same time be brought into use; of ammunition, there were but twenty-eight rounds for twenty-six cannon. At Haddrell's point, across the bay, Armstrong had about fifteen hundred men. The first regular South Carolina regiment, under Christopher Gadsden, occupied Fort Johnson, which stood on the most northerly part of James Island, about three miles from Charleston, and within point-blank shot of the channel. The city was protected by more than two thousand men.

Bancroft, Hist. of the U.S., vol.4, p.404

Half an hour after nine in the morning the commodore gave signal to Clinton that he should proceed to the attack. An hour later the ships-of-war were under way. Gadsden, Cotesworth Pinckney, and the rest at Fort Johnson watched all their movements; in Charleston, the wharfs and water-side along the bay were crowded with troops under arms and lookers-on. Their adversary must be foiled or their city will be sacked and burnt, and the savages on the frontier spring from their lurking-places.

Bancroft, Hist. of the U.S., vol.4, p.404 - p.405

The Thunderbomb, covered by the Friendship, began the action by throwing shells, which it continued till more than sixty were discharged; of these, some burst in the air; one lighted on the magazine without doing injury; the rest sunk in the morass or were buried in the sand within the fort. At about a quarter to eleven the Active, of twenty-eight guns, disregarding four or five shots fired at her while under sail; the Bristol, with fifty guns, having on board Sir Peter Parker and Lord William Campbell, the royal governor of South Carolina; the Experiment, of fifty guns; and the Solebay, of twenty-eight—brought up within about three hundred and fifty yards of the fort, let go their anchors with springs upon their cables, and began a most furious cannonade. Every sailor expected that two broadsides would end the strife; but the soft, fibrous, spongy palmetto withstood the rapid fire, and neither split nor splintered nor started; and the parapet was high enough to protect the men on the platforms. When broadsides from three or four of the men-of-war struck the logs at the same instant, the shock gave the merlons a tremor, but the pile remained uninjured. Moultrie had but one tenth as many guns as were brought to bear on him, and was, moreover, obliged to stint the use of powder. His guns accordingly were fired very slowly, the officers taking aim, and waiting always for the smoke to clear away that they might point with more precision. "Mind the commodore, mind the fifty-gun ships," were the words that passed along the platform from officers and men.

Bancroft, Hist. of the U.S., vol.4, p.405

"Shall I send for more powder?" asked Moultrie of Motte. "To be sure," said Motte. And Moultrie wrote to Lee: "I believe we shall want more powder. At the rate we go on, I think we shall; but you can see that. Pray send us more, if you think proper."

Bancroft, Hist. of the U.S., vol.4, p.405

More vessels were seen coming up, and cannon were heard from the north-east. Clinton had promised support. Not knowing what else to do, he directed the batteries on Long Island to open a cannonade; and several shells were thrown into Thomson's intrenchments, doing no damage beyond wounding one soldier. The firing was returned by Thomson with his one eighteen-pounder; but, from the distance, with little effect.

Bancroft, Hist. of the U.S., vol.4, p.405

At twelve o'clock the light infantry, grenadiers, and the fifteenth regiment embarked in boats, while floating batteries and armed craft got under way to cover the landing; but the American defences were well constructed, the approach difficult, Thomson vigilant, and his men skillful sharpshooters. The detachment had hardly left Long Island before it was ordered to disembark, for it was seen that "the landing was impracticable, and would have been the destruction of many brave men, without the least probability of success." "It was impossible," says Clinton, "to decide positively upon any plan;" and he did nothing.

Bancroft, Hist. of the U.S., vol.4, p.405 - p.406

The commodore, at Clinton's request, sent three frigates to co-operate with him in an attack on Haddrell's point; it would have been still more desperate, and was not attempted. The people of Charleston, as they looked from the battery with senses quickened by the nearness of danger, beheld the Sphinx, the Acteon, and the Syren, each of twenty-eight guns, sailing as if to get between Haddrell's point and the fort, so as to enfilade the works, and, when the rebels should be driven from them, to cut off their retreat. It was a moment of danger, for the fort on that side was unfinished; but the pilots, keeping too far to the south, ran all the three upon a bank of sand, known as the Lower Middle Ground. Seeing the frigates thus entangled, the beholders in the town were swayed alternately by fears and hopes; the armed inhabitants stood every one at his post, uncertain but that they might be called to immediate action, hardly daring to believe that Moultrie's small and ill-furnished garrison could beat off the squadron, when behold! his flag disappears. Fearing that his colors had been struck, they prepared to meet the invaders at the water's edge.

Bancroft, Hist. of the U.S., vol.4, p.406

In the fort, William Jasper, a sergeant, perceived that the flag had been cut down by a ball from the enemy, and had fallen over the ramparts. "Colonel," said he to Moultrie, "don't let us fight without a flag."

Bancroft, Hist. of the U.S., vol.4, p.406

"What can you do?" asked Moultrie; "the staff is broken off."

Bancroft, Hist. of the U.S., vol.4, p.406

"Then," said Jasper, "I'll fix it to a halberd, and place it on the merlon of the bastion next the enemy;" and, leaping through an embrasure, and braving the thickest fire from the ship, he took up the flag, returned with it safely, and planted it, as he had promised, on the summit of the merlon.

Bancroft, Hist. of the U.S., vol.4, p.406

The sea gleamed with light; the almost vertical sun of midsummer glared from a cloudless sky; and the intense heat was increased by the blaze from the cannon on the platform. All of the garrison were without coats during the action, and some were nearly naked; Moultrie and several of the officers smoked their pipes as they gave their orders. They knew that their movements were observed from the house-tops of Charleston; by the veteran Armstrong and the little army at Haddrell's point; by Gadsden, who at Fort Johnson was chafing with discontent at not being in the centre of danger. Exposed to an incessant cannonade, which seemed sufficient to daunt the bravest veterans, they stuck to their guns with the greatest constancy.

Bancroft, Hist. of the U.S., vol.4, p.406 - p.407

Hit by a ball which entered through an embrasure, Macdaniel cried out to his brother soldiers: "I am dying, but don't let the cause of liberty expire with me this day." Jasper removed the mangled corpse from the sight of his comarades, and cried aloud: "Let us revenge that brave man's death!"

Bancroft, Hist. of the U.S., vol.4, p.407

The slow and skilfully directed fire against the Bristol shattered that ship, and carried wounds and death. Neither the tide nor the wind suffered the British squadron to retire. Once the springs on the cables of the Bristol were swept away; as she swung round with her stern toward the fort, she drew upon herself the fire of every gun that could be brought to bear upon her. Of all who in the beginning of the action were stationed on her quarter-deck, not one escaped being killed or wounded. For a moment, it is said, the commodore stood alone. Morris, his captain, having the fore-arm shattered by a chain-shot, and receiving a wound in the neck, was taken into the cockpit; but, after submitting to amputation, he insisted on being carried on the quarter-deck once more, where he resumed command till he was shot through the body, when, feeling dissolution near, he commended his family to the providence of God and the generosity of his country. Meantime, the eyes of the commodore and of all on board his fleet were "frequently and impatiently" and vainly turned toward the army. If the troops would but co-operate, he was sure of gaining the island; for at about one o'clock he believed that he had silenced the guns of the rebels, and that the fort was on the point of being evacuated. But the pause was owing to the scarcity of powder, of which the little that remained to Moultrie was reserved for the musketry, as a defence against an expected attack from the land forces. Lee should of himself have replenished his stock; Moultrie had seasonably requested it, but in the heat of the action he received from Lee this answer: "If you should unfortunately expend your ammunition without beating off the enemy or driving them on ground, spike your guns and retreat."

Bancroft, Hist. of the U.S., vol.4, p.407 - p.408

A little later a better message came from Rutledge, at Charleston: "I send you five hundred pounds of powder. You know our collection is not very great. Honor and victory to you and our worthy countrymen with you. Do not make too free with your cannon. Be cool and do mischief." These five hundred pounds of powder, with two hundred pounds from a schooner lying at the back of the fort, were all the supplies that Moultrie received. At three in the afternoon, Lee, on a report from his aide-de-camp, Byrd, sent Muhlenberg's Virginia riflemen to reenforce Thomson. A little before five, Moultrie was able to renew his fire. At about five, the marines in the ships' tops, Seeing a lieutenant with eight or ten men remove the heavy barricade from the gateway of the fort, thought that Moultrie and his party were about to retreat; but the gateway was unbarred to receive a visit from Lee. The officers, half naked, and begrimed with the hot day's work, respectfully laid down their pipes as he drew near. The general himself pointed two or three guns, after which he said to Moultrie: "Colonel, I see you are doing very well here; you have no occasion for me; I will go up to town again;" and thus he left the fort.

Bancroft, Hist. of the U.S., vol.4, p.408

When, at a few minutes past seven, the sun went down in a blaze of light, the battle was still raging, though the British showed signs of weariness. The inhabitants of Charleston, whom the evening sea-breeze collected on the battery, could behold the flag of liberty still proudly waving; and they continued gazing anxiously, till the short twilight was suddenly merged in the deep darkness of a southern night, when nothing was seen but continual flashes, followed by peals as it were of thunder coming out from a heavy cloud. Many thousand shot were fired from the shipping, and hardly a lint or a tree on the island remained unhurt; but the works were very little damaged and only one gun was silenced. The firing from the fort continued slowly; and the few shot they were able to send were heard to strike against the ships' timbers. Just after nine o'clock, a great part of his ammunition being expended in a cannonade of about ten hours, his people fatigued, the Bristol and the Experiment made nearly wrecks, the tide of ebb almost done, with no prospect of help from the army, Sir Peter Parker resolved to withdraw. At half-past nine his ships slipped their cables, and dropped down with the tide to their previous moorings.

Bancroft, Hist. of the U.S., vol.4, p.408

Of the four hundred and thirty-five Americans in the fort who took part in this action, all but eleven remained alive, and but twenty-six were wounded. At so small a cost of life had Charleston been defended, and the colony saved.

Bancroft, Hist. of the U.S., vol.4, p.408 - p.409

When, after a cannonade of about ten hours, the firing ceased, the inhabitants of Charleston remained in suspense, till a boat from Moultrie announced his victory. At morning's dawn the Acteon frigate was seen fast aground at about four hundred yards from the fort. The Syren had got off, and so too had the Sphinx, yet with the loss of her bowsprit. Some shots were exchanged, but the company of the Acteon soon set fire to her, and deserted her. Men from the fort boarded her while she was burning, pointed and discharged two or three of her guns at the commodore, and loaded their three boats from her stores. In one half of an hour after they abandoned her she blew up; and, to the eyes of the Carolinians, the pillar of smoke over the vessel took the form of the palmetto.

Bancroft, Hist. of the U.S., vol.4, p.409

The Bristol had forty men killed and seventy-one wounded. Lord William Campbell received a contusion in his left side, of which, after lingering two years, he died. Sir Peter Parker was slightly injured. About seventy balls went through his ship; her mizzen-mast was so much hurt that it fell early the next morning; the main-mast was cut away about fifteen feet below the hounds; and the broad pendant streamed from a jury-mast lower than the foremast. But for the stillness of the sea she must have gone down. On board the Experiment twenty-three were killed and fifty-six wounded; Scott, her captain, lost his left arm, and was otherwise severely wounded; the ship was much damaged, her mizzen gaff was shot away. The loss of the British fleet, in killed and wounded, was two hundred and five. The royal governors of North and of South Carolina, as well as Clinton and Cornwallis and seven regiments, were witnesses of the defeat. The commodore and the general long indulged in reciprocal criminations. Nothing remained for the army but to quit the sands of Long Island, yet three weeks more passed away before they embarked in transports for New York, under the single "convoy of the Solebay frigate, the rest of the fleet being under the necessity of remaining still longer to refit."

Bancroft, Hist. of the U.S., vol.4, p.409 - p.410

The success of the Carolinians saved not a post, but the state. It kept seven regiments away from New York for two months; it gave security to Georgia, and three years' peace to Carolina; it dispelled throughout the South the dread of British superiority; it drove the loyalists into obscurity. To the other colonies it was a message of brotherhood and union from South Carolina as a self-directing republic.

Bancroft, Hist. of the U.S., vol.4, p.410

On the morning of the twenty-ninth Charleston harbor was studded with sails and alive with the voices of men hastening to congratulate the victors. They crowded round their deliverers with transports of gratitude; they gazed on the uninjured walls of the fortress; they enjoyed the sight of the wreck of the Acteon, of the discomfited men-of-war riding at anchor at two and a half miles' distance; they laughed at the commodore's broad pendant, scarcely visible on a jury maintopmast, while their own blue flag crowned the merlon. Letters of congratulation came down from Rutledge and from Gadsden; and Lee gave his witness that "no men ever did or could behave better."

Bancroft, Hist. of the U.S., vol.4, p.410

On the afternoon of the thirtieth Lee reviewed the garrison, and renewed to them the praise that was their due. While they were thus drawn out the women of Charleston presented to the second regiment a pair of silken colors, one of blue, one of red, richly embroidered by their own hands; and Susanna Smith Elliott, a scion of one of the oldest families of the colony, who, being left an orphan, had been brought up by Rebecca Brewton Motte, stepped forth to the front of the intrepid band in matronly beauty, young and stately, light-haired, with eyes of mild expression, and a pleasant countenance, and, as she put the flags into the hands of Moultrie and Motte, she said in a low, sweet voice: "Your gallant behavior in defence of liberty and your country entitles you to the highest honors; accept these two standards as a reward justly due to your regiment; and I make not the least doubt, under heaven's protection, you will stand by them as long as they can wave in the air of liberty." The regiment, plighting the word which they were to keep sacredly at the cost of many of their lives, answered: "The colors shall be honorably supported, and shall never be tarnished."

Bancroft, Hist. of the U.S., vol.4, p.410 - p.411

On the fourth of July, Rutledge came to visit the garrison. There stood Moultrie, there Motte, there Marion, there Peter Horry, there William Jasper, and all survivors of the battle. When Rutledge, in the name of South Carolina, returned thanks to the defenders, his burning words adequately expressed the impassioned gratitude of the people. To Jasper was offered a lieutenants commission, which he modestly declined, accepting only a sword.

Bancroft, Hist. of the U.S., vol.4, p.411

South Carolina, by her president and the common voice, spontaneously decreed that the post on Sullivan's Island should, for all future time, be known as Fort Moultrie; her assembly crowned her victorious sons with applause. The tidings leaped from colony to colony on their way to the North, and the continental congress voted their thanks to Lee, Moultrie, Thomson, and the officers and men under their command. But, at the time of that vote, congress was no more the representative of dependent colonies; the victory at Fort Moultrie was the bright morning star that harbingered American independence.

Chapter 26:

Virginia Proclaims the Rights of Man and Proposes Independence,

May-June 1776

Bancroft, Hist. of the U.S., vol.4, p.412

ON the sixth of May forty-five members of the house of burgesses of Virginia met at the capitol in Williamsburg pursuant to their adjournment; but, as they were of the opinion that the ancient constitution had been subverted by the king and parliament of Great Britain, they dissolved themselves unanimously, and thus the last vestige of the king's authority passed away.

Bancroft, Hist. of the U.S., vol.4, p.412

The delegates of Virginia who on the same morning met in convention were a constituent and an executive body. Not less than one hundred and thirty in number, they represented the oldest of the colonies, whose institutions had been fashioned after the model recommended by Bacon, and whose inhabitants for nearly a hundred and seventy years had maintained the church of England as the establishment of the dominion, and had been heartily loyal to their kings.

Bancroft, Hist. of the U.S., vol.4, p.412

Its people, having in their origin a perceptible but never an exclusive influence of the cavaliers, had sprung mainly from adventurers, who were not fugitives for conscience' sake, or sufferers from persecution. The population had been recruited by successive infusions of Scotch-Irish Presbyterians; Huguenots, and the descendants of Huguenots; men who had been so attached to Cromwell or to the republic that they preferred to emigrate on the return of Charles II.; Baptists and other dissenters; and in the valley of Virginia there was a very large German population.

Bancroft, Hist. of the U.S., vol.4, p.413

The territory for which the convention was to act comprised the great bay of the Chesapeake, with its central and southern tributaries; the beautiful valleys on the head-springs of the Roanoke and along the Shenandoah; the country beyond the mountains, including the sources of the Monongahela and the Cumberland rivers and extending indefinitely to the Tennessee and beyond it. Nor that only: Virginia insisted that its jurisdiction stretched without bounds over all the country west and north-west of a line two hundred miles north of Old Point Comfort, not granted to others by royal charters; and there was no one to dispute a large part of this claim except the province of Quebec under an act of parliament which the continental congress had annulled. For all this vast territory—rich in soil, precious minerals, healing springs, forests convenient marts for foreign commerce, and great pathways to the West, more fertile, more spacious than all Greece, Italy, and Great Britain, than any region which had ever proposed to establish republican liberty—a constitution was to be framed.

Bancroft, Hist. of the U.S., vol.4, p.413

The movement proceeded from the heart of Virginia herself, and represented the magnanimity of her whole people. The Ancient Dominion had with entire unanimity approved the change of dynasty of 1688; with equal unanimity had, even more readily than the English, accepted the house of Hanover, and had been one of the most loyal parts of the empire of the Georges. Driven to the choice between holding their constitutional rights on sufferance or creating a government by the people, Virginia, with a unity of spirit, asked no questions about ancestry or creed, nearness to the sea or to the mountains. When it moved, it moved altogether. The story of the war commemorates the courage not of the men of the interior alone; among the "inexorable families," Dunmore especially reported from the low country the Lees, and the family of Cary of Hampton, of whom even the sisters, married to a Fairfax and a Nicholas, cheered on their connections to unrelenting opposition. Virginia rose with as much unanimity as Connecticut or Massachusetts, and with a more commanding resolution.

Bancroft, Hist. of the U.S., vol.4, p.413 - p.414

The purpose for which the convention was assembled appears from the words of the county of Buckingham to Charles Patterson and John Cabell, its delegates: "We instruct you to cause a total and final separation from Great Britain to take place as soon as possible; and a constitution to be established, with a full representation, and free and frequent elections; the most free, happy, and permanent government that human wisdom can contrive and the perfection of man maintain."

Bancroft, Hist. of the U.S., vol.4, p.414

The county of Augusta represented the necessity of making the confederacy of the united colonies most perfect, independent, and lasting; an equal, free, and liberal government, that might bear the test of all future ages. The inhabitants of Transylvania were anxious to concur with their brethren of the united colonies in every measure for the recovery of their rights and liberties.

Bancroft, Hist. of the U.S., vol.4, p.414

The inhabitants on the rivers Watauga and Holston set forth that "they were deeply impressed with a sense of the distresses of their American brethren, and would, when called upon, with their lives and fortunes, lend them every assistance in their power; they begged to be considered as a part of the colony, and would readily embrace every opportunity of obeying any commands from the convention."

Bancroft, Hist. of the U.S., vol.4, p.414

To that body were chosen more than one hundred and thirty of the ablest men of Virginia. Among them were no rash enthusiasts for liberty; no lovers of revolution for the sake of change; they were the choice of the freeholders of Virginia, and the majority were men of independent fortune, or even opulence. It was afterward remembered that of this grave assembly the members were for the most part men of large stature and robust frames, and that a very great proportion of them lived to exceeding old age. They were now to decide whether Virginia demanded independence, and would establish a commonwealth; and to move like a pillar of fire in front of the whole country.

Bancroft, Hist. of the U.S., vol.4, p.414 - p.415

When the delegates had assembled and appointed a clerk, Richard Bland recommended Edmund Pendleton for president, and was seconded by Archibald Cary; while Thomas Johnson of Louisa, and Bartholomew Dandridge, proposed Thomas Ludwell Lee. For a moment there was something like an array of parties, but it instantly subsided; Virginia showed her greatness by her moderation, and gave new evidence that the revolution sprung from necessity, by placing in the chair Pendleton, the most cautious and conservative among her patriots. After his election, he wrote to a friend: "Of all others, I own I prefer the true English constitution, which consists of a proper combination of the principles of honor, virtue, and fear."

Bancroft, Hist. of the U.S., vol.4, p.415

On the fifteenth Archibald Cary, from a committee of the whole, reported resolutions which had been drafted by Pendleton, offered by Nelson, and enforced by Henry. They were then twice read at the clerk's table, and, one hundred and twelve members being present, were unanimously agreed to. The preamble enumerated their chief grievances; among others, that the king's representative in the colony was training and employing slaves against their masters; and they say: "We have no alternative left but an abject submission or a total separation;" therefore they went on to decree "that their delegates in congress be instructed to propose to that body to declare the united colonies free and independent states, absolved from all allegiance or dependence upon the crown or parliament of Great Britain; and that they give the assent of this colony to such declaration, and to measures for forming foreign alliances and a confederation of the colonies: provided that the power of forming government for, and the regulation of the internal concerns of, each colony be left to the respective colonial legislatures."

Bancroft, Hist. of the U.S., vol.4, p.415

This resolution was received out of doors with chimes of bells and the noise of artillery; and the British flag, which had thus far kept its place on the state-house, was struck, to be raised no more.

Bancroft, Hist. of the U.S., vol.4, p.415 - p.416

In the following days a committee of thirty-two was appointed to prepare a declaration of rights and a plan of government. Among the members were Archibald Cary; Patrick Henry; the aged Richard Bland; Edmund Randolph, son of the attorney-general, who was then a refugee in England; Nicholas; James Madison, the youthful delegate from Orange county; but the one who at that moment held most sway over the mind of the convention was George Mason, the successor of Washington in the representation of Fairfax county. He was a devoted member of the church of England; and, by his own account of himself, "though not born within the verge of the British isle, he had been an Englishman in his principles, a zealous assertor of the act of settlement, firmly attached to the royal family upon the throne, well affected to the king personally and to his government, in defence of which he would have shed the last drop of his blood; one who adored the wisdom and happiness of the British constitution, and preferred it to any that then existed or had ever existed." For ten years he claimed nothing for his countrymen beyond the liberty and privileges of Englishmen, in the same degree as if they had still continued among their brethren in Great Britain; but he said: "The ancient poets, in their elegant manner of expression, have made a kind of being of necessity, and tell us than the gods themselves are obliged to yield to her;" and he left the private life that he loved, to assist in the rescue of his country from the excesses of arbitrary power to which a seeming fatality had driven the British ministers. He was a good speaker and an able debater, the more eloquent now for being touched with sorrow; but his great strength lay in his sincerity, which made him wise and bold, modest and unchanging, while it overawed his hearers. He was severe, but his severity was humane, with no tinge of bitterness, though he had a scorn for everything mean, cowardly, or low; and he always spoke out his convictions with frank directness. He had been truly loyal; on renouncing his king, he could stand justified to his own conscience only by an unselfish attachment to human freedom.

Bancroft, Hist. of the U.S., vol.4, p.416 - p.417

On the twenty-seventh of May, Cary from the committee presented to the convention the declaration of rights which Mason had drafted. For the next fortnight the great truths which it proclaimed, and which were to form the groundwork of American institutions, employed the thoughts of the convention. One clause only received a material amendment. Mason had written that all should enjoy the fullest toleration in the exercise of religion. But toleration is the demand of the skeptic who has no fixed belief and only wishes to be let alone; a firm faith, which is too easily tempted to establish itself exclusively, can be content with nothing less than equality. A young man, then unknown to fame, of bright hazel eyes inclining to gray, small in stature, light in person, delicate in appearance, a pallid, sickly scholar in an assembly of the most robust men, proposed an amendment. He was James Madison, the son of an Orange county planter, bred in the school of Presbyterian dissenters under Witherspoon at Princeton, trained by his own studies, by meditative rural life in the Old Dominion, by an ingenuous indignation at the persecution of the Baptists, and by the innate principles of right, to uphold the sanctity of religious freedom. He objected to the word "toleration," because it implied an established religion, which endured dissent only as a condescension; and, as the earnestness of his convictions overcame his modesty, he proceeded to demonstrate that "all men are equally entitled to the free exercise of religion, according to the dictates of conscience." His motion, which did but state with better dialectics the very purpose which Mason wished to accomplish, obtained the suffrages of his colleagues. This was the first achievement of the wisest civilian of Virginia. The declaration, having then been fairly transcribed, was on the twelfth of June read a third time, and unanimously adopted.

Bancroft, Hist. of the U.S., vol.4, p.417

These are the rights which they said do pertain to them and their posterity, as the basis and foundation of government:

Bancroft, Hist. of the U.S., vol.4, p.417

"All men are by nature equally free, and have inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

Bancroft, Hist. of the U.S., vol.4, p.417

"All power is vested in, and consequently derided from, the people; magistrates are their trustees and servants, and at all times amenable to them.

Bancroft, Hist. of the U.S., vol.4, p.417

"Government is, or ought to be, instituted for the common benefit and security of the people, nation, or community; and, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right to reform, alter, or abolish it, in such a manner as shall be judged most conducive to the public weal.

Bancroft, Hist. of the U.S., vol.4, p.418

"Public services not being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary.

Bancroft, Hist. of the U.S., vol.4, p.418

"The legislative and executive powers of the state should be separate and distinct from the judicative: the members of the two first should, at fixed periods, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections.

Bancroft, Hist. of the U.S., vol.4, p.418

"Elections of members to serve as representatives of the people in assembly ought to be free; and all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses without their own consent or that of their representative so elected, nor bound by any law to which they have not, in like manner, assented for the public good.

Bancroft, Hist. of the U.S., vol.4, p.418

"There ought to be no arbitrary power of suspending laws, no requirement of excessive bail, no granting of general warrants.

Bancroft, Hist. of the U.S., vol.4, p.418

"No man ought to be deprived of liberty, except by the law of the land or the judgment of his peers; and the ancient trial by jury ought to be held sacred.

Bancroft, Hist. of the U.S., vol.4, p.418

"The freedom of the press is one of the greatest bulwarks of liberty, and can never be restrained but by despotic governments.

Bancroft, Hist. of the U.S., vol.4, p.418

"A well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defence of a free state; standing armies in time of peace should be avoided as dangerous to liberty; and in all cases the military should be under strict subordination to the civil power.

Bancroft, Hist. of the U.S., vol.4, p.418

"The people have a right to uniform government; and, therefore, no government separate from or independent of the government of Virginia ought to be erected or established within the limits thereof.

Bancroft, Hist. of the U.S., vol.4, p.418

"No free government can be preserved but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

Bancroft, Hist. of the U.S., vol.4, p.418 - p.419

"Religion can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of it, according to the dictates of conscience; and it is the mutual duty of all to practice Christian forbearance, love, and charity toward each other."

Bancroft, Hist. of the U.S., vol.4, p.419

Other colonies had framed bills of rights in reference to their relations with Britain; Virginia moved from charters and customs to primal principles; from the altercation about facts to the contemplation of immutable truth. She summoned the eternal laws of man's being to protest against all tyranny. The English petition of right in 1688 was historic and retrospective; the Virginia declaration came out of the heart of nature, and announced governing principles for all peoples in all time. It was the voice of reason going forth to speak a new political world into being. At the bar of humanity Virginia gave the name and fame of her sons as hostages that her public life should show a likeness to the highest ideas of right and equal freedom among men.

Bancroft, Hist. of the U.S., vol.4, p.419

While Virginia communicated to her sister colonies her instruction to her delegates in congress to propose independence, Washington at New York freely and repeatedly delivered his opinion: " A reconciliation with Great Britain is impracticable, and would be in the highest degree detrimental to the true interest of America. Nothing but independence will save us." The preamble and the resolve of congress, adopted at Philadelphia on the same day with the Virginia instructions at Williamsburg, were in themselves the act of a self-determining political body. The blow which proceeded from the general congress felled the proprietary authority in Pennsylvania and Maryland. Maryland, more happy than her neighbor, kept her ranks unbroken; for she had intrusted the direction of the revolution to a convention whose decrees were received as indisputably the voice of her whole people. She had dispensed with oaths for the support of the government under the crown; but she resolved that it was not necessary to suppress totally the exercise of every kind of office derived from the king; and in her new instructions to her delegates in congress she mixed with her pledges of support to the common cause a lingering wish for a reunion with Great Britain. Meanwhile, the governor was required to leave the province; and the only powers actually in being were the deputies in congress, the council of safety, and the convention.

Bancroft, Hist. of the U.S., vol.4, p.420

In Pennsylvania, the preamble, which was published on the morning of the sixteenth, was cited by the popular party as a dissolution of the proprietary government, and a direction to institute a new one under the authority of the people. On the next day, which was kept as a national fast, George Duffield, the minister of the third Presbyterian church in Philadelphia, with John Adams for a listener, drew a parallel between George III and Pharaoh, and inferred that the same providence of God which had rescued the Israelites designed to free the Americans. On the twenty-fourth a town-meeting of more than four thousand men was held in the state-house yard, to confront the instructions of the assembly against independence with the vote of the continental congress against "oaths of allegiance and the exercise of any kind of authority under the crown." It was called to order by John Bayard, the chairman of the committee of inspection for the county of Philadelphia; it selected for its president Daniel Roberdeau; and it voted unanimously that the instructions withdrew the province from the happy union with the other colonies; that the present assembly was not elected for the purpose of forming a new government; and, with but one dissentient voice, it further voted that the house of assembly, not having the authority of the people for that purpose, could not, without usurpation, proceed to form a new government. As a consequence, the committee of the city and liberties of Philadelphia was directed to summon a conference of the committees of every county in the province, to make arrangements for a constituent convention, which should be chosen by the people.

Bancroft, Hist. of the U.S., vol.4, p.420 - p.421

Any agreement which the proprietary governor would accept could be no better than a collusion, for, by the very nature of his office and his interests, he could not stand out against the British ministry, however much they might be in the wrong. The members of the assembly, by taking the oath or affirmation of allegiance to the king, had incapacitated themselves for reforming the government. Besides, the resolve in congress, which dispensed in all cases with that oath, was interpreted as conferring the rights of electors on the Germans who had not yet been naturalized; so that the assembly no longer could claim to be the representative of the people of Pennsylvania.

Bancroft, Hist. of the U.S., vol.4, p.421

It was unhappy for the colony that Dickinson and his friends refused to lead the popular movement for a convention; and, at a later day, he owned "the national council," as he styled congress, "to have been right." His persistent opposition left the principle of independence in Pennsylvania to be established by a political party, springing spontaneously from the ranks of the people, struggling against an active social influence, a numerous religious organization, and the traditional governing classes, and rending society by angry and long enduring discord.

Bancroft, Hist. of the U.S., vol.4, p.421

The assembly stood adjourned to the twentieth; on the morning of the twenty-second a quorum appeared, and, as a first concession to the continental congress, the newly elected members were not required to swear allegiance to the king. The protest of the inhabitants of the city and liberties against their powers to carry the resolve of congress into execution was presented, read, and laid on the table; but no other notice was taken of it. The resolve itself was set aside by the appointment of a committee to ask of the continental congress an explanation of its purpose. The proposal to naturalize foreigners without requiring oaths of allegiance to the king was, in like manner, put to sleep by a reference to a committee, composed of those who had most earnestly contested the wishes of the Germans. The assembly seemed to have no purpose, unless to gain time and wait. The constitution was the watchword of the conservative members, union that of the new party of the people who condemned the conduct of the assembly as a withdrawal from the union. One party represented old established interests, another saw no hope but from independence and a firm confederation; between these two stood Dickinson, whose central position was the hiding-place of the irresolute.

Bancroft, Hist. of the U.S., vol.4, p.421 - p.422

On the twenty-third an address, claiming to proceed from the committee of inspection for the county of Philadelphia, and bearing the name of William Hamilton as chairman, asked the assembly to "adhere religiously to its instructions against independence, and to oppose altering the least part of their in valuable constitution." The next day the committee of inspection of the city of Philadelphia came together with Mackean as chairman, and addressed a memorial to the continental congress, setting forth that the assembly did not possess the confidence of the people, nor truly represent the province; that among its members were men who held offices under the crown of Great Britain, and who had been dragged into compliance with most of the recommendations of congress only from the fear of being superseded by a convention; that measures for assembling a convention of the people had now been taken by men whose constituents were fighting men, determined to support the union of the province with the other colonies at every hazard.

Bancroft, Hist. of the U.S., vol.4, p.422

The members of the assembly became uneasy: in the first days of June no quorum appeared. On the fifth the proceedings of Virginia, directing her delegates to propose independence, were read in the house. No answer was returned; but a petition from Cumberland county, asking that the instructions to the delegates of Pennsylvania might be withdrawn, was read a second time, and a committee of seven was appointed to bring in new instructions. Of its members, among whom were Dickinson, Morris, Reed, Clymer, and one or two loyalists, all but Clymer were, for the present, opposed to independence.

Bancroft, Hist. of the U.S., vol.4, p.422

The instructions of Pennsylvania, which they reported on the sixth, conceded "that all hopes of a reconciliation, on reasonable terms, were extinguished;" and nevertheless, with a full knowledge that the king would not yield, they expressed their ardent desire for an end of the civil war; while they sanctioned a confederation and "treaties with foreign kingdoms and states," they neither advised nor forbade a declaration of independence, trusting to "the ability, prudence, and integrity" of their delegates. Now the opinion of the majority of those delegates was notorious; but, to remove even a possibility of uncertainty, on the seventh of June, before the question on the new instructions was taken, Dickinson, in the assembly, pledged his word that he and the majority of the delegates would continue to vote against independence.

Bancroft, Hist. of the U.S., vol.4, p.422 - p.423

On that same day, and perhaps while Dickinson was speaking in the Pennsylvania assembly, Richard Henry Lee, in the name and with the authority of Virginia, proposed in congress: "That these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; that it is expedient forthwith to take the most effectual measures for forming foreign alliances; and that a plan of confederation be prepared, and transmitted to the respective colonies for their consideration and approbation." The resolutions were seconded by John Adams.

Bancroft, Hist. of the U.S., vol.4, p.423

At nine in the morning of the eighth of June the assembly of Pennsylvania, after debate, adopted its new instructions by a vote of thirty-one against twelve. The disingenuous measure proved the end of that body; never but once more could it bring together a quorum of its members; and it entailed on their state years of bitter strife.

Bancroft, Hist. of the U.S., vol.4, p.423 - p.424

At ten on the same day congress took up Richard Henry Lee's resolve, and the debate which ensued was the most copious and the most animated ever held on the subject. The argument on the part of its opponents was sustained by Robert Livingston of New York, by Wilson, Dickinson, and Edward Rutledge. They made no objection to a confederacy, and to sending a project of a treaty by proper persons to France; but they contended that a declaration of independence would place America in the power of the British, with whom she was to negotiate; give her enemy notice to counteract her intentions before she had taken steps to carry them into execution; and expose her to ridicule in the eyes of foreign powers by premature attempts to bring them into an alliance. Edward Rub ledge said privately "that it required the impudence of a New Englander for them in their disjointed state to propose a treaty to a nation now at peace; that no reason could be assigned for pressing into this measure but the reason of every madman, a show of spirit." Wilson avowed that the removal of the restriction on his vote by the Pennsylvania assembly on that morning did not change his view of his obligation to resist independence. On the other hand, Lee and Wythe of Virginia put forth all their strength to show that the people waited only for congress to lead the way; that they desired an immediate declaration of independence without which no European power could give shelter to their commerce or engage with them in a treaty of alliance. John Adams defended the proposed measures as "objects of the most stupendous magnitude, in which the lives and liberties of millions yet unborn were intimately interested;" as the consummation "of a revolution the most complete, unexpected, and remarkable of any in the history of nations." The voices of all New England and of Georgia were raised on the same side. A majority of the colonies, including North Carolina, appeared to be unalterably fixed in favor of an immediate declaration of independence; but the vote on the question was postponed till Monday.

Bancroft, Hist. of the U.S., vol.4, p.424

On the intervening day Keith, the British minister at the court of Vienna, chanced to obtain an audience of Joseph II., and afterward of the empress Maria Theresa. The emperor referred to the proclamation which the joint sovereigns had issued, most strictly prohibiting all commerce between their subjects in the Low Countries and the rebel colonies in America, and went on to say: "I am very sorry for the difficulties which have arisen to distress the king's government; the cause in which he is engaged is in fact the cause of all sovereigns, for they have a joint interest in the maintenance of a just subordination and obedience to law in all the monarchies which surround them; I see with pleasure the vigorous exertions of the national strength, which he is now employing to bring his rebellious subjects to a speedy submission, and I most sincerely wish success to those measures." The empress queen, in her turn, expressed a very hearty desire for the restoration of obedience and tranquillity to every quarter of the British dominions.

Bancroft, Hist. of the U.S., vol.4, p.424 - p.425

When the congress met on Monday, Edward Rutledge, without much expectation of success, moved that the question should be postponed three weeks, while in the mean time the plan of a confederation and of treaties might be matured. Again the debate was kept up until seven in the evening, when the desire of perfect unanimity, and the reasonableness of allowing the delegates of the central colonies to consult their constituents, induced seven colonies against five to assent to the delay, but with the further condition that, to prevent any loss of time, a committee should in the meanwhile prepare a declaration in harmony with the proposed resolution. On the next day Jefferson, John Adams, Franklin, Sherman, and Robert R. Livingston were chosen by ballot for that office.

Bancroft, Hist. of the U.S., vol.4, p.425

On the twelfth the duty of digesting the form of a confederation was assigned to one member from each colony; and, as if the subject had not been of transcendent importance, their appointment was left to the presiding officer. Among those whom Hancock selected are found the names of Samuel Adams, Dickinson, and Edward Rutledge; it could have been wished that the two Adamses had changed places, though probably the result would at that time have been the same; no one man had done so much to bring about independence as the elder Adams, but his skill in constructing governments, not his knowledge of the principles of freedom, was less remarkable than that of his younger kinsman. In the committee, Dickinson, who, as an opponent of independence, could promote only a temporary constitution, assumed the task of drafting the great charter of union.

Bancroft, Hist. of the U.S., vol.4, p.425

The preparation of a plan of treaties with foreign powers was intrusted by ballot to Dickinson, Franklin, John Adams, Harrison, and Robert Morris; and between John Adams and Dickinson there was no difference of opinion, that the scheme to be proposed should be confined to commerce, without any grant of exclusive privileges, and without any entanglement of a political connection or alliance.

Bancroft, Hist. of the U.S., vol.4, p.425

On the thirteenth a board of war, of which Washington had explained the extreme necessity, was appointed, and John Adams was placed at its head.

Bancroft, Hist. of the U.S., vol.4, p.425

On the twenty-fourth congress "resolved, that all persons abiding within any of the united colonies, and deriving protection from its laws, owe allegiance to the said laws, and are members of such colony;" and it charged the guilt of treason upon "all members of any of the united colonies who should be adherent to the king of Great Britain, giving to him aid and comfort." The fellow-subjects of one king became fellow-lieges of one republic. They all had one law of citizenship and one law of treason.

Chapter 27:

The People of Every American Colony Demand Independence,

June-July 1776

Bancroft, Hist. of the U.S., vol.4, p.426

AMERICAN independence was not an act of sudden passion, nor the work of one man or one assembly. It had been discussed in every part of the country by farmers and merchants, by mechanics and planters, by the fishermen and the backwoodsmen; in town-meetings and from the pulpit; at social gatherings and around the camp fires; in newspapers and in pamphlets; in county conventions and conferences of committees; in colonial congresses and assemblies. The decision was put off only to ascertain the voice of the people. Virginia, having uttered her will, and communicated it to her sister colonies, proceeded, as though independence had been proclaimed, to form her constitution. More counsellors waited on her assembly than they took notice of: they were aided in their deliberations by the teachings of the law-givers of Greece; by the line of magistrates who had framed the Roman code; by those who had written best in English on government and public freedom. They passed by monarchy and hereditary aristocracy as unessential forms, and looked for the self-subsistent elements of liberty.

Bancroft, Hist. of the U.S., vol.4, p.426 - p.427

The principles of the Virginia declaration of rights remained to her people as a perpetual possession, and a pledge of progress in more tranquil days; but for the moment internal reforms were postponed. The elective franchise was not extended, nor was anything done to abolish slavery beyond the prohibition of the slave-trade. The king of England possessed the crown by birth and for life; the chief executive of Virginia owed his place to an election by the general assembly, and retained it for one year. The king was intrusted with a veto power, limited within Britain, extravagant and even retrospective in the colonies; the recollection that "by an inhuman use of his negative he had refused them permission to exclude negroes by law" misled the Virginians to withold the veto power from the governor of their own choice.

Bancroft, Hist. of the U.S., vol.4, p.427

The governor, like the king, had at his side a privy council; and, in the construction of this body of eight men, the desire for some permanent element of government is conspicuous. Braxton, in the scheme which he forwarded from congress, would have had the governor continue in authority during good behavior, the council of state during life. But Patrick Henry, Mason, and the other chief members of the convention, did not share this dread of the power of the people; and nothing more was conceded than that two only of the eight councillors should be triennially changed, so that the body would be completely renewed once in the course of twelve years. The governor, with their advice, had the appointment of militia officers and of justices of the peace; but the general assembly by joint ballot elected the treasurer, the judges, and the officers of the higher courts. The general assembly, like the British parliament, consisted of two branches, an annual house of delegates and a senate of twenty-four members, to be chosen from as many districts, and to be renewed one fourth in each year.

Bancroft, Hist. of the U.S., vol.4, p.427

The convention recognised the territorial rights of Maryland, Pennsylvania, and the Carolinas, and the limit set by the peace of 1763; otherwise it claimed jurisdiction over all the region, granted by the second charter of King James I. The privilege of purchasing Indian titles was reserved to the state; but a right of pre-emption was secured to actual settlers on unappropriated lands.

Bancroft, Hist. of the U.S., vol.4, p.427 - p.428

In framing the constitution, George Mason was aided by Richard Henry Lee and George Wythe; a form of government, sent by Jefferson, arrived too late; but his draft of a preamble was adopted. Virginia became a republic. The convention, having on the twenty-ninth of June unanimously adopted the constitution, transformed itself into a temporary general assembly, and made choice by ballot of a governor and a privy council. Patrick Henry became the chief magistrate in the commonwealth which, he said, had just formed "a system of government wisely calculated to secure equal liberty," and to take a principal part in a war "involving the lasting happiness of a great proportion of the human species." "If George III.," wrote Fox, "should for a moment compare himself to Patrick Henry, how humiliated he must be!"

Bancroft, Hist. of the U.S., vol.4, p.428

On the fourteenth of June, Connecticut, urged by the invitation and example of Virginia, instructed its delegates in favor of independence, foreign alliances, and a permanent union of the colonies; but the plan of confederation was not to go into effect till it should receive the assent of the several legislatures. That Puritan commonwealth, which had in fact enjoyed a republican government more than a hundred years, then first conducted its administration in its own name.

Bancroft, Hist. of the U.S., vol.4, p.428

On the same day and the next the Delaware assembly, at the instance of Mackean, unanimously approved the resolution of congress of the fifteenth of May, overturned the proprietary government within her borders, substituted her own name on all occasions for that of the king, and gave to her delegates new instructions which left them at Uberty to vote respecting independence according to their judgment.

Bancroft, Hist. of the U.S., vol.4, p.428

On the fifteenth the council and assembly of New Hampshire, in reply to a letter from Bartlett and Whipple, their delegates in congress, unanimously voted in favor of "declaring the thirteen united colonies a free and independent state; and solemnly pledged their faith and honor to support the measure with their lives and fortunes."

Bancroft, Hist. of the U.S., vol.4, p.428 - p.429

On the first day of May 1776, Joseph Hawley wrote to Elbridge Gerry in congress: "There will be no abiding union without a declaration of independence and a course of conduct on that plan. My hand and heart are full of it. Will a government stand on recommendations It is idle to suppose so. Nay, without a real continental government, people will, by and by, sooner than you may be aware of, call for their old constitutions as they did in England after Cromwell's death. For God's sake let there be a full revolution, or all has been done in vain. Independence and a well-planned continental government will save us." The assembly of Massachusetts advised the people in their town-meetings to instruct their representatives on the question; and a very great majority of the towns, all that were heard from, declared for it unanimously.

Bancroft, Hist. of the U.S., vol.4, p.429

The choice of all New England was spontaneous and Undoubted. Its extended line of sea-coast, with safe and convenient harbors, defied the menace of a blockade; its comparatively compact population gave it a sense of security against the return of the enemy.

Bancroft, Hist. of the U.S., vol.4, p.429 - p.430

Far different was the position of New York, which was the first of the large central colonies to mark out irrevocably her line of conduct. Devoted to commerce, she possessed but one seaport, and, if that great mart should fall into the hands of the British, she must, for the time, resign all maritime intercourse with the world. The danger was close at hand, distinctly perceived, and inevitable. On the twenty-fourth of May the vote of the continental congress, recommending the establishment of a new government, was referred to John Morin Scott, Haring, Remsen, Lewis, Jay, Cuyler, and Broome; three days later Remsen reported from the committee that the right of creating civil government is, and ought to be, in the people, and that the old form of government was dissolved. On the thirty-first resolutions were proposed by Scott, Jay, and Haring, ordering elections for deputies, with ample powers to institute a government which should continue in force until a future peace with Great Britain. But early in June the New York congress had to pass upon the Virginia proposition of independence. This was the moment that showed the firmness and the purity of Jay; the darker the hour, the more ready he was to cheer; the greater the danger, the more promptly he stepped forward to dude. He had insisted on a second petition to the king, with no latent weakness of purpose. The hope of obtaining redress was gone; he could now, with perfect peace of mind, give free scope to his convictions and sense of duty. Believing that the provincial congress then in session had not been vested with power to dissolve the connection with Great Britain, he held it necessary first to consult the people themselves. For this end, on the eleventh of June, the New York congress, on his motion, called upon the freeholders and electors of the colony to confer on the deputies whom they were about to choose full powers of administering government, framing a constitution, and deciding the great question of independence.

Bancroft, Hist. of the U.S., vol.4, p.430

In this manner the unanimity of New York was insured; her decision remained no longer in doubt, though it could not be formally announced till after the election of its convention. It was taken in the presence of extreme danger, against which they knew that no adequate preparations could be made. Bands of savages hovered on the inland frontier of the province; the army of Canada was flying before disease and want and a vastly superior force; an irresistible fleet was approaching the harbor of its chief city; and a veteran army, computed by no one at less than thirty thousand men, was almost in sight. Little had been done by congress to re-enforce Washington except to pass votes ordering out large numbers of militia from Massachusetts, Connecticut, New York, and New Jersey, and still again more militia under the name of the flying camps of Pennsylvania, Delaware, and Maryland; and none of these were to be engaged beyond December. Congress had not yet authorized the employment of men for three years or for the war; nor did it do so till near the end of June, when it was too late for success in enlistments; the feeble army then under Washington's command was, by the conditions of its existence, to melt away in the autumn and coming winter.

Bancroft, Hist. of the U.S., vol.4, p.430 - p.431

Moreover, Tryon, ever unscrupulous and indefatigable, from on board the Duchess of Gordon, secretly sought through the royalist mayor of the city of New York and others to prepare a body of conspirators, who should raise an insurrection in aid of Howe on his arrival, blow up the American magazines, gain possession of the guns, and seize Washington and his principal officers. Some of the inferior agents were suspected of having intended to procure Washington's death. There were full proofs that the plan against his army was prosecuted with the utmost diligence; but it was discovered before it was matured. It is certain that two or three of his own guard were partners in the scheme of treachery; and one of them, after conviction, before a court-martial, was hanged. It was the first military execution of the revolution. This discovery of danger from hidden foes made no change in the conduct of the commander-in-chief.

Bancroft, Hist. of the U.S., vol.4, p.431

The provincial congress of New Jersey, which came fresh from the people with ample powers and organized itself in the evening of the eleventh of June, was opened with prayer by John Witherspoon, an eloquent Scottish minister of great ability, learning, and liberality; ready to dash into pieces all images of false gods. Born near Edinburgh, trained up at its university, in 1768 he removed to Princeton, to become the successor of Jonathan Edwards, Davis, and Finley, as president of its college. A combatant of skepticism and the narrow philosophy of the materialists, he was deputed by Somerset county to take part in applying his noble theories to the construction of a civil government.

Bancroft, Hist. of the U.S., vol.4, p.431 - p.432

The body of which he was a member was instructed to prepare for the defence of the colony against the powerful enemy whose arrival was hourly expected; next, to decide the question of independence; and, lastly, to form and establish a constitution. They promptly resolved to reenforce the army of New York with thirty-three hundred of the militia. William Franklin, the last royalist governor, still lingered at Perth Amboy; and, in the hope of dividing public opinion by the semblance of a regular constitutional government, he had, by proclamation, called a meeting of the general assembly for the twentieth of June. The convention, on the fourteenth, voted that his proclamation ought not to be heeded; the next day he was arrested; and, as he refused to give his parole, was kept under guard till he could be removed to Connecticut. On the twenty-second it was resolved, by a vote of fifty-four against three, "that a government be formed for regulating the internal police of the colony, pursuant to the recommendation of the continental congress;" and in that congress five friends to independence were elected to represent New Jersey. As the constitution, drafted by a committee of which Jacob Green, Presbyterian minister of Hanover, was the chairman, was reported before independence had been declared, a clause provided for the contingency of a reconciliation; otherwise this charter from the people was to remain firm and inviolable. Its principles were: a legislative power intrusted to two separate houses; a governor annually chosen by the legislature, and possessing a casting vote in one branch of the legislature; judges to be appointed by the legislature for seven years and for five years; the elective franchise to be exercised by all inhabitants of full age who had been residents for twelve months and possessed fifty pounds proclamation money. No Protestant could be denied any rights or franchises on account of his religious principles; and to every person within the colony were guaranteed the right to worship God according to the dictates of his own conscience, and an immunity from all tithes or church rates, except in conformity to his own engagements.

Bancroft, Hist. of the U.S., vol.4, p.432

On the eighteenth of June the committees of Philadelphia and of the several counties of Pennsylvania met at Carpenters' Hall in a provincial conference. Their duty was imperative, and yet necessarily the occasion of a bitter domestic fend. The old proprietary government, in an existence of more than ninety years, had won the admiration of the wise throughout the world by its respect for religious and civil liberty, had kept itself free from the suspicion of having instigated or approved the obnoxious measures of the British Ministry, and had maintained the attitude of a mediator between parliament and America. When the obstinacy of the king left no room for reconciliation, it came naturally to its end. Such of the members of the assembly as remained in their places confessed in a formal vote their "despair" of again bringing together a quorum; and when, according to the charter, they could only have kept their body alive by adjourning from day to day, they made an illegal adjournment to a day nearly two months later than that appointed for the vote of congress on independence, leaving measures of defence unattended to. The adjournment was an abdication; and the people prepared promptly and somewhat roughly to supersede the expiring system. Nor were the proposed changes restricted only to forms: a fierce demand broke out for an immediate extension of the right of suffrage to those "whom," it was held, "the resolve of congress had now rendered electors."

Bancroft, Hist. of the U.S., vol.4, p.432 - p.433

The provincial conference was composed of men who had hitherto not been concerned in the government. Thomas Mackean was chosen its president. On the nineteenth, one hundred and four members being present, the resolution of congress of the fifteenth of May was read twice, and unanimously approved; the present government of the colony was condemned as incompetent, and a new one was ordered to be formed on the authority of the people only. Every other colony had shunned the mixture of questions of internal reform with the question of the relation to Great Britain; but here a petition was read from Germans, praying that all associators who were taxable might vote. In the election to the assembly, the possession of fifty pounds proclamation money had been required as the qualification of a voter both in the city under its charter and in the counties, and the foreign born must further have been naturalized under a law which required an oath of allegiance to the British king; the conference reviving the simple provision of "the Great Law" of December 1682 endowed every tax-payer with the right to vote for members of the constituent convention. No more did poverty or place of birth disfranchise free citizens in Pennsylvania.

Bancroft, Hist. of the U.S., vol.4, p.433

While in this manner the divisions arising from differences in national origin and in wealth were thrown down, the conference, at the instance of Christopher Marshall who had been educated among the Friends and had left the society because he held it right to draw the sword in defence of civil liberty, resolved that the members elected to the convention should be required to declare their faith in God the Father, Christ his eternal Son, the Holy Spirit, and the divine inspiration of the Scriptures. The pure-minded mystic did not perceive that he was justifying an inquisition by the civil authority into the free action of the soul, and a punishment for departing in belief from the established faith of the state.

Bancroft, Hist. of the U.S., vol.4, p.433

It had not been the intention of the conference to perform administrative acts; yet, to repair the grievous neglect of the assembly, they ordered a flying camp of six thousand men to be called out, in conformity to the vote of the continental congress.

Bancroft, Hist. of the U.S., vol.4, p.433 - p.434

One thing more remained: on the afternoon of the twenty-fourth, on the report of a committee composed of Mackean, Benjamin Rush of Philadelphia, and James Smith of York county, the members of the conference, giving their voices one by one with unanimity, pronounced in behalf of themselves and their constituents their willingness to concur in a vote of congress declaring the united colonies to be free and independent states; and an authenticated copy of the vote was, by Mackean, their president, delivered directly to congress.

Bancroft, Hist. of the U.S., vol.4, p.434

Wiser were the people of Maryland, for they acted with moderation and unanimity, from a sense of right, and from sympathy with their sister colonies. In May and the early part of June the people, in county meetings, renounced the hope of reconciliation; listening to their voices, the committee of safety called a convention; and that body, assembling on the twenty-first of June, placed itself in the closest relations with its constituents. On the request of any one delegate, the yeas and nays might be taken and entered in its journal; its debates and proceedings were public. Its measures for calling militia into active service were prompt and efficient. On the afternoon of the day on which Moultrie repelled the British squadron from Charleston it concurred with Virginia on the subject of independence, a confederation, treaties with foreign powers, and the reservation of the internal government of each colony to its own people; and five days later, while the continental congress was still considering the form of its declaration of independence, it directed the election of a new convention, to create a government by the sole authority of its people.

Chapter 28:

The Resolution and the Declaration of Independence,

July 1-4, 1776

Bancroft, Hist. of the U.S., vol.4, p.435

ON the morning of the first of July, the day set apart for considering the resolution of independence, John Adams, confident as if the vote had been taken, invoked the blessing of heaven to make the new-born republic more glorious than any which had gone before. His heart melted with sorrow at the sufferings of the army that had been in Canada; he knew that England, having recovered that province, commanded the upper lakes and the Mississippi; that she had a free communication with all the tribes of indians along the western frontiers, and would induce them by bloodshed and fire to drive in the inhabitants upon the middle settlements, at a time when the coasts might be ravaged by the British navy and a single day might bring the army before New York. Independence could be obtained only by a great expense of life; but the greater the danger, the stronger was his determination, for he held that a free constitution of civil government could not be purchased at too dear a rate. He called to mind the fixed rule of the Romans, never to send or receive ambassadors to treat of peace with their enemies while their affairs were in a disastrous situation; and he was cheered by the belief that his countrymen were of the same temper and principle.

Bancroft, Hist. of the U.S., vol.4, p.435 - p.436

At the appointed hour, the members, probably on that day fifty in number, appeared in their places; among them, the delegates lately chosen in New Jersey. The great occasion had brought forth superior statesmen—men who joined moderation to energy. After they had all passed away, their longevity was remarked as a proof of their calm and temperate nature; full two thirds of the new England representatives lived beyond seventy years—some of them to be eighty of ninety. Every colony was found to be represented, and the delegates of all but one had received full power of action. Comprehensive instruction, reaching the question of independence without explicitly using the word, had been given by Massachusetts in January, by Georgia on the fifth of February, by South Carolina in march. North Carolina, in the words of Cornelius Harnett, on the twelfth of April, led the way in expressly directing its representatives in congress to concur in a declaration of independence. On the first of May, Massachusetts expunged the regal style from all public proceedings, and substituted the name of her "government and people;" on the fourth, Rhode Island more explicitly renounced allegiance, and made its delegates the representatives of an independent republic; Virginia on the fifteenth, the very day on which John Adams in congress carried his measure for instituting governments by the sole authority of the people, ordered her delegates at Philadelphia to propose independence, and by a circular letter communicated her resolve to all her sister colonies. The movement of Virginia was seconded almost in her words by Connecticut on the fourteenth of June, New Hampshire on the fifteenth, New Jersey on the twenty-first, the conference of committees of Pennsylvania on the twenty-fourth, Maryland on the twenty-eighth. Delaware on the twenty-second of March had still hoped for conciliation; but on the fifteenth of June she instructed her delegates to concur in forming further compacts between the united colonies, concluding treaties with foreign powers, and adopting such other measures as should be deemed necessary for promoting the liberty, safety, and interests of America. The vote of the eleventh of June showed the purpose of New York; but, under the accumulation of dangers, her statesmen waited a few days longer, that her voice for independence might have the direct authority of her people.

Bancroft, Hist. of the U.S., vol.4, p.436 - p.437

The business of the day began with reading various letters, among others one from Washington, who returned the whole number of his men, present and fit for duty, including the one regiment of artillery, at seven thousand seven hundred and fifty-four. Of near fourteen hundred, the firelocks were bad; more than eight hundred had none at all; three thousand eight hundred and twenty-seven, more than half the whole number of infantry, had no bayonets. Of the militia who had been called for, only about a thousand had joined the camp. With this force the federal was to defend extensive lines against an army, near at hand, of thirty thousand veterans. An express from Lee made known that fifty-three ships, with Clinton, had arrived before Charleston, of which the safety was involved in doubt.

Bancroft, Hist. of the U.S., vol.4, p.437

A more cheering letter, which Chase had forwarded by express from Annapolis, brought the first news of the unanimity of the Maryland convention, whose vote for independence was produced and read.

Bancroft, Hist. of the U.S., vol.4, p.437

The order of the day came next, and congress resolved itself "into a committee of the whole to take into consideration the resolution respecting independency." For a few minutes, silence prevailed. In the absence of the mover of the resolution, the eyes of every one turned toward its seconder, John Adams; and the new members from New Jersey requested that the arguments used in former debates might be recapitulated. He had made no preparation for that morning; but for many months independence had been the chief object of his thoughts and his discourse, and the strongest arguments ranged themselves before his mind in their natural order. Of his sudden, impetuous, unpremeditated speech, no minutes ever existed, and no report was made. It is only remembered that he set forth the justice and the necessity, the seasonableness and the advantages of a separation from Great Britain; he dwelt on the neglect and insult with which their petitions had been treated by the king; and on the vindictive spirit manifested in the employment of German troops whose arrival was hourly expected. He concluded by urging the present time as the most suitable for resolving on independence, inasmuch as it had become the first wish and the last instruction of the communities they represented.

Bancroft, Hist. of the U.S., vol.4, p.437 - p.438

Dickinson of Pennsylvania rose, not so much to reply as to justify himself before congress. He took pride in being the ardent assertor of freedom, was conscious that his writings had won him a great name, and had prepared himself with the utmost care to vindicate his opinions, which he would have held it guilt to suppress. These were his words:

Bancroft, Hist. of the U.S., vol.4, p.438

"I value the love of my country as I ought, but I value my country more. The first campaign will be decisive of the controversy. The declaration will not strengthen us by one man or by the least supply, while it may expose our soldiers to additional cruelties and outrages. Without some prelusory trials of our strength, we ought not to commit our country upon an alternative, where to recede would be infamy and to persist might be destruction.

Bancroft, Hist. of the U.S., vol.4, p.438

"No instance is recollected of a people, without a battle fought or an ally gained, abrogating forever their connection with a warlike commercial empire. It might unite the different parties in Great Britain against us, and it might create disunion among ourselves.

Bancroft, Hist. of the U.S., vol.4, p.438

It is singularly disrespectful to France to make the declaration before her sense is known, as we have sent an agent expressly to inquire whether such a declaration would be acceptable to her, and we have reason to believe he is now arrived at the court of Versailles. The door to accommodation with Great Britain ought not to be shut, until we know what terms can be obtained from some competent power. Thus to break with her before we have compacted with another is to make experiments on the lives and liberties of my countrymen. We ought to inform that power that we are determined to declare ourselves independent, and to support that declaration with our lives and fortunes, provided that power will approve the proceeding, acknowledge our independence, and enter into a treaty with us upon equitable and advantageous conditions.

Bancroft, Hist. of the U.S., vol.4, p.438 - p.439

"The formation of our governments and an agreement upon the terms of our confederation ought to precede the assumption of our station among sovereigns. A sovereignty composed of several distinct bodies of men, not subject to established constitutions and not combined together by confirmed articles of union, is such a sovereignty as has never appeared. These particulars would not be unobserved by foreign kingdoms and states, and they will wait for other proofs of political energy before they will treat us with the desired attention.

Bancroft, Hist. of the U.S., vol.4, p.439

"With respect to ourselves, the consideration is still more serious. The forming of our governments is a new and difficult work. When this is done and the people perceive that they and their posterity are to live under well-regulated constitutions, they will be encouraged to look forward to independence as completing the noble system of their political happiness. The objects nearest to them are now enveloped in clouds and those more distant appear confused; the relation one citizen is to bear to another, and the connection one state is to have with another, they do not, cannot, know.

Bancroft, Hist. of the U.S., vol.4, p.439

"The confederation ought to be settled before the declaration of independence. Foreigners will think it most regular; the weaker states will not be in so much danger of having disadvantageous terms imposed upon them by the stronger. If the declaration is first made, political necessities may urge on the acceptance of conditions highly disagreeable to parts of the union. The present comparative circumstances of the colonies are now tolerably well understood; but some have very extraordinary claims to territory, that, if admitted, as they might be in a future confederation, the terms of it not being yet adjusted, all idea of the present comparison between them would be confounded. Those whose boundaries are acknowledged would sink in proportion to the elevation of their neighbors. Besides; unlocated lands, not comprehended within acknowledged boundaries, are deemed a fund sufficient to defray a vast part, if not the whole, of the expenses of the war. These ought to be considered as the property of all, acquired by the arms of all. The boundaries of the colonies ought to be fixed before the declaration, and their respective rights mutually guaranteed; and unlocated lands ought, previous to that declaration, to be solemnly appropriated to the benefit of all; for it may be extremely difficult, if not impracticable, to obtain these decisions afterward. When things shall be thus deliberately rendered firm at home and favorable abroad, then let America, bearing up her glory and the destiny of her children, advance with majestic steps and assume her station among the sovereigns of the world."

Bancroft, Hist. of the U.S., vol.4, p.440

Wilson of Pennsylvania could no longer agree with his colleague. He had at an early day foreseen independence as the probable though not the intended result of the contest; be had uniformly declared in his place that he never would vote for it contrary to his instructions, nay, that he regarded it as something more than presumption to take a step of such importance without express instructions and authority. "For," asked he, "ought this act to be the act of four or five individuals, or should it be the act of the people of Pennsylvania?" But, now that their authority was communicated by the conference of committees, he stood on very different ground.

Bancroft, Hist. of the U.S., vol.4, p.440

Before the end of the debate rose Witherspoon of New Jersey. In a short speech he remarked that though he had not heard all the discussions in that body, yet he had not wanted ample sources of information; and that, in his judgment, the country was not only ripe for independence, but was in danger of becoming rotten for want of it, if its declaration were longer delayed. Others spoke; among them probably Paca of Maryland, Mackean of Delaware, and, undoubtedly, Edward Rutledge of South Carolina; but no authentic record of their remarks has been preserved. Richard Henry Lee and Wythe were both on that day at the Virginia convention in Williamsburg. Before the vote was taken, the delegates from New York read to the committee a letter which they had received from the provincial congress, explaining why their formal concurrence must, for a few days longer, be withheld. The resolution for independence was then sustained by nine colonies, two thirds of the whole number; the vote of South Carolina, unanimously it would seem, was in the negative; so was that of Pennsylvania, by the vote of Dickinson, Morris, Humphreys, and Willing, against Franklin, Morton, and Wison; owing to the absence of Rodney, Delaware was divided, each member voting under the new instruction according to his former known opinion, Mackean for independence and Read against it.

Bancroft, Hist. of the U.S., vol.4, p.440

The committee rose, and Harrison reported the resolution; but, at the request of Edward Rutledge, on behalf of South Carolina, the determination upon it was put off till the next day.

Bancroft, Hist. of the U.S., vol.4, p.441

A letter from Washington, of the twenty-ninth of June, was then read, from which it appeared that Howe and forty-five ships or more, laden with troops, had arrived at Sandy Hook, and that the whole fleet was expected in a day or two. "I am hopeful," wrote the general, "that I shall get some reenforcements before they are prepared to attack; be that as it may, I shall make the best disposition I can of our troops." Not all who were round him had firmness like his own; Reed, the new adjutant-general, quailed before the inequality of the British and American force, saying: "Had I known the true posture of affairs, no consideration would have tempted me to have taken an active part in this scene." No one knew better than the commander-in-chief the exceedingly discouraging aspect of military affairs; but his serene and unfaltering courage in this hour was a support to congress. His letter was referred to the board of war which they had recently established, and of which John Adams was the president.

Bancroft, Hist. of the U.S., vol.4, p.441

On the second day of July there were present in congress probably forty-nine members. Rodney had arrived from Delaware, and, joining Mackean, secured that colony. Dickinson and Morris stayed away, which enabled Franklin, Wilson, and Morton of Pennsylvania, to outvote Willing and Humphreys. The South Carolina members, still uncertain if Charleston had not fallen, for the sake of unanimity, came round; so, though New York was still unable to vote, twelve colonies, with no dissenting one, resolved: "That these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved."

Bancroft, Hist. of the U.S., vol.4, p.441 - p.442

At the end of this great day the mind of John Adams heaved like the ocean after a storm. "The greatest question," he wrote, "was decided which ever was debated in America, and a greater, perhaps, never was nor will be decided among men. When I look back to 1761, and run through the series of political events, the chain of causes and effects, I am surprised at the suddenness as well as greatness of this revolution. Britain has been filled with folly, and America with wisdom. It is the will of heaven that the two countries should be sundered forever; it may be the will of heaven that America shall suffer calamities still more wasting and distresses yet more dreadful. If this is to be the case, the furnace of affliction produces refinement in states as well as individuals; but I submit all my hopes and fears to an overruling Providence, in which, unfashionable as the faith may be, I firmly believe.

Bancroft, Hist. of the U.S., vol.4, p.442

"Had a declaration of independence been made seven months ago, we might before this hour have formed alliances with foreign states; we should have mastered Quebec, and been in possession of Canada; but, on the other hand, the delay has many great advantages attending it. The hopes of reconciliation which were fondly entertained by multitudes of the honest and well-meaning, though weak and mistaken, have been gradually and at last totally extinguished. Time has been given for the whole people maturely to consider the great question of independence, so that in every colony of the thirteen they have now adopted it as their own act.

Bancroft, Hist. of the U.S., vol.4, p.442

"But the day is passed. The second day of July 1776 will be the most memorable epocha in the history of America; to be celebrated by succeeding generations as the great anniversary festival, commemorated as the day of deliverance, by solemn acts of devotion to God Almighty, from one end of the continent to the other, from this time forward forevermore.

Bancroft, Hist. of the U.S., vol.4, p.442

"You will think me transported with enthusiasm, but I am not. I am well aware of the toil and blood and treasure that it will cost us to maintain this declaration, and support and defend these states; yet, through all the gloom, I can see the rays of light and glory; that the end is worth all the means; that posterity will triumph in that day's transaction, even though we should rue it, which I trust in God we shall not."

Bancroft, Hist. of the U.S., vol.4, p.442 - p.443 - p.444

The resolution of congress changed the old thirteen British colonies into free and independent states. It remained to set forth the reason for this act, and the principles which the new people would own as their guides. Of the committee appointed for that duty, Thomas Jefferson of Virginia had received the largest number of votes, and was in that manner singled out to draft the confession of faith of the rising empire He owed this distinction to respect for the colony which he represented, to the consummate ability of the state papers which he had already written, and to that general favor which follows merit, modesty, and a sweet disposition; but the quality which specially fitted him for the task was the sympathetic character of his nature, by which he was able with instinctive perception to read the soul of the nation, and, having collected its best thoughts and noblest feelings, to give them out in clear and bold words, mixed with so little of himself that his country, as it went along with him, found nothing but what it recognised as its own. Born to an independent fortune, he had from his youth been an indefatigable student. "The glow of one warm thought was worth more to him than money." Of a hopeful temperament and a tranquil, philosophic cast of mind, always temperate in his mode of life and decorous in his manners, he was a perfect master of his passions. He was of a delicate organization, and fond of elegance; his tastes were refined; laborious in his application to business or the pursuit of knowledge, music, the most spiritual of all pleasures of the senses, was his favorite recreation; and he took a neverfailing delight in the varied beauty of rural life, building himself a home in the loveliest region of his native state. He was a skilful horseman, and with elastic step would roam the mountains on foot. The range of his studies was very wide; he was not unfamiliar with the literature of Greece and Rome; had an aptitude for mathematics and mechanics, and loved especially the natural sciences; scorning nothing but metaphysics. British governors and officials had introduced into Williamsburg the prevalent free-thinking of Englishmen of that century, and Jefferson had grown up in its atmosphere; he was not only a hater of priestcraft and superstition and bigotry and intolerance, he was thought to be indifferent to religion; yet his instincts all inclined him to trace every fact to a general law, and to put faith in ideal truth; the world of the senses did not bound his aspirations, and he believed more than he himself was aware of. He was an idealist in his habits of thought and life, and he was kept so, in spite of circumstances, by the irresistible bent of his character. He had great power in mastering details as well as in searching for general principles. His profession was that of the law, in which he was methodical, painstaking, and successful; at the same time he pursued it as a science, and was well read in the law of nature and of nations. Whatever he had to do, it was his custom to prepare himself for it carefully; and in public life, when others were at fault, they often found that he had already hewed out the way; so that in council men willingly gave him the lead, which he never appeared to claim, and was always able to undertake. But he rarely spoke in public, and was less fit to engage in the war of debate than calmly to sum up its conclusions. It was a beautiful trait in his character that he was free from envy; he is the constant and best witness to the greatness of John Adams as the advocate and defender of independence. A common object now riveted the two statesmen together. At that period Jefferson, by the general consent of Virginia, stood first among her civilians. Just thirty-three years old, married, and happy in his family, affluent, with a bright career before him, he was no rash innovator by his character or his position; if his convictions drove him to demand independence, it was only because he could no longer live with honor under the British "constitution, which he still acknowledged to be better than all that had preceded it." His enunciation of general principles was fearless, but he was no visionary devotee of abstract theories; the nursling of his country, the offspring of his time, he set about the work of a practical statesman, and the principles which he set forth grew so naturally out of previous law and the facts of the past that they struck deep root and have endured.

Bancroft, Hist. of the U.S., vol.4, p.444

The Dutch manifesto of the twenty-sixth of June 1581, renounced Spanish sovereignty "according to the rights of nature." "Every man knows," it said, "that subjects are not created by God for princes, but princes for the sake of their subjects. If a prince endeavors to take from his subjects their old liberties, privileges, and customs, he must be considered not as a prince, but as a tyrant;" adding, "and another prince may of right be chosen in his place as the head."

Bancroft, Hist. of the U.S., vol.4, p.444 - p.445

From the fulness of his own mind, without consulting one single book, yet having in memory the example of the Swiss and the manifesto of the United Provinces of the Netherlands, Jefferson drafted the declaration, in which, after citing the primal principles of government, he presented the complaints of the United States against England in the three classes of the iniquitous use of the royal prerogative, the usurpation of legislative power over America by the king in parliament, and the measures for enforcing the acts of the British parliament. He submitted the paper separately to Franklin and to John Adams, accepted from each of them one or two verbal, unimportant corrections, and on the twenty-eighth of June reported it to congress, which, on the second of July, immediately after adopting the resolution of independence, entered upon its consideration. During the remainder of that day, and the next two, the language, the statements, and the principles of the paper were closely scanned.

Bancroft, Hist. of the U.S., vol.4, p.445

In the indictment against George III., Jefferson had written:

Bancroft, Hist. of the U.S., vol.4, p.445

"He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is the warfare of the Christian king of Great Britain. Determined to keep open a market where men should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And, that this assemblage of horrors might want no fact of distinguished dye, he is now exciting those cry people to rise in arms among us, and to purchase that liberty of which he has deprived them by murdering the people on whom he also obtruded them; thus paying off former crimes committed against the liberties of one people with crimes which he urges them to commit against the lives of another."

Bancroft, Hist. of the U.S., vol.4, p.445 - p.446

These words expressed precisely what had happened in Virginia; she, as well as other colonies, had perseveringly attempted to repress the slave-trade; the king had perseveringly used his veto to protect it; the governor, clothed with the king's authority, had invited slaves to rise against their masters; but it could not be truly said that all the colonies had been always without blame in regard to the commerce, or that in America it had been exclusively the guilt of the king of Great Britain; and therefore the severe strictures on the use of the king's negative, so Jefferson wrote for the guidance of history, "were disapproved by some southern gentlemen, whose reflections were not yet matured to the full abhorrence of that traffic; and the offensive expressions were immediately yielded." Congress had already manifested its own sentiments by the absolute prohibition of the slave-trade; and that prohibition was then respected in every one of the thirteen states, including South Carolina and Georgia. This is the occasion when the slave-trade was first branded as a piracy. Many statesmen, among them Edmund Pendleton, president of the Virginia convention, always regretted that the passage had been stricken out; and the earnestness of the denunciation lost its author no friends.

Bancroft, Hist. of the U.S., vol.4, p.446

All other changes and omissions in Jefferson's paper were either insignificant or much for the better, rendering its language more terse, more dispassionate, and more exact; and, in the evening of the fourth day of July, New York still abstaining from the vote, twelve states, without one negative, agreed to this "Declaration by the Representatives of the United States of America in Congress assembled:

Bancroft, Hist. of the U.S., vol.4, p.446

"When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

Bancroft, Hist. of the U.S., vol.4, p.446 - p.447

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these, are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established, should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world:

Bancroft, Hist. of the U.S., vol.4, p.447

"He has refused his assent to laws the most wholesome and necessary for the public good.

Bancroft, Hist. of the U.S., vol.4, p.447

"He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

Bancroft, Hist. of the U.S., vol.4, p.447

"He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only.

Bancroft, Hist. of the U.S., vol.4, p.447

"He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

Bancroft, Hist. of the U.S., vol.4, p.447

"He has dissolved representative houses repeatedly for opposing, with manly firmness, his invasions on the rights of the people.

Bancroft, Hist. of the U.S., vol.4, p.447

"He has refused for a long time after such dissolutions to cause others to be elected; whereby the legislative powers, incapable of annihilation have returned to the people at large for their exercise; the State remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

Bancroft, Hist. of the U.S., vol.4, p.448

"He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

Bancroft, Hist. of the U.S., vol.4, p.448

"He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers.

Bancroft, Hist. of the U.S., vol.4, p.448

"He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

Bancroft, Hist. of the U.S., vol.4, p.448

"He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

Bancroft, Hist. of the U.S., vol.4, p.448

"He has kept among us, in times of peace, standing armies, without the consent of our legislature.

Bancroft, Hist. of the U.S., vol.4, p.448

"He has affected to render the military independent of, and superior to, the civil power.

Bancroft, Hist. of the U.S., vol.4, p.448

"He has combined, with others," [that is, with the lords and commons of Britain] "to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

Bancroft, Hist. of the U.S., vol.4, p.448

"For quartering large bodies of armed troops among us;

Bancroft, Hist. of the U.S., vol.4, p.448

"For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States:

Bancroft, Hist. of the U.S., vol.4, p.448

"For cutting off our trade with all parts of the world;

Bancroft, Hist. of the U.S., vol.4, p.448

"For imposing taxes on us without our consent;

Bancroft, Hist. of the U.S., vol.4, p.448

"For depriving us, in many cases, of the benefits of trial by jury;

Bancroft, Hist. of the U.S., vol.4, p.448

"For transporting us beyond seas to be tried for pretended offences;

Bancroft, Hist. of the U.S., vol.4, p.448

"For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

Bancroft, Hist. of the U.S., vol.4, p.448

"For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments;

Bancroft, Hist. of the U.S., vol.4, p.449

"For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

Bancroft, Hist. of the U.S., vol.4, p.449

"He has abdicated government here by declaring us out of his protection, and waging war against us.

Bancroft, Hist. of the U.S., vol.4, p.449

"He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

Bancroft, Hist. of the U.S., vol.4, p.449

"He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

Bancroft, Hist. of the U.S., vol.4, p.449

"He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

Bancroft, Hist. of the U.S., vol.4, p.449

"He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

Bancroft, Hist. of the U.S., vol.4, p.449

"In every stage of these oppressions, we have petitioned for redress, in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Bancroft, Hist. of the U.S., vol.4, p.449

"Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

Bancroft, Hist. of the U.S., vol.4, p.449 - p.450

"We therefore, the representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as FREE and INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which INDEPENDENT STATES may of right do. And, for the support of this declaration, with a firm reliance on the protection of DIVINE PROVIDENCE, we mutually pledge to each other our lives, our fortunes, and our sacred honor."

Bancroft, Hist. of the U.S., vol.4, p.450

This immortal state paper was "the genuine effusion of the soul of the country at that time," the revelation of its mind, when, in its youth, its enthusiasm, its sublime confronting of danger, it rose to the highest creative powers of which man is capable. The bill of rights which it promulgates is of rights that are older than human institutions, and spring from the eternal justice. Two political theories divided the world: one founded the commonwealth on the advantage of the state, the policy of expediency, the other on the immutable principles of morals; the new republic, as it took its place among the powers of the world, proclaimed its faith in the truth and reality and unchangeableness of freedom, virtue, and right. The heart of Jefferson in writing the declaration, and of congress in adopting it, beat for all humanity; the assertion of right was made for the entire world of mankind and all coming generations, without any exception whatever; for the proposition which admits of exceptions can never be self-evident. As it was put forth in the name of the ascendent people of that time, it was sure to make the circuit of the world, passing everywhere through the despotic countries of Europe; and the astonished nations, as they read that all men are created equal, started out of their lethargy, like those who have been exiles from childhood, when they suddenly hear the dimly remembered accents of their mother tongue.

Bancroft, Hist. of the U.S., vol.4, p.451

In the next place, the declaration, avoiding specious and vague generalities, grounds itself with anxious care upon the past, and reconciles right and fact. Of universal principles enough is repeated to prove that America chose for her own that system of politics which recognises the rule of eternal justice; and independence is vindicated by the application of that rule to the grievous instructions, laws, and acts, proceeding from the king, in the exercise of his prerogative, or in concurrence with the lords and commons of Great Britain. The colonies professed to drive back innovations, and not, with roving zeal, to overturn all traditional inequalities; they were no rebels against the past, of which they knew the present to be the child; with all the glad anticipations of greatness that broke forth from the prophetic soul of the youthful nation, they took their point of departure from the world as it was. They did not declare against monarchy itself; they sought no general overthrow of all kings, no universal system of republics; nor did they cherish in their hearts a lurking hatred against princes. Till within a few years or months, loyalty to the house of Hanover had been to them another name for the love of civil and religious liberty; the British constitution, the best system that had ever been devised for the security of liberty and property by a representative government. Neither Franklin, nor Washington, nor John Adams, nor Jefferson, nor Jay, had ever expressed a preference for a republic. The voices that rose for independence spoke also for alliances with kings. The sovereignty of George III was renounced, not because he was a king, but because he was deemed to be "a tyrant."

Bancroft, Hist. of the U.S., vol.4, p.451 - p.452

The insurgents, as they took up self-government, manifested no impatience at the recollection of having been ruled by a royal line, no eagerness to blot out memorials of their former state; they sent forth no Hugh Peter to recommend to the mother country the abolition of monarchy, which no one seems to have proposed or to have wished; in the moment of revolution in America, they did not counsel the English to undertake a revolution. The republic was to America a godsend; it came, though unsought, because society contained the elements of no other organization. Here, and in that century here only, was a people which, by its education and large and long experience, was prepared to act as the depositary and carrier of all political power. America developed her choice from within herself; and therefore it is that, conscious of following an inner law, she never made herself a propagandist of her system, where the conditions of success were wanting.

Bancroft, Hist. of the U.S., vol.4, p.452

Finally, the declaration was not only the announcement of the birth of a people, but the establishment of a national government; a most imperfect one, it is true, but still a government, in conformity with the limited constituent powers which each colony had conferred upon its delegates in congress. The war was no longer a civil war; Britain was become to the United States a foreign country. Every former subject of the British king in the thirteen colonies now owed primary allegiance to the dynasty of the people, and became a citizen of the new republic; except in this, everything remained as before; every man retained his rights; the colonies did not dissolve into a state of nature, nor did the new people undertake a social revolution. The management of the internal police and government was carefully reserved to the separate states, which could, each for itself, enter upon the career of domestic reforms. But the states which were henceforth independent of Britain were not independent of one another: the United States of America, presenting themselves to mankind as one people, assumed powers over war, peace, foreign alliances, and commerce.

Bancroft, Hist. of the U.S., vol.4, p.452

The declaration was not signed by the members of congress on the day on which it was agreed to; but it was duly authenticated by the president and secretary, and published to the world. The nation, when it made the choice of its great anniversary, selected not the day of the resolution of independence when it closed the past, but that of the declaration of the principles on which it opened its new career.

History of the United States

Volume 5, 1776-1782

Epoch Fourth: America in Alliance with France, 1776-1780

EPOCH FOURTH

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America in Alliance with France

From 1776 to 1780

Chapter 1:

Can the Thirteen United States Maintain Independence?

July-August 1776

Bancroft, Hist. of the U.S., vol.5, p.3

THE American declaration of independence was the beginning of new ages. It disembarrassed the people of the United States from the legal fiction of allegiance to a king against whom they were in arms, and set before them a well-defined, single, and inspiring purpose. It changed the contest from a war for the redress of grievances to the creation of a self-governing commonwealth. Hope whispered the assurance of unheard-of success in the pursuit of public happiness through faith in the rights of man.

Bancroft, Hist. of the U.S., vol.5, p.3

Before receiving the declaration, the convention of Maryland, on the sixth of July, yielded to "the dire necessity" of renouncing the king who had violated his compact, and "conjured every virtuous citizen to join cordially in maintaining the freedom of Maryland and her sister colonies."

Bancroft, Hist. of the U.S., vol.5, p.3

Two days later, the committee of safety and that of inspection at Philadelphia marched in procession to the state-house, where the declaration was read to the battalions of volunteers and a concourse of the inhabitants of the city and county. The emblems of royalty were then burnt amid the acclamations of the crowd, and peals from the state-house bell proclaimed "liberty throughout the land."

Bancroft, Hist. of the U.S., vol.5, p.3 - p.4

With the certainty of immediate war the congress of New Jersey, in presence of the committee of safety, the militia under arms, and a great assembly of the people at Trenton, published simultaneously the declaration of independence and their own new constitution.

Bancroft, Hist. of the U.S., vol.5, p.4

On the morning of the ninth, the newly elected convention of New York, invested with full powers from the people, assembled at White Plains, chose as president Nathaniel Woodhull of Suffolk county, a man of courage and discriminating mind, and listened to the reading of the declaration of independence. In the afternoon they met again, thirty-eight in number, among whom were Woodhull, Jay, Van Cortlandt, Lewis Morris, Gouverneur Morris, Gansevoort, Sloss Hobart, the Presbyterian minister Keteltas, and other representatives of the Dutch, English, and Huguenot elements of the state. If resistance to the end should be chosen, Lewis Morris must abandon his large estate to the unsparing ravages of the enemy; Woodhull could not hope to save his constituents from immediate subjection; Jay must prepare to see his aged father and mother driven from their home at Rye, to pine away and die as wanderers; the men from the western part of the state knew that their vote would let loose the Indian with his scalping-knife along their border. But they trusted in the unconquerable spirit of those by whom they had been elected. The leading part fell to Jay. On his report, the convention with one voice, while they lamented the cruel necessity for "independence, approved it, and joined in supporting it at the risk of their lives and fortunes." They directed it to be published with the beat of drum at White Plains, and in every district of the state; empowered their delegates in congress to act for the happiness and the welfare of the United States of America; and named themselves the representatives of the people of the state of New York. By this decree the union of the thirteen colonies was consummated; New York, long with the cup of misery at her lips, ever remained true to her pledge.

Bancroft, Hist. of the U.S., vol.5, p.4 - p.5

In announcing independence, the commander-in-chief asserted for the colonists "the rights of humanity." The declaration was read on the ninth to every brigade in New York city, and received with the most hearty approbation. In the evening a mob, composed in part of soldiers, threw down the leaden equestrian statue of George III which stood in the Bowling Green. The riot offended Washington and was rebuked in general orders.

Bancroft, Hist. of the U.S., vol.5, p.5

On the eleventh the ill-provided fleet of Lord Dunmore was driven by well-placed batteries from its safe moorage near Gwynn's Island, to ride at anchor near the mouth of the Potomac. Here a gale sprung up which wrecked several of the small craft and drove a sloop on shore, where it fell into the hands of "the rebels." To disencumber himself of everything but the transports, the governor sent the refugees under his protection to Great Britain, the West Indies, or St. Augustine. Of the negroes whom he had enlisted, five hundred had died of ship-fever or small-pox; of the rest, great numbers were sent to the West Indies. His appeal to the slaves brought death or wretchedness on all who rose at his bidding, and incensed the southern colonies without benefit to the crown.

Bancroft, Hist. of the U.S., vol.5, p.5

Dunmore roved about for some weeks longer in the waters of the Chesapeake, vainly awaiting help; but no hostile foot rested on the soil of Virginia, when, on the twenty-fifth, the declaration of independence was read in Williamsburg at the capitol, the court-house, and the palace; and when it was proclaimed by the sheriff of each county at the door of his court-house on the first ensuing court-day. In Rhode Island it was announced successively at Newport, East Greenwich, and Providence, where it called forth loud huzzas for "free trade with all the world, American manufactures, and the diffusion of liberty o'er and o'er the globe." The thriving city of Baltimore was illuminated for joy. At Ticonderoga the soldiers under Saint-Clair shouted with rapture: "Now we are a free people, and have a name among the states of the world." In Massachusetts the great state paper was published from the pulpit on a Lord's Day by each minister to his congregation, and was entered at length on the records of the towns. The assembly of South Carolina, while they deplored "the unavoidable necessity" of independence, accepted its declaration "with unspeakable pleasure."

Bancroft, Hist. of the U.S., vol.5, p.5 - p.6

Independence had sprung from the instructions of the people; it was now accepted and confirmed as their work in cities and villages, in town-meetings and legislatures, in the camp and the training-field. The report went out among all nations; it involved the reform of the British parliament, the emancipation of Ireland, the overthrow of feudalism in France. Even Hungary bent forward to hear the glad sound; and Italians and Germans recalled their days of unity.

Bancroft, Hist. of the U.S., vol.5, p.6

The arrow had sped when Lord Howe entered upon the scene with his commission for restoring peace. As a naval officer, he added experience and skill to phlegmatic courage. Naturally taciturn, his manner of expressing himself was confused. His profile resembled that of his grandfather, George I; his complexion was very dark; his grim features had no stamp of superiority; but his face wore an expression of serene and passive fortitude. As unsuspicious as he was brave, he sincerely designed to act as a mediator; and indulged in visions of riding about the country, conversing with its principal inhabitants, and restoring the king's authority by methods of moderation and concession. At Halifax he told Admiral Arbuthnot "that peace would be made within ten days after his arrival." With a simplicity which speaks for his sincerity, he had not discovered how completely his powers were circumscribed. He could pardon individuals on their return to the king's protection, and could grant an amnesty to insurgent communities which should lay down their arms and dissolve their governments. The only further privilege which his long altercation wrung from the ministry was a vague permission to converse with private men on their alleged grievances and to report their opinions; but he could not promise that their complaints would be heeded; and he was strictly forbidden to treat with the continental congress, or any provincial congress, or any civil or military officer holding their commission.

Bancroft, Hist. of the U.S., vol.5, p.6 - p.7

In the evening of the twelfth Lord Howe reached Staten Island. His brother, who had impatiently expected him, was of the opinion "that a numerous body of the inhabitants of New York, the Jerseys, and Connecticut only waited for opportunities to prove their loyalty; but that peace could not be restored until the rebel army should be defeated." Lord Howe, while at sea, had signed a declaration which had been sketched by Wedderburn in England, and which did but announce his authority separately, not less than jointly with his brother, to grant free and general pardons, and promise "due consideration to all persons who should aid in restoring tranquillity."

Bancroft, Hist. of the U.S., vol.5, p.7

On the second day after his arrival he sent a white flag up the harbor with a copy of his declaration, enclosed in a letter addressed to Washington as a private man. Reed and Webb, who went to meet the messenger, following their instructions, declined to receive the communication. Lord Howe was grieved at the rebuff; in the judgment of congress, Washington "acted with a dignity becoming his station."

Bancroft, Hist. of the U.S., vol.5, p.7

On the same day Lord Howe sent a flag across the Kill to Amboy, with copies of his declaration in circular letters to all the old royal governors south of New York. The papers fell into the hands of Mercer, and through Washington were transmitted to congress.

Bancroft, Hist. of the U.S., vol.5, p.7

Lord Howe tried to advance his purpose by forwarding conciliatory letters written in England to persons in America. Those which he had concerted with De Berdt, son of the old agent of Massachusetts, to Kinsey of New Jersey and to Reed of Pennsylvania, were public in their nature, though private in their form, and were promptly referred by their recipients to congress. In them he suffered it to be said that he had for two months delayed sailing from England, in order to obtain an enlargement of his instructions; that he was disposed to treat; that he had power to compromise and adjust, and desired a parley with Americans on the footing of friends. Reed thought "the overture ought not to be rejected;" and through Robert Morris he offered most cheerfully to take such a part "on the occasion as his situation and abilities would admit."

Bancroft, Hist. of the U.S., vol.5, p.7

The gloom that hung over the country was deepening its shades; one British corps after another was arriving; the fleet commanded the waters of New York, and two ships-of-war had, on the twelfth, passed the American batteries with very little injury, ascending the Hudson river for the encouragement of the disaffected, and totally cutting off all intercourse by water between Washington's camp and Albany. Greene, on the fourteenth, while facing the whole danger without dismay, wrote to John Adams: "I still think you are playing a desperate game." But congress showed no wavering. "Lord Howe," reasoned Samuel Adams, "comes with terms disgraceful to human nature. He has always voted, as I am told, in favor of the king's measures in parliament, and at the same time professed himself a friend to the liberties of America. He seems to me either never to have had any good principles at all, or not to have presence of mind openly and uniformly to avow them." Robert Morris resolved as a good citizen to follow if he could not lead, and thenceforward supported independence. As the only answer to Lord Howe, congress, on the nineteenth, resolved that its own state paper of the fourth of July should be engrossed on parchment as "the unanimous declaration of the thirteen UNITED STATES OF AMERICA," and signed by every one of its members. It further directed Lord Howe's circular letter and declaration to be published, "that the good people of these United States may be informed of what nature are the commissioners, and what the terms with which the insidious court of Britain has endeavored to amuse and disarm them; and that the few who still remain suspended by a hope, founded either in the justice or moderation of their late king, may at length be convinced that the valor alone of their country is to save its liberties."

Bancroft, Hist. of the U.S., vol.5, p.8

Before this decision could reach Washington he had made his own opinions known. In reply to a resolution of congress on the massacre by Indians of some prisoners who had capitulated in Canada, General Howe had, on the sixteenth, sent him a note, of which the address had no recognition of his official station. The letter was for that reason not received; and on the twentieth a second letter was rejected, because its address was ambiguous; but, for the sake of coming to some agreement respecting prisoners, Paterson, its bearer, the British adjutant general, was allowed to enter the American camp. After pledging the word of the British commander to grant to prisoners the rights of humanity and to punish the officers who had broken their parole, he asked to have his visit accepted as the first advance from the commissioners for restoring peace, and asserted that they had great powers. "From what appears," rejoined Washington, "they have power only to grant pardons; having committed no fault, we need no pardon; we are only defending what we deem to be our indisputable rights."

Bancroft, Hist. of the U.S., vol.5, p.9

To Franklin, as to a worthy friend, Lord Howe had sent assurances that to promote lasting peace and union, and prevent American commerce from passing to foreign nations, formed "the great objects of his ambition." Franklin, after consulting congress, answered: "By a peace between Britain and America, as distinct states, your nation might recover the greatest part of our growing commerce, with that additional strength to be derived from a friendship with us; but her lust of dominion, and her thirst for a gainful monopoly, will join to hide her true interests from her eyes.

Bancroft, Hist. of the U.S., vol.5, p.9

"The well-founded esteem and affection which I shall always have for your lordship makes it painful to me to see you engaged in conducting a war, the great ground of which, as expressed in your letter, is 'the necessity of preventing the American trade from passing into foreign channels.' Retaining a trade is not an object for which men may justly spill each other's blood; the true means of securing commerce is the goodness and cheapness of commodities; and the profit of no trade can ever be equal to the expense of compelling it by fleets and armies.

Bancroft, Hist. of the U.S., vol.5, p.9

"Posterity will condemn to infamy those who advised this war; and even success will not save from some degree of dishonor those who voluntarily engage to conduct it. I believe that when you find conciliation impossible on any terms given you to propose, you will relinquish so odious a command."

Bancroft, Hist. of the U.S., vol.5, p.9

When on the thirtieth Lord Howe received this reply, his countenance grew more sombre; tears glistened in his eyes; he looked within himself, and was conscious of aiming at a reconciliation on terms of honor and advantage to both parties. The truth began to dawn upon him that he had been deceived into accepting a commission which left him no power but to assist in the subjugation of America by arms.

Bancroft, Hist. of the U.S., vol.5, p.9 - p.10

The interview of the British adjutant-general with Washington led to one humane result. From the desire to release the British officers who had been taken by "the rebels," and still more from a consideration of the difficulties which might occur in the case of foreign troops serving in America, the British minister, in February 1776, instructed General Howe to effect the exchange of prisoners, but without using the king's name in any negotiation for that purpose. The secretary's letter was followed by the proposal, in July 1776, to give up a citizen carried away from Boston for a British subject held in arrest. Congress, on the twenty-second, voted its approval, and gave power to exchange prisoners of war: officer for officer of equal rank, soldier for soldier, sailor for sailor, and citizen for citizen. In this arrangement Howe readily concurred. Interrupted by frequent altercations, it prevailed to the end of the war.

Bancroft, Hist. of the U.S., vol.5, p.10

Union was the cry of America. "The plan of a confederation was drawn by Dickinson," and was in the hands of the committee before the end of June.

Bancroft, Hist. of the U.S., vol.5, p.10

The main hindrance to the establishment of a strong, overruling central force was an unwillingness of the separate states to give up power, and a jealousy of establishing it in other hands than their own. The Dutch and Swiss confederacies were the only models known to the people in detail, and they were studied and imitated. There was not at that time one civilian who fully comprehended the need of the country, or was fit to be the architect of a permanent national constitution; and zeal to guard against the predominance of the central power heightened the imperfections which had their deep root in the history of the states.

Bancroft, Hist. of the U.S., vol.5, p.10

Every English administration had aimed at acquiring the disposal of the military resources and revenues of the colonies, while every American legislature had constantly resisted encroachments. This resistance, developed and confirmed by successive generations, had become the instinct and habit of the people.

Bancroft, Hist. of the U.S., vol.5, p.10

In raising a revenue, the colonies had acknowledged in the king no function whatever except that of addressing to them severally requisitions which they, after deliberation and consent, were to collect by their own separate power. The confederacy now stood in the place of the crown as the central authority; and to that federal union the colonies, by general concurrence, proposed to confide only the same limited right of making requisitions.

Bancroft, Hist. of the U.S., vol.5, p.10

The plan of Dickinson was less efficient than that proposed the year before by Franklin. Colonies often failed to be represented; Franklin's plan constituted one half of the members of congress a quorum, and left the decision of every question to the majority of those who might be present; Dickinson knew only "the United States assembled;" counted every one of them which might chance to be unrepresented as a vote in the negative; required that not even a trivial matter should be determined except by the concurrence of seven colonies; and that measures of primary importance should await the assent of nine, that is, of at least two thirds of the whole. If eight states only were present, no question relating to defence, peace, war, finances, army, or navy, could be transacted even by a unanimous vote; nor could a matter of smaller moment be settled by a majority of six to two. Franklin accepted all amendments that should be approved by a majority of the states; Dickinson permitted no change but by the consent of every state.

Bancroft, Hist. of the U.S., vol.5, p.11

Edward Rutledge of South Carolina, who served with industry on the committee with Dickinson, saw danger in an indissoluble league of friendship between the states for their general welfare, and in June, while the plan was still in the hands of the committee, wrote privately but deliberately: "If the plan now proposed should be adopted, nothing less than ruin to some colonies will be the consequence. The idea of destroying all provincial distinctions, and making everything of the most minute kind bend to what they call the good of the whole, is in other terms to say that these colonies must be subject to the government of the eastern provinces. The force of their arms I hold exceeding cheap; but I dread their overruling influence in council. I am resolved to vest the congress with no more power than what is absolutely necessary, and to keep the staff in our own hands; for, if surrendered into the hands of others, a most pernicious use will be made of it."

Bancroft, Hist. of the U.S., vol.5, p.11

Eight days after the declaration of independence the committee appointed to prepare articles of confederation in the absence of Dickinson brought in his draft. After it had been printed, on the twenty-second of July 1776, it was taken into consideration by congress in committee of the whole. The discussion was renewed at every following session in July and for several days in August. The powers conceded to the confederation, narrow as they were, aroused distrust and fear. The plan, assuming population to be the index of wealth, proposed to obtain supplies by requisitions upon each state in proportion to the number of its inhabitants, excepting none but Indians not paying taxes. Chase moved to count only the "white inhabitants;" for "negroes were property, and no more members of the state than cattle." "Call the laboring poor freemen or slaves," said John Adams, "they increase the wealth and exports of the state as much in the one case as in the other, and should therefore add equally to the quota of its tax." Harrison of Virginia proposed as a compromise that two slaves should be counted as one freeman. "To exempt slaves from taxation," said Wilson, "will be the greatest encouragement to slave-keeping and the importation of slaves, on which it is our duty to lay every discouragement. Slaves increase profits, which the southern states take to themselves; they increase the burden of defence, which must fall so much the more heavily on the northern. Slaves prevent freemen from cultivating a country. Dismiss your slaves, and freemen will take their places." "Freemen," said young Lynch of South Carolina, "have neither the ability nor the inclination to do the work that the negroes do. Our slaves are our property; if that is debated, there is an end of confederation. Being our property, why should they be taxed more than sheep?" "There is a difference," said Franklin; "sheep will never make insurrections." Witherspoon thought the value of lands and houses was the true barometer of the wealth of a people, and the criterion for taxation. Edward Rutledge objected to the rule of numbers because it included slaves, and because it exempted the wealth to be acquired by the eastern states as carriers for the southern. Hooper of North Carolina cited his own state as a striking exception to the rule that the riches of a country are in proportion to its numbers; and, commenting on the unprofitableness of slave labor, he expressed the wish to see slavery pass away. The amendment on Chase was rejected by a vote of all the states north of Mason and Dixon's line against all those south of it, except that Georgia was divided. The confederation could not of itself levy taxes, and no rule for apportioning requisitions promised harmony.

Bancroft, Hist. of the U.S., vol.5, p.13 - p.14

A second article which divided the states related to the distribution of power in the general congress. Delaware, from the beginning, bound her delegates to insist that, "in declaring questions, each colony should have one vote;" and this was the rule adopted by Dickinson. Chase saw the extreme danger of a hopeless conflict, and proposed as a compromise that in votes relating to money the voice of each state should be proportioned to the number of its inhabitants. Franklin insisted that they should be so proportioned in all cases; that it was unreasonable to set out with an unequal representation; that a confederation on the iniquitous principle of allowing to the smaller states an equal vote without their bearing equal burdens could not last long. "All agree," replied Witherspoon, "that there must and shall be a confederation for this war; in the enlightened state of men's minds, I hope for a lasting one. Our greatest danger is of disunion among ourselves. Nothing will come before congress but what respects colonies and not individuals. Every colony is a distinct person; and, if an equal vote be refused, the smaller states will be vassals to the larger." "We must confederate," said Clark of New Jersey, "or apply for pardons." "We should settle some plan of representation," said Wilson. John Adams agreed with Franklin: "We represent the people; and in some states they are many, in others they are few; the vote should be proportioned to numbers. The confederacy is to form us, like separate parcels of metal, into one common mass. We shall no longer retain our separate individuality, but become a single individual as to all questions submitted to the confederacy; therefore all those reasons which prove the justice and expediency of a proportional representation in other assemblies hold good here. An equal vote will endanger the larger states, while they, from their difference of products, of interest, and of manners, can never combine for the oppression of the smaller." Rush spoke on the same side: "We are a nation; to vote by states will keep up colonial distinctions; and we shall be loath to admit new colonies into the confederation. The voting by the number of free inhabitants will have the excellent effect of inducing the colonies to discourage slavery. The larger colonies are so providentially divided in situation as to render every fear of their combining visionary. The more a man aims at serving America, the more he serves his colony; I am not pleading the cause of Pennsylvania; I consider myself a citizen of America." Hopkins of Rhode Island pleaded for the smaller colonies: "The German body votes by states; so does the Helvetic; so does the Belgic. Virginia, Pennsylvania, Massachusetts, and Maryland contain more than half the people; it can not be expected that nine colonies will give way to four. The safety of the whole depends on the distinction of the colonies." "The vote," said Sherman of Connecticut, "should be taken two ways: call the colonies, and call the individuals, and have a majority of both." Jefferson enforced, as the means to save the union, that "any proposition might be negatived by the representatives of a majority of the people, or of a majority of the colonies." Here is the thought out of which the great compromise of our constitution was evolved.

Bancroft, Hist. of the U.S., vol.5, p.14

Aside from the permanent question of taxation and representation, what most stood in the way of an early act of union was the conflict of claims to the ungranted lands, which during the connection with Great Britain had belonged to the king. It was not questioned that each member of the confederacy had acquired the sole right to the public domain within its acknowledged limits; but on the second of August it was proposed to vindicate for the United States the great territory north-west of the Ohio by investing congress "with the exclusive power of limiting the bounds of those colonies which were said to extend to the South Sea, and ascertaining the bounds of any other that appeared to be indeterminate." Jefferson spoke against the proposed power as too great and vague, and protested against the competency of congress to decide upon the right of Virginia; but he confidently expressed the hope "that the colonies would limit themselves." Unless they would do so, Wilson claimed for Pennsylvania the right to say she would not confederate.

Bancroft, Hist. of the U.S., vol.5, p.15

The scheme of confederation was in its form so complicate and in its type so low that, at the outset, the misshapen organism struck with paralysis the zeal for creating a government. Had it been at once adopted, the war could not have been carried on; but congress soon grew weary of considering it, and the revolution during its years of crisis continued to be conducted by the more efficient existing union, which had grown out of the instructions of the several colonies to their delegates, was held together by the necessities of war, and acknowledged the right of the majority to decide a question.

Bancroft, Hist. of the U.S., vol.5, p.15

The states had, therefore, to fight the battles of independence under the simple organization by which it had been declared; the fear of a standing army as a deadly foe to the liberties of the people had thus far limited the enlistment of citizens to short terms; so that the national defence was committed to the ebb and flow of the militia of the separate states, and good discipline was made impossible.

Bancroft, Hist. of the U.S., vol.5, p.15

In July, Crown Point was abandoned by the northern army, on the concurrent advice of the general officers, against the protest of Stark and twenty field-officers. Gates, though holding a subordinate command, neglected to make reports to his superior; and when Washington, after consulting his council, "expressed sorrow at the retreat from Crown Point," Gates resented the interference as "unprecedented," insisted that he and his council were in "nothing inferior " to "their brethren and compeers," and referred the matter to congress. While be so hastily set himself up as the rival of the commander-in-chief, he was intriguing with New England members of congress to supersede Schuyler.

Bancroft, Hist. of the U.S., vol.5, p.15

On the first day of August, Washington declared in a general order: "Divisions among ourselves most effectually assist our enemies; the provinces are all united to oppose the common enemy, and all distinctions are sunk in the name of an American."

Bancroft, Hist. of the U.S., vol.5, p.15 - p.16

On the next day the members of congress, having no army but a transient one, no confederation, no treasury, no supplies of materials of war, signed the declaration of independence, which had been engrossed on parchment. The first, after John Hancock the president, to write his name was Samuel Adams, to whom the men of that day ascribed "the greatest part in the greatest revolution of the world." The body was somewhat changed from that which voted on the fourth of July. Chase was now present, and by his side Charles Carroll, a new member, in whose election the long disfranchised Catholics of Maryland saw an evidence of their disinthralment. Wythe and Richard Henry Lee had returned from Richmond; Dickinson and two of his colleagues had made way for Clymer, Rush, and others; Robert Morris, who had been continued as a representative of Pennsylvania, now acted heartily with John Adams and Jefferson and Franklin. Mackean was with the army, and did not set his name to the roll before 1781. For New York, Philip Livingston and Lewis Morris joined with Francis Lewis and William Floyd.

Bancroft, Hist. of the U.S., vol.5, p.16

American independence was ratified not by congress only, but by the nation. The unselfish enthusiasm of the people was its support; the boundlessness of the country formed its natural defence; and the self-asserting individuality of every state and of every citizen, though it delayed the organization of an efficient government with executive unity, imposed on Britain the impossible task of conquering them one by one.

Bancroft, Hist. of the U.S., vol.5, p.16

Since America must wage a war for existence as a nation without an efficient government, there was the more need of foreign alliances. The maritime powers, which saw in England their natural foe, did not wait to be entreated. On the seventh of July, when there was danger of a rupture between Spain and Portugal on a question of the boundaries of Brazil, Vergennes read to the king in council his advice:

Bancroft, Hist. of the U.S., vol.5, p.16 - p.17

"The king of Spain must not act precipitately, for a war by land would divert us from the great object of weakening the only enemy whom France can and ought to distrust. The spirit and the letter of the alliance with Austria promise her influence to hold back Russia from listening to Euglish overtures. In Holland it will be proper to reanimate the ashes of the republican party, and propitiate favor for neutrality as a source of profit. The Americans must be notified of the consequences which the actual state of things presages, if they will but await its development. As the English are armed in North America, we cannot leave our colonies destitute of all means of resistance. The isles of France and Bourbon demand the same forethought. The English, under pretence of relieving their squadron in the Indies, will double its force; and, such is their strength in the peninsula of Hindostan, they might easily drive us from Pondicherry and our colonies, if we do not prepare for defence. Time is precious; every moment must be turned to account."

Bancroft, Hist. of the U.S., vol.5, p.17

Replying to an inquiry of the comptroller-general, Vergennes, on the tenth, advised to admit the ships and cargoes of the united colonies without exacting duties or applying the restrictive laws on their entry or departure; so that France might become the emporium of their commerce with other European nations. "Take every precaution," so he admonished his colleague, "that our motives, our intentions, and, as far as possible, our proceedings, may be hidden from the English."

Bancroft, Hist. of the U.S., vol.5, p.17

The attempt at concealment was frustrated by the arrival of Silas Deane. He was instructed to obtain information of what was going forward in England through his old acquaintance, Edward Bancroft, a native of Connecticut, who had migrated to the mother country, and had there gained some repute as a physician and a naturalist. In 1769 he had published an able and spirited pamphlet, vindicating the legislative claims of the colonies; and, under some supervision from Franklin, he had habitually written for the "Monthly Review" notices of publications relating to America. He accepted the post of a paid American spy, to prepare himself for the more lucrative office of a double spy for the British ministers.

Bancroft, Hist. of the U.S., vol.5, p.17 - p.18

On the eleventh, Vergennes admitted Deane to an interview. Reserving for the king's consideration the question of recognising the independence and protecting the trade of the united colonies, he listened with great satisfaction to the evidences of their ability to hold out against British arms to the end of the year, and gave it as his private opinion that, in case they should reject the sovereignty of his Britannic majesty, they might count on the unanimous good wishes of the government and people of France, whose interest it would not be to see them reduced by force. Received again on the twentieth, Deane made a formal request for two hundred light brass field-pieces, and arms and clothing for twenty-five thousand men. The arms were promised; and Beaumarchais, whom Vergennes authoritatively recommended, offered merchandise on credit to the value of three millions of livres. But Deane summoned Bancroft to his side as if he had been a colleague, showed him his letters of credence and his instructions, took him as a companion in his journeys to Versailles, and repeated to him all that passed in the interviews with the minister. Bancroft returned to England, and his narrative for the British ministry is a full record of the first official intercourse between France and the United States. The knowledge thus obtained enabled the British ambassador to embarrass the shipment of supplies by timely remonstrances; for the French cabinet was not yet willing to appear openly in support of the insurgents.

Bancroft, Hist. of the U.S., vol.5, p.18 - p.19

The arrival of the declaration of independence gave more earnestness to the advice of Vergennes. On the last day of August he read to the king, in committee with Maurepas, Sartine, Saint-Germain, and Clugny, considerations on the part which France should now take toward England: "Ruin hangs over a state which, trusting to the good faith of its rivals, neglects precautions for safety, and disdains the opportunity of rendering its habitual foe powerless to injure. England is without question the hereditary enemy of France. In her intense nationality of character, the feeblest gleam of prosperity in France is an unsupportable grief. She arrogates the exclusive empire over the seas, and it is her constant maxim to make war upon us as soon as she sees us ready to assume our proper place as a maritime power. Left to herself, she will fall upon our marine, taking the same advantage as in 1755. What reparation have we thus far obtained for the affronts that have been put upon us in India, and the habitual violation of our rights at Newfoundland under the clear and precise stipulations of a treaty? In the south of America, Portugal openly attacks Spain; England justifies her ally and nourishes the germ of this quarrel, in order to direct its development as may suit her ambition. England has in America a numerous army and fleet, equipped for prompt action; if the Americans baffle her efforts, will not the chiefs of the ministry seek compensation at the expense of France or Spain? Her conduct makes it plain, even to demonstration, that we can count little upon her sincerity and rectitude.

Bancroft, Hist. of the U.S., vol.5, p.19

"The advantages of a war with England in the present conjuncture prevail so eminently over its inconveniences that there is no room for a comparison. What better moment could France seize, to efface the shame of the odious surprise of 1755 and all the ensuing disasters, than this, when England, engaged in a civil war a thousand leagues off, has scattered the forces necessary for her internal defence? Her sailors are in America, not in ships-of-war only, but in more than four hundred transports. Now that the United States have declared their independence, there is no chance of conciliation unless supernatural events should force them to bend under the yoke, or the English to recognise their independence. While the war continues between the insurgents and the English, the American sailors and soldiers, who in the last war contributed to make those enormous conquests of which France felt so keenly the humiliation, will be employed against the English, and indirectly for France. The war will form between France and North America a connection which will not grow up and vanish with the need of the moment. No conflicting interest divides the two nations. Commerce will form between them a very durable, if not an eternal, chain; vivifying industry, it will bring into our harbors the commodities which America formerly poured into those of England, with a double benefit, for the augmentation of our national labor lessens that of a rival.

Bancroft, Hist. of the U.S., vol.5, p.19 - p.20

"Whether war against England would involve a war on the continent deserves to be discussed. The only three powers whom England could take into her pay are Austria, Prussia, and Russia. The alliance between France and Austria, and the unlimited love of the empress queen for peace, guarantee her neutrality. The mutual distrust of the courts of Vienna and Berlin will keep them both from mixing in a war between the house of Bourbon and England. The republic of Holland, having beyond all other powers reason to complain of the tyranny of the English in all parts of the globe, cannot fear their humiliation, and would regard the war on the part of France as one of conservation rather than of conquest. If his majesty, seizing a unique occasion which the ages will perhaps never reproduce, should succeed in striking England a blow sufficient to lower her pride and to confine her pretensions within just limits, he will for many years be master of peace, and will have the precious glory of becoming the benefactor not of his people only, but of all the nations.

Bancroft, Hist. of the U.S., vol.5, p.20

"Should his majesty, on the other hand, prefer a doubtful and ill-assured peace to a war which necessity and reason can justify, the defence of our possessions will exact almost as great an expenditure as war, without any of the alleviations and resources which war authorizes. Even could we be passive Spectators of the revolution in North America, can we look unmoved at that which is preparing in Hindostan, and which will be as fatal to us as that in America to England? The revolution in Hindostan, once begun, will console England for her losses by increasing her means and her riches tenfold. This we are still able to prevent."

Bancroft, Hist. of the U.S., vol.5, p.20

After these sharp and penetrating words Vergennes "awaited in respectful silence the command which might please the wisdom of the king." The result was what Vergennes desired; the conduct of the British ministry in 1768, during the insurrection of the Corsican people against France in defence of their liberty, was adopted as the precedent for France in rendering aid to the Americans.

Bancroft, Hist. of the U.S., vol.5, p.20 - p.21

Meantime, Beaumarchais, with the connivance of Vergennes, used delicate flattery to awaken in the temporizing Maurepas a passion for glory. The profligate Count d'Artois, younger brother of the king, and the prodigal Duke de Chartres, better known as the duke of Orleans, innovators in manners, throwing aside the stiff etiquette and rich dress of former days for the English fashion of plain attire, daring riders and charioteers, eager patrons of the race-course which was still a novelty in France, gave their voices for war. The Count de Broglie was an early partisan of the Americans. A large part of the nobility of France panted for an opportunity to tame the haughtiness of England, which, as they said to one another, after having crowned itself with laurels, and grown rich by conquests, and mastered all the seas, and insulted every nation, now turned its insatiable pride against its own colonies. First among these was the Marquis de Lafayette, then just nineteen, master of two hundred thousand livres a year, and happy in a wife who had the spirit to approve his enthusiasm. He whispered his purpose of joining the Americans to two young friends, the Count de Segur and the Viscount de Noailles, who wished, though in vain, to be his companions. At first the Count de Broglie opposed his project, saying: "I have seen your uncle die in the wars of Italy; I was present when your father fell at the battle of Minden; and I will not be accessory to the ruin of the only remaining branch of the family." But when it appeared that the young man's heart was enrolled, and that he took thought of nothing but how to join the flag of his choice, the count respected his unalterable resolution.

Bancroft, Hist. of the U.S., vol.5, p.21

Like Louis XVI, Charles III, then king of Spain, opposed open hostilities; Grimaldi, his chief minister, wished only to let England exhaust herself by a long civil war. American ships were received in Spanish harbors, and every remonstrance was met by the plea that, as they hoisted British colors, their real character could not be known. Privateers fitted out at Salem, Cape Ann, and Newburyport hovered off the rock of Lisbon and Cape St. Vincent, or ventured into the Bay of Biscay, sure of not being harmed when they ran into Corunna or Bilbao; but Grimaldi adhered to the principle that nothing could be more alarming to Spain than American independence.

Bancroft, Hist. of the U.S., vol.5, p.21 - p.22

The new attitude of the United States as a nation changed the nature of the conflict in England. The friends to the rights of Americans as fellow-subjects were not as yet friends to their separate existence; and all parties were summoned, as Englishmen, to unanimity. The virtue of patriotism is more attractive than that of justice; and the minority opposed to the government, dwindling almost to nothing, was now to have against them king, lords, and commons, nearly the whole body of the law, the more considerable part of the landed and mercantile interests, and the political weight of the church. The archbishop of Canterbury, in his proclamation for a fast, to be read in all the churches, charged the "rebel" congress with uttering "Specious falsehoods;" young Jeremy Bentham rejected the case of the insurgents as "founded on the assumption of natural rights, claimed without the slightest evidence for their existence, and supported by vague and declamatory generalities."

Bancroft, Hist. of the U.S., vol.5, p.22

"Can Britain fail?" asked the poet-laureate of England, in his birthday ode. "Every man," said the wise political economist Tucker, "is thoroughly convinced that the colonies will and must become independent some time or other; I entirely agree with Franklin and Adams, to make the separation there is no time like the present." David Hume from his death-bed advised his country to give up the war with America, in which defeat would destroy its credit, and success its liberties. "A tough business, indeed," said Gibbon; "they have passed the Rubicon, and rendered a treaty infinitely more difficult; the thinking friends of government are by no means sanguine." Lord North had declared his intention to resign if his conciliatory proposition should fall. Lord George Germain was imbittered against the admiralty for having delayed the embarkations of troops, and against Carleton for his lenity and slowness. "I have my own opinions in respect to the disputes in America," said Barrington, the British secretary at war, imploringly to the king; "I am summoned to meetings, where I sometimes think it my duty to declare them openly before twenty or thirty persons; and the next day I am forced either to vote contrary to them, or to vote with an opposition which I abhor." Yet, when the king chose that he should remain secretary at war and member of the house of commons, he added: "I shall continue to serve your majesty in both capacities." The prospect of the interference of France excited in George III such restless anxiety, that he had an interview with every Englishman of distinction who returned from Paris or Versailles; and he was impatient to hear from America that General Howe had struck decisive blows.

Bancroft, Hist. of the U.S., vol.5, p.22 - p.23

The conquest of the United States presented appalling difficulties. The task was no less than to recover by force of arms the region which lies between Nova Scotia and Florida; the first campaign had ended in the expulsion of the British from New England; the second had already been marked by a repulse from South Carolina. The old system of tactics was out of place; nor could the capacity of the Americans for resistance be determined by any known rule of war; the depth of their passions had not been fathomed: they will long shun an open battle-ground; every thicket will be an ambuscade of partisans; every stone wall a hiding-place for sharpshooters; every swamp a fortress; the boundless woods an impracticable barrier; the farmer's house a garrison. A country over which they may march in victory will rise up in their rear. Nothing is harder than to beat down a people who are resolved never to yield; and the English were unfit for the task, for in abridging the liberties of their colonies they were at war with their own.

Chapter 2:

The Retreat From Long Island,

August 1776

Bancroft, Hist. of the U.S., vol.5, p.24

THE works for the defence of New York Island, including the fortifications in Brooklyn, had been planned by Lee in concert with a New York committee and a committee from congress. Jay thought it proper to lay Long Island waste, burn New York, and retire to the Highlands; but, as it was the maxim of congress not to give up a foot of territory, Washington promised "his utmost exertions under every disadvantage;" "the appeal," he said, "may not terminate so happily as I could wish, yet any advantage the enemy may gain I trust will cost them dear." To protect New York city he was compelled to hold King's Bridge, Governor's Island, Paulus Hook, and the heights of Brooklyn. For all these posts, divided by water, and some of them fifteen miles apart, he had in the first week of August but ten thousand five hundred and fourteen men fit for duty. Of these, many were often obliged to sleep without cover, exposed to the dews. There was a want of good physicians, medicines, and hospitals; more than three thousand lay sick, and their number was increasing.

Bancroft, Hist. of the U.S., vol.5, p.24 - p.25

Of the effective men, less than six thousand had had any experience, and none had seen more than one year's service. Some were wholly without arms; not one regiment of infantry was properly equipped. The regiment of artillery, five hundred and eighty-eight in number, including officers, had no skilled gunners or engineers. Knox, its colonel, had been a Boston bookseller. Most of the cannon in the field-works were of iron, old and honeycombed. The constant arrival and departure of militia made good discipline impossible. The government of New Jersey called out one half of its militia, to be relieved at the end of one month by the other half; but the call was little heeded. "We shall never do well until we get a regular army; and this will never be until men are enlisted for a longer duration; and that will never be until we are more generous in our encouragement. Time alone will persuade us to this measure; and in the meanwhile we shall very indiscreetly waste a much greater expense than would be necessary for this purpose, in temporary calls upon the militia, besides risking the loss of many lives and much reputation." So wrote John Adams, the head of the board of war. He rejected the thought of retiring from Long Island, inclined to judge an army capable of victory when orders for the supply of men and their equipment had gone forth, and never duly estimated the force at command. While he cultivated confidential relations with Gates, he never extended cordial frankness to Washington, never comprehended his Superior capacity for war, nor fairly weighed the difficulties before him. Moreover, congress was assuming the conduct of the campaign. To Gates it intrusted a power of filling up vacancies in his army, but refused it to the commander-in-chief. The general officers, whose advice Washington was instructed to ask, knew not enough of war to estimate danger rightly; and the timid ones, with their eyes on congress, put on the cheap mask of courage by spirited votes.

Bancroft, Hist. of the U.S., vol.5, p.25

On the fifth of August, Trumbull wrote from Connecticut: "Knowing our cause righteous, I do not greatly dread what our numerous enemies can do against us." Washington answered: "To trust in the justice of our cause without our own utmost exertion would be tempting Providence;" and he revealed to him the weakness of his army. On receiving this letter, Trumbull convened his council of safety. Five regiments from the counties of Connecticut nearest New York had already been sent forward; he called out nine regiments more, and to those not enrolled in any train-band he said: "Join yourselves to one of the companies now ordered to New York, or form yourselves into distinct companies, and choose captains forthwith. March on: this shall be your warrant; may the God of the armies of Israel be your leader." At these words the farmers—though their harvest was but half gathered, their meadows half cut, their chance of return in season to sow their grain before winter uncertain—rose in arms, forming nine regiments each of three hundred and fifty men, and, self-equipped, marched to New York, just in time to meet the advance of the British. True, they were rather a rally of free-men; men than a division of an army; but their spirit evinced the existence of a nation.

Bancroft, Hist. of the U.S., vol.5, p.26

In New York the country people turned out with surprising alacrity, leaving their grain to perish for want of the sickle. The body suddenly levied in New York, the nine regiments from Connecticut, the Maryland regiment and companies, a regiment from Delaware, and two more battalions of Pennsylvania riflemen, raised the number of men fit for duty under Washington's command to about seventeen thousand; but most of them were fresh from rustic labor, ill-armed or not armed at all.

Bancroft, Hist. of the U.S., vol.5, p.26

The New York convention desired that the command of the Hudson might be secured; and, on the recommendation of Putnam and Mifflin, a fort was built on the height now known as Fort Washington, two miles and a half below King's Bridge.

Bancroft, Hist. of the U.S., vol.5, p.26

Of the batteries by which New York was protected, the most important was the old Fort George on the south point of the island; a barrier crossed Broadway near the Bowling Green; a redoubt was planted near the river, west of Trinity church; another, that took the name of Bunker Hill, near the site of the present Centre Market. Earthworks were thrown up here and there along the East and Hudson rivers within the settled parts of the town, and at the northern end of the island, on hills overlooking King's Bridge; but many intermediate points, favorable for landing, were defenceless. The regiment of Prescott, who commanded in the battle of Bunker Hill, and one other regiment, were all that could be spared to garrison Governor's Island.

Bancroft, Hist. of the U.S., vol.5, p.26

The American lines in Brooklyn, including angles, and four redoubts which mounted twenty large and small cannon, ran for a mile and a half from Wallabout bay to the marsh of Gowanus cove; they were defended by ditches and felled trees; the counterscarp and parapet were fraised with sharpened stakes. A fortress of seven guns crowned Brooklyn Heights. The entrance into the East river was guarded by a battery of five guns at Red Hook. Six incomplete continental regiments, with two of Long Island militia, constituted all the force with which Greene occupied this great extent of works.

Bancroft, Hist. of the U.S., vol.5, p.27

British reinforcements arrived with Clinton and Cornwallis on the first of August, and eleven days later more than twenty-five hundred British troops from England, and more than eighty-six hundred Hessians. Sir Peter Parker brought Campbell and Dunmore, who, with Tryon and Martin, hoped from victory their restoration to their governments. On the fifteenth the Hessians, who were in excellent health after their long voyage, landed on Staten Island. Before a conflict, Lord Howe once more proposed the often rejected plan; and Washington, on the twentieth, announced to the army "that no offer of peace had been made, and that every man should prepare his mind and his arms for action." To congress he on the same day wrote frankly that it would not be possible to pre vent the landing of the British on Long Island, saying: "We shall harass them as much as possible, which will be all that we can do." Just at this time Greene became ill of a raging fever. The loss of his service was irreparable, for the works in Brooklyn had been built under his eye, and he was familiar with the environs. His place was, on the twentieth, and signed to Sullivan.

Bancroft, Hist. of the U.S., vol.5, p.27

About nine on the morning of the twenty-second the men-of-war moved near the shore in Gravesend bay, to protect the landing of more than fifteen thousand men from Staten Island. The English and the Highlanders, with the artillery, consisting of forty cannon, were the first to disembark; last came Donop's brigade of grenadiers and yagers, in large flat-boats, standing, with their muskets in hand, in order of battle.

Bancroft, Hist. of the U.S., vol.5, p.27

The British army spread itself out upon the plain which stretches from Gravesend bay toward the east; the camp was thronged by farmers of the neighborhood, wearing badges of loyalty and seeking protection, while the patriots took to flight, driving cattle before them and burning all kinds of forage. Cornwallis with the reserve, two battalions of infantry and the corps of Germans, advanced to Flatbush; Hand's Pennsylvania riflemen retired before him, burning stacks of wheat and hay on their march; the British artillery drove the Americans from their slight barrier within the village to the wooded heights beyond.

Bancroft, Hist. of the U.S., vol.5, p.28

In the following days, during which Washington divided his time between Brooklyn and New York, the advanced parties of the two armies encountered each other, and the American riflemen proved their superiority as skirmishers.

Bancroft, Hist. of the U.S., vol.5, p.28

On the twenty-fourth, Israel Putnam, in right of his rank as second to Washington, took the command on Long Island, but with explicit instructions to guard the passes through the woods; while the New York congress sent independent orders to Woodhull, a provincial brigadier, to drive off the horses, horned cattle, and sheep, and destroy the forage which would otherwise have fallen to the enemy.

Bancroft, Hist. of the U.S., vol.5, p.28

On the twenty-fifth, two more brigades of Hessians with Heister came over, and on the next day reached Flatbush, increasing the rank and file with Howe on Long Island to "upward of twenty thousand"; supported in the bay by more than four hundred ships and transports, by ten ships of the line and twenty frigates, beside bomb-ketches and other small vessels. The Americans, after repeated reinforcements, were no more than eight thousand men, most of whom were volunteers or militia, with not a platoon of cavalry. The armies were kept apart by the ridge which runs through Long Island to the south-west, and, at the distance of two miles from the American lines, throws out to the north and south a series of hills, as so many buttresses against the bay. Over these densely wooded heights, which were steep and broken, three obvious routes led from the British encampments to Brooklyn:

the one which followed a lane through a gorge south of the present Greenwood cemetery to a coast-road from the bay to Brooklyn ferry was guarded by Pennsylvanian musketeers and riflemen under Atlee and Kichline; across the direct road to Brooklyn the regiments of Henshaw of Massachusetts and Johnston of New Jersey lay encamped, at the summit of the ridge on Prospect Hill overlooking Flatbush; while the "clove" road, which diverged from the second, and a little farther to the east descended into the village of Bedford, was guarded chiefly by Connecticut levies and infantry from Pennsylvania. The number of the Americans stationed on the coast-road and along the ridge as far as their posts extended was about twenty-five hundred.

Bancroft, Hist. of the U.S., vol.5, p.29

On the twenty-sixth, Washington remained on Long Island till the evening. Putnam and Sullivan visited the party that kept guard farthest to the left, and the movements of the enemy disclosed their intention to get into the rear of the Americans by the Jamaica road; but that road was neglected.

Bancroft, Hist. of the U.S., vol.5, p.29

The plan of attack by General Howe was as elaborate as if he had had to encounter an equal army. A squadron of five ships under Sir Peter Parker was to menace New York and act against the right flank of the American defences; Grant, with two brigades, a regiment of Highlanders, and two companies of New York provincials, was to advance upon the coast-road toward Gowanus; the three German brigades and yagers, stationed half a mile in front of Flatbush, in a line of nearly a mile in length, were to force the direct road to Brooklyn, while at the evening gun Howe and much the larger part of the army, under Clinton, Cornwallis, and Percy, with eighteen field-pieces, leaving their tents and equipage behind, moved from Flatlands across the country through the New Lots, to turn the left of the American outposts.

Bancroft, Hist. of the U.S., vol.5, p.30

At three in the morning of the twenty-seventh, Putnam was told that the picket which guarded the approach to the coast-road had been driven in; and, without further inquiry, he ordered Stirling, then a brigadier, with two regiments nearest at hand, "to advance beyond the lines and repulse the enemy." The two regiments were the large and well-equipped one of Delaware, and that of Maryland, which was composed of the sons of freeholders and men of property from Baltimore and its neighborhood. Of both, the colonels and lieutenant-colonels chanced to be absent on duty in New York city. They were followed by a regiment of two hundred and fifty men from Connecticut, under the lead of Parsons, a lawyer of that state, who eighteen days before had been raised from the bar to the rank of brigadier. Putnam's rash order directed Stirling to stop the approach of a detachment which might have been "ten times his number." The position to which he was sent was dangerous in the extreme. His course was oblique, inclining to the right; and this movement, relinquishing the direct communication with the camp, placed in his rear a marsh extending on both sides of Gowanus creek, which was scarcely fordable even at low tide, and was crossed by a bridge and a causeway that served as a dam for one of two tide mills; on his left he had no connecting support; in front he had to encounter Grant's division, which outnumbered him four to one; and on his right was the bay, commanded by the fleet of Lord Howe. About where now runs Nineteenth street in Brooklyn, he formed his line along a ridge from the left of the road to woods on a height now enclosed within a cemetery and known as Battle Hill. Two field-pieces, all that he had to oppose against ten, were placed on the side of the hill so as to command the road and the only approach for some hundred yards. He himself occupied the right, which was the point of greatest danger; Atlee and Kichline formed his centre; Parsons commanded the left.

Bancroft, Hist. of the U.S., vol.5, p.30

Early in the morning Putnam was informed that infantry and cavalry were advancing on the Jamaica road. He gave Washington no notice of the danger, sent Stirling no order to retreat; but Sullivan went out with a small party, and took command of the regiments of Henshaw and Johnston.

Bancroft, Hist. of the U.S., vol.5, p.31

The sun rose with an angry red glare, foreboding a change of weather; the first object seen from New York was the squadron of Sir Peter Parker attempting to sail up the bay as if to attack the town; but, the wind veering to the northward, it came to anchor at the change of tide, and the Roebuck was the only ship that fetched high enough to exchange shot with the battery at Red Hook. Relieved from apprehension of an attack on the city, Washington repaired to Long Island; but he rode through the lines only in time to witness disasters which were become inevitable.

Bancroft, Hist. of the U.S., vol.5, p.31

The van of the British army under Clinton, guided by tory farmers of the neighborhood, having captured a patrol of American officers in the night, gained the heights on the first appearance of day. The force with Howe, after passing them without obstruction, and halting to give the soldiers time for refreshment, renewed its march. At half-past eight, or a little later, it reached Bedford, in the rear of the American left, and the signal was given for a general attack. At this moment about four thousand Americans were on the wooded passes in advance of the Brooklyn lines. They were attacked by the largest British army which appeared in the field during the war. Could the American parties have acted together, the disproportion would yet have been more than five to one; but, as they were routed in a succession of skirmishes, the disproportion was too great to be calculated. The regiments on the extreme left did not perceive their danger till the British had turned their flank; they were the first to fly, and they reached the lines, though not without grievous losses. The regiment of Ward of Connecticut, which made its way seasonably by the mill-pond, burned the bridge as it passed, unmindful of the comrades whom they left behind.

Bancroft, Hist. of the U.S., vol.5, p.31 - p.32

When the cannonading from the main army and the brigades under Grant was heard, the Hessians moved up the ridge, the yagers under Donop and some volunteers going in advance as flanking parties and clearing the way with their small cannon; the battalions followed, with a widely extended front, and in ranks but two deep, using only the bayonet. At first, Sullivan's party fired with nervous rapidity, and too high, doing little injury; then, becoming aware of the danger on their flank and rear, they turned to retreat. The Hessians took possession of their deserted redoubt, its three brass six-pounders, one howitzer, and two baggage-wagons, and chased the fugitives relentlessly through the thickets. The Americans, stopped on their way by British regiments, were thrown back upon the Hessians. For a long time the forest rung with the cries of the pursuers and the pursued, the noise of musketry and artillery, the notes of command given by trumpets and hautboys; the ground was strewn with the wounded and the dead. The Jersey militia fought well, till Johnston, their colonel, was shot in the breast, after showing the most determined courage. Sullivan, seeing himself surrounded, desired his men to shift for themselves. Some of them, fighting with desperate valor, cleaved a passage through the British to the American lines; others, breaking into small parties, hid themselves in the woods, from which they escaped to the lines, or were picked up as prisoners. Sullivan was found by three Hessian grenadiers, hiding in a field of maize.

Bancroft, Hist. of the U.S., vol.5, p.32

The contest was over at the east and at the centre. Near the bay Stirling still maintained his position. Lord Howe, having learned that Grant's division, which halted at the edge of the woods, was in want of ammunition, went himself with a supply from his ship, sending his boat's crew with it on their backs up the hill, while further supplies followed from the store-ships. Early in the day Parry, lieutenant-colonel under Atlee, was shot in the head as he was encouraging his men. Parsons left his men, concealed himself in a swamp, and came into camp the next morning by way of the East river. His party were nearly all taken prisoners; among them Jewett of Lyme, captain of volunteers, who after his surrender was run through the body by the officer to whom he gave up his sword.

Bancroft, Hist. of the U.S., vol.5, p.32

None remained in the field but Stirling, with the regiment of Maryland and that of Delaware. For nearly four hours they stood in their ranks with colors flying, when, perceiving the main body of the British army rapidly coming behind him, he gave them the word to retreat. They withdrew in perfect order; twenty marines were brought off as prisoners. The only avenue of escape was by wading through Gowanus creek; and this passage was almost cut off by troops under Cornwallis. Stirling must hold Cornwallis in check, or his party is lost; he ordered the Delaware regiment and one half of that of Maryland to make the best of their way across the marsh and creek, while he confronted the advancing British with only five companies of Marylanders. The young soldiers flew at the enemy with "unparalleled bravery, in view of all the American generals and troops within the lines, who alternately praised and pitied them." Washington wrung his hands as he exclaimed: "My God! what brave men must I this day lose!" When forced to give way, they rallied and renewed the onset. In this manner ten minutes were gained, so that the men of Delaware with their prisoners, and half the Maryland regiment passed the creek. The devoted men who had saved them were beaten back by masses of troops, and cut to pieces or taken; only nine of them succeeded in crossing the creek. Stirling gave up his sword to Heister.

Bancroft, Hist. of the U.S., vol.5, p.33

During the engagement a British column drew near the American lines; could they have been carried, all the American troops on Long Island must have surrendered; but the works were protected by an abattis, and their defenders were strengthened by three regiments, just arrived from New York. Washington was present to direct and to encourage. The attempt to storm the redoubt, without artillery or fascines or axes or scaling-ladders, might have been repulsed with losses greater than at Bunker Hill; and Howe ordered the column to withdraw from the reach of musketry.

Bancroft, Hist. of the U.S., vol.5, p.33

Of the British, at the least five officers and fifty-six others were killed, twelve officers and two hundred and forty-five others wounded, one officer and twenty marines taken prisoners. Much more than one half of this loss fell upon the troops who successively encountered Stirling. Of the Hessians, two privates were killed; three officers and twenty-three privates were wounded. The loss of the Americans, including officers, was, after careful inquiry, found to be less than a thousand, of whom three fourths were prisoners.

Bancroft, Hist. of the U.S., vol.5, p.33 - p.34

The extent of the disasters of the day was due to the incapacity of Israel Putnam, who suffered himself to be surprised; and, having sent Stirling and "the flower of the American army" into the most dangerous position into which brave men could have been thrown, neglected to countermand his orders. The Hessians, who received the surrender of Sullivan, Stirling, and more than half the captives, made no boast of having routed disconnected groups of ill-armed militia.

Bancroft, Hist. of the U.S., vol.5, p.34

A bleak north-easterly wind sprung up at evening. The British army, whose tents had not yet been brought up, slept in front of the lines at Brooklyn, wrapped in blankets and warmed by fires. Of the patriot army many passed the night without shelter. Their dead lay unburied in the forest; the severely wounded languished where they fell. The captives were huddled together in crowded rooms or prison-ships, cut off from good air and wholesome food, and suffered to waste away and die.

Bancroft, Hist. of the U.S., vol.5, p.34

The next morning was chill and lowering. Unable to rely on either of his major-generals, Washington, at the break of day, renewed the inspection of the American works, which from their great extent left many points exposed. The British encampments appeared large enough for twenty thousand men; wherever be passed, he encouraged the soldiers to engage in continual skirmishes. During the morning Mifflin brought over from New York a reinforcement of nearly one thousand men, composed of Glover's regiment of Massachusetts fishermen, and the Pennsylvania regiments of Shee and Magaw, which were "the best disciplined of any in the army." Their arrival was greeted with cheers. In the afternoon rain fell heavily; the lines were at some places so low that men employed in the trenches stood in water; provisions could not be regularly served, and whole regiments had nothing to eat but raw pork and bread; but their commander-in-chief was among them, exposing himself more than any one to the storm, and the sight of their general, enduring hardships equally with themselves, reconciled them to their sufferings. For eight-and-forty hours he gave no moment to sleep, and for nearly all that time, by night and by day, was on horseback in the lines.

Bancroft, Hist. of the U.S., vol.5, p.34 - p.35

The British commander-in-chief, General Sir William Howe, by illegitimate descent an uncle to the king, was of a very different cast of mind. Six feet tall, of an uncommonly dark complexion, a coarse frame, and a sluggish mould, he succumbed unresistingly to his sensual nature. He was not much in earnest against the Americans, partly because he was persuaded that they could not be reduced by arms; partly because he professed to be a liberal in politics; partly because he never kindled with zeal for anything. He had had military experience, and had read books on war; but, being destitute of swiftness of thought and will, he was formed to carry on war by rule. On the field of battle he sometimes showed talent as an executive officer; but, except in moments of high excitement, he was lethargic, wanting alertness and sagacity. He hated business; and his impatience at being forced to attend to it made him difficult of access, and gained him the reputation of being haughty and morose. Indolence was his bane: not wilfully merciless, he permitted his prisoners to suffer from atrocious cruelty; not meaning that his troops should be robbed, he left peculators uncontrolled, and the army and the hospitals were wronged by contractors. His notions of honor in money matters were not nice; but he was not so much rapacious as insatiable. He indulged freely in pleasure, and loved to shake off sluggishness by the hazards of the faro-table. His officers were expected to be insensible to danger like himself; in their quarters he was willing they should openly lead profligate lives; and his example led many of the young to ruin themselves by gaming.

Bancroft, Hist. of the U.S., vol.5, p.35 - p.36

All the following night Washington, who was fixed in the purpose "to avoid a general action," kept watch over the British army and his own. In Philadelphia, rumor quadrupled his force; congress expected him to stay the enemy at the threshold, as had been done at Charleston; but the morning of Thursday showed him that the British had broken ground within six hundred yards of the height now known as Fort Greene, and that they intended to force his lines by regular approaches, which the nature of the ground and his want of heavy cannon extremely favored; all Long Island was in their hands, except only the neck on which he was intrenched, and a part of his camp would soon be exposed to their guns; his men were falling sick from hard service, exposure, and bad food; on a change of wind, he might be encircled by the entrance of the British fleet into the East river. It was no longer safe to delay a retreat, of which the success would depend on preparing for it with impenetrable secrecy.

Bancroft, Hist. of the U.S., vol.5, p.36

Through Mifflin, in whom he confided more than in any general on the island and who agreed with him in opinion, he despatched, at an early hour, a written command to Heath, at King's Bridge, "to order every fiat-bottomed boat and other craft at his post, fit for transporting troops, down to New York as soon as possible, without the least delay." In like manner, before noon, he sent Trumbull, the commissary-general, to New York, with orders for Hugh Hughes, the assistant quartermaster-general, "to impress every kind of water-craft, on either side of New York, that could be kept afloat, and had either oars or sails, or could be furnished with them, and to have them all in the East river by dark."

Bancroft, Hist. of the U.S., vol.5, p.36

These orders were issued so secretly that not even his general officers knew his purpose. All day long he continued abroad in the wind and rain, visiting the stations of his men as before. Not till "late in the day" did he meet his council of war at the house of Philip Livingston on Brooklyn Heights. The abrupt proposal to retreat startled John Morin Scott, who, against his better judgment, impulsively objected to "giving the enemy a single inch of ground." Bunt unanswerable reasons were urged in favor of Washington's design: the Americans were invested by an army of much more than double their number from water to water; Macdougall, whose nautical experience gave weight to his words, declared "that they were liable every moment, on the change of wind, to have the communication between them and the city cut off by the British frigates;" their supplies were scant; the rain, which had fallen for two days and nights with little intermission, had injured their arms and spoiled a great part of their ammunition; the soldiery, of whom many were without cover at night, were worn out by incessant duties and watching. The resolution to retreat was therefore unanimous.

Bancroft, Hist. of the U.S., vol.5, p.36

To conceal the design to the very last, the regiments after dark were ordered to prepare for attacking the enemy in the night; several of the soldiers published to their comrades their unwritten wills; but the true purpose was soon surmised. At eight o'clock Macdougall was at Brooklyn ferry, charged to superintend the embarkation; and Glover of Massachusetts, with his regiment of Essex county fishermen, the best mariners in the world, manned the sailing-vessels and fiat-boats. The rawest troops were the first to be embarked; Mifflin, with the Pennsylvania regiments of Hand, Magaw, and Shee, the men of Delaware, and the remnant of the Marylanders, claimed the honor of being the last to leave the lines. About nine the ebb of the tide was accompanied by a heavy rain and the continued adverse wind, so that for three hours the sail-boats could do little; but at eleven the north-east wind, which had raged for three days, died away; the water became so smooth that the row-boats could be laden nearly to the gunwales; and a breeze sprung up from the south and south-west, swelling the canvas from the right quarter. It was the night of the full moon; the British were so nigh that they were heard with their pickaxes and shovels; yet neither Agnew, their general officer for the night, nor any one of them, took notice of the murmur in the camp, or the plash of oars on the river, or the ripple under the sail-boats. All night long Washington was riding through the camp, insuring the regularity of every movement. Some time before dawn on Friday morning Mifflin, through a mistake of orders, began to march the covering party to the ferry; Washington discovered and countermanded the premature movement. The order to resume their posts was a trying test of young soldiers; the regiments wheeled about with precision, and recovered their former station before the enemy perceived that it had been relinquished. As day approached, a thick fog rolled in from the sea, shrouded the British camp, hid all Brooklyn, and hung over the Last river without enveloping New York. When every other regiment was safely cared for, the covering party came down to the water-side and were embarked. Last man of all, Washington entered a boat. It was seven o'clock before all the companies reached the New York shore. At four, Montresor had given the alarm that the Americans were in full retreat; but some hours elapsed before he and a corporal, with six men, clambered into the works, only to find them evacuated. The whole American army who were on Long Island, with their provisions, military stores, field-artillery, and ordnance, except a few worthless iron cannon, landed safely in New York.

Bancroft, Hist. of the U.S., vol.5, p.38

"Considering the difficulties," wrote Greene, "the retreat from Long Island was the best effected retreat I ever read or heard of."

Chapter 3:

The Progress of the Howes,

August 30-September 1776

Bancroft, Hist. of the U.S., vol.5, p.39

CARE sat heavily on the young people, who were to be formed to fortitude and endeared to after ages by familiarity with sorrows. Lord Howe received Sullivan on board of the Eagle with hospitable courtesy, approved his immediate exchange for General Prescott who was at Philadelphia, and then spoke so strongly of his own difficulty in recognising congress as a legal body, and yet of his ample powers to open a way for the redress of grievances, that the American general volunteered to visit Philadelphia as a go-between. A few hours after the troops passed over from Long Island he followed on parole, taking no minute of the offer which he was to bear, relying only on his recollection of desultory conversations. The American commander-in-chief disapproved his mission, but deemed it not right to prohibit by military authority an appeal to the civil power.

Bancroft, Hist. of the U.S., vol.5, p.39

Washington withdrew the garrison from Governor's Island. Of the inhabitants of Long Island, some from choice, some to escape the prison-ship and ruin, took the engagement of allegiance. To Germain, the British general already announced the necessity of another campaign. In his report of the events on Long Island he magnified the force which he encountered two or three times, the killed and wounded eight or ten times, and enlarged the number of his prisoners. His own loss he somewhat diminished.

Bancroft, Hist. of the U.S., vol.5, p.39 - p.40

Conscious that congress were expecting impossibilities, Washington reminded them that the public safety required enlistments for the war; the defeat on Long Island had impaired the confidence of the troops in their officers and in one another; the militia, dismayed, intractable, and impatient, went off by half-companies, by companies, and almost by whole regiments at a time. The necessity for abandoning the city of New York was so imminent, that the question whether its houses should be left to stand as winter-quarters for the enemy would "admit of but little time for deliberation." Rufus Putnam, the able engineer, reported that the enemy, from their command of the water, could land at any point between the bay and Throg's Neck; Greene advised a general retreat, and that the city and its suburbs should be burnt.

Bancroft, Hist. of the U.S., vol.5, p.40

When, on the second of September, Sullivan was introduced to the congress, John Adams broke out to the member who sat next him: "Oh, the decoy-duck! would that the first bullet from the enemy in the defeat on Long Island had passed through his brain!" In delivering his message, Sullivan affirmed that Lord Howe said "he was ever against taxing us; that America could not be conquered; that he would set aside the acts of parliament for taxing the colonies and changing the charter of Massachusetts." Congress directed Sullivan to reduce his communication to writing. He did so, and presented it the next morning. Its purport was "that, though Lord Howe could not at present treat with congress as such, he was very desirous as a private gentleman to meet some of its members as private gentlemen; that he, in conjunction with General Howe, had full powers to compromise the dispute between Great Britain and America; that he wished a compact might be settled at this time; that in case, upon conference, they should find any probable ground of an accommodation, the authority of congress must be afterward acknowledged."

Bancroft, Hist. of the U.S., vol.5, p.40 - p.41

Congress having received this paper, which proposed their own abdication and the abandonment of independence and of union, proceeded to the business of the day. In committee of the whole, they took into consideration the unreserved confession of Washington, that he had not a force adequate to the defence of New York, and they decided that "it should in no event be damaged, for they had no doubt of being able to recover it, even though the enemy should obtain possession of it for a time." They ordered for its defence three more battalions from Virginia, two from North Carolina, and one from Rhode Island; and they invited the assemblies and conventions of every state north of Virginia to forward all possible aid; but this reliance on speculative reinforcements increased the public peril.

Bancroft, Hist. of the U.S., vol.5, p.41

On the fourth and fifth, congress debated the message of Lord Howe. Witherspoon, with a very great majority of the members, looked upon it as an insult. "We have lost a battle and a small island," said Rush, "but we have not lost a state; why then should we be discouraged? Or why should we be discouraged, even if we had lost a state? If there were but one state left, still that one should peril all for independence." George Ross sustained his colleague. "The panic may seize whom it will," wrote John Adams; "it shall not seize me;" and, like Rush and Witherspoon, he spoke vehemently against the proposed conference. On the other hand, Edward Rutledge favored it, as a means of procrastination; and at last New Hampshire, Connecticut, and even Virginia gave way for the sake of quieting the people. Sullivan was directed to deliver to Lord Howe a written "resolve, that the congress, being the representatives of the free and independent states of America, could not send their members to confer with him in their private characters; but, ever desirous of peace on reasonable terms, they would send a committee of their body to leam what authority he had to treat with persons authorized by them, and to hear his propositions." On the sixth the committee was elected by ballot, and the choice fell on Franklin, John Adams, and Edward Rutledge. For the future, it was ordered that no proposals for peace between Great Britain and the United States should be received unless they should be made in writing, and should recognise the authority of the states in congress.

Bancroft, Hist. of the U.S., vol.5, p.41 - p.42

Washington, seeing that it was impossible to hold New York, on the seventh convened his general officers, in the hope of their concurrence. The case was plain; yet Mercer, who was detained at Amboy, wrote an untimely wish to maintain the post; others interpreted the vote of congress as an injunction that it was to be defended at all hazards; and, as one third of the army had no tents, and one fourth were sick, many clung to the city for shelter. The majority, therefore, decided to hold it with five thousand men, and to distribute the rest of the army between King's Bridge and Harlem Heights. The power to overrule the majority of his general officers had not been explicitly conferred on Washington. While, therefore, he removed such stores as were not immediately needed, and began to transfer the sick to the inland towns of New Jersey, he thus reasoned with congress:

Bancroft, Hist. of the U.S., vol.5, p.42

"To be prepared at each point of attack has occasioned an expense of labor which now seems useless, and is regretted by those who form a judgment from after-knowledge; but men of discernment will see that by such works and preparations we have delayed the operations of the campaign till it is too late to effect any capital incursion into the country. Every measure is to be formed with some apprehension that all our troops will not do their duty. On our side the war should be defensive; it has even been called a war of posts; we should on all occasions avoid a general action, and never be drawn into a necessity to put anything to risk. Persuaded that it would be presumptuous to draw out our young troops into open ground against their superiors both in number and discipline, I have never spared the spade and pickaxe. I have not found that readiness to defend even strong posts at all hazards which is necessary to derive the greatest benefit from them. We are now in a post acknowledged by every man of judgment to be untenable. A retreating army is encircled with difficulties; declining an engagement subjects a general to reproach, and may throw discouragement over the minds of many; but, when the fate of America may be at stake on the issue, we should protract the war, if possible. The enemy mean to winter in New York; that they can drive us out is equally clear; nothing seems to remain but to determine the time of their taking possession."

Bancroft, Hist. of the U.S., vol.5, p.42

Congress received this remonstrance with coldness; but it was unanswerable, and they resolved, on the tenth, that it had not been "their sense that any part of the army should remain in New York a moment longer than he should think it proper for the public service."

Bancroft, Hist. of the U.S., vol.5, p.43

On the eleventh Lord Howe sent a barge for Franklin, John Adams, and Rutledge. They were met by him at the water's edge, and partook of a collation. In the discussion of business, a difficulty presented itself at the outset. As they had been formally announced as a committee from congress, Lord Howe premised, with some embarrassment of manner, that he was bound to say he conversed with them as private individuals. At this John Adams came to his relief, saying: "Consider us in any light you please, except that of British subjects." During a conversation which lasted for several hours Lord Howe was discursive in his remarks. To bring the discussion to a point, Edward Rutledge cited to him the declaration of Sullivan, "that he would set the acts of parliament wholly aside, because parliament had no right to tax America, or meddle with her internal polity."

Bancroft, Hist. of the U.S., vol.5, p.43

Lord Howe answered, "that Sullivan had extended his words much beyond their import; that his commission in respect to acts of parliament was confined to powers of consultation with private persons." Franklin inquired if the commissioners would receive and report propositions from the Americans; as no objection was interposed, he represented "that it was the duty of good men on both sides of the water to promote peace by an acknowledgment of American independence, and a treaty of friendship and alliance between the two countries;" and he endeavored to prove that Great Britain would derive more durable advantages from such an alliance than from the connection which it was the object of the commission to restore. Lord Howe communicated to his government this overture, which he in his heart was beginning to approve. The committee of congress, on their return to Philadelphia, reported that he had made no proposition of peace, except that the colonies should return to their allegiance to the government of Great Britain; and that his commission did not appear to contain any other authority of importance than that of granting pardons and declaring America, or any part of it, to be in the king's peace, upon submission.

Bancroft, Hist. of the U.S., vol.5, p.43 - p.44

By this time the army of General Howe extended along the high ground that overlooks the East river and the sound, from Brooklyn to Flushing, and occupied the two islands which we call Ward's and Randall's; a battery erected at Astoria replied to the American works on the point just north of Hellgate ferry. Night after night boats came in and anchored just above Bushwick. On the twelfth, Washington, supported by the written request of Greene and six brigadiers, reconvened his council of war at the quarters of Macdougall; and this time it was decided to abandon the lower part of the island, none dissenting but Spencer, Heath, and George Clinton. The council was hardly over when Washington was once more in the lines; and at evening the Americans under his eye doubled their posts along the East river. He was seen by the Hessians; and Krug, a captain of the Hessian artillery, twice in succession pointed cannon at him and his staff, and was aiming a third shot, as he rode on. The thirteenth, the anniversary of the victory on the Plains of Abraham in which Howe bore an honorable part, was selected for the landing of the British in New York; the watchword was "Quebec," the countersign "Wolfe;" but the ships-of-war that were to cover the landing caused delay. In the afternoon four of them, keeping up an incessant fire, and supported by the cannon on Governor's Island, sailed past the American batteries into the East river and anchored opposite the present Thirteenth street. One of their shot struck within six feet of Washington who was watching their movements. The next day six more British armed ships went up the East river. In one more day the city would have been evacuated.

Bancroft, Hist. of the U.S., vol.5, p.44 - p.45

On the fifteenth three ships-of-war ascended the Hudson as far as Bloomingdale. At eleven the ships-of-war which were anchored in the stream below Blackwell's Island began a heavy cannonade, to scour the grounds; at the same time eighty-four boats laden with troops, under the direction of Admiral Hotham, came out of Newtown creek, and with a southerly wind sailed up the East river in four columns, till, on a signal, they formed in line, and, aided by oars and the tide, landed between Turtle bay and the city. At the sound of the first cannon, Washington rode "with all possible despatch" toward Kip's bay, near Thirty-fourth street; he found the men who had been posted in the lines running away, and the brigades of Fellows of Massachusetts and Parsons of Connecticut, that were to have supported them, flying in every direction. Putnam's division of about four thousand troops was still in the lower city, sure to be cut off, unless the British could be delayed. When all else fails, the commander-in-chief must in person give the example of daring. Washington presented himself to rally the fugitives and hold the advancing forces in check; but, on the appearance of a party of not more than sixty or seventy, they ran away without firing a shot, leaving him within eighty yards of the enemy. Reminded that it was in vain to withstand the British alone, he turned to guard against further disaster, and to secure Harlem Heights.

Bancroft, Hist. of the U.S., vol.5, p.45

As the Hessians took immediate possession of the breastworks which guarded the Boston road, near the present Lexington avenue, the brigades fled, not without loss, across woody fields to Bloomingdale. Most of Putnam's division escaped by a road very near the Hudson; its commander, heedless of the intense heat of the day, rode from post to post to call off the pickets and guards. Silliman's brigade threw itself into the redoubt of Bunker Hill, where Knox, at the head of the artillery, thought only of a gallant defence; but Aaron Burr, who was one of Putnam's aids, guided them by way of the old Monument lane to the west side of the island, where they followed the winding road now superseded by the Eighth avenue, and regained the Bloomingdale road near the present Sixtieth street.

Bancroft, Hist. of the U.S., vol.5, p.45 - p.46

The respite which saved Putnam's division was due to Mary Lindley, the wife of Robert Murray. When the British army drew near her house on Incleberg, as Murray Hill was then called, Howe and his officers, ordering a halt, accepted her invitation to a lunch; and, by the excellence of her repast and the good-humor with which she parried Tryon's jests at her sympathy with the rebels, she whiled away two hours or more of their time, till every American regiment had escaped. The Americans left behind a few heavy cannon, and much of their baggage and stores; fifteen of them were killed; one hundred and fifty-nine were missing, chiefly wilful loiterers. The British gained the island as far as the eighth mile-stone, with but two Hessians killed and about twenty British and Hessians wounded. At night their bivouac extended from the East river near Hell-gate to the Hudson at Bloomingdale. On Harlem Heights the American fugitives, weary from having passed fifteen hours under arms, disheartened by the loss of their tents and blankets, and wet by a cold driving rain that closed the sultry day, lay on their arms with only the sky above them.

Bancroft, Hist. of the U.S., vol.5, p.46

The dastardly flight of the troops at Kip's bay was reported to congress by Washington; and was rebuked in a general order, menacing instant death as the punishment of cowardice on the field. Meantime, he used every method to revive the courage of his army. At two o'clock in the dark and cloudy morning of the sixteenth Silas Talbot by his orders ran down the river in a fire-brig under a fair wind, and, grappling the Renomme, set the brig on fire, escaping with his crew; the Renomme freed itself, but, with the other ships-of-war, quitted its moorings.

Bancroft, Hist. of the U.S., vol.5, p.46 - p.47

On the same day American troops extended their left wing from Fort Washington to Harlem. As an offset to this movement, Leslie, who commanded the British advanced posts, led the second battalion of light infantry, with two battalions of Highlanders and seven field-pieces, into a wood on the hill which lies east of Bloomingdale road and overlooks Manhattanville. From this detachment two or three companies of light infantry descended into the plain, drove in an American picket, and sounded their bugles in defiance. Engaging their attention by preparations for attacking them in front, Washington ordered Major Leitch with three companies of Weedon's Virginia regiment, and Colonel Knowlton with his volunteer rangers, to prepare secretly an attack on the rear of the main detachment in the wood; and Reed, who best knew the ground, acted as their guide. Under the lead of George Clinton, the American party which engaged the light infantry in front compelled them twice to retreat, and drove them back to the force with Leslie. The Americans in pursuit clambered up the rocks, and a very brisk action ensued, which continued about two hours. Knowlton and Leitch began their attack too soon, on the flank rather than in the rear. Reed's horse was wounded under him; in a little time Leitch was brought off with three balls through his side. Soon after, Knowlton was mortally wounded; in the agonies of death, all his inquiry was if the enemy had been beaten. Notwithstanding the loss of their leaders, the men resolutely continued the engagement. Washington advanced to their support part of two Maryland regiments, with detachments of New Englanders; Putnam and Greene, as well as Tilghman and others of the general's staff, joined in the action to animate the troops, who charged with the greatest intrepidity. The British, worsted a third time, fell back into an orchard, and from thence across a hollow and up the hill which lies east of the Eighth avenue and overlooks the country far and wide. Their condition was desperate: they had lost seventy killed and two hundred and ten wounded; the Highlanders had fired their last cartridge; without speedy relief, they must certainly be cut off. The Hessian yagers were the first reinforcements that reached the hill, and were in season to share in the action, suffering a loss of one officer and seven men wounded. "Columns of English infantry, ordered at eleven to stand to their arms, were trotted about three miles, without a halt to take breath;" and the Linsing battalion was seen to draw near, while two other German battalions occupied Macgowan's pass. Washington, unwilling to risk a general action, ordered a retreat. This skirmish restored the spirit and confidence of the Americans. Their loss was about sixty killed and wounded; but among these was Knowlton, who would have been an honor to any country, and Leitch, one of Virginia's worthiest sons.

Bancroft, Hist. of the U.S., vol.5, p.47

Howe would never own how much he had suffered; his general orders rebuked Leslie for imprudence. The result confirmed him in his caution. The ground in front of the Americans was so difficult and so well fortified that he could not hope to carry it by storm; he therefore waited more than three weeks, partly to collect means of transportation, and partly to form redoubts across the island.

Bancroft, Hist. of the U.S., vol.5, p.47 - p.48

During the delay, Lord Howe and his brother, on the nineteenth, in a joint declaration, going far beyond the form prepared by the solicitor-general, promised in the king's name a revision of his instructions, and his concurrence in the revision of all acts by which his subjects in the colonies might think themselves aggrieved; and, appealing from congress, they invited all well-affected subjects to a conference. The paper was disingenuous; for the instructions to the commissioners, which were kept secret, demanded as preliminary conditions grants of revenue and further changes of charters.

Bancroft, Hist. of the U.S., vol.5, p.48

About one o'clock in the morning of the twenty-first, more than five days after New York had been in the exclusive possession of the British, a fire chanced to break out in a small wooden public-house of low character near Whitehall slip. The weather had been hot and dry; a fresh gale was blowing from the south-west; the flames spread rapidly; and the east side of Broadway, as far as Exchange place, became a heap of ruins. The wind veering to the south-east, the fire crossed Broadway above Morris street, destroyed Trinity church and the Lutheran church, and extended to Barclay street. The flames were arrested, not so much by the English guard as by the sailors whom the admiral sent on shore. Of the four thousand tenements of the city, more than four hundred were burnt down. In his report, Howe, without the slightest ground, attributed the accident to a conspiracy.

Bancroft, Hist. of the U.S., vol.5, p.48 - p.49

When, after the disasters on Long Island, Washington needed to know in what quarter the attack of the British was to be expected, Nathan Hale, a captain in Knowlton's regiment, a graduate of Yale college, an excellent scholar, comparatively a veteran, but three months beyond one-and-twenty yet already betrothed, volunteered to venture, under a disguise, within the British lines. Just at the moment of his return he was seized and carried before General Howe, in New York; he frankly avowed his name, rank, and purpose; and, without a trial, Howe ordered him to be executed the following morning as a spy. That night he was exposed to the insolent cruelty of his jailer. The consolation of seeing a clergyman was denied him; his request for a Bible was refused. A more humane British officer, who was deputed to superintend his execution, furnished him means to write to his mother and to a comrade in arms. On the morning of the twenty-second, as he ascended the gallows, he said: "I only regret that I have but one life to lose for my country." The provost-marshal destroyed his letters, as if grudging his friends a knowledge of the firmness with which he had contemplated death. His countrymen never pretended that the beauty of his character should have exempted him from the penalty which the laws of war of that day imposed; they complained that the hours of his imprisonment were imbittered by barbarous harshness.

Bancroft, Hist. of the U.S., vol.5, p.49

The Americans kept up the system of wearing out their enemy by continual skirmishes and alarms. On the twenty-third, at the glimmer of dawn, in a well-planned but unsuccessful attempt to recapture Randall's Island, Thomas Henly of Charlestown, Massachusetts, "one of the best officers in the army,"lost his life. He was buried by the side of Knowlton, within the present Trinity cemetery.

Bancroft, Hist. of the U.S., vol.5, p.49

The prisoners of war, five hundred in number, whom Carleton had sent from Quebec on parole, were landed on the twenty-fourth from shallops at Elizabeth point. It wanted but an hour or two of midnight; the moon, nearly full, shone cloudlessly; Morgan, as he sprung from the bow of the boat, fell on the earth as if to clasp it, and cried: "O my country!" They all ran a race to Elizabethtown, where, too happy to sleep, they passed the night in singing, dancing, screaming, and raising the Indian halloo from excess of joy. Washington hastened Morgan's exchange, and recommended his promotion. After the commander-in-chief, he was the best officer whom Virginia sent into the field.

Bancroft, Hist. of the U.S., vol.5, p.49

Seemingly irreconcilable differences of opinion delayed the continental congress in the work of confederation; Edward Rutledge despaired of success, except through a special convention of the states, chosen for this purpose alone.

Bancroft, Hist. of the U.S., vol.5, p.49 - p.50

On the seventeenth, after many weeks of deliberation, the members of congress adopted an elaborate plan of treaty to be proposed to France. They wished France to engage in a separate war with Great Britain, and by this diversion to leave America the opportunity of establishing her independence. They were willing to assure to Spain freedom from molestation in its territories; they renounced in favor of France all eventual conquests in the West Indies; but they claimed the sole right of acquiring British continental America, the Bermudas, Cape Breton, and Newfoundland. The king of France might retain his exclusive rights in Newfoundland, as recognised by England in the treaty of 1763; but his subjects were not to fish "in the havens, bays, creeks, roads, coasts, or places," which the United States were to win. The rising nation avowed the principle that free ships impart freedom to goods; that a neutral power may lawfully trade with a belligerent. Privateering was to be much restricted. The young republic, in this moment of her greatest need, was not willing to make one common cause with France; she only offered not to assist Great Britain in the war on France, nor trade with that power in contraband goods. The commissioners might stipulate that the United States would never again be subject to the crown or the parliament of Great Britain; and, in case France should become involved in the war, that neither party should make a definitive treaty of peace without six months' notice to the other. They were further instructed to solicit muskets and bayonets, ammunition and brass field-pieces, to be sent under convoy by France; and it was added: "It will be proper for you to press for the immediate and explicit declaration of France in our favor, upon a suggestion that a reunion with Great Britain may be the consequence of a delay."

Bancroft, Hist. of the U.S., vol.5, p.50

In the selection of the three members of the commission, Franklin was placed at its head; Deane, with whom Robert Morris had associated an unworthy member of his own family as a joint commercial agent in France, was chosen next; to them was added Jefferson, who, early in August, had retired from congress to assist his native state in adapting its code of laws to its new life as a republic. When Jefferson declared himself constrained to decline the appointment, it was given to Arthur Lee. Franklin proposed that the commission should have power to treat forthwith for peace with England.

Bancroft, Hist. of the U.S., vol.5, p.50 - p.51

The conduct of the war ever met increasing difficulties. The attempt to raise up a navy was baffled by a want of guns, canvas, and ammunition. In the preceding December congress had ordered the construction of thirteen ships-of-war, each of which was to carry from twenty-four to thirty-two guns; but not one of them was ready for sea, and the national cruisers consisted of about twelve merchant vessels, purchased and equipped at intervals. The officers, of whom the first formal appointment was made on the twenty-second of December 1775, and included the names of Nicholas Biddle and John Paul Jones, were necessarily taken from merchant ships. American privateers, in the year 1776, captured three hundred and forty-two British vessels; and these volunteer adventures were so lucrative that few sailors would enlist in the public service for more than a twelvemonth, and most of them only for one cruise.

Bancroft, Hist. of the U.S., vol.5, p.51

Before the middle of June, the committee on spies, of which John Adams and Edward Rutledge were members, were desired to revise the articles of war; after more than three months an improved code, formed on the British regulations, was adopted.

Bancroft, Hist. of the U.S., vol.5, p.51

The country was upon the eve of a dissolution of its army; Washington, almost a year before, had foretold to congress the evils of their system with as much accuracy as if he "had spoken with a prophetic spirit." His condition at present was more critical than before, for a larger force was arrayed against him. He borrowed hours allotted to sleep to convey to congress with sincerity and freedom his thoughts on the proper organization of the army, saying: "Experience, which is the best criterion to work by, so fully, clearly, and decisively reprobates the practice of trusting to militia that no man who regards order, regularity, and economy, or his own honor, character, or peace of mind, will risk them upon this issue. The evils to be apprehended from a standing army are remote, and, situated as we are, not at all to be dreaded; but the consequence of wanting one is certain and inevitable ruin. This contest is not likely to be the work of a day; and, to carry on the war systematically, you must establish your army upon a permanent footing." The materials, he said, were excellent; to induce enlistments for the continuance of the war, he urged the offer of a sufficient bounty; for the officers he advised proper care in their nomination, and such pay as would encourage "gentlemen" and persons of liberal sentiments to engage: in this manner they would in a little time have an army able to cope with any adversary. But congress, without waiting for his advice, framed a plan of their own.

Bancroft, Hist. of the U.S., vol.5, p.51 - p.52

On the sixteenth of September they resolved that eighty-eight battalions be enlisted as soon as possible to serve during the war, but without offering adequate inducements. The men in the army, whose term would expire with the year, had been enlisted directly by continental agents and officers; congress now apportioned to the thirteen states their respective quotas; and this reference of the subject to so many separate legislatures or governments could not but occasion a delay of several months, even if the best will should prevail. Congress had no magazines; they therefore left the states to provide arms and clothing, each for its own line. To complete the difficulty of organizing a national army, they yielded to the several states the appointment of all officers except general officers; no discretion was reserved to the commander-in-chief, or formally even to themselves, to promote the meritorious. Vacancies must remain undisposed of till the states, each for itself, should exercise its power.

Bancroft, Hist. of the U.S., vol.5, p.52

The earnest expostulations of Washington commanded little more respect from congress than a reference to a committee; three of its members were deputed to repair to the camp, but their mission was attended by no perceptible results. Troops continued to be levied by requisitions on the several states, and officers to be nominated by local authorities. Washington, therefore, reluctantly bade adieu to every present hope of commanding an efficient, thoroughly united army, and in moments of crisis there was no resource but in appeals through the local governments to the people. But the citizens, without being permanently imbodied, proved untiring in zeal and courage; and it was by them that American liberty was asserted, defended, and made triumphant. To undisciplined militia belong the honors of Concord and Lexington; militia withstood the British at Bunker Hill; by the aid of militia an army of veterans was driven from Boston; and we shall see the unprosperous tide of affairs, in the central states and in the South, turned by the sudden uprising of volunteers.

Chapter 4:

Opinion in England, Border War in America,

July-November 1776

Bancroft, Hist. of the U.S., vol.5, p.53

IN England, when the demand of the Americans had changed from redress to independence, ninety-nine out of one hundred of their old well-wishers desired their subjection. While Germain attributed "infinite honor to the beloved and admired Lord Howe," he strained after words to praise "the inborn courage and active spirit," and youthful fire, and wise experience of General Howe, whom the king nominated a knight-companion of the order of the Bath. The cause of the Americans seeming now to be lost, Fox Wrote to Rockingham: "It should be a point of honor among us all to support the American pretensions in adversity as much as we did in their prosperity, and never desert those who have acted unsuccessfully upon whig principles."

Bancroft, Hist. of the U.S., vol.5, p.53

The session of parliament was at hand; Rockingham, Burke, and their friends proposed to stay away from its meetings, assigning as their motive that their opposition did but exhibit their weakness, and so strengthened the ministry. Fox remonstrated: "I conjure you, over and over again, to consider the importance of the crisis; secession would be considered as running away from the conquerors, and giving up a cause which we think no longer tenable." But the rebellion seemed in its last agony; they therefore kept aloof for the time, willing to step in on the side of mercy when the ministers should have beaten it down.

Bancroft, Hist. of the U.S., vol.5, p.53 - p.54

The king, as he opened parliament on the thirty-first of October, derived from the declaration of independence "the one great advantage of unanimity at home;" and he professed a desire "to restore to the Americans the blessings of law and liberty."

Bancroft, Hist. of the U.S., vol.5, p.54 - p.55

"The principles operating among the inhabitants of the colonies in their commotions," said Lord John Cavendish, "bear an exact analogy with those which support the most valuable part of our constitution; to extirpate them by the sword, in any part of his majesty's dominions, would establish precedents most dangerous to the liberties of this kingdom." "It is impossible for this island to conquer and hold America," said Wilkes; "we must recall our fleets and armies, repeal all acts injurious to the Americans, and restore their charters, if we would restore unity to the empire." "Some of the colonies," said Lord North, "will break off from the general confederacy. Reconciliation has constantly been my object; it is my wish to use victory with moderation." The house was reminded by Barre that both France and Spain might interfere. Germain replied: "Do you suppose the house of Bourbon would like to have the spirit of independence cross the Atlantic, or their own colonists catch fire at the unlimited rights of mankind?" "Administration," said Fox, "deserve nothing but reproach for having brought the Americans into such a situation that it is impossible for them to pursue any other conduct than what they have pursued. In declaring independence, they have done no more than the English did against James II. The noble lord who spoke last prides himself on a legislature being re-established in New York. It has been very well said that the speech is a hypocritical one; in truth, there is not a little hypocrisy in supposing that a king"—and he made the allusion more direct, by ironically excepting George III as one who really loved liberty—" that a common king should be solicitous to establish anything that depends on a popular assembly. Kings govern by means of popular assemblies only when they cannot do without them; a king fond of that mode of governing is a chimera. It cannot exist. It is contrary to the nature of things. But if this happy time of law and liberty is to be restored to America, why was it ever disturbed? It reigned there till the abominable doctrine of gaining money by taxes infatuated our statesmen. Why did you destroy the fair work of so many ages, in order to re-establish it by the bayonets of disciplined Germans? If we are reduced to the dilemma of conquering or abandoning America, I am for abandoning America."

Bancroft, Hist. of the U.S., vol.5, p.55

These intrepid words thrilled the house of commons. "I never in my life heard a more masterly speech," said Gibbon. I never knew any one better on any occasion," said Burke.

Bancroft, Hist. of the U.S., vol.5, p.55

The division left the ministry in the undisputed possession of power in parliament; but letters from General Howe to the twenty-fifth of September, received on the second of November, crushed their hopes of early success in reducing America. For the next campaign he required ten line-of-battle ships with supernumerary seamen to join the fleet in February, and recruits from Europe without definite limit.

Bancroft, Hist. of the U.S., vol.5, p.55 - p.56

These demands Germain could not meet. His gloomy forebodings he kept to himself; while his runners about town were taught to screen the ministry by throwing the blame of delays upon the madness or ignorance, the rashness or inactivity, of Clinton, Carleton, and Howe. But he could not conceal the public declaration in which the two brothers pledged the ministers to concur in the revisal of all the acts of parliament by which the Americans were aggrieved. To test the sincerity of this offer, Lord John Cavendish, on the sixth, moved that the house should resolve itself into a committee to consider of that revisal. The motion perplexed Lord North, who certainly did not wish to root up every chance of reconciliation; but the exigency of the debate outweighed the consideration due to a remote people, and forced him to say: "I will never allow the legislative claims of this country to be a grievance, nor relax in pursuing those claims, so long as the Americans dispute our power and right of legislation. Let them acknowledge the right, and I shall be ready not only to remedy real grievances, but even, in some instances, to bend to their prejudices." Fox directed attention to the assumption of power to raise taxes, and of power to modify or annihilate charters at pleasure, as the two principal grievances which needed revision. "Till the spirit of independency is subdued," replied Wedderburn, "revisions are idle; the Americans have no terms to demand from your justice, whatever they may hope from your grace and mercy." Lord John Cavendish, on the division, obtained less than fifty votes.

Bancroft, Hist. of the U.S., vol.5, p.56

From this time the friends of Rockingham attended in the morning on private business, but so soon as public business was introduced they ostentatiously bowed to the speaker and withdrew, leaving the ministers to carry their measures without opposition or debate. But this policy did not suit Fox, whose sagacity and fearlessness made him, at twenty-seven, the most important member of the house of commons.

Bancroft, Hist. of the U.S., vol.5, p.56 - p.57 - p.58

The character of this unique man was not a chapter of contradictions; each part of his nature was in harmony with all the rest. "Perhaps no human being was ever more perfectly exempt from the taint of malevolence, vanity, or falsehood;" but he had no restraining principles, and looked with contempt on those who had. Priding himself on ignorance of every self-denying virtue, and delighting in excesses, he feared nothing. Unlucky at the gaming-table beyond all calculation of chances, draining the cup of pleasure to the dregs, the delight of profligates, the sport of usurers, he braved scandal, and gloried in a lordly recklessness of his inability to pay his debts, as if superb ostentation in misfortune raised him above his fellow-men. He had a strong will; but he never used it to bridle his passions, even though their indulgence corrupted his young admirers, and burdened his own father with his enormous losses. Born to wealth and rank and easy access to the service of the king, at heart an aristocrat, he could scoff at monarchy and hold the language of a leveller and a demagogue. He loved poetry and elegant letters, Shakespeare and Dryden, the songs of Homer above all; but science was too dull for him, and even the lucidity and novelty of Adam Smith could not charm him to the study of political economy. His uncurbed licentiousness seemed rather to excite than to exhaust his powers; his perceptions were quick and instinctively true; and in his wildest dissipation he retained an unextinguishable passion for activity of intellect. Living as though men and women were instruments of pleasure, he yet felt himself destined for great things, and called forth to the service of mankind. To be talked about, he would stake all he had and more on a wager; but the all-conquering instinct of his ambition drove him to the house of commons. There his genius was at home; and that body cherished him with the indulgent pride which it always manifests to those who keep up its high reputation with the world. A knotty brow, a dark brown complexion, thick, shaggy eyebrows, and a compact frame, marked a rugged audacity and a commanding energy, which made him rude and terrible as an adversary; but with all this he had a loveliness of temper which so endeared him to his friends that the survivors among them whom I have known never ceased the praise of the sweetness and gentleness of his familiar intercourse. It was natural to him to venerate greatness like Edmund Burke's; and a wound in his affections easily moved him to tears. If his life was dissolute, his speech was austere. His words were all pure English; he took no pains to hunt after them; the aptest came at his call, and seemed to belong to him. Every part of his discourse lived and moved. He never gave up strength of statement for beauty of expression, and never indulged in flue phrases. His healthy diction was unaffectedly simple and nervous, always effective, sometimes majestic and resounding, rarely ornate, and then only when he impressed a saying of poet or philosopher to tip his argument with fire. He never dazzled with brilliant colors, but could startle by boldness in the contrast of light and shade. He forced his hearers to be attentive and docile; for he spoke only when he had something to say that needed to be said, and compelled admiration because he made himself understood. He could not only take the vast compass of a great question, but, with singular and unfailing sagacity, could detect the principle upon which it hinged. What was entangled he could unfold quickly and lucidly; now speaking with copious fluency, and now unravelling point by point; at one time confining debate within the narrowest limits, and again discoursing as if inspired to plead for all mankind. He had a wonderful gift at finding and bringing together what he wanted, though lying far off and asunder. It was his wont to march straightforward to his end; but he knew how to step aside from an onset, to draw back with his eye on his foe, and then, by a quick reversion, to strike him unawares as with talons. When involved in dispute, he dashed at the central idea, which was of power to decide the strife; grasped it firmly and held it fast; turned it over and over on every side; held it up in the most various aspects; came once more to dwell upon it with fresh strength; renewed blow after blow till it became annealed like steel. He hit the nail again and again, and always on the head, till he drove it home into the minds of his hearers; and, when he was outvoted, he still bore away the wreath as a wrestler. His merits, as summed up by Mackintosh, were "reason, simplicity, and vehemence."

Bancroft, Hist. of the U.S., vol.5, p.58

Yet Fox was great only as a speaker, and only as a speaker in the house of commons, and there great only as a speaker in opposition. He was too skilful in controversy to be able to present the connections and relations of events with comprehensive fairness, and his strength went out from him when he undertook the office of an historian. He failed as a statesman from the waywardness of unfixed principles; but he was the very man to storm a stronghold. In running down a ministry, his voice hallooed on the pack, and he was sure to be the first in at the death. And now, in the house of commons, this master of debate had declared for the independence of the United States.

Bancroft, Hist. of the U.S., vol.5, p.58

Subordinates In Canada paid court to the "confidential circle" of Germain by censuring Carleton for restraining the Indians within the boundary of his province.

Bancroft, Hist. of the U.S., vol.5, p.58

Early in September, Hamilton, the lieutenant-governor of Detroit, wrote directly to the secretary of state, promising that small parties "of the savages assembled" by him "in council," "chiefs and warriors from the Ottawas, Ojibwas, Wyandots, and Pottawatomies," with the Senecas, would "fall on the scattered settlers on the Ohio" and its branches. With fretful restlessness Germain enjoined his agents to extend the massacres and scalpings along the border of population from Canada to Georgia, and chid every sign of relenting.

Bancroft, Hist. of the U.S., vol.5, p.58 - p.59

In 1769 Carleton had urged the ministry to hold the line of communication between the St. Lawrence and New York, as the means of securing the dependence of New York and New England; and he looked upon the office of recovering that line as reserved of right for himself. In the next year's campaign he proposed to advance to Albany; for the present, he designed only to acquire the mastery of Lake Champlain. In opposing him the Americans met insuperable difficulties; their skilful ship-builders were elsewhere crowded with employment in fitting out public vessels and privateers; the scanty naval stores which could be spared must be transported from tidewater to the lake, over almost impassable roads; and every stick of timber was to be cut in the adjacent woods. When determined zeal had constructed a fleet of eight gondolas, three row-galleys, and four sloops or schooners, there were neither naval officers nor mariners to take charge of them. The chief command fell on Arnold, a landsman; his second was Waterbury, a brigadier in the Connecticut militia; the crews were mostly soldiers.

Bancroft, Hist. of the U.S., vol.5, p.59

On the other hand, Carleton, who overrated the American force on the lakes, retarded the campaign by an excess of preparation. He was aided by constructors from England, Quebec, and the fleet in the St. Lawrence. The admiralty contributed naval equipments and materials for ship-building in abundance; it sent from the British yards three vessels of war, fully prepared for service, in the expectation that they could be dragged up the rapids of the Richelieu; two hundred or more flat-boats were built at Montreal and hauled to St. John's, whence a deep channel leads to the lake. The numerous army, composed in part of the men of Brunswick and of Waldeck, were most amply provided with artillery. While the vessels and transports were being built, or transferred to Lake Champlain, the troops for nearly three months were trained as sharpshooters, exercised in charging upon imagined enemies in a wood, and taught to row. They became familiar with the manners of the savage warriors, of whom four hundred in canoes were to form their van on the lake; and they loved to watch the labors of the boat-builders. The large vessels which were to have been dragged by land round the portage of the Richelieu were taken in pieces and rebuilt at St. John's. About seven hundred sailors and the best young naval officers were picked from ships-of-war and transports for the fleet.

Bancroft, Hist. of the U.S., vol.5, p.59

On the fourth of October, Carleton began his cautious advance; on the tenth all his fleet was in motion. Arnold, whose judgment did not equal his courage, moored his squadron in the bay between Valcour Island and the main, leaving the great channel of the lake undisputed to his enemies, who, on the morning of the eleventh, with a wind from the north-west, passed between Great and Valcour Islands and came into his rear, with much more than twice his weight of metal and twice as many fighting vessels. His defiant self-reliance did not fail him; forming a line at anchor from Valcour to the main, he advanced in the schooner Royal Savage, supported by his row-galleys. The wind favored him, while it kept off the Inflexible, which was already to the south of him; but the Carleton was able to get into action, and was sustained by the artillery-boats. The galleys were driven back; the Royal Savage, crippled in its masts and rigging, fell to the leeward and was stranded on Valcour Island, whence Arnold, with the crew, made his way to the Congress. Meantime, the Carleton, accompanied by the artillery-boats, beat up against the breeze, till it came within musket-shot of the American line, when it opened fire from both sides. The Congress, on which Arnold acted as gunner, was hurt in her main-mast and yards, was hulled twelve times, and hit seven times between wind and water; the gondola New York lost all her officers except her captain; in the Washington, the first lieutenant was killed, the captain and master wounded, the main-mast shot through so that it became useless; a gondola was sunk. Of the British artillery-boats, one, or perhaps two, went down. The Carleton, which, owing to the wind, could receive no succor, suffered severely; Dacres, its captain, fell senseless from a blow; Brown, a lieutenant of marines, lost an arm; but Pellew, a lad of nineteen, who succeeded to the command, carried on the fight, to prevent Arnold's escape. Just before dark, when sixty or more of the Americans and forty or more of the British had been killed or wounded, the artillery-boats, on the signal of recall, towed the Carleton out of the reach of shot. At eight in the evening the British fleet anchored, having their left wing near the mainland, the right near Valcour Island, with several armed boats still farther to the right, to guard the passage between Valcour and Great Island. Arnold and his highest officers, Waterbury and Wigglesworth, saw no hope but in running the blockade. An hour or two before midnight they hoisted anchor silently in the thick darkness; Wigglesworth, in the Trumbull, led the retreat; the gondolas and small vessels followed; then came Waterbury in the Washington; and, last of all, Arnold, in the Congress; and, having a fair wind, they stole unobserved through the British fleet, close to its left wing.

Bancroft, Hist. of the U.S., vol.5, p.61

When day revealed their escape, Carleton, advancing slowly against a southerly breeze, in the morning of the thirteenth, at half-past twelve, was near enough to the fugitives to begin a cannonade. At half-past one the wind came suddenly out of the north, striking the British sails first; the Washington was overtaken near Split Rock, and compelled to strike. The Congress, with four gondolas, keeping up a running fight of five hours, suffered great loss, and was chased into a small creek in Panton on the east side of the lake. To save them from his pursuers, Arnold set them on fire, with their colors flying. The last to go on shore, he formed their crews, and, in sight of the English ships, marched off in order.

Bancroft, Hist. of the U.S., vol.5, p.61

Carleton reproved his prisoners for engaging in the rebellion, found an excuse for them in their orders from the governor of Connecticut whose official character the king still recognised, and dismissed them on their parole.

Bancroft, Hist. of the U.S., vol.5, p.61

On the fourteenth, master of the lake, he landed at Crown Point, within two hours' sail of Ticonderoga, which must have surrendered for want of provisions had he pushed forward. But he never for a moment entertained such a design, and waited only for tidings from Howe. These were received on the twenty-seventh, and on the next day his army began its return to Canada for winter-quarters. On the third of November his rear guard abandoned Crown Point; British officers were astonished at his retreat, which seemed to the Americans a flight that could not be accounted for.

Bancroft, Hist. of the U.S., vol.5, p.61

No sooner had Moultrie and his brave garrison repulsed the attack near Charleston than Lee used his undeserved fame to extort from congress thirty thousand dollars as an indemnity for the possible forfeiture of property in England.

Bancroft, Hist. of the U.S., vol.5, p.61 - p.62

Acting on the suggestion of a stranger, without reflection or exact inquiry, Lee, in the second week of August, at the unhealthiest season of the year, hastily marched off the Virginia and North Carolina troops, without a field-piece or even a medicine-chest, on an expedition against Florida. Howe of North Carolina and Moultrie soon followed, and about four hundred and sixty men of South Carolina, with two field-pieces, were sent to Savannah by water along the inland route. At Sunbury a deadly fever broke out in the camp, especially in the battalion from the valley of Virginia. By this time Lee sought to shift from himself to Moultrie the further conduct of the expedition, but Moultrie replied that there were no available resources which could render success possible. Early in September congress called Lee to the North, to command in chief in case of mishap to Washington; he at once began the journey, taking with him all the continental force except the troops of North Carolina.

Bancroft, Hist. of the U.S., vol.5, p.62 - p.63

He left a savage war raging in the mountains of the two Carolinas and Georgia. The Cherokees were amazed at the estrangement between their father over the water and their elder brothers of the Carolinas; but Cameron and Stuart, British agents, having an almost unlimited credit on the British exchequer, swayed them to begin war. The colonists in what is now eastern Tennessee were faithful to the patriot cause. Twice they received warning from the Overhill Cherokees to remove from their habitations; but the messenger took back a defiance, and threats from the district then called Fincastle county in Virginia. So stood the Cherokees, when a deputation of thirteen or more Indians came to them from the Six Nations, the Shawnees and Delawares, the Mingoes, and the Ottawas. The moment, they said, was come to recover their lost lands. The Shawnees produced their war-tokens, of which the young Cherokee warriors laid hold, showing in return a war-hatchet received about six years before from the northern Indians. When the news of the arrival of Clinton and Cornwallis off Charleston reached the lower settlements of the Cherokees, their warriors, on each side of the mountains, twenty-five hundred in number, prepared for deeds of blood. The Overhills collected a thousand skins for moccasons, and beat their maize into flour. A few whites were to go with them to invite all the king's men to join them, after which they were to kill or drive all whom they could find. While Henry Stuart was seeking to engage the Choctas and Chickasas as allies, the Cherokees sent a message to the Creeks with the northern war-tokens; but the Creeks returned for answer that "the Cherokees had plucked the thorn out of their foot, and were welcome to keep it." The rebuff came too late; at the news that the lower settlements had struck the borders of South Carolina, the wily warriors of all the western settlements fell upon the inhabitants of eastern Tennessee, and roved as far as the cabins on Clinch river and the Wolf Hills, now called Abingdon. The common peril caused a general rising of the people of eastern Tennessee and south-western Virginia, of North Carolina and the uplands of South Carolina. The Overhills received a check on the twentieth of July at the Island Flats, in what Haywood, the venerable historian of Tennessee, calls a "miracle of a battle," for not one white man was mortally wounded, while the Cherokees lost forty. The next day a party was repulsed from Fort Watauga by James Robertson and his garrison of forty men. Colonel Christian, with Virginia levies, joined on their march by troops from North Carolina and Watauga, made themselves masters of the upper settlements on the Tellico and the Tennessee; but, when the Cherokees sued for peace, the avenging party granted it, except that towns like Tuskega, where a captive boy had lately been burnt alive, were reduced to ashes.

Bancroft, Hist. of the U.S., vol.5, p.63 - p.64

The warriors of the lower settlements, who began the war, at daybreak on the first of July poured down upon the frontiers of South Carolina, killing and scalping without distinction of age or sex. The people, having parted with their best rifles to the defenders of Charleston, flew for safety to stockade forts. The Indians were joined by the agent Cameron and a small band of white men, to promote a rising of the loyalists in upper South Carolina. Eleven hundred patriots of that state, under the lead of Williamson, made head against the invaders, and, in August, destroyed the Cherokee towns on the Keowee and the Seneca and on one side of the Tugaloo, while a party of Georgians laid waste those on the other. Then, drawing nearer the region of precipices and waterfalls, which mark the eastern side of the Alleghanies, Williamson's army broke up the towns on the Whitewater, the Toxaway, the Estatoe, and in the beautiful valley of Jocassa, leaving not one to the east of the Oconee Mountain. The outcasts, who had taken part in scalping and murdering, fled to the Creeks, whose neutrality was respected.

Bancroft, Hist. of the U.S., vol.5, p.64

In September, establishing a well-garrisoned fort on the Seneca, and marching up War Woman's creek, Williamson passed through Rabun gap, destroyed the towns on the Little Tennessee as far as the Unica Mountain, and then toiled over the dividing ridge into the Hiwassee valley, sparing or razing the towns at his will. There he was joined by Rutherford of North Carolina, who had promptly assembled in the district of Salisbury an army of more than two thousand men, crossed the Alleghanies at the Swannanoa gap, forded the French Broad, and penetrated into the middle and valley towns, of which he laid waste six-and-thirty. Germain, in November, wrote to his trusty agent: "I expect with impatience to hear that you have prevailed with the Creeks and Choctaws to join the Cherokees in a general confederacy against the rebels." But the Choctaws never inclined to the war; the Chickasaws receded; the Creeks kept wisely at home; and the Cherokees were forced to beg for mercy. At a talk in Charleston, In February 1777, the Man-killer said: "You have destroyed my homes, but it is not my eldest brother's fault; it is the fault of my father over the water;" and, at the peace in the following May, they gave up their lands as far as the watershed of the Oconee Mountain.

Bancroft, Hist. of the U.S., vol.5, p.64

Nor was the overawing of the wild men the only good that came out of this bootless eagerness of the British minister to crush America by an Indian confederacy; henceforward the settlers of Tennessee upheld American independence; and, putting their mind into one word, they named their district WASHINGTON.

Chapter 5:

White Plains, Fort Washington,

October 1-November 16, 1776

Bancroft, Hist. of the U.S., vol.5, p.65

FOR nearly four weeks Washington and the main body of his army remained on the heights of Harlem. The uneven upland, little more than a half-mile wide and, except at a few points, less than two hundred feet above the sea, falls away precipitously toward the Hudson; along the Harlem river it is bounded for more than two miles by walls of primitive rock or declivities steep as an escarpment. Toward Manhattanville it ended in pathless crags. There existed no highway from the south except the narrow one which, near the One Hundred and Forty-fourth street, yet winds up Breakneck Hili. The approach from that quarter was guarded by three parallel lines, of which the first and weakest ran from about the One Hundred and Forty-eighth street on the east to the One Hundred and Forty-fifth on the west; the second was in the rear, at the distance of two fifths of a mile; the third, one quarter of a mile still farther to the north; so that they could be protected, one from another, by musketry as well as cannon. A little farther than the third parallel, the house which Washington occupied stood on high ground overlooking the plains, the hills above Macgowan's pass, the distant city, and the bay.

Bancroft, Hist. of the U.S., vol.5, p.65

North of head-quarters the land undulates for yet a mile, to where Mount Washington, its highest peak, rises two hundred and thirty-eight feet over the Hudson. The steep summit was crowned by a five-sided earthwork, mounting thirty-four cannon, but without casemates or strong outposts.

Bancroft, Hist. of the U.S., vol.5, p.65 - p.66

Just beyond Fort Washington the heights cleave asunder, and the road to Albany, by an easy descent, passes for about a mile through the rocky gorge. Laurel Hill, the highest cliff on the Harlem side, was occupied by a redoubt; the opposite hill, near the Hudson, known afterward as Fort Tryon, was still more difficult of access. Thence both ridges fall abruptly to a valley which crosses the island from Tubby Hook. Beyond this pass the land to King's Bridge on the right is a plain and marsh; on the left a new but less lofty spur springs up and runs to Spyt den Duyvel creek, by which the Harlem joins the Hudson. This part of New York Island was defended by Fort Independence, on the high ridge north of Spyt den Duyvel; a series of redoubts guarded Fordham Heights, on the east bank of the Harlem; an earthwork was laid out above Williams's Bridge; and on the third of October a guard of riflemen had their alarm-post at the pass from Throg's Neck. Greene commanded a body in Jersey, at Fort Lee, on the summit of the palisades, where they were seventy-three feet higher than Fort Washington.

Bancroft, Hist. of the U.S., vol.5, p.66

Washington took all care to keep open the line of retreat in his rear; but he would have awaited an attack from the south, for it would not have menaced his communications.

Bancroft, Hist. of the U.S., vol.5, p.66 - p.67

The army eagerly looked forward to the coming of Lee. "His arrival," said Tilghman, the most faithful member of Washington's staff, "will greatly relieve our worthy general, who has too much for any mortal upon his hands." "Pray hasten his departure, he is much wanted," was the message of Jay to a friend in Philadelphia. Yet Lee had not one talent of a commander. He never could conceive anything as a whole or comprehend a plan of action; but, by the habit of his mind, would fasten upon some detail, and always find fault. As an Englishman, he affected to look down upon his present associates as "very bad company;" for he had the national pride of his countrymen, though not their loyalty. His alienation from Britain grew out of petulance at being neglected; and, had a chance of favor been thrown to him, he would have snapped most eagerly at the bait. He esteemed the people into whose service he had entered unworthy of a place among the nations; and if, by fits, he played the part of a zealot in their cause, his mind always came back to his first idea, that they had only to consider how they could "return to their former state of relation." He used afterward to say that "things never would have gone so far had his advice been taken;" and he reconciled himself to the declaration of independence by the Americans, only that there might be something "to cede" as the price of "accommodation." Awaiting the chief command in case of a vacancy, he looked upon himself as the head of a party, and wearied congress with clamor for a separate command on the Delaware; as they persisted in sending him to the camp of Washington, he secretly mocked at them as "a stable of cattle that stumbled at every step."

Bancroft, Hist. of the U.S., vol.5, p.67 - p.68

Lee had "advised that now was the time to make up with Great Britain," and had promised for that end to "use his influence with congress." On that question Pennsylvania was divided. Its convention, composed of new men, and guided mainly by a school-master, the honest but inexperienced James Cannon, formed a constitution, under the complex influence of abstract truths and an angry quarrel with the supporters of the old charter of the colony. The elective franchise was extended to every resident tax-payer, and legislative power concentrated in a single assembly. Moreover, that assembly, in joint ballot with a council whose members were too few to be of much weight in a decision by numbers, was to select the president and vice-president. The president had no higher functions than those of the president of a council-board. This constitution, which satisfied neither the feelings nor the reflective judgment of a numerical majority in the state, was put in action without being previously submitted to the citizens for ratification; and it provided no mode for its amendment but through the vote of two thirds of all persons elected to a board of censors, which was to be chosen for one year only in seven. From every elector, before his vote could be received, an oath or affirmation was required that he would neither directly nor indirectly do anything injurious to the constitution as established by the convention. This requirement, which a large part of the inhabitants, especially of the Quakers, could not accept and suffered in consequence virtual disfranchisement, rent the state into imbittered factions. To the proprietary party the new government was hateful as a usurpation; to Robert Morris, Cadwalader, Rush, Wayne, and many others of "the best of the whigs," the uncontrolled will of a single legislative assembly seemed a form of tyranny; while the want of executive energy took away all hope of calling the resources of the state fully into action.

Bancroft, Hist. of the U.S., vol.5, p.68

The constitution of New Jersey would be self-annulled, "if a reconciliation between Great Britain and the colonies should take place;" the president of the body which framed it opposed independence to the last, and still leaned to a reunion with Britain; the highest officers in the public service were taken from those who had stood against the disruption; the assembly had adjourned on the eighth "through mere want of members to do business," leaving unfinished almost everything which they should have done; the open country could not hope for success in resisting an invading army; "the tories, taking new life, in one of the largest counties were circulating for subscription" complaints of the declaration of independence, because it was a bar to a treaty. Lee, alleging the concurrence of "the most active friends to the cause in New Jersey and the other provinces he had passed through," from Princeton proposed that congress should authorize an offer to open a negotiation with Lord Howe on his own terms.

Bancroft, Hist. of the U.S., vol.5, p.68 - p.69

Washington at this time, "bereft of every peaceful moment, losing all comfort and happiness," compelled to watch the effects of the wilfulness of congress in delaying to raise an army, and least of all thinking that any one could covet his office, saw the difficulty of doing any essential service to the cause by continuing in command and the inevitable ruin that would follow his retirement. "Such is my situation," said he, privately, "that, if I were to wish the bitterest curse to an enemy on this side of the grave, I should put him in my stead with my feelings." Again he addressed congress: "Give me leave to say your affairs are in a more unpromising way than you seem to apprehend; your army is on the eve of its dissolution. True it is, you have voted a larger one in lieu of it; but the season is late, and there is a material difference between voting battalions and raising men." With this warning in his hands, John Adams, the chairman of the board of war, said: "The British force is so divided, they will do no great matter more this fall;" and though officially informed that the American army would disband, that all the measures thus far adopted for raising a new one were but fruitless experiments, he asked, and on the tenth of October obtained, leave of absence at the time when there was the most need of energy to devise relief. On the morning of the eleventh, previous to his departure, news came that, two days before, two British ships, of forty-four guns each, with three or four tenders, under an easy southerly breeze, ran through the impediments in the Hudson without the least difficulty and captured or destroyed the four American row-galleys in the river. Yet Congress would not conceive the necessity of further retreat; referring the letter to the board of war, they instantly "desired Washington, if practicable, by every art and at whatever expense, to obstruct effectually the navigation between the forts, as well to prevent the regress of the enemies' frigates lately gone up as to hinder them from receiving succors." Greene encouraged this rash confidence. After the British ships-of-war had passed up the river he said: "Our army are so strongly fortified, and so much out of the command of the shipping, we have little more to fear this campaign."

Bancroft, Hist. of the U.S., vol.5, p.69

Just then Howe, leaving his finished lines above Macgowan's pass to the care of three brigades under Percy, embarked the van of his army on the East river, and landed at Throg's Neck. Washington, who had foreseen this attempt to gain his rear, seasonably occupied the causeway and bridge which led from Throg's Neck by Hand's riflemen, a New York regiment, the regiment of Prescott of Pepperell, and an artillery company; posted guards on all the defensible grounds between the two armies; began the evacuation of New York Island by sending Macdougall's brigade before nightfall four miles beyond King's Bridge; and detached a corps to White Plains, to which place he ordered his stores in Connecticut to be transferred. On the thirteenth a council of war was called, but was adjourned, that Greene and Mercer might receive a summons and Lee be present. On the fourteenth, in obedience to the indiscreet order of congress, Colonel Rufus Putnam was charged "to attend particularly to the works about Mount Washington, and to increase the obstructions in the river as fast as possible;" while Lee, still in New Jersey, blamed the commander-in-chief for not threatening to resign. Later in the day Lee crossed the river, and found New York Island already more than half evacuated. Riding in pursuit of Washington, who was directing in person the defence along East and West Chester, he was assigned to the division beyond King's Bridge, with the request that he would exercise no command till he could make himself acquainted with the arrangements of his post.

Bancroft, Hist. of the U.S., vol.5, p.70

In the following night Mercer, at first accompanied by Greene, made a descent upon Staten Island, and at daybreak on the fifteenth took seventeen prisoners at Richmond.

Bancroft, Hist. of the U.S., vol.5, p.70

To the council of war which assembled on the sixteenth Washington produced ample evidence of the intention of the enemy to surround his army. In their reply, all except George Clinton agreed that a change of position was necessary " to prevent the enemy cutting off the communication with the country." Lee, who came to the meeting to persuade its members that there was no danger whatever of an attack, joined in the wise decision which the best of the generals had formed before they came together, and distinguished himself by his vehement support of his new opinion. The council with apparent unanimity advised the commander-in-chief that "Fort Washington be retained as long as possible."

Bancroft, Hist. of the U.S., vol.5, p.71

After five days, which Howe passed on Throg's Neck in bringing up more brigades and collecting stores, he gave up the hope of getting directly in Washington's rear, and resolved to strike at White Plains. On the eighteenth the British, crossing in boats to Pell's Neck, landed just below East Chester, at the mouth of Hutchinson river. Glover, with one brigade, engaged their advanced party in a short but sharp action, which was commended in general orders. That night the British lay upon their arms, with their left upon a creek toward East Chester, and their right near New Rochelle. In the march to White Plains the Americans had the advantage of the shortest distance, the greatest number of efficient troops, and the strongest ground. The river Bronx, a small stream of Westchester county nearly parallel with the Hudson, scarcely thirty miles long, draining a very narrow valley, and almost everywhere fordable, ran through thick forests by the side of a succession of steep ridges. The hills to the north of White Plains continue to the lakes which are the sources of the Bronx, and join the higher range which bounds the basin of the Croton river. The Americans, who were in fine spirits, moved upon the west side, pressing the British toward the sound, taking care not to be outflanked, and protecting their march by a series of intrenched camps. Deficient in the means of transportation, they themselves dragged their artillery, and carried what they could of their baggage on their backs.

Bancroft, Hist. of the U.S., vol.5, p.71 - p.72

Howe manifested extreme caution; his march was close, his encampments compact. He was beset by difficulties in a "country so covered with forests, swamps, and creeks that it was not open in the least degree to be known but from post to post, or from the accounts of the inhabitants who were entirely ignorant of military description." After halting two days for two regiments of light dragoons, on the twenty-first, leaving Heister with three brigades to occupy the former encampment, he advanced with the right and centre of his army two miles above New Rochelle. To counteract him, Washington transferred his headquarters to Valentine's Hill, and put in motion Heath's division, which marched in the night to White Plains, and on the following day occupied the strong grounds north of the village, so as to protect the upper road from Connecticut. In the same night Haslet of Delaware surprised a picket of Rogers's regiment of rangers, and brought off thirty-six prisoners, a pair of colors, and sixty muskets. A few hours later, Hand, with two hundred rifles, encountered an equal number of yagers and drove them from the field. Howe felt the need of a greater force. On the twenty-second, the second division of the Hessians and the regiment of Waldeckers, who had arrived from a very long voyage only four days before, were landed by Knyphausen at New Rochelle, where they remained to protect the communications with New York. This released the three brigades with Heister; but, before they could move, Washington, on the morning of the twenty-third, installed his head-quarters at White Plains, and thus baffled the plan of getting into his rear. On the twenty-fifth the British army crossed the country from New Rochelle to the New York road, and encamped at Scarsdale with the Bronx in front, the right of his army being about four miles from White Plains. While Howe's was waiting to be joined by Heister's division, the ever-querulous Lee and the rear of the American army reached Washington's camp, without loss, except of sixty or seventy barrels of provisions.

Bancroft, Hist. of the U.S., vol.5, p.72 - p.73

The twenty-seventh was marked by a combined movement of the British who had been left at New York against Fort Washington. A ship-of-war came up to cut off the communication across the river, while the troops under Percy, from Harlem plain, made a disposition for an attack; but Greene animated the defence by a visit; Magaw promptly manned his lines on the south; the vessel of war suffered so severely from two eighteen-pounders on the Jersey and one on the New York side that she slipped her cable and escaped by the aid of the tide and four tow-boats. Elated at the result, Greene sent to congress by express a glowing account of the day; "the troops," he said, "were in high spirits, and in every engagement, since the retreat from New York, had given the enemy a drubbing." Lasher, on the next day, obeyed orders sent from Washington's camp to quit Fort Independence, which was insulated, and upon any considerable attack must have fallen; but Greene, under the illusions of inexperience and hasty judgment, complained of the evacuation, and wrote murmuringly to Washington that the "fort might have kept the enemy at bay for several days."

Bancroft, Hist. of the U.S., vol.5, p.73

On the bright morning of the twenty-eighth the army of Howe, expecting a battle which was to be the crisis of the war, advanced in two divisions, its right under Clinton, its left under Heister. At Hart's Corner they drove back a large party of Americans under Spencer. As their several columns came within three quarters of a mile of White Plains, Washington's army was seen in order of battle awaiting an attack on hilly ground of his own choice, defended by' an abattis and two nearly parallel lines of intrenchments, his right flank and rear protected by a bend in the Bronx, his left resting on very broken ground too difficult to be assailed.

Bancroft, Hist. of the U.S., vol.5, p.73

Howe was blamed for not having immediately stormed the American centre, which was the only vulnerable point. Washington had no misgivings, for his army, numbering rather more than thirteen thousand men against thirteen thousand, was in good spirits, confident in itself and in him. Howe considered that the chances of a repulse might be against him; that, should he carry one line, there would remain another; that, if he scaled both, "the rebel army could not be destroyed," because the ground in their rear was such as they could wish for securing a retreat, so that the hazard of an attack exceeded any advantage he could gain. But, as he had come so far, he seemed forced to do something. A corps of Americans, about fourteen hundred strong, under the command of Macdougall, occupied Chatterton Hill, west of the Bronx and less than a mile west-south-west of Washington's camp, and thus covered the road from Tarrytown to White Plains. Howe directed eight regiments, about four thousand men, to carry this position, while the rest of his army, with their left to the Bronx, seated themselves on the ground as lookers-on.

Bancroft, Hist. of the U.S., vol.5, p.73 - p.74

A heavy but ineffective cannonade by the British across the Bronx was feebly returned by the three field-pieces of the Americans on the hill. The Hessian regiment Lossberg, supported by Leslie with the second English brigade and Donop with the Hessian grenadiers, forded the Bronx and marched under cover of the hill, until by facing to the left their column became a line parallel with that of the Americans, which was composed of the remains of the regiments of Brooks of Massachusetts, Haslet of Delaware, Webb of Connecticut, Smallwood of Maryland, and one of New York. The cannonade ceased, and the British troops, through a shower of bullets, climbed the rocky hillside. For fifteen minutes they met with a determined resistance, especially from the men of Maryland and Delaware. In the American camp it seemed that the British were worsted; but just then Rall, who had brought up two regiments by a more southerly and easier route, charged the Americans on their flank. Macdougall, attacked in flank and front by thrice his own numbers, conducted his party over the Bronx by the road and bridge to Washington's camp. The loss of the Americans in killed and wounded was less than a hundred, of the British and Hessians at least two hundred and twenty-nine.

Bancroft, Hist. of the U.S., vol.5, p.74

The occupation of Chatterton Hill enfeebled Howe by dividing his forces; and he waited two days for four battalions from New York and two from New Rochelle. Washington employed the respite in removing his sick and his stores, and throwing up strong works on higher grounds in his rear.

Bancroft, Hist. of the U.S., vol.5, p.74

A drenching rain in the morning of the thirty-first was Howe's excuse for postponing the attack one day more; in the following night Washington, perceiving that Howe had finished batteries and received reinforcements, drew back his army to high ground above White Plains. There, at the distance of long cannon-shot, he was unapproachable in front, and he held the passes in his rear. But under the system of short enlistments his strength was wasting away. The militia would soon have a right to go home, and did not always wait for their discharge. "It was essential to keep up some shadow of an army;" nevertheless "not a single officer was yet commissioned to recruit."

Bancroft, Hist. of the U.S., vol.5, p.74 - p.75

Thus far Howe had but a poor tale to tell; he must do more, or go into winter quarters in shame. Putnam had an overweening confidence in the impregnability of Fort Washington; on his parting request, Greene, whose command now included that fort, had not scrupled to increase its garrison by sending over between two and three hundred men. The regiments which had charge of Its defence were chiefly Pennsylvanians under the command of Colonel Magaw, who had passed from the bar of Philadelphia to the army.

Bancroft, Hist. of the U.S., vol.5, p.75

On the last day of October, Greene wrote to Washington for instructions; but, without waiting for them, he again reinforced Magaw with the rifle regiment of Rawlings. On the second of November, Knyphausen left New Rochelle, and with his brigade took possession of the upper part of New York Island. On the fifth Howe suddenly broke up his encampment in front of Washington's lines and moved to Lobb's Ferry; the American council of war which was called on the sixth at White Plains agreed unanimously to throw troops into the Jerseys, but made no change in its former decision "to retain Fort Washington as long as possible." That decision rested on a resolution of congress; to that body, therefore, Washington, on the day of the council, explained the approaching dissolution of his own army, and "that the enemy would bend their force against Fort Washington and invest it immediately." But "the gentry at Philadelphia loved fighting, and, in their passion for brilliant actions with raw troops, wished to see matters put to the hazard." Greene was possessed with the same infatuation; when, on the sixth, three vessels passed the obstructions in the Hudson, he wrote to Washington "that they were prodigiously shattered from the fire of his cannon;" and at the same time, reporting that Rall had advanced with his column to Tubby Hook, he added: "They will not be able to penetrate any farther."

Bancroft, Hist. of the U.S., vol.5, p.75 - p.76

Washington saw more clearly, and on the eighth he gave to Greene his final instructions: "The passage of the three vessels up the North river is so plain a proof of the inefficacy of all the obstructions thrown into it that it will fully justify a change in the disposition. If we cannot prevent vessels from passing up, and the enemy are possessed of the surrounding country, what valuable purpose can it answer to attempt to hold a post from which the expected benefit cannot be had? I am therefore inclined to think that it will not be prudent to hazard the men and stores at Mount Washington; but, as you are on the spot, I leave it to you to give such orders as to evacuating Mount Washington as you may judge best, and so far revoking the order given to Colonel Magaw to defend it to the last. So far as can be collected from the various sources of intelligence, the enemy must design a penetration into Jersey, and to fall down upon your post. You will therefore immediately have all the stores removed which you do not deem necessary for your defence."

Bancroft, Hist. of the U.S., vol.5, p.76

On the ninth he began his removal to the Jerseys by sending over Putnam with five thousand troops, of which he was himself to take the command. On the tenth, Lee, who, with about seven thousand five hundred continental troops and militia, was to remain behind till all doubt respecting Howe's movements should be over, was warned, in written orders, to guard against surprises, and to transport all his baggage and stores to the northward of Croton river, with this final instruction: "If the enemy should remove the greater part of their force to' the west side of Hudson's river, I have no doubt of your following, with all possible despatch." But to Lee the prospect of a separate command was so alluring that he was resolved not to join his superior.

Bancroft, Hist. of the U.S., vol.5, p.76

On the morning of the eleventh, the commander-in-chief, attended by Heath, Stirling, the two Clintons, Mifflin, and others, went up the defile of the Highlands, past Forts Independence and Clinton and the unfinished Fort Montgomery, as far as the island on which Fort Constitution commanded the sudden bend in the river. A glance of the eye revealed the importance of the west point, which it was now determined to fortify according to the wish of the New York provincial convention. Very early on the twelfth, Washington rode with Heath to reconnoitre the gorge of the Highlands; then giving him, under written instructions, the command of the posts on both sides of the river, with three thousand troops of Massachusetts, Connecticut, and New York to secure them, he crossed at ten o'clock, and rode through Smith's "clove" to Hackensack. His arrangements, as the events proved, were the very best that his circumstances permitted, and he might reasonably hope to check the progress of Howe in New Jersey at the river.

Bancroft, Hist. of the U.S., vol.5, p.76 - p.77

But Greene framed measures contrary to Washington's in tentions and orders. He fell to questioning the propriety of the directions which he received; insisted that Fort Washington should be kept, even with the certainty of its investment; gave assurance that the garrison was in no great conceivable danger, and could easily be brought off at any time; and cited Magaw's opinion, that the fort could stand a siege till December. Instead of evacuating it, he took upon himself, in disregard of his instructions, to send over reinforcements, chiefly of Pennsylvanians, none from New England; and, in a direct report to congress, counteracting the urgent remonstrances of his chief, he encouraged that body to believe that the attempt of Howe to possess himself of it would fall.

Bancroft, Hist. of the U.S., vol.5, p.77

Before the end of the thirteenth, Washington arrived at Fort Lee, and, to his great grief, found what Greene had done. "The importance of the Hudson river, and the sanguine wishes of all to prevent the enemy from possessing it," had induced congress to intervene by an order, which left Washington no authority to evacuate Fort Washington except from necessity; a full council of general officers had determined to hold the post; Greene, the commander of the post, had insisted that the evacuation was not only uncalled for, but would be attended by disastrous consequences; and, under this advice, Washington delayed to give an absolute order for withdrawing the garrison.

Bancroft, Hist. of the U.S., vol.5, p.77 - p.78

On the night following the fourteenth, thirty fiat-boats of the British passed his post undiscovered and bid themselves in Spyt den Duyvel creek. Having finished batteries on Fordham Heights, Howe, In the afternoon of the fifteenth, summoned Magaw to surrender Fort Washington, on pain of the garrison's being put to the sword. The gallant officer, remonstrating against this inhuman menace, made answer that he should defend his post to the last extremity, and sent a copy of his reply to Greene, who, about sunset, forwarded it to Washington, and himself soon after repaired to the island. On receiving the message, Washington rode to Fort Lee, and was crossing the river in a row-boat late at night when he met Putnam and Greene, and spoke with them in the stream. Greene, who was persuaded that he had sent over "men enough to defend themselves against the whole British army," reported that the troops were in high spirits, and would do well. On this report Washington turned back with them to Fort Lee.

Bancroft, Hist. of the U.S., vol.5, p.78

The grounds which Magaw was charged to defend reached from the hills above Tubby Hook to a zigzag line a little south of the present Trinity cemetery, a distance north and south of two and a half miles, a circuit of six or seven. The defence of the northernmost point of the heights over the Hudson was committed to Rawlings with the Maryland rifle regiment, in which Otho Holland Williams was the second in command; on the Harlem side, Baxter, with one Pennsylvania regiment from Bucks county, occupied the redoubt on Laurel Hill; Magaw retained at Fort Washington a small reserve; the lines at the south were intrusted solely to Colonel Lambert Cadwalader of Philadelphia, with eight hundred Pennsylvanians. The interval of two miles between the north and south lines was left to casual supplies of troops.

Bancroft, Hist. of the U.S., vol.5, p.78

The Americans had to deal not only with immensely superior forces, but with treason. On the second of November, William Demont, a man of good powers of observation whom the Philadelphia committee of safety had appointed Magaw's adjutant, deserted to Lord Percy, taking with him the plans of Fort Washington and its approaches. By these Howe prepared the assault.

Bancroft, Hist. of the U.S., vol.5, p.78 - p.79

A cannonade from the heights of Fordham was kept up on the sixteenth till about noon. Of three separate attacks, the most difficult was made by Knyphausen with nearly four thousand five hundred men. The brigade on the right nearest the Hudson was led by Rall; another, with Knyphausen, marched nearer the road toward the gorge, officers, like the men, on foot. The high and steep and thickly wooded land was defended by felled trees and three or four cannon. The assailants, thinned by the American rifles, drew themselves up over rocks by grasping at trees and bushes. Excited by the obstinacy of the contest, Rall cried out: " Forward, my grenadiers, every man of you." All who had escaped the fire shouted "Hurrah!" and pushed forward without firing, till Hessians and Americans were mixed together. The other German column was embarrassed by still closer thickets and a steeper hillside; but

Knyphausen, tearing down fences with his own hand, and exposing himself like the common soldier, was but little behind Rall.

Bancroft, Hist. of the U.S., vol.5, p.79

For the second attack a brigade under Lord Cornwallis embarked in flat-bottomed boats at King's Bridge on the stream, which is there very narrow; the fire of musketry on the two foremost battalions was so heavy that the sailors slunk down in the boats, leaving it to the soldiers to handle the oars. When they had all landed, they climbed "the very steep, uneven Laurel Hill from the north, and stormed the American battery. Baxter fell while encouraging his men.

Bancroft, Hist. of the U.S., vol.5, p.79

To the south, the division under Percy moved from what is now the One Hundred and Twenty-fifth street; but, after gaining the heights, Percy sheltered his greatly superior force behind a grove, sent word to Howe that he had carried an advanced work, and for the next hour and a half remained idle. Howe ordered three regiments, under Colonel Sterling, to land in the rear of Cadwalader's lines; Cadwalader, from his very scanty force, detached one hundred and fifty men to oppose more than five times that number. Sterling and the Highlanders, who led the way in boats, were fired upon while on the water, and, after landing under cover of a heavy cannonade from Fordham Heights, they encountered a gallant resistance as they struggled up the steep pass. Gaining the heights, and followed by two other regiments, they began to press forward across the island. To prevent being caught between two fires, Cadwalader had no choice but to retreat by a road near the Hudson to Fort Washington.

Bancroft, Hist. of the U.S., vol.5, p.79 - p.80

While this was going on, the Hessians at the north, clambering over felled trees and surmounting rocky heights, gained on the Americans, who in number were but as one to four or five. Rawlings and Otho Williams were wounded; the arms of the riflemen grew foul from use; as they retired, Rall with his brigade pushed upward and onward, and, when within a hundred paces of the fort, sent a captain of grenadiers with summons to the garrison to surrender as prisoners of war, all retaining their baggage, and the officers their swords. Mac gaw, to whom it was referred, asked five hours for consultation, but obtained only a half-hour. From necessity he surrendered the place to Knyphausen. The honors of the day bed longed to the Hessians and the Highlanders; Rall and Sterling were distinguished in general orders; the fort took Knyphausen's name.

Bancroft, Hist. of the U.S., vol.5, p.80

The killed and wounded of the German troops alone were more than three hundred and fifty, with those of the British, more than five hundred. The Americans lost in the field not above one hundred and forty-nine; but they gave up valuable artillery and some of their best arms, and the captives exceeded two thousand six hundred, of whom one half were well-trained soldiers. Greene, to whose rashness the disaster was due, would never assume his share of responsibility for it. The grief of Washington was sharpened by self-reproach for not having instantly, on his return from the inspection of the Highlands, countermanded the orders of the general officer of the post; but he never excused himself before the world by throwing the blame on another; he never suffered his opinion of Greene to be confused; and he interpreted his orders to that officer as having given the largest discretion which their language could be strained to warrant.

Chapter 6:

Washington's Retreat Through the Jerseys,

November 17-December 13, 1776

Bancroft, Hist. of the U.S., vol.5, p.81

EARL CORNWALLIS took the command in New Jersey. His first object was Fort Lee, which lay on the narrow ridge between the Hudson and Hackensack rivers. Drop after drop of sorrow was fast falling into the cup of Washington. On the seventeenth of November he gave orders to Lee with his division to join him, but the orders were wilfully slighted. In the following weeks they were repeated constantly, mixed with reasoning and entreaty, and were always disobeyed with stolid and impertinent evasions. Congress at last granted the states liberty to enlist men for the war, or for three years; and, after their own delay had destroyed every hope of good results from the experiment, they forwarded to Washington blank commissions which he might fill up.

Bancroft, Hist. of the U.S., vol.5, p.81 - p.82

In the night of the nineteenth two battalions of Hessian grenadiers, two companies of yagers, and the eight battalions of the English reserve, at least five thousand men, marched up the east side of the Hudson, and the next morning, about daybreak, crossed with their artillery to Closter landing, five miles above Fort Lee. Greene had placed on the post neither guard nor watch, being certain in his own mind that the British would not make their attack by that way; so that the nimble seamen were unmolested as they dragged the cannon for near half a mile up the narrow, steep, rocky road, to the top of the palisades. Receiving a report of the near approach of the enemy, Greene sent an express to the commander-in-chief, and, having ordered his troops under arms, took to flight with more than two thousand men, leaving blankets and baggage, except what his few wagons could bear away, a large amount of provisions, camp-kettles on the fire, above four hundred tents standing, and all his cannon except two twelve-pounders, but no military stores. With his utmost speed he barely escaped being cut off; but Washington, first ordering Grayson, his aide-de-camp, to renew the summons for Lee to cross the river, gained the bridge over the Hackensack by a rapid march, and covered the retreat of the garrison, so that less than ninety stragglers were taken prisoners. The main body of those who escaped were without tents, or blankets, or camp utensils, but such as they could pick up as they went along.

Bancroft, Hist. of the U.S., vol.5, p.82

To prevent being hemmed in on the narrow peninsula between the Hackensack and Passaic rivers, which meet in Newark bay, orders were given on the twenty-first for moving beyond the Passaic. The governor of New Jersey was reminded that the enlistment of the flying camp belonging to that state, Pennsylvania, and Maryland was near expiring, so that the enemy could be stopped only by the immediate uprising of the militia. At Newark, where Washington arrived on the night of the twenty-second, he maintained himself for five days, devising means to cover the country, and awaiting the continental force under Lee and volunteers of New Jersey.

Bancroft, Hist. of the U.S., vol.5, p.82

On the twenty-third he sent Reed, who was a native of New Jersey, to the legislature of that state then at Burlington, and Mifflin to congress. Reed, who had been charged to convey to the New Jersey government "a perfect idea of the critical situation of affairs, the movements of the enemy, and the absolute necessity of further and immediate exertions," shrinking from further duty, returned his commission to the president of congress; but a cold rebuke from Washington drove him, at the end of four days, to retract his resignation, though he could not overcome his reluctance at "following the wretched remains of a broken army."

Bancroft, Hist. of the U.S., vol.5, p.82

Congress called on the associators In Philadelphia and the nearest four counties to join the army, if but for six months: begged blankets and woollen stockings for the soldiers; and wrote North and South for troops and stores. The state of Pennsylvania was paralyzed by disputes about its new constitution; but Mifflin successfully addressed the old committee of safety and the new assembly; he reviewed and encouraged the city militia; with Rittenhouse in the chair, and the general assembly and council of safety in attendance, he spoke to the people of Philadelphia in town-meeting with fervor, and was answered by acclamations. All this while the British officers were writing home from New York: "Lord Cornwallis is carrying all before him in the Jerseys; peace must soon be the consequence of our success." On the twenty-eighth the advanced guard of Cornwallis reached Newark, just as it was left by the rear of the Americans.

Bancroft, Hist. of the U.S., vol.5, p.83 - p.84

At Brunswick, where the American army arrived on the evening of the twenty-eighth, It found short repose. Lee, though importuned daily, and sometimes twice a day, lingered on the east of the Hudson; Pennsylvania had no government; the efforts of congress were Ineffective; and the appeal of the governor of New Jersey to its several colonels of militia could not bring into the field one full company. All this while Washington was forced to hide his weakness and bear loads of censure from false estimates of his strength. To expressions of sympathy from William Livingston he answered: "I will not despair." As he wrote these words, on the last day of November, he was parting with the New Jersey and Maryland brigades, which formed nearly half his force and claimed their discharge now that their engagement expired; while the brothers, Lord and Sir William Howe, were publishing a new proclamation of pardon and amnesty to all who within sixty days would promise not to take up arms against the king. The legislature of New Jersey did all it could; but the second officer of the Monmouth battalion refused "taking the oaths to the state;" Charles Read, its colonel, "submitted to the enemy;" the chief justice wavered; and Samuel Tucker, president of its constituent convention, chairman of its committee of safety, treasurer, and judge of its supreme court, signed the pledge of fidelity to the British. From Philadelphia, Joseph Galloway went over to Howe; so did Andrew Allen, who had been a member of the continental congress, and two of his brothers—all confident of being soon restored to their former fortunes and political importance. Even John Dickinson for two or three months longer refused to accept from Delaware an appointment to the congress of the United States. The convention of Maryland on the tenth of November authorized its delegates to concur in the decisions of the majority of congress.

Bancroft, Hist. of the U.S., vol.5, p.84

On the other hand, Schuyler detached from the northern army to Washington's aid seven continental regiments of New England, who owed service to the end of the year. Wayne, the commander at Ticonderoga, burned to go "to the assistance of poor Washington." Trumbull of Connecticut said for its people and for himself: "We are determined to maintain our cause to the last extremity."

Bancroft, Hist. of the U.S., vol.5, p.84

The fate of America was trembling in the scale, when the Howes rashly divided their forces. Two English and two Hessian brigades, under the command of Clinton, assisted by Earl Percy and Prescott, passed through the sound in seventy transports, and, on the seventh of December, were convoyed into the harbor of Newport by eleven ships-of-war. The island of Rhode Island could offer no resistance; and for its useless occupation a large number of troops were kept unemployed all the next three years.

Bancroft, Hist. of the U.S., vol.5, p.84

On the first of December, just as Washington was leaving Brunswick, he renewed his urgency with Lee: "The enemy mean to push for Philadelphia. I must entreat you to hasten your march, or your arrival may be too late." On the evening of that day Cornwallis entered Brunswick. Washington, as he retreated, broke down a part of the bridge over the Raritan, and a sharp cannonade took place across the river, In which it is remembered that an American battery was commanded by Alexander Hamilton. With but three thousand men, he marched by night to Princeton. Leaving Stirling and twelve hundred men at that place to watch the motions of the enemy, he went with the rest to Trenton, where he found time to counsel congress how to provide resources for the campaign of the next year. Having transferred his baggage and stores beyond the Delaware, he faced about with such troops as were fit for service. But, on the sixth, Cornwallis was joined by Howe and nearly a full brigade of fresh troops. Washington, on his way to Princeton, met the detachment of Stirling retreating before a vastly Superior force; he therefore returned with his army to Trenton, and crossed the Delaware. Who shall say what might have happened if Howe had pushed forward four thousand men in pursuit? But, resting seventeen hours at Princeton, and, on the eighth, taking seven hours to march twelve miles, he arrived at Trenton just in time to see the last of the patriots safely pass the river. His army could not follow, for Washington had destroyed or secured every boat on the Delaware and its tributaries for seventy miles.

Bancroft, Hist. of the U.S., vol.5, p.85

Philadelphia was in danger. Congress published an appeal to the people, especially of Pennsylvania and the adjacent states, giving assurance of aid from foreign powers. Washington with all his general officers entreated Lee to march and join him with all possible expedition, adding: "Do come on; your arrival without delay may be the means of preserving a city." Late at night arrived an evasive answer.

Bancroft, Hist. of the U.S., vol.5, p.85

Lee was impatient to gain the chief command. From the east side of the Hudson he wrote to Rush: "Let me talk vainly; I could do you much good, might I but dictate one week. Did none of the congress ever read the Roman history?" The day after the loss of Fort Lee he received one explicit order, and another peremptory one, to pass into New Jersey. To Bowdoin, who was then at the head of the government of Massachusetts, he described these orders as "absolute insanity."

Bancroft, Hist. of the U.S., vol.5, p.85 - p.86

Of other more elaborate instructions he sent garbled extracts to Bowdoin with the message: "In so important a crisis, even the resolves of the congress must no longer nicely weigh with us. We must save the community, in spite of the legislature. There are times when we must commit treason against the laws of the state for the salvation of the state. The present crisis demands this brave, virtuous kind of treason." A letter to Lee from Reed, who was himself irresolute and desponding, ran thus: "You have decision, a quality often wanted in minds otherwise valuable. Oh, General, an indecisive mind is one of the greatest misfortunes that can befall an army; how often have I lamented it this campaign!" Lee greedily inhaled the flattery of the man who professed to be the friend of Washington, and on the twenty-fourth wrote back: "My dear Reed, I lament with you that fatal indecision of mind which in war is a much greater disqualification than stupidity, or even want of personal courage." Before the end of the month this answer, having outwardly the form of an official despatch, fell under the eye of Washington.

Bancroft, Hist. of the U.S., vol.5, p.86

On the second and third of December the division of Lee passed over the Hudson; but not to join Washington: he claimed to be "a general detached to make an important diversion," and he was bent on making his detachment larger than that of the commander-in-chief. He demanded of Heath in the Highlands the transfer of his best regiments, having first said to him: "I will and must be obeyed;" but the honest officer refused, producing his instructions. At Haverstraw, on the fourth of December, he intercepted and incorporated into his own division the three thousand men whom Schuyler had sent from the northern army to the relief of Washington. From Pompton, on the seventh, he despatched a French officer of no merit and ignorant of English to command the troops collected for the defence of Rhode Island; and in a letter to the governor of that state he sneered at Washington as destitute of the qualities which "alone constitute a general." From Morristown he announced to Richard Henry Lee and Rush, the committee of congress, that it was not his intention "to join the army with Washington." From Chatham he hurried off orders to Heath to send him three regiments just arrived from Ticonderoga, without loss of time, saying: "I am in hopes here to reconquer the Jerseys."

Bancroft, Hist. of the U.S., vol.5, p.86 - p.87

On the twelfth his division marched with Sullivan eight miles only to Vealtown; but Lee, with a small guard, proceeded three or four miles nearer the enemy, who were but eighteen miles off, and passed the night at White's tavern at Baskingridge. The next morning he lay in bed till eight o'clock. On rising, he wasted two hours with Wilkinson, a messenger from Gates, in boasting of his own prowess, and cavilling at everything done by others. It was ten o'clock before he sat down to breakfast, after which he took time, In a letter to Gates, to indulge his spleen toward Washington, beginning in this wise: "My dear Gates—Entre nous, a certain great man is most damnably deficient." The paper, which he signed, was not yet folded, when Wilkinson, at the window, cried out: "Here are the British cavalry!"

Bancroft, Hist. of the U.S., vol.5, p.87

The young Lieutenant-Colonel Harcourt, the commander of a scouting party of thirty dragoons, learning Lee's foolhardy choice of lodgings, surrounded the house by a sudden charge, and called out to him to come forth immediately, or the house would be set on fire. Within two minutes, he came out, pale from fear, unarmed, bare-headed, without cloak, in slippers and blanket-coat, his collar open, his shirt much soiled, and entreated the dragoons to spare his life. They seized him just as he was, and set him on Wilkinson's horse which stood saddled at the door. One of his aids, who came out with him, was mounted behind Harcourt's servant; and, just four minutes from the time of surrounding the house, they began their return. On the way Lee recovered from his panic, and ranted violently about his having for a moment obtained the supreme command, giving many signs of a mind not perfectly right. At Princeton, he demanded to be received under the November proclamation of the Howes; and, on being reminded that he might be tried as a deserter, he flew into an extravagant rage, and railed at the faithlessness of the Americans as the cause of his mishap. Yet they retained trust in him; and even Greene still thought him "a most consummate general."

Bancroft, Hist. of the U.S., vol.5, p.87

No hope remained to the United States but in Washington. His retreat of ninety miles through the Jerseys, protracted for eighteen or nineteen days, in winter, often in sight and within cannon-shot of his enemies, his rear pulling down bridges and their van building them up, had for its purpose to effect delay till midwinter and impassable roads should offer their protection. The actors, looking back upon the crowded disasters which fell on them, hardly knew by what springs of animation they had been sustained.

Chapter 7:

Trenton,

December 11-26, 1776

Bancroft, Hist. of the U.S., vol.5, p.88

THE British posts on the eastern side of the Delaware drew near to Philadelphia; rumor reported ships-of-war In the bay; the wives and children of the inhabitants were escaping with their papers and property; and the contagion of panic broke out in congress. On the eleventh of December they called on the states to appoint, each for itself, a day of fasting and humiliation; on the twelfth, after advice from Putnam and Mifflin, they voted to adjourn to Baltimore. It is on record that Samuel Adams, whom Jefferson has described as "exceeded by no man in congress for depth of purpose, zeal, and sagacity," mastered by enthusiasm and excitement which grew with adversity, vehemently opposed a removal. His speech has not been preserved, but its purport may be read in his letters of the time: "A cause so just and interesting to mankind, I trust that my dear New England will maintain at the expense of everything dear to them in life. If this city should be sur rendered, I should by no means despair. Britain will strain every nerve to subjugate America next year. Our affairs abroad wear a promising aspect, but I conjure you not to depend too much upon foreign aid. Let America exert her own strength, and He who cannot be indifferent to her righteous cause will even work miracles, if necessary, to establish her feet upon a rock."

Bancroft, Hist. of the U.S., vol.5, p.88 - p.89

Putnam promised in no event to burn the city which he was charged to defend to the last extremity, and would not allow any one to remain an idle spectator of the contest, "persons under conscientious scruples alone excepted." But the Quakers, abhorring the new form of government, at their meeting held at Philadelphia for Pennsylvania and New Jersey, refused "in person or by other assistance to join in carrying on the war;" and with fond regret they recalled to mind "the happy constitution" under which "they and others had long enjoyed peace." The flight of congress, which took place amid the jeers of tories and the maledictions of patriots, gave a stab to public credit, and fostered a general disposition to refuse continental money. At his home near the sea, John Adams was as stout of heart as ever. Though France should hold back, though Philadelphia should fall, "I," said he, "do not doubt of ultimate success."

Bancroft, Hist. of the U.S., vol.5, p.89

Confident that the American troops would melt away at the approaching expiration of their engagements, Howe, on the thirteenth, prepared to return to his winter quarters in New York, leaving Donop as acting brigadier, with two Hessian brigades, the yagers, and the forty-second Highlanders, to hold the line from Trenton to Burlington. At Princeton he refused to see Lee, who was held as a deserter from the British army, and was taken under a close guard to Brunswick and afterward to New York. Cornwallis left Grant in command in New Jersey, and was hastening to embark for England. By orders committed to Donop, the inhabitants who in bands or separately should fire upon any of the army were to be hanged upon the nearest tree without further process. All provisions which exceeded the wants of an ordinary family were to be seized alike from whig or tory. Life and property were at the mercy of foreign hirelings. The attempts to restrain the Hessians were given up, under the apology that the habit of plunder prevented desertions. A British officer reports officially: "They were led to believe, before they left Hesse-Cassel, that they were to come to America to establish their private fortunes, and they have acted with that principle."

Bancroft, Hist. of the U.S., vol.5, p.89 - p.90

It was the opinion of Donop that Trenton should be protected on the flanks by garrisoned redoubts; but Rall, who, as a reward for his brilliant services, through the interposition of Grant obtained the separate command of that post, with fifty yagers, twenty dragoons, and the whole of his own brigade would not heed the suggestion. Renewing his advice at parting, on the morning of the fourteenth Donop marched out with his brigade to find quarters chiefly at Bordentown and Blackhorse, till Burlington, which lies low, should be protected from the American row-galleys by heavy cannon. On the sixteenth it was rumored that Washington with a large force hovered on the right flank of Rall; but, in answer to Donop's reports of that day and the next, Grant wrote: "I am certain rebels no longer have any strong corps on this side of the the story of Washington's crossing the Delaware at this season of the year is not to be believed." "Let them come," said Rall; "what need of intrenchments? We will at them with the bayonet." At all alarms he set troops in motion, but not from apprehension of the mouldering army of the rebels. His delight was in martial music; and for him the hautboys at the main guard could never play too long. He was constant at parade; and, to give the aspect of great importance to his command, all officers and under-officers were obliged to appear at his quarters on the relief of the sentries and of the pickets. Cannon, which should have been in position for defence, stood in front of his door, and every day were escorted through the town. He was not seen in the morning until nine, or even ten or eleven; for every night he indulged in late carousals. So passed his twelve days of command at Trenton; and they were the proudest and happiest of his life.

Bancroft, Hist. of the U.S., vol.5, p.90

"No man was ever overwhelmed by greater difficulties, or had less means to extricate himself from them," than Washington; but the afflictions which tried his fortitude carried with them an inspiring virtue. We have his own assurance that in all this period of deepest gloom his hope and confidence never faltered.

Bancroft, Hist. of the U.S., vol.5, p.90

On the fourteenth of December, believing that Howe was on his way to New York, he resolved, as soon as he could be joined by the troops under Lee, "to attempt a stroke upon the forces of the enemy, which lay a good deal scattered, and to all appearance in a state of security." Meantime, he obtained exact accounts of New Jersey and its best military positions, from opposite Philadelphia to the hills at Morristown. Every boat was secured far up the little streams that flow to the Delaware; and his forces, increased by fifteen hundred volunteers from Philadelphia, guarded the crossing-places from the falls at Trenton to below Bristol. He made every exertion to threaten the Hessians on both flanks by militia at Morristown on the north, and on the south at Mount Holly.

Bancroft, Hist. of the U.S., vol.5, p.91

The days of waiting he employed in presenting congress with a plan for an additional number of battalions, to be raised and officered directly by the United States without the intervention of the several states, thus taking the first great step toward a real unity of government. Congress, on adjourning to Baltimore, resolved "that General Washington be possessed of full power to order and direct all things relative to the department and to the operations of the war." Washington took them at their word, and, by the pressing advice of the general officers, ordered three battalions of artillery to be immediately recruited. "The present exigency of our affairs," he pleaded in excuse, "will not admit of delay, either in the council or the field. Ten days more will put an end to the existence of this army. If, therefore, every matter that in its nature is self-evident is to be referred to congress, at the distance of a hundred and thirty or forty miles, so much time must elapse as to defeat the end in view.

Bancroft, Hist. of the U.S., vol.5, p.91

"Short enlistments and a mistaken dependence upon militia have been the origin of all our misfortunes and of the great accumulation of our debt. Militia may possibly check the progress of the enemy for a little while, but in a little while the militia of those states which have been frequently called upon will not turn out at all, or do it with so much reluctance and sloth as to amount to the same thing.

Bancroft, Hist. of the U.S., vol.5, p.91 - p.92

"These are the men I am to depend upon ten days hence; this is the basis on which your cause must forever depend till you get a standing army sufficient of itself to oppose the enemy. If any good officers will offer to raise men upon continental pay and establishment in this quarter, I shall encourage them to do so, and regiment them when they have done it. If congress disapprove of this proceeding, they will please to signify it, as I mean it for the best. A character to lose, an estate to forfeit, the inestimable blessings of liberty at stake, and a life devoted, must be my excuse."

Bancroft, Hist. of the U.S., vol.5, p.92

On the twenty-fourth he resumed his warnings: "The obstacles which have arisen to the raising of the new army from the mode of appointing officers induce me to hope that, if congress resolve on an additional number of battalions, they will devise some other rule by which the officers, especially the field-officers, should be appointed. Many of the best have been neglected, and those of little worth and less experience put in their places or promoted over their heads."

Bancroft, Hist. of the U.S., vol.5, p.92

On the same day Greene wrote, in support of the new policy: "I am far from thinking the American cause desperate, yet I conceive it to be in a critical situation. To remedy evils, the general should have power to appoint officers to enlist at large. There never was a man that might be more safely trusted, nor a time when there was a louder call." Congress had failed to raise troops by requisitions on the states; leave was now asked to recruit and organize two-and-twenty battalions for the general service under the direct authority of the union.

Bancroft, Hist. of the U.S., vol.5, p.92

On the twentieth, Gates and Sullivan arrived at headquarters. Gates was followed by five hundred effective men, who were all that remained of four New England regiments; but these few were sure to be well led, for Stark of New Hampshire was their oldest officer. Sullivan brought Lee's division, with which he had crossed the Delaware at Easton.

Bancroft, Hist. of the U.S., vol.5, p.92

No time was lost in preparing for the surprise of Trenton. Counting all the troops from headquarters to Bristol, including the detachments which came with Gates and Sullivan and the militia of Pennsylvania, the army was reported at no more than six thousand two hundred men, and there were in fact not so many by twelve or fourteen hundred. "Our numbers," said Washington, "are less than I had any conception of; but necessity, dire necessity, will, nay must, justify an attack." On the twenty-third he wrote for the watchword: "VICTORY OR DEATH." But the men who had been with Lee were so cast down and in want of everything that the plan could not be ripened before Christmas night.

Bancroft, Hist. of the U.S., vol.5, p.92 - p.93

Washington approved the detention at Morristown of six hundred New England men from the northern army; and sent Maxwell, of New Jersey, to take command of them and the militia collected at the same place, with orders to distress the enemy, to harass them In their quarters, to cut off their convoys, and, if a detachment should move toward Trenton or the Delaware, to fall upon their rear and annoy them on their march. Griffin, with all the force he could collect at Mount Holly, was to engage the attention of the Hessians under Donop. Ewing, who lay opposite Trenton with more than five hundred men, was to cross near the town. Putnam, to whom Washington took care to send orders, was to lead over a force from Philadelphia. The most important subsidiary movement was to be made with about two thousand troops from Bristol, and of this party Gates was requested to take the lead. "If you could only stay there two or three days, I should be glad," said Washington.

Bancroft, Hist. of the U.S., vol.5, p.93

The country people were supine or hostile; spies surrounded the camp. But Grant, the British commander in New Jersey, though informed of the proposed attack on Trenton, and though the negroes in the town used to jeer at the Hessians that Washington was coming, persuaded himself there would be no crossing of the river with a large force, "because the running ice would make the return desperate or impracticable." "Besides," he wrote on the twenty-first, "Washington's men have neither shoes nor stockings nor blankets, are almost naked, and dying of cold and want of food. On the Trenton side of the Delaware they have not altogether three hundred men; and these stroll in small parties under a subaltern, or at most a captain, to lie in wait for dragoons."

Bancroft, Hist. of the U.S., vol.5, p.93

Just before midnight on Christmas eve, Grant again sent word to Donop: "Washington has been informed that our troops have marched into winter quarters, and that we are weak at Trenton and Princeton. I don't believe he will attempt to make an attack upon those two places; but, be assured, my information is undoubtedly true, so that I need not advise you to be upon your guard against an unexpected attack at Trenton." Rail scoffed at the idea that Americans should dare to come against him; and Donop was so unsuspecting that, after driving away the small American force from Mount Holly, where he received a wound in the head, he remained at that post to administer the oath of allegiance to the dejected inhabitants, and to send forward a party to Cooper's creek, opposite Philadelphia.

Bancroft, Hist. of the U.S., vol.5, p.94

European confidence in the success of the British was at its height. "Franklin's troops have been beaten by those of the king of England," wrote Voltaire; "alas! reason and liberty are ill received in this world." Vergennes, indeed, saw the small results of the campaign; and, in reply to rumors favorable to the rebels, Stormont would say that he left their refutation to General Howe, whose answer would be as complete a one as ever was given. At Cassel, Howe was called another Caesar, who came and saw and conquered. In England, some believed Franklin had fled to France as a runaway for safety, others to offer terms. The repeated successes had fixed or converted "ninety-nine in one hundred." Burke never expected serious resistance from the colonies. "It is the time," said Rockingham, "to attempt in earnest a reconciliation with America." Lord North thought that Cornwallis would sweep the American army before him, and that the first operations of the coming spring would end the quarrel.

Bancroft, Hist. of the U.S., vol.5, p.94 - p.95

At New York, where all was mirth and jollity, Howe met the messenger who, in return for the victory on Long Island, brought him encomiums from the minister and honors from the king. The young English officers were preparing to amuse themselves by the performance of plays at the theatre for the benefit of the widows and children of sufferers by the war. The markets were well supplied, balls were given to satiety, and the dulness of evening parties was dispelled by the farotable, where subalterns competed with their superiors and ruined themselves by play. Howe fired his sluggish nature by wine and good cheer; his mistress spent his money prodigally, but the continuance of the war promised him a great fortune. The refugees grumbled because Lord Howe would not break the law by suffering them to fit out privateers; and they envied the floods of wealth which poured in upon him from his eighth part of prize-money on captures made by his squadron. As the fighting was over, Cornwallis sent his bag gage on board the packet for England. The brothers gave the secretary of state under their joint hands an assurance of the conquest of all New Jersey; and every one in New York was looking out for festivals on the investiture of Sir William Howe as knight of the Bath. His flatterers wrote home that, unless there should be more tardiness in noticing his merit, the king would very soon use up all the honors of the peerage in rewarding his victories.

Bancroft, Hist. of the U.S., vol.5, p.95

The day arrived for the concerted attack on the British posts along the Delaware; and complete success could come only from the exact co-operation of every part. Gates wilfully turned his back on danger, duty, and honor. He disapproved of Washington's station above Trenton: the British would secretly construct boats, pass the Delaware in his rear, and take Philadelphia; Washington ought to retire to the south of the Susquehannah. Eager to intrigue with congress at Baltimore for the chief command in the northern district, Gates, with Wilkinson, rode away from Bristol. Griffin, flying before Donop, had abandoned New Jersey; Putnam would not think of conducting an expedition across the river.

Bancroft, Hist. of the U.S., vol.5, p.95 - p.96

At nightfall General John Cadwalader, who was left in sole command at Bristol, marched to Dunk's ferry; it was the time of the full moon, but the clouds were thick and dark. For about an hour that remained of the ebb-tide the river was passable in boats, and Reed, who just then arrived from a visit to Philadelphia, was able to get over with his horse; but the tide, beginning to rise, threw back the ice in such heaps on the Jersey shore that, though men on foot still could cross, neither horses nor artillery could reach the land. Sending word that it was impossible to carry out their share in Washington's plan, and leaving the party who had crossed the river to return as they could, Reed sought shelter within the enemy's lines at Burlington. Meanwhile, during one of the worst nights of December, the men waited with arms in their hands for the floating ice to open a passage; and, only after the vain sufferings of many hours, returned to their camp. Cadwalader and the best men about him were confident that Washington, like themselves, must have given up the expedition. Ewing did not even make an effort to cross at Trenton; and Moylan, who set off on horseback to overtake Washington share honors of became persuaded no attempt could be made in such a storm, and stopped on the road for shelter.

Bancroft, Hist. of the U.S., vol.5, p.96

Superior impulses acted upon Washington and his devoted soldiers. From his wasted troops he could muster but twenty-four hundred men strong enough to be his companions; but they were veterans and patriots, chiefly of New England, Pennsylvania, and Virginia. Among his general officers were Greene and Mercer and Stirling and Sullivan; of field-officers and others, Stark of New Hampshire, Hand of Pennsylvania, Glover and Knox of Massachusetts, Webb of Connecticut, Scott and William Washington and James Monroe of Virginia, and Alexander Hamilton of New York. At three In the afternoon they began their march, each man carrying three days' provisions and forty rounds; and with eighteen fieldpieces they reached Mackonkey's ferry just as twilight began. The swift and full current was hurling along masses of ice. At the water's edge the mariners of Marblehead stepped forward to man the boats. Just then a letter came from Reed, announcing that no help was to be expected from Putnam or the troops at Bristol; and Washington, at six o'clock, wrote this note to Cadwalader: "Notwithstanding the discouraging accounts I have received from Colonel Reed of what might be expected from the operations below, I am determined, as the night Is favorable, to cross the river and make the attack on Trenton in the morning. If you can do nothing real, at least create as great a diversion as possible." Hardly had these words been sent when Wilkinson joined the troops "whose route he had easily traced by the blood on the snow from the feet of the men who wore broken shoes." He delivered a letter from General Gates. "From General Gates!" said Washington; "where is he?" "On his way to congress," replied Wilkinson. Washington had only given him a reluctant consent to go as far as Philadelphia.

Bancroft, Hist. of the U.S., vol.5, p.96 - p.97

At that hour an American patrol of twenty or thirty men, led by Captain Anderson to reconnoitre Trenton, made a sudden attack upon the post of a Hessian subaltern, and wounded five or six men. The alarm was sounded, the Hessian brigade put under arms, and a part of Rall's regiment sent in pursuit. On their return, they reported that they could discover nothing; the attack, like those which had been made repeatedly before, was held to be of no importance. The post was strengthened; additional patrols were sent out; but every apprehension was put to rest; and Rall, till late into the night, sat by his warm fire, in his usual revels, while Washington was crossing the Delaware.

Bancroft, Hist. of the U.S., vol.5, p.97

"The night," writes Thomas Rodney, "was as severe a night as ever I saw;" the frost was sharp, the current difficult to stem, the ice increasing, the wind high, and at eleven it began to snow. It was three in the morning of the twenty-sixth before the troops and cannon were all over; and another hour passed before they could be formed on the Jersey side. A violent north-east storm of wind and sleet and hail set in as they began their nine miles' march to Trenton, against an enemy in the best condition to fight. The weather was terrible for men clad as the Americans were, and the ground clipped under their feet. For a mile and a half they had to climb a steep hill, from which they descended to the road that ran for about three miles between hills and through forests of hickory, ash, and black oak. At Birmingham the force was divided; Sullivan continued near the river, and Washington passed up into the Pennington road. While Sullivan, who had the shortest route, halted to give time for the others to arrive, he reported to Washington by one of his aids that the arms of his party were wet. "Then tell your general," answered Washington, "to use the bayonet, and penetrate into the town." The return of the aide-de-camp was watched by the soldiers; and hardly had he spoken when those who had bayonets fixed them without waiting for a command.

Bancroft, Hist. of the U.S., vol.5, p.97 - p.98 - p.99

It was now broad day. The slumber of the Hessians had been undisturbed; their patrols reported that all was quiet; and the night-watch of yagers had turned in, leaving the sentries at their seven advanced posts, to keep up the communication between their right and left wings. The storm beat violently in the faces of the Americans; the men were stiff with cold and a continuous march of fifteen miles; but now that they were near the enemy, they thought of nothing but victory. Washington's party began the battle with an attack on the outermost picket on the Pennington road; the men with Stark, who led the van of Sullivan's party, gave three cheers, and with the bayonet rushed upon the enemy's picket near the river. A company came out of the barracks to protect the patrol; but, astonished at the fury of the charge, they all, in chiding the yagers, fled in confusion, escaping across the Assanpink, followed by the dragoons and the party which was posted near the river bank. Washington entered the town by King and Queen streets, now named after Warren and Greene; Sullivan moved by the river-road into Second street, cutting off the way to the Assanpink bridge; and both divisions pushed forward with such equal ardor as never to suffer the Hessians to form completely. The two cannon which stood in front of Rall's quarters were from the first separated from the regiment to which they belonged. The Americans were coming into line of battle, when Rall made his appearance, received a report, rode up in front of his regiment, and cried out: "Forward, march; advance, advance," reeling In the saddle like one not yet recovered from a night's debauch. Before his own regiment could form in the street a party pushed on rapidly and dismounted its two cannon, with no injury but slight wounds to Captains William Washington and James Monroe. Under Washington's own direction, Forest's American battery of six guns was opened upon two regiments at a distance of less than three hundred yards. His position was near the front, a little to the right, a conspicuous mark for musketry; but he remained unhurt, though his horse was wounded under him. The moment for breaking through the Americans was lost by Rall, who drew back the Lossberg regiment and his own, but without artillery, into an orchard east of the town, as if intending to reach the road to Princeton by turning Washington's left. To check this movement, Hand's regiment was thrown in his front. By a quick resolve the passage might still have been forced; but the Hessians had been plundering ever since they landed in the country; and, loath to leave behind the wealth which they had amassed, they urged Rall to recover the town. In the attempt to do so, his force was driven by the impetuous charge of the Americans farther back than before; he was himself struck by a musketball; and the two regiments were mixed confusedly and almost surrounded. Riding up to Washington, Baylor could now report: "Sir, the Hessians have surrendered." The Knyphausen regiment, which had been ordered to cover the flank, strove to reach the Assanpink bridge through the fields on the southeast of the town; but, losing time in extricating their two cannon from the morass, they found the bridge guarded on each side; and, after a vain attempt to ford the rivulet, they surrendered to Lord Stirling on condition of retaining their swords and their private baggage. The action, in which the Americans lost not one man, lasted thirty-five minutes. One hundred and sixty-two of the Hessians who at sunrise were in Trenton escaped, about fifty to Princeton, the rest to Bordentown; one hundred and thirty were absent on command; seventeen were killed. All the rest of Rall's command, nine hundred and forty-six in number, were taken prisoners, of whom seventy-eight were wounded. The Americans gained twelve hundred small-arms, six brass field-pieces, of which two were twelve-pounders, and all the standards of the brigade.

Bancroft, Hist. of the U.S., vol.5, p.99

Congress by its committee lavished praise upon the commander-in-chief. "You pay me compliments," answered Washington, "as if the merit of that affair was due solely to me; but, I assure you, the other general officers, who assisted me in the plan and execution, have full as good a right to your encomiums as myself." The most useful of them all was Greene.

Bancroft, Hist. of the U.S., vol.5, p.99

Until that hour the life of the United States flickered like a dying flame. "But the Lord of hosts heard the cries of the distressed, and sent an angel for their deliverance," wrote the presses of the Pennsylvania Lutherans. "All our hopes," said Lord George Germain, "were blasted by the unhappy affair at Trenton." That victory turned the shadow of death into the morning.

Chapter 8:

Assanpink and Princeton,

December 26, 1776-January 1777

Bancroft, Hist. of the U.S., vol.5, p.100

AFTER snatching refreshments from the captured stores, the victorious troops, worn out by cold, rain, snow, and storm, the charge of nearly a thousand prisoners, and the want of sleep, set off again in sleet driven by a north-east wind, and, passing another terrible night at the ferry, recrossed the Delaware. But Stirling and one half of the soldiers were disabled, and two men were frozen to death.

Bancroft, Hist. of the U.S., vol.5, p.100

Up to this time congress had left on their journals the suggestion that a reunion with Great Britain might be the consequence of a delay in France to declare in their favor; at Baltimore, before the victory at Trenton was known, it was voted to "assure foreign courts that the congress and people of America are determined to maintain their independence at all events." Treaties of commerce were to be offered to Prussia, to Vienna, and to Tuscany; their intervention was invoked to prevent Russian or German troops from serving against the United States, and a sketch was drawn for an offensive alliance with France and Spain against Great Britain.

Bancroft, Hist. of the U.S., vol.5, p.100 - p.101

The independence which the nation pledged its faith to other countries to maintain could be secured only through the army. On the twenty-sixth of December the urgent letters of Washington and Greene were read in congress, and referred to Richard Henry Lee, Wilson, and Samuel Adams; and, on the next day, "congress having maturely considered the present crisis, and having perfect reliance on the wisdom, vigor, and uprightness of General Washington," resolved that, in addition to the eighty-eight battalions to be furnished by the separate states, he might himself, as the general of the United States, raise, organize, and officer sixteen battalions of infantry, three thousand light horsemen, three regiments of artillery, and a corps of engineers, to be enlisted indiscriminately from all the people of all the states. He was authorized to displace and appoint all officers under the rank of a brigadier-general, and to fill up all vacancies. He might take necessaries for his army at an appraised value. These extraordinary trusts were vested in him for six months. The direct exercise of central power over the country as one indivisible republic was so novel that he was said to have been appointed "dictator of America." This Germain asserted in the house of commons, and Stormont at Paris repeated to Vergennes. But congress granted only the permission to the general to enlist and organize, if he could, a national increase of his army. To the president of congress Washington thus acknowledged the grant of unusual military power: "Instead of thinking myself freed from all civil obligations by this mark of confidence, I shall constantly bear in mind that as the sword was the last resort for the preservation of our liberties, so it ought to be laid aside when those liberties are firmly established. I shall instantly set about making the most necessary reforms in the army." For the disaffected whom he received authority to arrest, he was directed to account to the states of which they were respectively citizens. Authority was given to the commissioners in France to borrow two million pounds sterling at six per cent for ten years; vigorous and speedy punishments were directed for such as should refuse to receive the continental currency; and "five millions of dollars were ordered to be emitted on the faith of the United States." Till the bills could be prepared, Washington was left without even paper money.

Bancroft, Hist. of the U.S., vol.5, p.101 - p.102

An hour before noon on the twenty-seventh Cadwalader at Bristol heard of Washington at Trenton, and took measures to cross into New jersey. Hitchcock's remnant of a New England brigade could not move for want of shoes, stockings, and breeches; but these were promptly supplied from Philadelphia. Donop, on hearing of the defeat of Rail, had precipitately retreated by way of Crosswicks and Allentown to Princeton, abandoning his stores and his sick and wounded at Bordentown, and leaving Burlington to be occupied by the detachment under Cadwalader.

Bancroft, Hist. of the U.S., vol.5, p.102

Washington on the twenty-seventh communicated to Cadwalader his scheme for driving the enemy to the extremity of New Jersey. Intending to remain on the east side of the Delaware, he wrote urgent letters to Macdougall and Maxwell to collect troops at Morristown; for, said he, "if the militia of Jersey will lend a hand, I hope and expect to rescue their country." To Heath, who was receiving large reinforcements from New England, he sent orders to render aid by way of Hackensack. Through Lord Stirling he entreated the governor of New Jersey to convene the legislature of that state, and make the appointments of their officers according to merit. He took thought for the subsistence of the troops, which, when they should all be assembled, would form a respectable force. On the twenty-ninth, while his army, reduced nearly one half in effective numbers by fatigue in the late attack on Trenton, was again crossing the Delaware, he announced to congress his purpose "to pursue the enemy and try to beat up more of their quarters, and, in a word, in every instance, adopt such measures as the exigency of our affairs requires and our situation will justify." On the thirtieth he repaired to Trenton, and to the officer commanding at Morristown he wrote: "Be in readiness to co-operate with me." A part of his troops and artillery, impeded by ice, did not get over till the next day, and on that day the term of enlistment of the eastern regiments came to an end. To these veterans the conditions which Pennsylvania allowed to her undisciplined volunteers were offered, if they would serve six weeks longer; and with one voice they gave their word to remain. The paymaster was out of money, and the public credit was exhausted. Washington pledged his own fortune, as did other officers, especially Stark of New Hampshire. Robert Morris had sent up a little more than five hundred dollars in hard money, to aid in procuring intelligence; again Washington appealed to him: "If it be possible, sir, to give us assistance, do it; borrow money while it can be done; we are doing it upon our private credit. Every lover of his country must strain his credit upon such an occasion. No time is to be lost."

Bancroft, Hist. of the U.S., vol.5, p.103

At Quebec that last day of December was kept as a general thanksgiving for the deliverance of Canada; the Te Deum was chanted; in the evening the provincial militia gave a grand ball, and, as Carleton entered, the crowded assembly broke out into loud cheers, followed by a song in English to his praise. He drank in the strain of triumph, not dreaming that Germain had already issued orders for his disgrace.

Bancroft, Hist. of the U.S., vol.5, p.103

On New Year's morning Robert Morris went from house to house in Philadelphia, rousing people from their beds to borrow money of them; and early in the day he sent Washington fifty thousand dollars, with the message: "Whatever i can do shall be done for the good of the service; if further occasional supplies of money are necessary, you may depend upon my exertions either in a public or private capacity." Washington brought with him scarcely more than six hundred trusty men, and in the choice of measures, all full of peril, he resolved to concentrate his forces at Trenton. Obedient to his call, the volunteers joined him in part on the first of January; in part, after a night-march, on the second; yet making collectively a body of less than five thousand men, of whom three fifths or more were just from their families and warm houses, ignorant of war.

Bancroft, Hist. of the U.S., vol.5, p.103

On the second of January 1777, Cornwallis, leaving three regiments and a company of cavalry at Princeton, "advanced upon " the Americans with the flower of the British army, just as Washington had expected. The air was warm and moist, the road soft, so that their march was slow. From Maidenhead, where they were delayed by skirmishers, and where one brigade under Leslie remained, they pressed forward with more than five thousand British and Hessians. At Five Mile Run they fell upon Hand and his riflemen, who continued to dispute every step of his progress. At Shabbakonk creek, troops secreted within the wood on the flanks of the road embarrassed them for two hours. On the hill less than a mile above Trenton they were confronted by about six hundred musketeers and two skilfully managed field-pieces, supported by a detachment under Greene. This party, when attacked by artillery, withdrew in good order.

Bancroft, Hist. of the U.S., vol.5, p.104

At four in the afternoon Washington took command of the rear of the army, and, while Cornwallis sought to outflank him, detained the British until those of his own army who had passed the Assanpink gained time to plant their cannon beyond the rivulet. The enemy, as they advanced, were worried by musketry from houses and barns. Their attempt to force the bridge was repulsed. The Americans had all safely passed over; the Assanpink could not be forded without a battle, for beyond it stood the main body of the American army, silent in their ranks and already protected by batteries. Late as it was in the day, Simcoe advised at once to pass over the Assanpink to the right of "the rebels" and bring on a general action; and Sir William Erskine feared that, if it were put off, Washington might get away before morning. But the sun was nearly down; the night threatened to be foggy and dark; the British troops were worn out with skirmishes and a long inarch over heavy roads; the attitude of the American army was imposing. Cornwallis sent messengers in all haste for the brigade at Maidenhead, and for two of the three regiments at Princeton, and put off the fight till the next morning. The British army, sleeping by their fires, bivouacked on the hill above Trenton, while their pickets were pushed forward along the Assanpink, to watch the army of Washington. Confident in their vigilance, the general officers took their repose.

Bancroft, Hist. of the U.S., vol.5, p.104 - p.105

Not so Washington. From his slow retreat through the Jerseys, and his long halt in the first week of December at Trenton, he knew the by-ways leading out of the place, and the roads to Brunswick, where the baggage of the British troops was deposited. He first ascertained by an exploring party that the path to Princeton on the south side of the Assanpink was unguarded. He was aware that there were but few troops at Princeton, and that Brunswick had retained but a small guard for its rich magazines. He therefore followed out the plan which had existed in germ from the time of his deciding to re-enter New Jersey, and prepared to turn the left of Cornwallis, overwhelm the party at Princeton, and push on if possible to Brunswick, or, if there were danger of pursuit, to seek the high ground on the way to Morristown. When it became dark he ordered the baggage of his army to be removed noiselessly to Burlington.

Bancroft, Hist. of the U.S., vol.5, p.105

Soon after midnight, sending word to Putnam to occupy Crosswicks, Washington "marched his army round the head of the creek into the Princeton road." The wind veered to the north-west; the weather suddenly became cold; and the by-road, lately difficult for artillery, was soon frozen hard. Guards were left to replenish the American camp-fires which flamed along the Assanpink for more than half a mile, and the drowsy British night-watch surmised nothing.

Bancroft, Hist. of the U.S., vol.5, p.106 - p.107

Arriving about sunrise in the south-east outskirts of Princeton, Washington and the main body of the army wheeled to the right by a back road to the colleges, while Mercer was detached toward the west, with about three hundred and fifty men, to break down the bridge over Stony brook, on the main road to Trenton. Two British regiments were already on their march to join Cornwallis; the seventeenth with three companies of horse, under Mawhood, was more than a mile in advance of the fifty-fifth, and had already passed Stony brook. On discovering in his rear a small body of Americans, apparently not larger than his own, he recrossed the rivulet, and, forming a junction with a part of the fifty-fifth and other detachments on their march, hazarded an engagement with Mercer. The parties were nearly equal in numbers; each had two pieces of artillery; but the English were fresh from undisturbed repose, while the Americans were suffering from a night-march of eighteen miles. Both parties moved toward high ground that lay north of them, on the right of the Americans. A heavy discharge from the English artillery was returned by Neil from two New Jersey field-pieces. After a short but brisk cannonade, the Americans, climbing over a fence to confront the British, were the first to use their guns; Mawhood's infantry returned the volley, and soon charged with their bayonets; the Americans, for the most part riflemen without bayonets, gave way, abandoning their cannon. Their gallant officers, loath to fly, were left in their rear, endeavoring to call back the fugitives. In this way fell Haslet, the brave colonel of the Delaware regiment; Neil, who stayed by his battery; Fleming, the gallant leader of all that remained of the first Virginia regiment; and other officers of promise; and the able General Mercer, whose horse had been disabled under him, was wounded, knocked down, and then stabbed many times with the bayonet. Just then Washington, who had turned at the sound of the cannon, came upon the ground by a movement which intercepted the main body of the British fifty-fifth regiment. The Pennsylvania militia, supported by two pieces of artillery, were the first to form their line. "With admirable coolness and address," Mawhood attempted to carry their battery; the way-worn novices began to waver; on the instant, Washington, from "his desire to animate his troops by example," rode within less than thirty yards of the British, and reined in his horse with its head toward them. Each party at the same moment gave a volley, but Washington remained untouched. Hitchcock, for whom a burning hectic made this day nearly his last, brought up his brigade; and the British, seeing Hand's riflemen beginning to turn their left, fled over fields and fences up Stony brook. The action, from the first contact with Mercer, did not last more than twenty minutes. Washington on the battle-ground took Hitchcock by the hand and thanked him for his service. Mawhood left two brass field-pieces, which, from want of horses, the Americans could not carry off. He was chased three or four miles, and many of his men were taken prisoners.

Bancroft, Hist. of the U.S., vol.5, p.107

The fifty-fifth British regiment, after resisting gallantly the New England troops of Stark, Poor, Patterson, Reed, and others, retreated with the fortieth to the college; and, when pieces of artillery were brought up, escaped across the fields into a back road toward Brunswick. The British lost on that day about two hundred killed and wounded, and two hundred and thirty prisoners; the American loss was small, except of officers.

Bancroft, Hist. of the U.S., vol.5, p.107 - p.108

At Trenton, on the return of day, the generals were astonished at not seeing the American army; the noise of cannon at Princeton first revealed whither it was gone. In consternation for the safety of the magazines at Brunswick, Cornwallis roused his army and began a swift pursuit. His advanced party from Maidenhead reached Princeton just as the town was left by the American rear. It had been a part of Washington's plan as he left Trenton to seize Brunswick, which was eighteen miles distant; but many of his brave soldiers, such is the concurrent testimony of English and German officers as well as of Washington, were "quite barefoot, and were badly clad in other respects;" all were exhausted by the service of two days and a night, from action to action, almost without refreshment; and the army of Cornwallis was close upon their rear. So, with the advice of his officers, after breaking up the bridge at Kingston over the Millstone river, Washington made for the highlands, and halted for the night at Somerset court-house. There, in the woods, worn-out men sank down on the frozen ground and fell asleep.

Bancroft, Hist. of the U.S., vol.5, p.108

The example and the orders of Washington roused the people around him to arms. On the fifth, the day of his arrival at Morristown, a party of Waldeckers, attacked at Springfield by an equal number of the New Jersey militia under Oliver Spencer, were put to flight, losing forty-eight men, of whom thirty-nine were prisoners. On the same day, at the approach of George Clinton with troops from Peekskill, the British force at Hackensack saved their baggage by a timely flight. Newark was abandoned; Elizabethtown was surprised by Maxwell, who took much baggage and a hundred prisoners.

Bancroft, Hist. of the U.S., vol.5, p.108

The eighteenth, which was the king's birthday, was chosen for investing Sir William Howe with the order of the Bath. But it was become a mockery to call him a victorious general; and both he and Germain had a foresight of failure, for which each of them was preparing to throw the blame on the other.

Bancroft, Hist. of the U.S., vol.5, p.108

In New Jersey all went well. On the twentieth, General Philemon Dickinson, with about four hundred raw troops, forded the Millstone river, near Somerset court-house, and defeated a foraging party, taking a few prisoners, sheep and cattle, forty wagons, and upward of a hundred horses of the English draught breed. Washington made his head-quarters at Morristown; and there, and in the surrounding villages, his troops found shelter. The largest encampment was in Spring valley, on the southern slope of Madison Hill; the outposts extended to within three miles of Amboy; and, though there was but the phantom of an army, the British in New Jersey were confined to Brunswick, Amboy, and Paulus Hook.

Bancroft, Hist. of the U.S., vol.5, p.108 - p.109

Under the last proclamation of the brothers, two thousand seven hundred and three Jerseymen, besides eight hundred and fifty-one in Rhode Island, and twelve hundred and eighty-two in the rural districts and city of New York, subscribed a declaration of fidelity to the British king; on the fourteenth of January, just as the period for subscription was about to expire, Germain, who grudged every act of mercy, sent orders to the Howes not to let "the undeserving escape that punishment which is due to their crimes, and which it will be expedient to inflict for the sake of example to futurity." Eleven days after the date of this order, Washington, the harbinger and champion of union, was in a condition to demand, by a proclamation in the name of the United States, that those who had accepted British protections "should withdraw within the enemy's lines, or take the oath of allegiance to the United States of America." To this order Clark, a member of congress from New Jersey, interposed the objection that "an oath of allegiance to the United States was absurd before confederation;" for as yet it was reserved to each state to outlaw those of its inhabitants who refused allegiance to itself. The indiscriminate rapacity of the British and Hessians, their lust, their unrestrained passion for destruction, united the people of New Jersey in courage and the love of liberty.

Bancroft, Hist. of the U.S., vol.5, p.109

The result of the campaign was inauspicious for Britain. New England, except the island of Rhode island, all central, northern, and western New York except Fort Niagara, all the country from the Delaware to Florida, were free. The invaders had acquired only the islands that touched New York harbor, and a few adjacent outposts, of which Brunswick and the hills round King's Bridge were the most remote. Whenever they passed beyond their straitened quarters they met resistance. They were wasted by incessant alarms; their forage and provisions were purchased at the price of blood.

Bancroft, Hist. of the U.S., vol.5, p.109 - p.110

The contemporary British historians of the war have not withheld praise from Washington's conduct and enterprise. His own army blamed nothing but the little care he took of himself while in action. Cooper of Boston bears witness that "the confidence of the people everywhere in him was beyond example." In congress, which was already distracted by selfish schemers, there were signs of impatience at his superiority, and an obstinate reluctance to own that the depressed condition of the country was due to their having refused to heed his advice. To a proposition of the nineteenth of February for giving him the nomination of general officers, John Adams objected vehemently, saying, as reported by Rush: "I am sorry to find the love of the first place prevail so very little in this house. I have been distressed to see some of our members disposed to idolize an image which their own hands have molten. I speak of the superstitions veneration which is paid to General Washington. I honor him for his good qualities; but, in this house, I feel myself his superior. In private life I shall always acknowledge him to be mine." On the twenty-fourth of February, when they voted to Washington mere "ideal reinforcements," and then, after a debate, in which some of the New England delegates and one from New Jersey showed a willingness to insult him, they expressed their "earnest desire" that he would "not only curb and confine the enemy within their present quarters, but, by the divine blessing, totally subdue them before they could be reinforced." Well might Washington reply: "What hope can there be of my effecting so desirable a work at this time? The whole of our numbers in New Jersey fit for duty is under three thousand." The absurd paragraph was carried by a bare majority, Richard Henry Lee bringing Virginia to the side of the four eastern states, against the two Carolinas, New Jersey, and Pennsylvania.

Bancroft, Hist. of the U.S., vol.5, p.110

There were not wanting members more just. "Washington is the greatest man on earth," wrote Robert Morris from Philadelphia, on the first of February. From Baltimore, William Hooper, the able representative from North Carolina, replied: "Will posterity believe the tale? When it shall be consistent with policy to give the history of that man from his first introduction into our service, how often America has been rescued from ruin by the mere strength of his genius, conduct, and courage, encountering every obstacle that want of money, men, arms, ammunition, could throw in his way, an impartial world will say with you that he is the greatest man on earth. Misfortunes are the element in which he shines; they are the groundwork on which his picture appears to the greatest advantage. He rises superior to them all; they serve as foils to his fortitude and as stimulants to bring into view those great qualities which his modesty keeps concealed. I could fill the side in his praise; but anything I can say can not equal his merits."

Chapter 9:

The Constitutions of the Several States of America,

1776-1783

Bancroft, Hist. of the U.S., vol.5, p.111

HAD the decision of the war hung on armies alone, America might not have gained the victory; but the spirit of the age assisted the young nation to own justice as older and higher than the state, and to found the rights of the citizen on the rights of man. And yet, in regenerating its institutions, it was not guided by any speculative theory. Its form of government grew naturally out of its traditions by the simple rejection of all personal hereditary authority, which in America had never had more than a representative existence. Its industrious and frugal people were accustomed to the cry of liberty and property; they harbored no dream of a community of goods; and their love of equality never degenerated into envy of the rich. No successors of the fifth-monarchy men proposed to substitute an unwritten higher law, interpreted by individual conscience, for the law of the land and the decrees of human tribunals. The people proceeded with moderation. Their large inheritance of English liberties saved them from the necessity and from the wish to uproot their old political institutions; and as, happily, the scaffold was not wet with the blood of their statesmen, there arose no desperate hatred of England, such as the Netherlands kept up for centuries against Spain. The wrongs inflicted or attempted by the British king were felt to have been avenged by independence; respect and affection remained for the parent land, from which the United States had derived trial by jury, the writ for personal liberty, the practice of representative government, and the separation of the three great co-ordinate powers in the state. From an essentially aristocratic model America took just what suited her condition, and rejected the rest. The transition of the colonies into self-existing commonwealths was free from vindictive bitterness, and attended by no violent or wide departure from the past.

Bancroft, Hist. of the U.S., vol.5, p.112

In all the states it was held that sovereignty resides in the people; that the majesty of supreme command belongs of right to their collective intelligence; that government is to be originated by their impulse, organized by their consent, and conducted by their imbodied will; that they alone possess the living energy out of which all power flows forth; that they are the sole legitimate master to name, directly or indirectly, the officers in the state, and bind them as their servants to toil only for the common good.

Bancroft, Hist. of the U.S., vol.5, p.112

The American people went to the great work without misgiving. They were confident that the judgment of the sum of the individual members of the community was the safest criterion of truth in public affairs. They harbored no fear that the voice even of a wayward majority would be moro capricious or more fallible than the good pleasure of an hereditary monarch; and, unappalled by the skepticism of European kings, they proceeded to extend self-government over regions which, in previous ages, had been esteemed too vast for republican rule. Of all the nations of the earth, they were conscious of having had the most varied experience in representative government, and in the application of the principles of popular power. The giant forms of absolute monarchies on their way to ruin cast over the world their fearful shadows; it was time to construct states on the basis of inherent, inalienable right. It is because England nurtured her colonies in freedom that, even in the midst of civil war, they cherished her name with affection.

Bancroft, Hist. of the U.S., vol.5, p.112

Of the American statesmen who assisted to frame the new government, not one had been originally a republican. But, if the necessity of adopting purely popular institutions came upon them unexpectedly, the ages had prepared for them their plans.

Bancroft, Hist. of the U.S., vol.5, p.112 - p.113

The recommendations to form governments proceeded from the general congress; the work was done by the several states, in the full enjoyment of self-direction. Each of them claimed to be of right a free, sovereign, and independent state; each bound its officers to bear to it true allegiance, and to maintain its freedom and independence. Massachusetts, which was the first state to frame a government independent of the king, deviated as little as possible from the letter of its charter; and, assuming that the place of governor was vacant from the nineteenth of July 1775, it recognised the council as the legal successor to executive power. On the first day of May 1776, in all commissions and legal processes, it substituted the name of its "government and people" for that of the king. In June 1777, its legislature assumed power to prepare a constitution; but, on a reference to the people, the act was disavowed. In September 1779, a convention, which the people themselves had specially authorized, framed a constitution. It was in a good measure the compilation of John Adams, who was guided by the English constitution, by the bill of rights of Virginia, and by the experience of Massachusetts herself; and this constitution, having been approved by the people, went into effect in 1750.

Bancroft, Hist. of the U.S., vol.5, p.113

On the fifth of January 1776, New Hampshire shaped its government with the fewest possible changes from its colonial forms, like Massachusetts merging the executive power in the council. Not till June 1783 did its convention agree upon a more perfect instrument, which was approved by the people, and established on the thirty-first of the following October.

Bancroft, Hist. of the U.S., vol.5, p.113

The provisional constitution of South Carolina dates from the twenty-sixth of March 1776. In March 1778, a permanent constitution was introduced by an act of the legislature.

Bancroft, Hist. of the U.S., vol.5, p.113

Rhode Island enjoyed under its charter a form of government so thoroughly republican that the rejection of monarchy, in May 1776, required no change beyond a renunciation of the king's name in the style of its public acts. A disfranchisement of Catholics had stolen into its book of laws; but, so soon as it was noticed, the clause was expunged.

Bancroft, Hist. of the U.S., vol.5, p.113

In like manner, Connecticut had only to substitute the people of the colony for the name of the king; this was done provisionally on the fourteenth of June 1776, and made perpetual on the tenth of the following October.

Bancroft, Hist. of the U.S., vol.5, p.114

Before the end of June of the same year Virginia, sixth in the series, first in the completeness of her work, by a legislative convention without any further consultation of the people, framed and adopted a bill of rights, a declaration of independence, and a constitution.

Bancroft, Hist. of the U.S., vol.5, p.114

On the second of July 1776, New Jersey perfected its new, self-created charter.

Bancroft, Hist. of the U.S., vol.5, p.114

Delaware next proclaimed its bill of rights, and, on the twentieth of September 1776, the representatives in convention having been chosen by the freemen of the state for that very purpose, finished its constitution.

Bancroft, Hist. of the U.S., vol.5, p.114

The Pennsylvania convention adopted its constitution on the twenty-eighth of September 1776; but the opposition of the Quakers whom it indirectly disfranchised, and of a large body of patriots, delayed its thorough organization for more than five months.

Bancroft, Hist. of the U.S., vol.5, p.114

The delegates of Maryland, meeting on the fourteenth of August 1776, framed its constitution with great deliberation; it was established on the ninth of the following November.

Bancroft, Hist. of the U.S., vol.5, p.114

On the eighteenth of December 1776, the constitution of North Carolina was ratified in the congress which framed it.

Bancroft, Hist. of the U.S., vol.5, p.114

On the fifth of February 1777, Georgia perfected its organic law by the unanimous agreement of its convention.

Bancroft, Hist. of the U.S., vol.5, p.114

Last of the thirteen came New York, whose empowered convention, on the twentieth of April 1777, established a constitution that, in humane liberality, excelled them all.

Bancroft, Hist. of the U.S., vol.5, p.114

The privilege of the suffrage had been far more widely extended in the colonies than in England; by general consent, the extension of the elective franchise was postponed. The age of twenty-one was a qualification universally required So, too, was residence, except that in Virginia and South Carolina it was enough to own in the district or town a certain free hold or "lot." South Carolina required the electors to "acknowledge the being of a God, and to believe in a future state of rewards and punishments." White men alone could claim the franchise in Virginia, in South Carolina, and in Georgia; but in South Carolina a benign interpretation of the law classed the free octaroon as a white, even though descended through an unbroken line of mothers from an imported African slave; the other ten states raised no question of color. In Pennsylvania, in New Hampshire, and partially in North Carolina, the right to vote belonged to every resident tax-payer; Georgia extended it to any white inhabitant "of any mechanic trade;" with this exception, Georgia and all the other colonies required the possession of a freehold, or of property variously valued, in Massachusetts at about two hundred dollars, in Georgia at ten pounds. Similar conditions had always existed, with the concurrence or by the act of the colonists themselves.

Bancroft, Hist. of the U.S., vol.5, p.115

Maryland prescribed as its rule that votes should be given by word of mouth; Virginia and New Jersey made no change in their usage; in Rhode Island each freeman was in theory summoned to be present in the general court; he therefore gave his proxy to his representative by writing his own name on the back of his vote; all others adopted the ballot, New York at the end of the war, the other eight without delay.

Bancroft, Hist. of the U.S., vol.5, p.115 - p.116

The first great want common to all was a house of representatives, so near the people as to be the image of their thoughts and wishes, so numerous as to appear to every voter his direct counterpart, so frequently renewed as to insure swift responsibility. Such a body every one of them had enjoyed while connected with Britain. They now gained certainty as to the times of meeting of the assemblies, precision in the periods of election, and in some states a juster distribution of representation. In theory, the houses of legislation should everywhere have been in proportion to population; and for this end a census was to be taken at fixed times in Pennsylvania and New York; but in most of the states old inequalities were continued, and even new ones introduced. In New England, the several towns had from the first enjoyed the privilege of representation, and this custom was retained; in Virginia, the counties and boroughs in the low country secured an undue share of the members of the assembly; the planters of Maryland set a most unequal limit to the representation of the city of Baltimore. In South Carolina, Charleston was allowed for seven years to send thirty members to the assembly, and the parishes near the sea took almost a monopoly of political power; after that period representatives were to be proportioned according to the number of white inhabitants and to the taxable property in the several districts. To the assembly was reserved the power of originating taxes. In Georgia, the delegates to the continental congress had a right to sit, debate, and vote in its house of assembly, of which they were deemed to be a part. In South Carolina the assembly was chosen for two years, everywhere else for but one.

Bancroft, Hist. of the U.S., vol.5, p.116

Franklin approved the decision of the framers of the constitution of Pennsylvania to repose all legislative power in one chamber. This evil precedent was followed in Georgia. From all the experience of former republics, John Adams argued for a legislature with two branches. The Americans of that day were accustomed almost from the beginning to a double legislative body, and eleven of the thirteen states adhered to the ancient usage. The co-ordinate branch of the legislature, whether called a senate, or legislative council, or board of assistants, was less numerous than the house of representatives. In the permanent constitutions of Massachusetts and New Hampshire, the proportion of public taxes paid by a district was regarded in the assignment of its senatorial number; in New York and North Carolina, the senate was elected by a narrower constituency than the assembly. In six of the eleven states the senate was chosen annually; but the period of service in South Carolina embraced two years, in Delaware three, in New York and Virginia four, in Maryland five. To increase the dignity and fixedness of the body, Virginia and New York gave it permanence by renewing one fourth, Delaware one third, of its members annually. Maryland prescribed a double election for its senate. Once in five years the several counties, the city of Annapolis, and Baltimore town, chose, viva voce, their respective delegates to an electoral body, each member of which was "to have in the state real or personal property above the value of five hundred pounds current money." These electors were to elect by ballot "six out of the gentlemen residents of the eastern shore," and "nine out of the gentlemen residents of the western shore," of the Chesapeake bay; the fifteen "gentlemen" thus chosen constituted the quinquennial senate of Maryland, and themselves filled up any vacancy that might occur in their number during their term of five years.

Bancroft, Hist. of the U.S., vol.5, p.116 - p.117

The governor or president in the four New England states was chosen directly by all the primary electors; in New York, by the freeholders who possessed a freehold worth not less than two hundred and fifty dollars; in Georgia, by the representatives of the people; in Pennsylvania, by the joint vote of the council and assembly, who were confined in their selection to the members of the council; in the other six states, by the joint ballot of the two branches of the legislature.

Bancroft, Hist. of the U.S., vol.5, p.117

Except in Pennsylvania, a small property qualification was usually required of a representative, more of a senator, still more of a governor. New York required only that its governor should be a freeholder; Massachusetts, that his freehold should be of the value of about thirty-three hundred dollars; New Hampshire required but half as much; South Carolina, that his plantation or freehold, counting the slaves "settled" upon it, should be of the value of forty-two thousand eight hundred dollars in currency. In New York and Delaware, the governor was chosen for three years; in South Carolina, for two; in all the rest, for only one. South of New Jersey, the capacity of re-election was jealously restricted; in those states which were most republican there was no such restriction; in Massachusetts, Connecticut, and Rhode Island, a governor was often continuously reelected.

Bancroft, Hist. of the U.S., vol.5, p.117

The jealousy fostered by long conflicts with the crown led to the general refusal of a negative power to the governor. The thoughtful men who devised the constitution of New York established the principle of a conditional veto; a law might be negatived, and the veto was final, unless it should be passed again by a majority of two thirds of each of the two branches; but they unwisely confided this negative power to a council, of which the governor formed but one. Massachusetts in 1779 improved upon the precedent, and placed the conditional veto in the hands of the governor alone. In her provisional form, South Carolina clothed her executive chief with a veto power; but in the constitution of 1778 it was abrogated. In all other colonies, the governor either had no share in making laws, or only a casting vote, or at most a double vote in the least numerous of the two branches.

Bancroft, Hist. of the U.S., vol.5, p.117 - p.118

Nowhere had the governor power to dissolve the legislature, or either branch of it, and so appeal directly to the people; and, on the other hand, the governor, once elected, could not be removed during his term of office except by impeachment and conviction.

Bancroft, Hist. of the U.S., vol.5, p.118

In most of the states all important civil and military officers were elected by the legislature. The power intrusted to a governor, wherever it was more than a shadow, was still further restrained by an executive council, formed partly after the model of the British privy council, and partly after colonial precedents. In the few states in which the governor had the nomination of officers, particularly in Massachusetts and New Hampshire, they could be commissioned only with the consent of council. In New York, the appointing power, when the constitution did not direct otherwise, was confided to the governor and a council of four senators, elected by the assembly from the four great districts of the state; and in this body the governor had "a casting voice, but no other vote." This worst arrangement of all, so sure to promote faction and intrigue, was the fruit of the deliberate judgment of wise and disinterested patriots, in their zeal for administrative purity. Whatever sprung readily from the condition and intelligence of the people had enduring life; while artificial arrangements, like this of the council of appointment in New York, and like the senate of Maryland, though devised by earnest statesmen of careful education and great endowments, pined from their birth and soon died away.

Bancroft, Hist. of the U.S., vol.5, p.118 - p.119

The third great branch of government was in theory kept distinct from the other two. In Connecticut and Rhode Island some judicial powers were exercised by the governor and assistants; the other courts were constituted by the two branches of the legislature. In Massachusetts and New Hampshire the governor, with the consent of council, selected the judges; in New York, the council of appointment; but for the most part they were chosen by the legislature. In South Carolina, Massachusetts, and New Hampshire, a judge might be removed, as in England, upon the address of both houses of the legislature, and this proved a wise practical rule; in New York he must retire at the age of sixty; in New Jersey and Pennsylvania the supreme court was chosen for seven years, in Connecticut and Rhode Island for but one; in Delaware, Maryland, Virginia, and North Carolina, the tenure of the judicial office was good behavior; in Maryland, even a conviction in a court of law was required before removal. Powers of chancery belonged to the legislature in Connecticut and Rhode Island; in South Carolina, to the lieutenant-governor and the privy council; in New Jersey, the governor and council were the court of appeals in the last resort. The courts of all the states were open, without regard to creed or race.

Bancroft, Hist. of the U.S., vol.5, p.119

The constitution of Massachusetts required a system of universal public education as a vital element of the public life. As yet, the system was established nowhere else except in Connecticut. Pennsylvania aimed at no more than "to instruct youth at low prices."

Bancroft, Hist. of the U.S., vol.5, p.119

How to secure discreet nominations of candidates for high office was cared for only in Connecticut. There twenty men were first selected by the vote of the people, and out of these twenty the people at a second election set apart twelve to be the governor and assistants. This method was warmly recommended by Jay to the constituent convention of New York.

Bancroft, Hist. of the U.S., vol.5, p.119

The English system was an aristocracy, partly hereditary, partly elective, with a permanent executive head; the American system was in idea an elective government of the best. Some of the constitutions required the choice of persons "best qualified," or "persons of wisdom, experience, and virtue." These clauses were advisory; the suffrage was free. Timid statesmen were anxious to introduce some palpable element of permanence by the manner of constructing a council or a senate; but there was no permanence except of the people. The people, with all its greatness and all its imperfections, had perpetual succession; its waves of thought, following eternal laws, were never still, flowing now with gentle vibrations, now in a sweeping flood.

Bancroft, Hist. of the U.S., vol.5, p.119 - p.120

For more than two centuries the humbler Protestant sects had sent up the cry to heaven for freedom to worship God. To the panting for this freedom half the American states owed their existence, and all but one or two their increase in free population. The immense majority of the inhabitants of the thirteen colonies were Protestant dissenters; and, from end to end of their continent, from the rivers of Maine and the hills of New Hampshire to the mountain valleys of Tennessee and the borders of Georgia, one voice called to the other, that there should be no connection of the church with the state, no establishment of any one form of religion by the civil power; that "all men have a natural and unalienable right to worship God according to the dictates of their own consciences and understandings." With this great idea the colonies had travailed for a century and a half; and now, not as revolutionary, not as destructive, but simply as giving utterance to the thought of the nation, the states stood up in succession, in the presence of one another and before God and the world, to bear their witness in favor of restoring independence to conscience and the mind.

Bancroft, Hist. of the U.S., vol.5, p.120

In this first promulgation by states of the "creation-right" of mental freedom, some survivals of the old system clung round the new; but the victory was gained for the collective American people. The declaration of independence rested on "the laws of nature and of nature's God;" in the separate American constitutions, New York, the happy daughter of the ancient Netherlands, true to her lineage, did, "in the name of" her "good people, ordain, determine, and declare the free exercise of religions profession and worship, without discrimination or preference, to all mankind;" for the men of this new commonwealth felt themselves "required, by the benevolent principles of national liberty, not only to expel civil tyranny, but to guard against that spiritual oppression and intolerance wherewith the bigotry and ambition of weak and wicked princes have scourged mankind." Independent New York with even justice secured to the Catholic equal liberty of worship and equal civil franchises, and almost alone had no religions test for office. Henceforth no man on her soil was to suffer political disfranchisement for his creed.

Bancroft, Hist. of the U.S., vol.5, p.120 - p.121

The liberality of New York was wide as the world and as the human race. History must ever declare that at the moment of her assertion of liberty she placed no constitutional disqualification on the free black. Even the emancipated slave gained with freedom equality before the constitution and the law. New York placed restrictions on the suffrage and on eligibility to office; but those restrictions applied alike to all. The alien before naturalization was required to renounce allegiance to foreign powers, alike ecclesiastical or civil.

Bancroft, Hist. of the U.S., vol.5, p.121

The establishment of liberty of conscience, which brought with it liberty of speech and of the press, was, in the several states, the fruit not of philosophy, but of the love of Protestantism for "the open book." Had the Americans wanted faith, they could have founded nothing. Let not the philosopher hear with scorn that at least seven of their constitutions established some sort of religious test as a qualification for office. Maryland and Massachusetts required "belief in the Christian religion;" South Carolina and Georgia, in "the Protestant religion;" North Carolina, "in God, the Protestant religion, and the divine authority of the Old and of the New Testament;" Pennsylvania, "a belief in God, the creator and governor of the universe, the rewarder of the good and punisher of the wicked," with a further acknowledging "the scriptures of the Old and New Testament to be given by divine inspiration;" Delaware, a profession of "faith in God the Father, Jesus Christ his only Son, and the Holy Ghost, one God, blessed for evermore."

Bancroft, Hist. of the U.S., vol.5, p.121 - p.122

These restrictions were but incidental reminiscences of ancient usages and dearly cherished creeds, not vital elements of the constitutions; and they were opposed to the bent of the American mind. Joseph Hawley of Massachusetts, having been chosen a senator at the first election under its constitution, refused to take his seat, because he would not suffer the state or any one else outside of the village church of which he was a member to inquire into his belief. Discussions ensued, chiefly on the full enfranchisement of the Catholic and of the Jew; and the disfranchisements were eliminated almost as soon as their inconvenience arrested attention. At first the Jew was eligible to office only in Rhode Island, New York, New Jersey, and Virginia; the Catholic, in those states, and in Massachusetts, Pennsylvania, Delaware, Maryland, and perhaps in Connecticut. But from the beginning the church no longer formed a part of the state; and religion, ceasing to be a servant of the government or an instrument of dominion, became a life in the soul. Public worship was voluntarily sustained. Nowhere was persecution for religious opinion so nearly at an end as in America, and nowhere was there so religious a people.

Bancroft, Hist. of the U.S., vol.5, p.122

There were not wanting those who cast a lingering look on the care of the state for public worship. The conservative convention of Maryland declared that "the legislature may in their discretion lay a general and equal tax for the support of the Christian religion, leaving to each individual the appointing the money collected from him to the support of any particular place of public worship or minister;" but the power granted was never exercised. For a time Massachusetts required of towns or religions societies "the support of public Protestant teachers of piety, religion, and morality" of their own election; but as each man chose his own religious society, the requisition had no effect in large towns. In Connecticut, the Puritan worship was still closely interwoven with the state, and had moulded the manners, habits, and faith of the people; but the complete disentanglement was gradually brought about by inevitable processes of legislation.

Bancroft, Hist. of the U.S., vol.5, p.122 - p.123

Where particular churches had received gifts or inheritances, their right to them was respected. In Maryland and South Carolina, the churches, lands, and property that had belonged to the church of England were secured to that church in its new form; in Virginia, where the church of England had been established as a public institution, the disposition of its globes was assumed by the legislature; and, as all denominations had contributed to their acquisition, they came to be considered as the property of the state. Tithes were nowhere continued; and the rule prevailed that "no man could be compelled to maintain any ministry contrary to his own free will and consent." South Carolina, in her legislation on religion, attempted to separate herself from the system of the other states; she alone appointed a test for the voter, and made this declaration: "The Christian Protestant religion is hereby constituted and declared to be the established religion of this state." But the condition of society was stronger than the constitution, and this declaration proved but the shadow of a system that was vanishing. In 1778, the test oath and the partaking of the communion according to the forms of the Episcopal church ceased to be required as conditions for holding office.

Bancroft, Hist. of the U.S., vol.5, p.123

The separation of the church and the state by the establishment of religious equality was followed by the wonderful result that it was approved of everywhere, always, and by all. The old Anglican church, which became known as the Protestant Episcopal, wished to preserve its endowments and might complain of their impairment; but it preferred ever after to take care of itself, and was glad to share in that equality which dispelled the dread of episcopal tyranny, and left it free to perfect its organization according to its own desires. The Roman Catholic eagerly accepted in America his place as an equal with Protestants, and found contentment and hope in his new relations. The rigid Presbyterians in America supported religions freedom; true to the spirit of the great English dissenter who hated all laws

To stretch the conscience, and to bind

The native freedom of the mind.

Bancroft, Hist. of the U.S., vol.5, p.123

In Virginia, where alone there was an arduous struggle in the legislature, the presbytery of Hanover demanded the disestablishment of the Anglican church and the civil equality of every denomination; it was supported by the voices of Baptists and Quakers and all the sects that had sprung from the people; and, after a contest of eight weeks, the measure was carried, by the activity of Jefferson, in an assembly of which the majority were Protestant Episcopalians. Nor was this demand by Presbyterians for equality confined to Virginia, where they were in a minority; it was from Witherspoon of New Jersey that Madison imbibed the lesson of perfect freedom in matters of cone science. When the constitution of that state was framed by a convention composed chiefly of Presbyterians, they established perfect liberty of conscience, without the blemish of a test. Free-thinkers might have been content with toleration, but religious conviction would accept nothing less than equality. The more profound was faith, the more it scorned to admit a connection with the state; for, such a connection being inherently vicious, the state might more readily form an alliance with error than with truth, with despotism over mind than with freedom. The determination to leave truth to her own strength, and religious worship to the conscience and voluntary act of the worshipper, was the natural outflow of religious feeling.

Bancroft, Hist. of the U.S., vol.5, p.124

The constitution of Georgia declared that "estates shall not be entailed, and, when a person dies intestate, his or her estate shall be divided equally among the children." The same principle prevailed essentially in other states, in conformity to their laws and their manners. But in Virginia a system of entails, enforced with a rigor unknown in the old country, had tended to make the possession of great estates, especially to the east of the Blue Ridge, the privilege of the first-born. In England the courts of law permitted entails to be docked by fine and recovery; in 1705, Virginia prohibited all such innovations, and the tenure could be changed by nothing less than a special statute. In 1727 it was further enacted that slaves might be attached to the soil, and be entailed with it. These measures riveted a hereditary aristocracy, founded not on learning or talent or moral worth or public service, but on the possession of land and slaves. It was to perfect the republican institutions of Virginia by breaking down this aristocracy that Jefferson was summoned from the national congress to the assembly of his native state. On the twelfth of October 1776, he obtained leave to bring in a bill for the abolishment of entails; and, against the opposition of Edmund Pendleton who was no friend to innovations, all donees in tail, by the act of this first republican legislature of Virginia, were vested with the absolute dominion of the property entailed.

Bancroft, Hist. of the U.S., vol.5, p.124

To complete the reform, it was necessary to change the rules of descent, so that the lands of an intestate might be divided equally among his representatives; and this was effected through a committee of which Jefferson, Pendleton, and Wythe were the active members, and which was charged with the revision of the common law, the British statutes still valid in the state, and the criminal statutes of Virginia. The new law of descent was the work of Jefferson; and the candid historian of Virginia approves the graceful symmetry of the act which abolished primogeniture, and directed property into "the channels which the head and heart of every sane man would be prone to choose."

Bancroft, Hist. of the U.S., vol.5, p.125

In the low country of Virginia, and of the states next south of it, the majority of the inhabitants were bondmen of another race, except where modified by mixture. The course of legislation on their condition will be narrated elsewhere.

Bancroft, Hist. of the U.S., vol.5, p.125

Provision was made for reforming the constitutions which were now established. The greatest obstacles were thrown in the way of change in Pennsylvania, where the attempt could be made only once in seven years by the election of a council of censors; the fewest in South Carolina, where the majority of a legislature expressly assumed to itself and its successors original, independent, and final constituent power.

Bancroft, Hist. of the U.S., vol.5, p.125

The British parliament, in its bill of rights, had only summed up the liberties that Englishmen in the lapse of centuries had acquired; the Americans opened their career of independence by a declaration of the self-evident rights of man; and this, begun by Virginia, was repeated, with variations, in every constitution formed after independence, except that of South Carolina.

Bancroft, Hist. of the U.S., vol.5, p.125

America neither separated abruptly from the past, nor clung to its decaying forms. The principles that gave life to the new institutions did not compel a sudden change of social or political relations; but they were as a light shining more and more into the darkness. In a country which enjoyed freedom of conscience, of inquiry, of speech, of the press, and of government, the universal intuition of truth promised the never-ending progress of reform.

Chapter 10:

Preparations for the Campaign of 1777,

France, Holland, Spain, and England,

December 1776-May 1777

Bancroft, Hist. of the U.S., vol.5, p.126

WHILE Washington was toiling without reward, a rival in Europe aspired to supersede him. The Count de Broglie, disclaiming the ambition of becoming the sovereign of the United States, insinuated his willingness to be for a period of years its William of Orange, provided he could be assured of a large grant of money before embarkation, an ample revenue, the highest military rank, the direction of foreign relations during his command, and a princely annuity for life after his return. The offer was to have been made through Kalb, the former emissary of Choiseul in the British colonies: the acknowledged poverty of the new republic scattered the great man's short-lived dream; but Kalb, though in his fifty-sixth year, affluent, and happy in his wife and children, remained true to an engagement which, in company with Lafayette, he had taken with Deane to serve as a major-general in the insurgent army. When the American commissioner told Lafayette plainly that the credit of his government was too low to furnish the volunteers a transport, "Then," said the young man, "I will purchase one myself;" and he bought and freighted the Victory, which was to carry him, the veteran Kalb, and twelve other French officers to America. During the weeks of preparation he made a visit to England. At the age of nineteen it seemed to him pardonable to be presented to the king against whom he was going to fight; but he declined the king's offer of leave to inspect the British navy yards.

Bancroft, Hist. of the U.S., vol.5, p.127

On the seventh of December, Franklin reached Nantes, after a stormy passage of thirty days in the Reprisal, during which the ship had been chased by British cruisers, and had taken two British brigantines. As no notice of his mission had preceded him, the story was spread in England that he was a fugitive for safety. "I never will believe," said Edmund Burke, "that he is going to conclude a long life, which has brightened every hour it has continued, with so foul and dishonorable a flight." All Europe inferred that a man of his years and great name would not have crossed the Atlantic but in the assured hope of happy results. The sayings that fell from him at Nantes ran through Paris and France; and on his word the nation eagerly credited what it wished to find true, that not twenty successful campaigns could reduce the Americans; that they would be forever an independent state, and the natural ally of France.

Bancroft, Hist. of the U.S., vol.5, p.127

The British ambassador demanded the restoration of the prizes brought in to Nantes with Franklin, arguing that no prize can be a lawful one unless made under the authority of some power, whose existence has been acknowledged by other powers, and evidenced by treaties and alliances. "You cannot expect us," replied Vergennes, "to take upon our shoulders the burden of your war; every wise nation places its chief security in its own vigilance." Stormont complained that French officers were embarking for America. "The French nation," replied Vergennes, "has a turn for adventure." The ambassador reported how little his remonstrances were heeded. To strike the nation's rival, covertly or openly, was the sentiment of nearly every Frenchman except the king. Artois, the king's second brother, avowed his good-will for the Americans, and longed for a war with England. "We shall be sure to have it," said his younger brother.

Bancroft, Hist. of the U.S., vol.5, p.127 - p.128

Franklin reached Paris on the twenty-first of December. His fame as a philosopher, his unfailing good-humor, the dignity and ease of his manners, the plainness of his dress, his habit of wearing his straight, thin, gray hair without powder, contrary to the fashion of that day in France, acted as a spell. The venerable impersonation of the republics of antiquity seemed to have come to accept the homage of the gay capital. The national cry was that the cause of the "insurgents," for so they were called, and never rebels, was the cause of all mankind; that they were fighting for the liberty of France in defending their own. Some of the American constitutions, separating the state from the church and establishing freedom of worship, were translated, and read with rapture. The friends of Choiseul clamored that France should use the happy moment to take a lasting revenge on her haughty enemy.

Bancroft, Hist. of the U.S., vol.5, p.128

Franklin scattered every discouragement by the hopefulness with which he spoke of the United States. Charles Fox, being in Paris, sought his intimacy. As the aged and the youthful statesmen conversed together on the subject of the war, Franklin called to mind the vain efforts of Christendom, in the days of the crusades, to gain possession of the Holy Land; and foretold that, "in like manner, while Great Britain might carry ruin and destruction into America, its best blood and its treasure would be squandered and thrown away to no manner of purpose."

Bancroft, Hist. of the U.S., vol.5, p.128

In the morning of the twenty-eighth the three American commissioners waited by appointment on Vergennes. He assured them protection, received the plan of congress for a treaty with France, and spoke freely to them of the attachment of the French nation to their cause. Prizes taken under the American flag 'night be brought into French ports, with such precautions as would invalidate complaints from Great Britain. Of Franklin he requested a paper on the condition of America. Their future intercourse he desired might be most strictly secret, without the intervention of any third person; but, as France and Spain were in accord, the commissioners might communicate freely with the Spanish ambassador.

Bancroft, Hist. of the U.S., vol.5, p.128 - p.129

The Count de Aranda, then fifty-eight years old, was of the grandees of Aragon; by nature proud, impetuous, restless, and obstinate; of undisciplined temper and ungenial manners. A soldier in early life, he had been attracted to Prussia by the fame of Frederic; he admired Voltaire, Alembert, and Rousseau; and in France he was honored for his superiority to superstition. His haughty self-dependence and force of will fitted him for the service of Charles III in driving the Jesuits from Spain. As an administrative reformer, he began too vehemently; thwarted by the stiff formalities of officials and the jealousies of the clerical party, he withdrew from court to fill the embassy at Paris. There he soon became eager to resume active employment. Devoted to the French alliance, he longed to see France and Spain inflict a mortal blow on the power of England; but he was a daring schemer and bad calculator; and, on much of the business of Spain with France relating to America, he was not consulted. On the twenty ninth of December 1776, and again six days later, he held secret interviews with the American commissioners. He could only promise American privateers and their prizes the security in Spanish ports which they found in those of France.

Bancroft, Hist. of the U.S., vol.5, p.129 - p.130

On the fifth of January the commissioners presented to Vergennes a written request for eight ships of the line, ammunition, brass field-pieces, and twenty or thirty thousand muskets. Their reasoning was addressed alike to France and Spain: "The interest of the three nations is the same; the opportunity now presents itself of securing a commerce which in time will be immense; delay may be attended with fatal consequences." At Versailles the petition was brought before the king, in the presence of Maurepas; and, on the thirteenth, Conrad Alexander Gerard, one of the ablest secretaries of Vergennes, meeting the commissioners by night, at a private house in Paris, read to them the careful answer which had received the royal sanction. The king could as yet furnish the Americans neither ships nor convoys. "Time and events must be waited for, and provision made to profit by them. The United Provinces," so the new republic was styled, "may be assured that neither France nor Spain will make them any overture that can in the least interfere with their essential interests. The commercial facilities afforded in the ports of France and Spain, and the tacit diversion of the two powers whose expensive armaments oblige England to divide her efforts, manifest the interest of the two crowns in the success of the Americans. The king will not incommode them in deriving resources from the commerce of his kingdom, confident that they will conform to the rules prescribed by the precise and rigorous meaning of existing treaties, of which the two monarchs are exact observers. Unable to enter into the details of their supplies, he will mark to them his benevolence and good-will by destining for them secret succors which will extend their credit and their purchases."

Bancroft, Hist. of the U.S., vol.5, p.130

These promises were faithfully kept. Half a million of livres was to be paid to the banker of the commissioners quarterly, the first instalment on the sixteenth. After many ostensible hindrances, the Seine, the Amphitrite, and the Mercury, laden with warlike stores by Deane and Beaumarchais, were allowed to go to sea. Of these, the first was captured by the British; the other two reached America seasonably for the summer campaign. The commissioners were further encouraged to contract with the farmers-general to furnish fifty-six thousand hogsheads of tobacco; and on this contract they received an advance of a million lives.

Bancroft, Hist. of the U.S., vol.5, p.130 - p.131

To France the British ministry sent courteous remonstrances; toward Holland they were overbearing. The British admiral at the leeward islands was ordered to station proper cruisers off the harbor of St. Eustatius, with directions to "their commanders to search all Dutch ships going into or out of it, and to send such of them as should have arms, ammunition, clothing, or materials for clothing on board, into some of his majesty's ports, to be detained until further orders." The king "perused, with equal surprise and indignation," the papers which proved that the principal fort on the island had returned the salute of an American brigantine, and that the governor had had "the insolence and folly" to say: "I am far from betraying any partiality between Great Britain and her North American colonies." The British ambassador at the Hague, following his instructions, demanded of their high mightinesses the disavowal of the salute and the recall of the governor: "till this satisfaction is given, they must not expect that his majesty will suffer himself to be amused by simple assurances, or that he will hesitate for an instant to take the measures that he shall think due to the interests and dignity of his crown." This language of contempt and menace incensed all Holland, especially the city of Amsterdam; and a just resentment influenced the decision of the states and of the prince of Orange. Van de Graaf, the governor, who was the first foreign official to salute the American flag with its thirteen stripes, was recalled; but the states returned the paper of Yorke, and the Dutch minister in London complained directly to the king of "the menacing tone of the memorial, which appeared to their high mightinesses too remote from that which is usual, and which ought to be usual, between sovereigns and independent powers." As the result, the states demanded a number of armed ships to be in readiness; and one step was taken toward involving the United Provinces in the war.

Bancroft, Hist. of the U.S., vol.5, p.131

The measures sanctioned by the king of France were a war in disguise against England; but he professed to be unequivocally for peace. He never voluntarily expressed sympathy with America; and he heard the praises of Franklin with petulance. It was the public opinion of France which swayed the cabinet to assist the young republic. Beaumarchais, the author of "Figaro," with profuse offers to Maurepas of devoted service, and a wish to make his administration honored by all the peoples of the world, on the thirtieth of March besought him to overcome his own hesitation and the scruples of the king, in these words:

Bancroft, Hist. of the U.S., vol.5, p.131

"Listen to me, I pray you. I fear, above all, that you underrate the empire which your age and your wisdom give you over a young prince whose politics are still in the cradle. You forget that this soul, fresh and firm as it may be, has many times been brought back from its first declared purpose. You forget that as dauphin Louis XVI. had an invincible dislike to the old magistracy, and that their recall honored the first six months of his reign. You forget that he had sworn never to be inoculated, and that eight days after the oath he had the vine in his arm. I shall never have a day of true happiness if your administration closes without accomplishing the three grandest objects which can make it illustrious: the abasement of the English by the union of America and France; the re-establishment of the finances; and the concession of civil existence to the Protestants of the kingdom by a law which shall blend them with all other subjects of the king. These three objects are to-day in your hands. What successes can more beautifully crown your noble career? After them there could be no death."

Bancroft, Hist. of the U.S., vol.5, p.132

The disfranchisement of Protestants already began to be modified: the office of comptroller-general, of which the incumbent was required to take an oath to support the Catholic religion, was abolished; and, on the second of July, the Calvinist Necker, a rich Parisian banker, by birth a republican of Geneva, the defender of the protective system against Turgot, after a novitiate as an assistant, was created director-general of the finances, but without a seat in the cabinet. The king consented because he was told that the welfare of France required the appointment; Maurepas was pleased, for he feared no rivalry from a Protestant alien.

Bancroft, Hist. of the U.S., vol.5, p.132

The king "would break out into a passion whenever he heard of help furnished to the Americans," but he could not suppress the enthusiasm of the French nation. After a stay of three weeks on the north side of the channel, Lafayette, with Kalb as his companion, travelled from Paris by way of Bordeaux to the Spanish port of Los Pasages. There he received the order of the king to give up his expedition; but, after some vacillation and a run to Bordeaux and back, he braved the order, and, on the twenty-sixth of April, embarked for America. The English lay in wait for him. To his wife he wrote while at sea: "From love to me become a good American; the welfare of America is closely bound up with the welfare of all mankind; it is about to become the safe asylum of virtue, tolerance, equality, and peaceful liberty." The queen of France applauded his heroism; public opinion extolled "his strong enthusiasm in a good cause;" the indifferent spoke of his conduct as "a brilliant folly." "The same folly," said Vergennes, "has turned the heads of our young people."

Bancroft, Hist. of the U.S., vol.5, p.132 - p.133

He was followed by Casimir Pulaski, a Polish nobleman, illustrious for his virtues and misfortunes. In the war for the independence of his native land he lost his father and his brothers. After his attempt to carry off the king of Poland, his property was confiscated, and he was sentenced to outlawry and death. He was living in exile at Marseilles, in the utmost destitution, under an adopted name, when, through Rulhiere, the historian of Poland, Vergennes paid his debts and recommended him to Franklin, who gave him a conveyance to the United States, and explained to congress bow much he had done for the freedom of Poland. Stormont called him "an assassin," as he had called the American deputies malefactors that deserved the gallows.

Bancroft, Hist. of the U.S., vol.5, p.133

In April and May, Joseph II of Austria passed six weeks at Paris, in the hope of winning the consent of France to his inheriting Bavaria. In conversation he was either silent on American affairs, or took the side which was very unpopular in the French capital, excusing himself to the duchess of Bourbon by saying: "I am a king by trade;" nor would he permit a visit from Franklin and Deane, or even consent to meet them in his walks; though from the Abbe Niccoli, the Tuscan minister, who was a zealous abettor of the insurgents, he received a paper justifying their conduct and explaining their resources.

Bancroft, Hist. of the U.S., vol.5, p.133

Ships were continually leaving the ports of France for the United States, laden with all that they most needed, and American trading-vessels were received and protected. When Stormont remonstrated, a ship bound for America would be stopped, and, if warlike stores were found on board, would be compelled to unload them; but presently the ship would take in its cargo and set sail, and the ever-renewed complaints of the English ambassador would be put aside by the quiet earnestness of Vergennes and the polished levity of Maurepas.

Bancroft, Hist. of the U.S., vol.5, p.133 - p.134

The Reprisal, after replenishing its stores at Nantes, still cruised off the French coast, and its five new prizes, one of which was the royal packet between Lisbon and Falmouth, were unmoored in the harbor of L'Orient. Stormont hurried to Vergennes to demand that the captive ships, with their crews and cargoes, should be delivered up. "You come too late," said Vergennes; "orders have already been sent that the American ship and her prizes must instantly put to sea." The Reprisal continued its depredations till midsummer, when it was caught by the British; but, before its capture, two other privateers were suffered to use French harbors as their base. Stormont remonstrated incessantly, and sometimes with passion; but the English ministers were engaged in a desperate effort to reduce their former colonies in one campaign, and avoided an immediate rupture. France always expressed the purpose to conform to treaties, and England would never enumerate the treaties which she wished to be considered as still in force. Vergennes, though in the presence of Lord Stormont he incidentally called America a republic, did not as yet recognise the Americans as a belligerent power; but, viewing the colonies as a part of the British dominions, threw upon England the burden of maintaining her own municipal laws. England claimed that France should shut her harbors against American privateers; and Vergennes professed to admit them only when in distress, and to drive them forth without delay. England insisted that no arms or munitions of war should be exported to America, or to ports to which Americans could conveniently repair for a supply; Vergennes represented the Americans and their friends as escaping his vigilance. England was uneasy at the presence of American commissioners in Paris; Vergennes compared the house of a minister to a church which any one might enter, but with no certainty that his prayers would be heard. England claimed the right of search; Vergennes demurred to its exercise in mid-ocean. England seized and confiscated American property wherever found; France held that on the high seas American property laden in French ships was inviolable. England delayed its declaration of war from motives of convenience; France knew that war was imminent and prepared for it with diligence.

Bancroft, Hist. of the U.S., vol.5, p.134 - p.135

France preferred to act in concert with Spain, which, by its advanced position on the Atlantic, seemed destined to be the great ocean power of Europe, and which, more than any other kingdom, dreaded colonial independence. One of its own poets, using the language of imperial Rome, had foretold the discovery of the western world; its ships first entered the harbors of the New Indies, first broke into the Pacific, first went round the earth; Spanish cavaliers excelled all others as explorers of unknown realms, and, at their own cost, conquered for their sovereigns almost a hemisphere. After a long period of decline this proud and earnest people, formed out of the most cultivated races and nations—Aryan and Semitic, Iberians, Celts, Phoenicians, Romans, Vandals crossed with Slavonian blood, Germans, and Saracens, counting among its great men Seneca and Trajan, Averrhoes and the Cid, Cervantes and Velasquez, devout even to bigotry in its land of churches, the most imaginative and poetic among the nations—was seen to be entering on a career of improvement. Rousseau contemplated its promise with extravagant hope; Alembert predicted its recovery of a high position among the powers of the world; Frederic of Prussia envied its sovereign, for the delights of its climate, and the opportunity offered to its ruler to renew its greatness.

Bancroft, Hist. of the U.S., vol.5, p.135

The grandson of Louis XIV of France, Charles III, who in 1777 held the sceptre in Spain, was the best of the Spanish Bourbons. The degeneracy of his immediate successors led Spanish historians to dwell on his memory with affection. He was of a merciful disposition, and meant well for the land he ruled; he asserted the principle of the absolute and inviolable right of a king against the pope; and in its defence he had exiled the Jesuits and demanded of the pope the abolition of their order. Yet, under the influence of his confessor, a monk of the worst type, he restored vitality to the inquisition, suffered it to publish the papal bull which granted it unlimited jurisdiction, and declared that "he would have delivered up to its tribunal his own son." He stood in need of a powerful ally; between the peoples of France and Spain there was no affection; so, in August 1761, a family compact was established between their kings. In forming this alliance, the agents of the Spanish branch were Wall, an Irish adventurer, and Grimaldi from Italy.

Bancroft, Hist. of the U.S., vol.5, p.135

It seemed the dawn of better days for Spain when, in February 1777, the universal popular hatred, quickened by the shameful failure of the expedition against Algiers, drove Grimaldi from the ministry and from the country. On the eighteenth he was succeeded by Don Jose Monino, Count de Florida Blanca. For the first time for more than twenty years Spain obtained a ministry composed wholly of Spaniards; and, for the first time since the days of Ferdinand and Isabella, a Spanish policy began to be formed.

Bancroft, Hist. of the U.S., vol.5, p.135 - p.136

The new minister, son of a provincial notary, had been carefully educated; following his father's profession, he became one of the ablest advocates of his day and attained administrative distinction. In March 1772, he went as ambassador to Rome, where by his influence Cardinal Ganganelli was elected pope, and the order of the Jesuits was abolished. He, too, controlled the choice of Ganganelli's successor. Now forty-six years old, esteemed for strong good sense and extensive information, for prudence, personal probity, and honest intentions, he was bent upon enlarging the commerce of Spain and making the kingdom respected. A devoted Catholic, he was equally "a good defender of regality;" he restrained the exorbitant claims of the church, and was no friend to the inquisition. Given to reflection, and naturally slow of decision, he was cold and excessively reserved; a man of few words, but those words were to the purpose. Feebleness of health unfitted him for indefatigable labor, and was perhaps one of the causes why he could not bear contradiction, nor even hear a discussion without fretting himself into a passion. To his intercourse with foreign powers he brought duplicity and cunning; he professed the greatest regard for the interests and welfare of France; but his heart was the heart of a Spaniard. In his manners he was awkward and ill at ease. He spoke French with difficulty. With the vanity of a man of considerable powers, who from a humble station had reached the highest under the king, he clung to office with tenacity; and, from his character and unfailing subservience, his supremacy continued to the end of the reign of Charles III.

Bancroft, Hist. of the U.S., vol.5, p.136

His ablest colleague was Galvez, the minister for the Indies

—that is, for the colonics. Like Florida Blanca, he had been taken from the class of advocates. A mission to Mexico had made him familiar with the business of his department, to which he brought honesty and laborious habits, a lingering prejudice in favor of commercial monopoly, and the purpose to make the Spanish colonies self-supporting both for production and defence.

Bancroft, Hist. of the U.S., vol.5, p.136

Florida Blanca was met by the question of the aspect of the American revolution on the interests of Spain; and, as Arthur Lee was on his way to Madrid, as envoy of the United States, it seemed to demand an immediate solution. The king would not sanction a rebellion of subjects against their sovereign, nor, with his vast dominions in America, could he concede the right of colonies to claim independence.

Bancroft, Hist. of the U.S., vol.5, p.137

Add to this, that an American alliance involved a war with England, and that Spain was unprepared for war. Equal to Great Britain in the number of her inhabitants, greatly surpassing that island in the extent of her home territory and of her colonies, she did not love to confess even to herself her inferiority in wealth and power. Her colonies brought her no opulence; the annual exports to Spanish America had thus far fallen short of four millions of dollars in value, and the imports were less than the exports. Campomanes was urging through the press the abolition of restrictions on trade; but for the time the delusion of mercantile monopoly held the ministers fast bound. As a necessary consequence, the king, for want of seamen, could have no efficient navy. The war department was in the hands of an indolent chief, so that its business devolved on O'Reilly, whose character is known to us from his career in Louisiana, and whose arrogance and harshness were revolting to the Spanish nation. The revenue of the kingdom fell short of twenty-one millions of dollars, and there was a notorious want of probity in the management of the finances. The existing strife with Portugal was very serious, for it had for its purpose the possession of both banks of the river La Plata, with the right to close that mighty stream against all the world but Spain. In such a state of its navy, army, treasury, and foreign relations, how could it make war on England?

Bancroft, Hist. of the U.S., vol.5, p.137 - p.138

Arthur Lee was made to wait at Burgos for Grimaldi, who was on his way to Italy. They met on the fourth of March, and conversed through an interpreter, for Leo could speak nothing but English. Grimaldi, who describes him as an obstinate man, amused him with desultory remarks and professions: the relation between France and Spain was intimate; the Americans would find at New Orleans three thousand barrels of powder and some store of clothing, which they might take on credit; Spain would perhaps send them a well-freighted ship from Bilbao; but the substance of the interview was, that Lee must return straight to Paris. "All attempts of the like kind from agents of the rebellious colonies will be equally fruitless;" so spoke Florida Blanca again and again to the British minister at Madrid: "His Catholic majesty is resolved not to interfere in any manner in the dispute concerning the colonies;" "it is, and has been, my constant opinion that the independence of America would be the worst example to other colonies, and would make the Americans in every respect the worst neighbors that the Spanish colonies could have." The report of the French ambassador at Aranjuez is explicit: "It is the dominant wish of the Catholic king to avoid war; he longs above all things to end his days in peace."

Bancroft, Hist. of the U.S., vol.5, p.138

Yet Spain was irresistibly drawn toward the alliance with France, though the conflict of motives gave to its policy an air of uncertainty and dissimulation. The boundless colonial claims of Spain had led to disputes with England for one hundred and seventy years; that is, from the time when Englishmen planted a colony in the Chesapeake bay, which Spain had discovered, and named, and marked as its own bay of St. Mary's. It was perpetually agitated by a jealousy of the good faith of British ministries; and it lived in constant dread of sudden aggression from a power with which it knew itself unable to cope alone. This instinctive fear and this mortified pride gave a value to the protecting friendship of France, and excused the wish to see the pillars of England's greatness thrown down. Besides, the occupation of Gibraltar by England made every Spaniard her enemy. To this were added the obligations of the family compact between the two crowns, of which Charles III, even while eager for a continuance of peace, respected the conditions and cherished the spirit.

Bancroft, Hist. of the U.S., vol.5, p.138 - p.139

Hence the Spanish court had given money to the insurgents, but only on the condition that France should be its almoner and shroud its gifts in impenetrable secrecy. It reproved the hot zeal with which Aranda counselled war; it suffered American ships, and even privateers with their prizes, to enter Spanish harbors, but assured England that everything which could justly be complained of was done in contravention of orders. Fertile in subterfuges, Florida Blanca evaded an agreement with France for an eventual war with Great Britain. His first escape from the importunity of Vergennes was by a counter proposition for the two powers to ship large reinforcements to their colonies—a proposition which Vergennes rejected, because sending an army to the murderous climate of St. Domingo would involve all the mortality and cost of a war, with none of its benefits. Florida Blanca next advised to let Britain and America continue their struggle till both parties should be exhausted, and so should invite the interposition of France and Spain as mediators, who would then be able in the final adjustment to take good care of their respective interests. To this Vergennes replied that he knew not how the acceptance of such a mediation could be brought about; and in July he unreservedly fixed upon January or February, 1778, as the epoch when the two crowns must engage in the war, or forever after mourn for the opportunity lost by their neglect.

Bancroft, Hist. of the U.S., vol.5, p.139

To enlist captive American sailors in the British navy, threats were used. "Hang me, if you will, to the yard-arm of your ship, but do not ask me to become a traitor to my country," was the answer of Nathan Coffin; and it expressed the spirit of them all. In February, Franklin and Deane proposed to Stormont, at Paris, to exchange a hundred British seamen, taken by an American privateer, for an equal number of American prisoners in England. To this application Store mont was silent; to a more earnest remonstrance, in April, he answered: "The king's ambassador receives no applications from rebels unless they come to implore his majesty's mercy.

Bancroft, Hist. of the U.S., vol.5, p.139

For land forces, the princeling of Waldeck collected for the British service twenty men from his own territory and its neighborhood, twenty-three from Suabia, near fifty elsewhere, in all eighty-nine; and, to prevent their desertion, locked them up in the Hanoverian fortress of Hameln. The hereditary prince of Cassel had a troublesome competitor in his own father, whose agents were busy in the environs of Hanau; nevertheless, he furnished ninety-one recruits, and four hundred and sixty-eight additional yagers, which was fifty-six more than he had bargained for.

Bancroft, Hist. of the U.S., vol.5, p.139 - p.140

In the course of the year, by impressment at home and theft of foreigners, the landgrave of Hesse-Cassel furnished fourteen hundred and forty-nine more. This number barely made good the losses in the campaign and at Trenton; a putrid epidemic, which at the end of the winter broke out among the Hessian grenadiers at Brunswick, in eight weeks swept away more than three hundred of the ablest men, and their places were not supplied.

Bancroft, Hist. of the U.S., vol.5, p.140

Of the men whom the duke of Brunswick offered, Faucitt writes: "I hardly remember to have ever seen such a parcel of miserable, ill-looking fellows collected together." Only two hundred and twenty-two of them were accepted.

Bancroft, Hist. of the U.S., vol.5, p.140

To clear himself from debts bequeathed him by his ancestors, the margrave of Brandenburg-Anspach, on moderate terms, furnished two regiments of twelve hundred men, beside a company of eighty-five yagers, all of the best quality, and kept his engagement with exceptional scrupulousness.

Bancroft, Hist. of the U.S., vol.5, p.140

In the former year a passage had everywhere been allowed to the subsidized troops. The enlightened mind of Germany, its philosophers, its poets, began to revolt at the hiring of its sons for armies waging war against the rights of man; the universal feeling of its common people was a perpetual persuasion against enlistments, and an incentive to desertion. Throughout Germany "the news of the capture of German troops by Washington in 1776 excited a universal jubilee." The subsidized princes forced into the service not merely vagabonds and loose fellows of all kinds, but any unprotected traveller or hind on whom they could lay their hands. The British agents became sensitive to the stories that were told of them. The rulers of the larger states felt the dignity of the empire insulted. Frederic of Prussia showed his disgust as openly as possible. The court of Vienna concerted with the elector of Mentz and the elector of Treves "to throw a slur" on the system. At Mentz, the yagers of Hanau who came first down the Rhine were stopped, and eight of them rescued by the elector's order as his subjects or soldiers. From the troops of the landgrave of Hesse eighteen were removed by the commissaries of the ecclesiastical prince of Treves. At Coblentz, Metternich, the active young representative of the court of Vienna, in the name of Maria Theresa and Joseph II., reclaimed their subjects and deserters.

Bancroft, Hist. of the U.S., vol.5, p.140

The regiments of Anspach could not be trusted to carry ammunition or arms, but were driven by a company of yagers well provided with both, and ready to nip a mutiny in the bud. Yet eighteen or twenty succeeded in deserting. When the rest reached their place of embarkation at Ochsenfurt on the Main, the regiment of Bayreuth began to hide themselves in some vineyards. The yagers, who were picked marksmen, were ordered to fire among them, by which some of them were killed. They avenged themselves by putting a yager to death. The margrave of Anspach, summoned by express, rode to the scene in the greatest haste, leaving his watch on his table, and without a shirt to change. The presence of their "land's father" overawed them; they acknowledged their fault, and submitted to his reprimands. Four of them he threw into irons, and ordered all to the boats. Assuming in person the office of driver, he marched them through Mentz in defiance of the elector, administered the oath of fidelity to the king of England at Nymwegen, and never left his post till, at the end of March, in the presence of Sir Joseph Yorke, he in person delivered at S'cravendell his children, whose service he had sold. There "the margrave brought the men on board himself, went through the ships with them, marked their beds, gave out every order which was recommended to him, and saw it executed, with but little assistance, indeed, from his own officers." The number of recruits and reinforcements obtained in these ways amounted to no more than thirty-five hundred and ninety-six.

Bancroft, Hist. of the U.S., vol.5, p.141 - p.142

Three thousand men had been expected from the duke of Wurtemberg, who had been in England in search of a contract. "But the inability of the duke to supply any troops was soon discovered, and the idea, though not without great disappointment, laid aside." The "Catholic princes of the empire discouraged the service." The young profligate, who was prince of Anhalt-Zerbst, alone caught at the overture, which found him engaged with three other princes of his family on a hunting expedition. They had billeted six hundred dogs upon the citizens of Dessau; entranced by the occasion, he wrote in strange French: "At the first crack of the huntsman's whip or note of his hunting-horn, the dogs came together like troops at the beat of the drum, and they began to run down the beasts of the forest; it would not be bad if we could run down the Americans like that." He did not know that the wild huntsman of revolution was soon to wind his bugle, and run down these princely dealers in men.

Bancroft, Hist. of the U.S., vol.5, p.142

In narrating these events, I have followed exclusively the letters and papers of the princes and ministers who took part in the transactions. They prove the law, which all induction confirms, that the transmission of uncontrolled power, visiting the sins of the fathers upon the children, inevitably develops corruptness and depravity. The despotism of man over man brings a curse on whatever family receives it.

Bancroft, Hist. of the U.S., vol.5, p.142

The new German levies, except the Brunswick and Hanau recruits and four companies of Hanau yagers which went to Quebec, were used to reinforce the army under Howe. From Great Britain and Ireland, the number of men who sailed for New York before the end of the year was three thousand two hundred and fifty-two; for Canada, was seven hundred and twenty-six.

Bancroft, Hist. of the U.S., vol.5, p.142

In America recruiting stations for the British army were established. In a few months Delancey of New York enlisted about six hundred, and Cortland Skinner of New Jersey more than five hundred men. In the course of the winter commissions were issued for imbodying six thousand five hundred men in thirteen battalions; and before the end of May more than half that number was obtained; but only a small proportion of them were natives of America. The service of two thousand French Canadians was called for and expected.

Bancroft, Hist. of the U.S., vol.5, p.142 - p.143

The deficiency was to be supplied by the employment of the largest possible number of savages, for which Germain issued his instructions with almost ludicrous minuteness of detail; and "the king, after considering every information that could be furnished, gave particular directions for every part of the disposition of the forces in Canada." It was their hope to employ bands of wild warriors along all the frontier. The king's peremptory orders were sent to the north-west to "extend operations;" and among those whose "inclination for hostilities" was no more to be restrained were enumerated "the Ottawas, the Chippeways, the Wyandots, the Shawnees, the Senecas, the Delawares, and the Pottawatomies." Joseph Brant, the Mohawk, roused his countrymen to clamor for war under leaders of their own, who would indulge them in their excesses and take them wherever they wished to go. Humane British and German officers in Canada foresaw that their cruelty would be unrestrained, and from such allies augured no good to the service. But the policy of Germain was unexpectedly promoted by the release of La Corne Saint-Luc, the most ruthless of partisans, now in his sixty-sixth year, but full of vigor and more relentless from ago. He had vowed eternal vengeance on "the beggars" who had kept him captive; and Germain extended favor to the leader who above all others was notorious for brutal inhumanity.

Bancroft, Hist. of the U.S., vol.5, p.143

Relying on Indian mercenaries to break up the communication between Albany and Lake George by the terror of their raids, the secretary drew out the plan of the northern campaign in concert with Burgoyne, who was seeking his "patronage and friendship" by assurances of "a solid respect and sincere personal attachment." Neither of them would admit a doubt of the triumphant march of the army from Canada to Albany. To extend the success through all New York, Saint-Leger was selected by the king to conduct an expedition by way of Lake Ontario for the capture of Fort Stanwix and the Mohawk valley; and orders were given to rally at Niagara the thousand savages who were to be of the party. These preparations, Germain assured the house of commons, would be sufficient to finish the war in the approaching campaign.

Bancroft, Hist. of the U.S., vol.5, p.143

Parliament in February authorized the grant of letters to private ships to make prizes of American vessels; and, by an act which described American privateersmen as pirates, suspended the writ of habeas corpus with regard to prisoners taken on the high seas. The congress of the United States, after talking of a lottery and a loan in Europe, fell back upon issues of paper money. Lord North found ample resources in new taxes, exchequer bills, and excise duties, a profitable lottery, a floating debt of five millions sterling, and a loan of five millions more. In a sermon before the Society for Propagating the Gospel, Markham, the archbishop of York, not doubting the conquest of the colonies, reflected on their "ideas of savage liberty," and recommended a reconstruction of their governments on the principle of complete subordination to Great Britain. "These," cried Chatham, "are the doctrines of Atterbury and Sacheverell." They were the doctrines of James II., and yet they were adopted by Thurlow, as the fit rule for governing British colonies in America.

Bancroft, Hist. of the U.S., vol.5, p.144

Some voices in England pleaded for the Americans. The war with them, so wrote Edmund Burke to the sheriffs of Bristol, is "fruitless, hopeless, and unnatural;" the earl of Abingdon added, "on the part of Great Britain, cruel and unjust." "Our force," replied Fox to Lord North, "is not equal to conquest; and America cannot be brought over by fair means while we insist on taxing her." Burke harbored a wish to cross the channel and seek an interview with Franklin; but the friends of Rockingham refused their approval. Near the end of April, Hartley went to Paris to speak with Franklin of peace and reunion, and received for answer that England could never conciliate the Americans but by conceding their independence. "We are the aggressors," said Chatham, on the thirtieth of May, in the house of lords; "instead of exacting unconditional submission from the colonies, we ought to grant them unconditional redress. Now is the crisis, before France is a party. Whenever France or Spain enter into a treaty of any sort with America, Great Britain must immediately declare war against them, even if we have but five ships of the line in our ports; and such a treaty must and will shortly take place, if pacification be delayed."

Bancroft, Hist. of the U.S., vol.5, p.144

The advice of Chatham was rejected by the vote of nearly four fifths of the house; but, with all her resources, England labored under insuperable disadvantages. She had involved herself in a violation of the essential principle of English liberty; her chief minister wronged his own convictions in continuing the war; and it began to be apparent that France would join with America.

Chapter 11:

The Opening of the Campaign of 1777,

March-July 1777

Bancroft, Hist. of the U.S., vol.5, p.145

GENERAL CHARLES LEE, for whom congress and Washington offered six Hessian field-officers in exchange, and threatened retaliation if he were to be treated as a deserter, assured his captors that the colonies declared independence against his advice, and volunteered to negotiate their return to their old allegiance. With the sanction of the Howes, on the tenth of February he wrote to congress requesting that two or three gentlemen might be sent to him immediately to receive his communication; and in private letters he conjured Rush, Robert Morris, and Richard Henry Lee "to urge the compliance with his request as of the last importance to himself and to the public." Congress promptly resolved that "it was altogether improper to send any of their body to communicate with him."

Bancroft, Hist. of the U.S., vol.5, p.145 - p.146

On the eleventh of March, during a fruitless interview of nine hours on the subject of the exchange of prisoners, Walcott, of the British army, speaking under instructions from Howe, took occasion to say to Harrison, the American: "What should prevent General Washington, who seems to have the power in his hands, from making peace between the two countries?" Harrison replied: "The commissioners have no other powers than what they derive under the act of parliament by which they are appointed." "Oh," rejoined Walcott, "the minister has said, in the house of commons, he is willing to place the Americans as they were in 1763: suppose Washington should propose this, renouncing independence which would be your ruin?" "Why do you refuse to treat with congress " asked Harrison. "Because," answered Walcott, "it is unknown as a legal assembly to both countries. But it would be worth Washington's while to try to restore peace." Without hesitation, Harrison put aside the overture.

Bancroft, Hist. of the U.S., vol.5, p.146

Eight days after this rebuff, Lee once more conjured congress to send two or three gentlemen to converse with him on subjects "of great importance, not only to himself, but to the community he so sincerely loved." On the twenty-ninth, congress "still judged it improper to send any of their members to confer with General Lee." The vote fell upon the day on which Lee presented to the British commanders a plan for reducing the Americans, saying: "I think myself bound in conscience to furnish all the lights I can to Lord and General Howe." To Washington he wrote in terms of affection, and asked commiseration for one whom congress had wronged. Just at this time Sir Joseph Yorke, who understood Lee well, assured the British ministry that his capture was to be regretted; "that it was impossible but he must puzzle everything he meddled in; that he was the worst present the Americans could receive." As a consequence, leave was given by the king for his exchange, and he received through British officers eleven hundred guineas.

Bancroft, Hist. of the U.S., vol.5, p.146

While the Howes were aiming at reconciliation by an amnesty, Germain gave them this new instruction: "At the expiration of the period limited in your proclamation, it will be incumbent upon you to use the powers with which you are intrusted in such a manner that those persons who shall have shown themselves undeserving of the royal mercy may not escape that punishment which is due to their crimes, and which it will be expedient to inflict for the sake of example to futurity." General Howe was not sanguinary, though, from his indolence and neglect, merciless cruelties were inflicted by his subordinates; Lord Howe had accepted office from real goodwill to America and England; and, on the twenty-fifth of March, the brothers answered: "Are we required to withhold his majesty's general pardon, even though the withholding of such general pardon should prevent a speedy termination of the war?"

Bancroft, Hist. of the U.S., vol.5, p.147

Howe had requested a reinforcement of fifteen thousand men, in order to "finish the war in one year." For the conquest of a continent the demand was certainly moderate; but Germain, conforming his judgment to the letters of spies and tale-bearers, or, as he called them, "of persons well informed on the spot," professed to think "that such a requisition ought not to be complied with. Promising but four thousand Germans, a larger number than was obtained, he insisted that Howe "would have an army of very nearly thirty-five thousand rank and file, so that it would still be equal to his wishes." The disingenuous statement foreshadowed a disposition to cast upon him all blame for any untoward events in the next campaign.

Bancroft, Hist. of the U.S., vol.5, p.147

It was an enormous fault of the British government to require the main body of the reinforcements destined for the army of General Howe to traverse more than two hundred leagues of a region replete with difficulties, and almost desert. The scheme originated with Carleton, the governor of Quebec, who, as he outranked Howe, nursed the ambition of leading ten thousand men victoriously into the United States, and on his arrival assuming the supreme direction of the war. The project appeared magnificent to the cabinet at London, and was persisted in through the fascinating promises of Burgoyne. General Howe, justly indignant, took counsel with his brother, and, on the second of April, despatched to the secretary the final revision of his plan for the campaign: "The offensive army will be too weak for rapid success. The campaign will not commence so soon as your lordship may expect. Restricted by the want of forces, my hopes of terminating the war this year are vanished." Relinquishing a principal part of what he had formerly proposed, he announced his determination to evacuate the Jerseys and invade Pennsylvania from the sea, He further made known, alike to Carleton and to the secretary, that the army which was to advance from Canada would meet "with little assistance from him." Early in the year a British brigade and several companies of grenadiers and light infantry were transferred from Rhode Island to Amboy.

Bancroft, Hist. of the U.S., vol.5, p.148

In the middle of March, Washington's "whole number in Jersey fit for duty was under three thousand; and these, nine hundred and eighty-one excepted, were militia, who stood engaged only till the last of the month." In New Jersey, the theatre of war, he advised that every man able to bear arms should turn out, and that no one should be allowed to buy off his service; for, said he, "every injurious distinction between the rich and the poor ought to be laid aside now." The want of arms was relieved by the arrival of ships freighted by Beaumarchais from the arsenals of France.

Bancroft, Hist. of the U.S., vol.5, p.148

Congress, in appointing four more major-generals, on the pretext that Connecticut already had two of that rank, passed over Arnold, the oldest brigadier. To Washington, Arnold complained of the wound to his "nice feelings;" to Gates he wrote:

"By heavens! I am a villain if I seek not

A brave revenge for injured honor."

Bancroft, Hist. of the U.S., vol.5, p.148

On the first of March, Alexander Hamilton joined the staff of the commander-in-chief as his secretary, and thus obtained the precious opportunity of studying the course of national affairs from the largest point of view and under the wisest guidance. On the same day six new brigadiers were appointed. Stark stood at the head of the roll of New Hampshire for promotion, was the best officer from that state, and had rendered very great service at Bunker Hill, Trenton, and Princeton; but, on the idea that he was self-willed, he was passed over. Chafing at the injustice, he retired to his freehold and his plough, where his patriotism, like the fire of the smithy when sprinkled with water, glowed more fiercely than ever.

Bancroft, Hist. of the U.S., vol.5, p.148

In March, Greene was sent to Philadelphia, to explain to congress the pressing wants of the army. By his suggestion, the commander-in-chief, as well as the chief officer in every department, was permitted, but no longer required, to consult the general officers under him; and it was recognised as his duty "finally to direct every measure according to his own judgment." To raise an army, Washington saw no way so, good as that of drafting adopted by Massachusetts, on an equal apportionment of its quota to each of its towns; and congress, in case voluntary enlistment should prove insufficient, "advised indiscriminate drafts from the militia of each state."

Bancroft, Hist. of the U.S., vol.5, p.149 - p.150

To the command of the forts in the Highlands on the Hudson George Clinton was appointed with the concurrence of New York, of congress, and of Washington. In the northern department confusion grew out of the rivalry between Schuyler and Gates. Congress, on the seventeenth of June 1776, had directed the commander-in-chief to send Major-General Gates to take the command of the American forces in Canada; but before he arrived there the American army had retired beyond its boundary. A question instantly arose whether Gates remained independent of Schuyler; congress disclaimed the "design to vest him with a superior command to Schuyler while the troops should be on this side Canada;" and they recommended harmony to both generals. Harmony between them was impossible; and other service was thought of for Gates. But in February 1777, a letter from him set forth to them his own merits, saying: "I had last year the honor to command in the second post in America, and to prevent the enemy from making their junction with General Howe." The boast was a false one; but meantime Schuyler sent to congress a querulous letter, which they voted to be "highly derogatory to the honor of congress." Ten days later a majority, chiefly of the New England members, without consulting the commander-in-chief, directed Gates "to repair immediately to Ticonderoga and take command of the army there." Claiming to be appointed to the most important post in all America, Gates, as if master over all, left with Lovell of Massachusetts a plan how to station every part of the American army upon the opening of the campaign, and continued to enjoin its exact execution as the best that could be framed "for the defence of American liberty." From Albany, near the end of April, he writes to congress: "I foresee the worst of consequences from too great a proportion of the main army being drawn into the Jerseys. Request congress in my name to order two troops of horse to Albany." And congress directed Washington to "forward two troops of horse to General Gates." Washington thought that the requisitions of Gates should be made directly to himself, or that at least he should receive a duplicate of them; but Gates insisted on dealing directly with congress, as "the common parent of all the American armies."

Bancroft, Hist. of the U.S., vol.5, p.150

He asked the appointment of his friend, William Gordon, afterward historian of the revolution, as chaplain-general of the northern army. In the autumn of 1776, Kosciuszko, a Polish officer of courage, modesty, and sound judgment, took part with America. Gates, who describes him as "an able engineer and one of the best and neatest draftsmen he ever saw," wisely selected him for the northern service, and ordered him, "after he should have thoroughly made himself acquainted with the works, to point out where and in what manner the best improvements and additions could be made thereto."

Bancroft, Hist. of the U.S., vol.5, p.150

On the ninth of May, resuming his self-conceit, he writes to the president of congress: "In my name assure congress that there is good ground to hope Ticonderoga may be as safe this year as it was the last." To Lovell he scoffingly proposed that Schuyler should go and command at Peekskill, near the New York convention and in the centre of the colony. On his petulant requisition for tents, Washington explained why there was a scarcity of them. At this Gates complained to Lovell "how little he had to expect from George Washington. Generals, like parsons, are all for christening their own child first; let an impartial moderating power decide between us." Waiting many weeks for ordnance and stores, he announced to Washington: "I am resolved not to leave Albany before I see the bulk of them before me."

Bancroft, Hist. of the U.S., vol.5, p.150

In the second week of April, Schuyler resumed his seat in congress, fixed in the purpose of recovering his command. By his authority, George Clinton, in a letter to the New York delegation, set forth that Schuyler himself, while in the chief command with Gates as his junior, claimed to have made Ticonderoga nearly impregnable, and was willing to assume all responsibility for its future safety, and therefore should be red stored to his command, yet with Gates serving as in the preceding year. Schuyler announced to Washington his intention "to resign his commission;" and Washington interposed no dissuasions. Yet on the twenty-second of May, in the unhappiest hour for Schuyler, in the moment of greatest good luck for Gates, congress, after a debate of four days, by an accidental majority of one state, accorded to Schuyler the command of Albany, Ticonderoga, Fort Stanwix, and their dependencies.

Bancroft, Hist. of the U.S., vol.5, p.151

The only noteworthy military events of the early year were attacks upon the magazines of the two parties. The stores for the American army deposited at Peekskill were destroyed.

Bancroft, Hist. of the U.S., vol.5, p.151

On the twenty-third of April a detached corps of eighteen hundred men, and a small number of dragoons, under the command of Tryon, now a major-general of provincials, sailed from New York, under convoy, to destroy an American magazine at Danbury, Connecticut. About three hours after noon on Saturday, the twenty-sixth, they reached Danbury, scattered the guard, which was composed of but fifty continentals and a few militia, and, under a heavy rain, destroyed the stores. All night long they were busy in burning the village. The people rising in arms, the invading party, though they returned by a different route, were waylaid, and forced to fly as from Concord in 1775. By a quick march, Arnold and Silliman confronted them on Sunday at Ridgefield with four hundred men. Wooster hung on their rear with two hundred more, and, cheering his troops by his words and his example, fell at their head, mortally wounded, yet not till he had taken twenty or more prisoners. Arnold, throwing up a barrier across the road, sustained a sharp action till his position was turned. His horse being killed under him, a soldier, seeing him alone and entangled, was advancing on him with fixed bayonet, when Arnold, drawing a pistol, shot his assailant, and retired unhurt.

Bancroft, Hist. of the U.S., vol.5, p.151

At the wane of the day the British troops, in an oblong square, lay on their arms till morning. At daybreak on Monday they resumed their march, and escaped danger only by fording the Saugatuck a mile above all the American parties and running at full speed to the high hill of Compo, within half a mile of their convoy at Norwalk. Before night the English set sail, having lost about two hundred men; the Americans lost not half so many.

Bancroft, Hist. of the U.S., vol.5, p.152

Congress, who at Washington's instance had elected Arnold a major-general, voted him "a horse caparisoned, as a token of their approbation of his gallant conduct." To Wooster they voted a monument.

Bancroft, Hist. of the U.S., vol.5, p.152

Return Meigs of Connecticut, learning through General Parsons that the British were lading transports at Sag Harbor, on the east side of the great bay of Long Island, crossed the sound from Sachem's Head on the twenty-third of May, with two hundred continentals, in whaleboats. From the north beach of the island they carried their boats on their backs over the sandy point, embarked again on the bay, and landed after midnight within four miles of Sag Harbor. To that place they advanced before daybreak in silence and order, burned one vessel of six or eight guns, and ten loaded transports, destroyed the stores that lay at the wharf, killed five or six of the British, and captured all the rest but four. On their return, they reached Guilford with ninety prisoners at two in the afternoon, having traversed by land and water ninety miles in twenty-five hours. Congress voted Meigs a sword, and Washington promoted Sergeant Ginnings for merit in the expedition.

Bancroft, Hist. of the U.S., vol.5, p.152 - p.153

In May, Howe received letters written after the news of the disasters at Trenton and Princeton reached England. Germain, whom grievous disappointment made more and more vengeful, expressed extreme mortification that the brilliancy of Howe's successes had been tarnished, adding: "They who insolently refuse to accept the mercy of their sovereign cannot expect clemency; I fear you and Lord Howe must adopt such modes of carrying on the war that the rebels, through a lively experience of losses and sufferings, may be brought as soon as possible to a proper sense of their duty." The secretary added the king's opinion, that in conjunction with the fleet "a warm diversion" should be made "upon the coasts of the Massachusetts bay and New Hampshire," and their ports be occupied or "destroyed." The admiral would not hearken to the hint to burn Boston and other seaside towns of New England; and the general made answer that "it was not consistent with other operations." Notwithstanding Germain's minute directions, addressed through him to the Indian agent, on the employment of savages against the frontiers of the southern states, he never urged "the red children of the great king" to deeds of blood.

Bancroft, Hist. of the U.S., vol.5, p.153

On the twenty-eighth of May, Washington removed his quarters from Morristown to the heights of Middlebrook. Of his army, which was composed of no more than seven thousand five hundred men, he retained about six thousand in his well-chosen mountain camp, of which the front was protected by the Raritan, then too deep to be forded, and the right, where the ground was not good, by two strong redoubts; the left was by nature difficult of access. Here, at a distance of about nine miles from Brunswick, he kept watch of his enemy. General Howe put on the appearance of opening the campaign. Two more British regiments were ordered from Rhode Island; horses, tents, stores, reinforcements, arrived from England; and, by the twelfth of June, seventeen thousand men, with boats and pontoons for crossing the Delaware, were assembled at Brunswick. The veteran officers, alike German and British, agreed that they had never seen such a body of men.

Bancroft, Hist. of the U.S., vol.5, p.153

It was Howe's purpose by a swift march to cut off the division under Sullivan, which was stationed at Princeton; but the troops ordered for that service arrived five hours too late. Sullivan had retired to the Delaware, and was not pursued. Howe next occupied a fine country for a battle-field, near the American encampment. During this period Washington's army at night slept on their arms; in the morning they were arrayed for battle; but Howe dared not venture an attack, and only threw up fortifications which he was soon to abandon.

Bancroft, Hist. of the U.S., vol.5, p.153 - p.154

Men in and round congress fretted at Washington's caution. One American general officer wrote: "We must fight or forfeit our honor;" Samuel Adams was "not over-well pleased with what was called the Fabian war in America." To reproaches Washington answered: "As I have one great object in view, I shall steadily pursue the means which in my judgment lead to the accomplishment of it;" and he continued to baffle and soon tired out an enemy of much more than twice his numbers. On the evening of the twentieth, the army at Middlebrook learned that the whole British force in New Jersey was returning to Amboy, and the surrounding country as far as Brunswick rung with their shouts and salvos.

Bancroft, Hist. of the U.S., vol.5, p.154

On the morning of the twenty-second, the Anspach and Hessian yagers, who formed the rear of Heister's division, were much cut up by a body of about three hundred men. When more than half the column of Cornwallis had passed Piscataway, his patrols on the left were fiercely set upon by Morgan's riflemen and driven back upon the column; and, though Howe put himself at the head of the two nearest regiments to meet the attack, for a half-hour they continued the fight within the distance of forty yards, and did not retire till he ordered up heavy artillery and scoured the woods with grape.

Bancroft, Hist. of the U.S., vol.5, p.154

Having taken the advice of his general officers, Washington on the twenty-fourth came down with the main body of his army as far as Quibbletown, and advanced Lord Stirling's division with some other troops to Matouchin, with orders in no event to bring on a general engagement. Stirling, who was a brave man, but no tactician, saw fit to awalt an attack. His position was turned and his party put to flight, leaving two small cannon. The British lost about seventy men; the Americans, including prisoners, full twice that number. Washington returned to the heights of Middlebrook. On the thirtieth, Howe evacuated New Jersey, never again to step on its soil. A great American victory would not have given a deadlier blow to British supremacy. Jerseymen who had accepted British protection fled to Staten Island.

Bancroft, Hist. of the U.S., vol.5, p.154 - p.155

In Philadelphia, congress celebrated the first anniversary of independence with a feeling of security. The bells rung all day and all the evening; ships, row-galleys, and boats showed the new flag of the thirteen United States: thirteen stripes, alternate red and white; for the union thirteen stars, white in a blue field, representing a new constellation. At one o'clock the ships in the stream were manned. At three the members of congress and officers of the government of Pennsylvania dined together. "Our country" was on the lips of every one; "the heroes who have fallen" were commemorated; the Hessian band, captured at Trenton, played excellently well. After ward there were military parades, and at night bonfires, fireworks, and a general illumination.

Bancroft, Hist. of the U.S., vol.5, p.155

Six days later a most daring adventure succeeded. Prescott, the commander of the British forces on Rhode Island, had his quarters at a farm-house about four miles from Newport, on the west side of the island, a mile from any troops, with no patrols along the shore, and no protection but a sentry and the guard-ship in the bay. Informed of this rashness, William Barton, a native of Warren, then a lieutenant-colonel in the Rhode Island militia, on the night following the ninth of July embarked in whale-boats at Warwick neck a party of forty volunteers, steered between the islands of Patience and Prudence, and landed at Redwood creek. Coming up across fields, they surrounded Prescott's house, burst open the doors, took him and Lieutenant Barrington out of their beds, hurried them to the water without giving them time to put on their clothes, and, while men from the several camps were searching for their tracks on the shore, they passed under the stern of the guard-ship which lay against Hope Island, regained Warwick, and forwarded their captives to the American headquarters in Providence. In rank Prescott was the equal of Lee, and they were promptly exchanged.

Chapter 12:

The Advance of Burgoyne From Canada,

May-August 1777

Bancroft, Hist. of the U.S., vol.5, p.156

"THIS campaign will end the war," was the opinion given by Riedesel; and through Lord Suffolk he solicited the continued favor of the British king, who was in his eyes "the adoration of all the universe." Flushed with expectations of glory, Carleton employed the unusually mild winter in preparations. On the last day of April he gave audience to the deputies of the Six Nations, and accepted their services with thanks and gifts. Other large bodies of Indians were engaged, under leaders of their own approval. "Wretched colonies!" said Riedesel, "if these wild souls are indulged in war."

Bancroft, Hist. of the U.S., vol.5, p.156

To secure the Mohawks to the British side, Joseph Brant urged them to abandon their old abode for lands more remote from American settlements. To counteract his authority, Gates, near the end of May, thus spoke to a council of warriors of the Six Nations:

Bancroft, Hist. of the U.S., vol.5, p.156 - p.157

"The United States are now one people; suffer not any evil spirit to lead you into war. Brothers of the Mohawks, you will be no more a people from the time you quit your ancient habitations; if there is any wretch so bad as to think of prevailing upon you to leave the sweet stream so beloved by your forefathers, he is your bitterest enemy. Before many moons pass away, the pride of England will be laid low; then how happy will it make you to reflect that you have preserved the neutrality so earnestly recommended to you from the beginning of the war! Brothers of the Six Nations, the Americans well know your great fame and power as warriors; the only reason why they did not ask your help against the cruelty of the king was, that they thought it ungenerous to desire you to suffer in a quarrel in which you had no concern. Brothers, treasure all I have now said in your hearts; for the day will come when you will hold my memory in veneration for the good advice contained in this speech."

Bancroft, Hist. of the U.S., vol.5, p.157

The settlers in the land which this year took the name of Vermont refused by a great majority to come under the jurisdiction of New York; on the fifteenth of January 1777, their convention declared the independence of their state. At Windsor, on the second of June, they appointed a committee to prepare a constitution; and they hoped to be received into the American union. But, as New York opposed, congress, by an uncertain majority against a determined minority, disclaimed the intention of recognising Vermont as a separate state.

Bancroft, Hist. of the U.S., vol.5, p.157

Gates charged Saint-Clair to "call lustily for aid of all kinds, for no general ever lost by surplus numbers or over-preparation;" and he then repaired to Philadelphia, to intrigue for his reinstatement.

Bancroft, Hist. of the U.S., vol.5, p.157

On the twelfth, Saint-Clair, the best of the brigadiers then in the North, reached Ticonderoga. Five days later Schuyler visited his army. Mount Defiance, which overhangs the outlet of Lake George and was the "key of the position," was left unoccupied. From the old French intrenchments to the southeastern works on the Vermont side the wretchedly planned and unfinished defences extended more than two miles and a half; and from end to end of the straggling lines and misplaced block-houses there was no spot which could be held against a superior force. The British could reach the place by the lake more swiftly than the Americans through the forest. A necessity for evacuating the post might arise; but Schuyler shrunk from giving definite instructions, and, returning to Albany, busied himself with forwarding to Ticonderoga supplies for a long siege.

Bancroft, Hist. of the U.S., vol.5, p.157 - p.158

On the sixth of May, Burgoyne arrived at Quebec. Carleton received with amazement despatches censuring his conduct in the last campaign, and ordering him, for "the speedy quelling of the rebellion," to make over to an inferior officer the command of the Canadian army as soon as it should cross the boundary of the province of Quebec. Answering with passionate recrimination the just reproaches of Germain and of his adviser Lord Amherst, he at once yielded up the chief military authority, and, as civil governor, paid a haughty but unquestioning obedience to the requisitions of Burgoyne. Contracts were made for fifteen hundred horses and five hundred carts; a thousand Canadians, reluctant and prone to desertion, were called out as road-makers and wagoners; and six weeks' supplies for the army were crowded forward upon the one line of communication by the Sorel. Burgoyne had very nearly all the force which he had represented as sufficient. His officers were well chosen, especially Phillips and Riedesel as major-generals and the Highlander Fraser as an acting brigadier. A diversion, from which great consequences were expected, was to proceed by way of Lake Ontario to the Mohawk river. Sir William Howe was notified that Burgoyne had orders to force a junction with his army.

Bancroft, Hist. of the U.S., vol.5, p.158

On the fifteenth of June, Burgoyne advanced from St. John's, as he thought, to easy victories and high promotion. Officers' wives attended their husbands, promising themselves an agreeable trip. On the twentieth some of the Indians, shedding the first blood, brought in ten scalps and as many prisoners. The next day, at the camp near the river Bouquet, a little north of Crown Point, Burgoyne, the applauded writer of plays for the stage, gathering round him the chief officers of his army in their gala uniforms, met in congress about four hundred Iroquois, Algonkin, and Ottawa savages, and thus appealed to what he called "their wild honor":

Bancroft, Hist. of the U.S., vol.5, p.158 - p.159

"Warriors, you are free; go forth in might of your valor and your cause; strike at the common enemies of Great Britain and America, disturbers of public order, peace, and happiness, destroyers of commerce, parricides of the state. The circle round you, the chiefs of his majesty's European forces, and of those of the princes, his allies, esteem you as brothers in the war; emulous in glory and in friendship, we will reciprocally give and receive examples. Be it our task to regulate your passions when they overbear. I positively forbid bloodshed, when you are not opposed in arms. Aged men, women, children, and prisoners must be held sacred from the knife and the hatchet, even in the time of actual conflict. You shall receive compensation for the prisoners you take, but you shall be called to account for scalps. Your customs have affixed an idea of honor to such badges of victory: you shall be allowed to take the scalps of the dead, when killed by your fire in fair opposition; but on no pretence are they to be taken from the wounded or even dying. Should the enemy, on their part, dare to countenance acts of barbarity toward those who may fall into their hands, it shall be yours to retaliate."

Bancroft, Hist. of the U.S., vol.5, p.159

An old Iroquois chief replied: "When you speak, we hear the voice of our great father beyond the great lake. We have been tried and tempted by the Bostonians; but we loved our father, and our hatchets have been sharpened upon our affections. In proof of sincerity, our whole villages, able to go to war, are come forth. The old and infirm, our infants and wives, alone remain at home. With one common assent we promise a constant obedience to all you have ordered and all you shall order; and may the Father of days give you many, and success."

Bancroft, Hist. of the U.S., vol.5, p.159

Having feasted the Indians according to their custom, Burgoyne published his speech, which reflected his instructions. Edmund Burke, who had learned that the natural ferocity of those tribes far exceeded the ferocity of all barbarians mentioned in history, pronounced that they were not fit allies for the king in a war with his people; that Englishmen should never confirm their evil habits by fleshing them in the slaughter of British colonists. In the house of commons Fox censured the king for suffering them in his camp, when it was well known that "brutality, murder, and destruction were ever inseparable from Indian warriors." When Suffolk, before the lords, contended that it was perfectly justifiable to use all the means which God and nature had put into their hands, Chatham called down "the most decisive indignation at these abominable principles and this more abominable avowal of them."

Bancroft, Hist. of the U.S., vol.5, p.159 - p.160

In a proclamation issued at Crown Point, Burgoyne, claiming to speak "in consciousness of Christianity and the honor of soldiership," enforced his persuasions to the Americans by menaces like these: "Let not people consider their distance from my camp; I have but to give stretch to the Indian forces under my direction, and they amount to thousands, to overtake the hardened enemies of Great Britain. If the frenzy of hostility should remain, I trust I shall stand acquitted in the eyes of God and man in executing the vengeance of the state against the wilful outcasts."

Bancroft, Hist. of the U.S., vol.5, p.160

On the last day of June, Burgoyne declared in general orders: "This army must not retreat;" while Saint-Clair wrote to Schuyler: "Should the enemy attack us, they will go back faster than they came." On the first of July the invading army moved up the lake. As they encamped at evening before Ticonderoga and Mount Independence, the rank and file, exclusive of Indians, numbered three thousand seven hundred and twenty-four British, three thousand and sixteen Germans, two hundred and fifty provincials, besides four hundred and seventy-three skilful artillerists, with an excessive supply of artillery. On the third, one of Saint-Clair's aids promised Washington "the total defeat of the enemy." On that day Riedesel was studying how to invest Mount Independence. On the fourth, Phillips seized the mills near the outlet of Lake George, and hemmed in Ticonderoga on that side. In the following night a party of infantry, following the intimation of Lieutenant Twiss of the engineers, took possession of Mount Defiance. In one day more, batteries from that hill would play on both forts, and Riedesel complete the investment of Mount Independence. "We must away," said Saint-Clair; his council of war were all of the same mind, and the retreat must be made the very next night. The garrison, according to his low estimate, consisted of thirty-three hundred men, of whom two thirds were effective, but with scarcely more than one bayonet to every tenth soldier. One regiment, the invalids, and such stores as there was time to lade, were sent in boats up the lake to Whitehall, while the great body of the troops, under Saint-Clair, took the new road through the wilderness to Hubbardton.

Bancroft, Hist. of the U.S., vol.5, p.160 - p.161

They left ample stores of ammunition, flour, salt meat, and herds of oxen, more than seventy cannon, and a large number of tents. Burgoyne, who came up in the fleet, sent Fraser with twenty companies of English grenadiers, followed by Riedesel's infantry and reserve corps, in pursuit of the army of Saint-Clair; and, as soon as the channel between Ticonderoga and Mount Independence could be cleared, the fleet, bearing Burgoyne and the rest of his forces, chased after the detachment which had escaped by water. The Americans, burning three of their vessels, abandoned two others and the fort at Whitehall. Everything which they brought from Ticonderoga was destroyed, or fell a prey to their pursuers.

Bancroft, Hist. of the U.S., vol.5, p.161

On the same day Burgoyne reported to his government that the army of Ticonderoga was "disbanded and totally ruined." Germain cited to General Howe this example of "rapid progress," and predicted an early junction of the two armies. Men disputed in England whether most to admire the sword or the pen of Burgoyne; and were sure of the entire conquest of the confederate provinces before Christmas.

Bancroft, Hist. of the U.S., vol.5, p.161

Public opinion rose against Schuyler. Of the evacuation of Ticonderoga, Hamilton reasoned rightly: "If the post was untenable, or required a larger number of troops to defend it than could be spared for the purpose, it ought long ago to have been foreseen and given up. Instead of that, we have kept a large quantity of cannon in it, and have been heaping up very valuable magazines of stores and provisions, that in the critical moment of defence are abandoned and lost." So judged the public and congress. Schuyler had, as the condition of his reappointment to the command, taken upon himself the responsibility of the defence of Ticonderoga, and had claimed praise for having piled up ample stores within its walls. He sought to escape from condemnation by insisting that the retreat was made without the least hint from himself, and was "ill-judged and not warranted by necessity." With manly frankness Saint-Clair assumed as his own the praiseworthy act which had saved to the country many of its bravest defenders.

Bancroft, Hist. of the U.S., vol.5, p.161 - p.162

On the second of July the convention of Vermont reassembled at Windsor. The organic law which they adopted, blending the culture of their age with the traditions of Protestantism, assumed that all men are born free and with inalienable rights; that they may emigrate from one state to another, or form a new state in vacant countries; that "every sect should observe the Lord's day, and keep up some sort of religious worship;" that every man may choose that form of religious worship "which shall seem to him most agreeable to the revealed will of God." They provided for a school in each town, a grammar-school in each county, and a university in the state. All officers, alike executive and legislative, were to be chosen annually and by ballot; the freemen of every town and all one-year's residents were electors. Every member of the house of representatives must declare "his belief in one God, the rewarder of the good and the punisher of the wicked; in the divine inspiration of the scriptures; and in the Protestant religion." The legislative power was vested in one general assembly, subject to no veto, though an advisory power was given to a board consisting of the governor, lieutenant-governor, and twelve councillors. Slavery was forbidden and forever; and there could be no imprisonment for debt. Once in seven years an elective council of censors was to take care that freedom and the constitution were preserved in purity.

Bancroft, Hist. of the U.S., vol.5, p.162

The marked similarity of this system to that of Pennsylvania is ascribed in part to the influence of Thomas Young of Philadelphia, who had punished an address to the people of Vermont. After the loss of Ticonderoga, the introduction of the constitution was postponed, lest the process of change should interfere with the public defence, for which the Vermont council of safety supplicated aid from the New Hampshire committee at Exeter and from Massachusetts.

Bancroft, Hist. of the U.S., vol.5, p.162 - p.163

On the night of the sixth, Fraser and his party made their bivouac seventeen miles from the lake, with that of Riedesel three miles in their rear. At three in the morning of the seventh both detachments were in motion. The savages having discovered the rear-guard of Saint-Clair's army, which Warner, contrary to his instructions, had encamped for the night at Hubbardton, six miles short of Castleton, Fraser, at five, ordered his troops to advance. To their great surprise, Warner, who was nobly assisted by Colonel Eben Francis and his New Hampshire regiment, turned and began the attack. The English were like to be worsted, when Riedesel with his vanguard and company of yagers came up, their music playing, the men singing a battle-hymn. Francis for a third time charged at the head of his regiment, and held his enemies at bay till he fell. On the approach of the three German battalions, his men retreated toward the south. Fraser, taking Riedesel by the hand, thanked him for the timely rescue. Of the Americans, few were killed, and most of those engaged in the fight made good their retreat; but during the day the British took more than two hundred stragglers, wounded men, and invalids. Of the Brunswickers twenty-two were killed or wounded, of the British one hundred and fifty-five. The heavy loss stopped the pursuit; and Saint-Clair, with two thousand continental troops, marched unmolested to Fort Edward.

Bancroft, Hist. of the U.S., vol.5, p.163

The British regiment which chased the fugitives from Whitehall took ground within a mile of Fort Ann. On the morning of the eighth its garrison drove them nearly three miles, took a captain and three privates, and inflicted a loss of at least fifty in killed and wounded. Reinforced by a brigade, the English returned only to find the fort burned down, and the garrison beyond reach.

Bancroft, Hist. of the U.S., vol.5, p.163

Burgoyne chose to celebrate these event by a day of thanksgiving. Another disappointment awaited him. He asked Carleton to hold Ticonderoga with a part of the three thousand troops left in Canada; Carleton, pleading his instructions which confined him to his own province, refused, and left Burgoyne "to drain the life-blood of his army" for the garrison. Supplies of provisions came tardily. Of the Canadian horses contracted for, not more than one third arrived in good condition over the wild mountain roads. The wagons were made of green wood, and were deficient in number. Further, Burgoyne should have turned back from Whitehall and moved to the Hudson river by way of Lake George and the old road; but the word was: "Britons never recede;" and after the halt of a fortnight he took the short cut to Fort Edward, through a wilderness bristling with woods, broken by numerous creeks, and treacherous with morasses. He reports with complacency the construction of more than forty bridges, a "log-work" over a morass two miles in extent, and the rein oval of layers of fallen timber-trees. But this persistent toil in the heat of midsummer, among myriads of insects, dispirited his troops.

Bancroft, Hist. of the U.S., vol.5, p.164

Early in July, Burgoyne confessed to Germain that, "were the Indians left to themselves, enormities too horrid to think of would ensue; guilty and innocent, women and infants, would be a common prey." The general, nevertheless, resolved to use them as instruments of "terror," and promised, after arriving at Albany, to send them "toward Connecticut and Boston," knowing full well that they were left to themselves by La Corne Saint-Luc, their leader, who was impatient of control in the use of the scalping-knife. Every day the savages brought in scalps as well as prisoners. On the twenty-seventh, Jane Maccrea, a young woman of twenty, betrothed to a loyalist in the British service and esteeming herself under the protection of British arms, was riding from Fort Edward to the British camp at Sandy Hill, escorted by two Indians. The Indians quarrelled about the reward promised on her safe arrival, and at a half-mile from Fort Edward one of them sunk his tomahawk in her skull. The incident was not of unusual barbarity; but this massacre of a betrothed girl on her way to her lover touched all who heard the story. Burgoyne, from fear of "the total defection of the Indians," pardoned the assassin.

Bancroft, Hist. of the U.S., vol.5, p.164 - p.165

Schuyler owed his place to his social position, not to military talents. Anxious, and suspected of a want of personal courage, he found everything go ill under his command. To the continental troops of Saint-Clair, who were suffering from the loss of their clothes and tents, he was unable to restore confidence; nor could he rouse the people. The choice for governor of New York fell on George Clinton; "his character," said Washington to the council of safety, "will make him peculiarly useful at the head of your state." Schuyler wrote: "His family and connections do not entitle him to so distinguished a preeminence." There could be no hope of a successful campaign but with the hearty co-operation of New England. Of the militia of New England the British commander-in-chief has left his testimony that, "when brought to action, they were the most persevering of any in all North America;" yet Schuyler gave leave for one half of them to go home at once, the rest to follow in three weeks, and then called upon Washington to supply their places by troops from the south of Hudson river, saying to his friends that one southern soldier was worth two from New England.

Bancroft, Hist. of the U.S., vol.5, p.165

On the twenty-second, long before Burgoyne was ready to advance, Schuyler retreated to a position four miles below Fort Edward. Here again he complained of his "exposure to immediate ruin." His friends urged him to silence the growing suspicion of his want of spirit; he answered: "If there is a battle, I shall certainly expose myself more than is prudent." To the New York council of safety he wrote on the twenty-fourth: "I mean to dispute every inch of ground with Burgoyne, and retard his descent as long as possible;" and in less than a week, without disputing anything, he retreated to Saratoga, having his heart set on a position at the junction of the Mohawk and Hudson. The courage of the commander being gone, his officers and his army became spiritless. From Saratoga, Schuyler, on the first of August, wrote to the council of safety of New York: "I have been on horseback all day reconnoitring the country for a place to encamp on that will give us a chance of stopping the enemy's career. I have not yet been able to find a spot that has the least prospect of answering the purpose, and I believe you will soon learn that we are retired still farther south. I wish that I could say that the troops under my command were in good spirits. They are quite otherwise. Under these circumstances the enemy are acquiring strength and advancing."

Bancroft, Hist. of the U.S., vol.5, p.165

On the fourth of August he sent word to congress that "Burgoyne is at Fort Edward. He has withdrawn his troops from Castleton and is bending his whole force this way. He will probably be here in eight days, and, unless we are well reinforced, as much farther as he chooses to go."

Bancroft, Hist. of the U.S., vol.5, p.165

On the sixth, Schuyler writes to Governor Clinton of New York: "The enemy will soon move, and our strength is daily decreasing. We shall again be obliged to decamp and retreat before them." And, as his only resource, he solicited aid from Washington.

Bancroft, Hist. of the U.S., vol.5, p.165 - p.166

The loss of Ticonderoga alarmed the patriots of New York, gladdened the royalists, and fixed the wavering Indians as enemies. Five counties were in the possession of the enemy; three others suffered from disunion and anarchy; Tryon county implored immediate aid; the militia of Westchester were absorbed in their own defence; in the other counties scarcely men enough remained at home to secure the plentiful harvest. Menaced on its border from the Susquehannah to Lake Champlain, and on every part of the Hudson, New York became the battle-field for the life of the young republic; its council seconded Schuyler's prayers for reinforcements.

Bancroft, Hist. of the U.S., vol.5, p.166

The commander-in-chief, in the plan of the campaign, had assigned to the northern department more than its share of troops and resources; and had added one brigade which was beyond the agreement and of which he stood in pressing need, for the army of Howe was twice or thrice as numerous as that from Canada. In this time of perplexity, when the country from the Hudson to Maryland required to be guarded, the entreaties from Schuyler, from the council of New York, and from Jay and Gouverneur Morris as deputies of that council, poured in upon Washington. Alarmed by Schuyler's want of fortitude, he ordered to the north Arnold, who was fearless, and Lincoln, who was acceptable to the militia of the eastern states, and, even though it weakened his own army irretrievably, still one more brigade of excellent continental troops under Glover. To hasten the rising of New England, he wrote directly to the brigadier-generals of Massachusetts and Connecticut, urging them to march for Saratoga with at least one third part of the militia under their command. At the same time he bade Schuyler "never despair," explaining that the forces which might advance under Burgoyne could not much exceed five thousand men; that they must garrison every fortified post left behind them; that their progress must be delayed by their baggage and artillery, and by the necessity of cutting new roads and clearing old ones; that a party should be stationed in Vermont to keep them in continual anxiety for their rear; that Arnold should go to the relief of Fort Stanwix; that, if the invaders continued to act in detachments, one vigorous fall upon some one of those detachments might prove fatal to the whole expedition.

Bancroft, Hist. of the U.S., vol.5, p.166 - p.167

In a like spirit he expressed to the council of New York "the most sensible pleasure at the exertions of the state, dismembered as it was, and under every discouragement and disadvantage;" the success of Burgoyne, he predicted, would be temporary; the southern states could not be asked to detail their force, since it was all needed to keep Howe at bay; the attachment of the eastern states to the cause insured their activity when invoked for the safety of a sister state, of themselves, of the continent; the worst effect of the loss of Ticonderoga was the panic which it produced; calmly considered, the expedition was not formidable; if New York should be seasonably seconded by its eastern neighbors, Burgoyne would find it equally difficult to advance or to retreat.

Bancroft, Hist. of the U.S., vol.5, p.167

All this while Schuyler continued to despond. On the thirteenth of August he could write from Stillwater to Washington: "We are obliged to give way and retreat before a vastly superior force, daily increasing in numbers, and which will be doubled if General Burgoyne reaches Albany, which I apprehend will be very soon;" and the next day he moved his army to the first island in the mouth of the Mohawk river; and at Albany accepted applause for "the wisdom of his safe retreat." The first serious blow was struck by the husbandmen of Tryon county.

Bancroft, Hist. of the U.S., vol.5, p.167

Burgoyne, on his return to London in 1776, had censured Carleton to Germain for not having sent by Lake Ontario and the Oswego and Mohawk rivers an auxiliary expedition, which he had offered to lead. Germain adopted the plan, and settled the details for its execution chiefly by savages. To Carleton, whom he accused of "avoiding to employ Indians," he announced the king's "resolution that every means should be employed that Providence had put in his majesty's hand for crushing the rebellion." The detachment which was set apart for the service under the command of Lieutenant-Colonel Saint Leger, varying from the schedule of Germain in its constituent parts more than in its numbers, exceeded seven hundred and fifty white men. "The Six Nations inclined to the rebels" from fear of being finally abandoned by the king. The Mohawks could not rise unless they were willing to leave their old hunting-grounds; the Oneidas were friendly to the Americans; even the Senecas were hard to be roused. Butler at Irondequat assured them that there was no hindrance in the war-path; that they would have only to look on and see Fort Stanwix fall; and for seven days he lavished largesses on the fighting men and on their wives and children, till "they accepted the hatchet." "Not much short of one thousand Indian warriors," certainly "more than eight hundred," joined the white brigade of Saint-Leger. In addition to these, Hamilton, the lieutenant-governor of Detroit, in obedience to orders from the secretary of state, sent out fifteen several parties, consisting in the aggregate of two hundred and eighty-nine braves with thirty white officers and rangers, to prowl on the frontiers of Pennsylvania and Virginia.

Bancroft, Hist. of the U.S., vol.5, p.168

Collecting his forces as he advanced from Montreal by way of Oswego, Saint-Leger on the third of August came near the carrying-place, where for untold ages the natives had borne their bark canoes over the narrow plain that divides the waters of the St. Lawrence from those of the Hudson. Fort Stanwix proved to be well constructed, safe by earthworks against artillery, and garrisoned by six or seven hundred men under Lieutenant-Colonel Gansevoort. A messenger from Brant's sister brought word that General Nicholas Herkimer and the militia of Tryon county were marching to its relief. A plan was made to lay for them an ambush of savages.

Bancroft, Hist. of the U.S., vol.5, p.168

During the evening the savages filled the woods with yells. The next morning, having laid aside their blankets and robes of fur, they all went out, naked, or clad only in hunting-shirts, armed with spear, tomahawk, and musket, and supported by Sir John Johnson and royal Yorkers, by Colonel Butler and rangers, by Claus and Canadians, and by Lieutenant Bird and regulars.

Bancroft, Hist. of the U.S., vol.5, p.168 - p.169

The freeholders of the Mohawk valley, most of them with the sons of Germans from the palatinate for officers, seven or eight hundred in number, misinformed as to the strength of the besieging party, marched carelessly through the wood. About an hour before noon, when they were within six miles of the fort, their van entered the ambuscade. They were surprised in front by Johnson and his Yorkers, while the Indians attacked their flanks with fury, and, after using their muskets, rushed in with their tomahawks. The patriots fell back without confusion to better ground, and renewed the fight against superior numbers. There was no chance for tactics in this battle of the wilderness. Small parties fought from be hind trees or fallen logs; or the white man, born on the banks of the Mohawk, wrestled single-handed with the Seneca warrior, like himself the child of the soil. Herkimer was badly wounded below the knee; but he remained on the ground, giving orders to the end. Thomas Spencer died the death of a hero. The battle raged for at least an hour and a half, when the Americans repulsed their assailants, but with the loss of about one hundred and sixty, killed, wounded, or taken, of the best men of western New York. The savages fought with wild valor; three-and-thirty or more, among them the chief warriors of the Senecas, lay dead beneath the trees; about as many more were badly wounded. Of the Yorkers one captain, of the rangers two were killed. What number of privates fell is not told. The British loss, including savages and white men, was probably about one hundred.

Bancroft, Hist. of the U.S., vol.5, p.169

Three men having crossed the morass into Fort Stanwix to announce the approach of Herkimer, by Gansevoort's order two hundred and fifty men, half of New York, half of Massachusetts, under Lieutenant-Colonel Marinus Willett, made a sally in the direction of Oriska. They passed through the quarters of the Yorkers, the rangers, and the savages, driving before them whites and Indians, chiefly squaws and children, capturing Sir John Johnson's papers, five British flags, the fur-robes and new blankets and kettles of the Indians, and four prisoners. Learning from them the check to Herkimer, the party of Willett returned quickly to Fort Stanwix, bearing their spoils on their shoulders. The five captured colors were displayed under the continental flag; it was the first time that a captured banner had floated under the stars and stripes of the republic. The Indians were frantic at the loss of their chiefs and warriors; they suffered in the chill nights from the loss of their clothes; and not even the torturing and killing their captives in which they were indulged could prevent their beginning to return home.

Bancroft, Hist. of the U.S., vol.5, p.169 - p.170

Meantime, Willett, with Lieutenant Stockwell as his companion, "both good woodsmen," made their way past the Indian quarter, at the hazard of death by torture, and at their request Schuyler charged Arnold with an expedition to relieve the garrison. Long before its approach an Indian ran into Saint-Leger's camp, reporting that a thousand men were coming against them; another followed, doubling the number; a third brought a rumor that three thousand men were close at hand; and, deaf to remonstrances and entreaties from their superintendents and from Saint-Leger, the wild warriors robbed the British officers of their clothes, plundered the boats, and made off with the booty. Saint-Leger in a panic, though Arnold was not within forty miles, hurried after them before nightfall, leaving his tents, artillery, and stores.

Bancroft, Hist. of the U.S., vol.5, p.170

It was Herkimer who "first reversed the gloomy scene" of the northern campaign. The pure-minded hero of the Mohawk valley "served from love of country, not for reward. He did not want a continental command or money." Before congress had decided how to manifest their gratitude he died of his wound; and they decreed him a monument. Gansevoort was rewarded by a vote of thanks and a command; Willett, by public praise and "an elegant sword."

Bancroft, Hist. of the U.S., vol.5, p.170

The employment of Indian allies had failed. The king, the ministry, and, in due time, the British parliament, were informed officially that the red men "treacherously committed ravages upon their friends;" that "they could not be controlled;" that "they killed their captives;" that "there was infinite difficulty to manage them;" that "they grew more and more unreasonable and importunate." When the Seneca warriors, returning to their lodges, told the story of the slaughter of their chiefs, their villages rung with yells of rage and the howls of mourners.

Bancroft, Hist. of the U.S., vol.5, p.170 - p.171

Burgoyne, who on the thirtieth of July made his head-quarters on the banks of the Hudson, had detachments from seventeen savage nations. A Brunswick officer describes them as "tall, warlike, and enterprising, but fiendishly wicked." On the third of August they brought in twenty scalps and as many captives; and Burgoyne approved their incessant activity. To prevent desertions of soldiers, it was announced in orders to each regiment that the savages were enjoined to scalp every runaway. The Ottawas longed to go home; but, on the fifth of August, Burgoyne took from all his red warriors a pledge to stay through the campaign. On the sixth he reported himself to General Howe as "well forward," "impatient to gain the mouth of the Mohawk," but not likely to "be in possession of Albany" before "the twenty-second or the twenty-third" of the month.

Bancroft, Hist. of the U.S., vol.5, p.171

To aid Saint-Leger by a diversion, and fill his camp with draught cattle, horses, and provisions from fabled magazines at Bennington, Burgoyne on the eleventh of August sent out an expedition on the left, commanded by Baum, a Brunswick lieutenant-colonel of dragoons, and composed of more than four hundred Brunswickers, Hanau artillerists with two cannon, the select corps of British marksmen, a party of French Canadians, a more numerous party of provincial royalists, and a horde of about one hundred and fifty Indians. Burgoyne in his eagerness rode after Baum, and gave him verbal orders to march directly upon Bennington. After disposing of the stores at that place, he might cross the Green Mountains, descend the Connecticut river to Brattleborough, and enter Albany with Saint-Leger and the main army. The night of the thirteenth, Baum encamped about four miles from Bennington, on a hill that rises from the Walloomscoick, just within the state of New York. When, early on the morning of the fourteenth, a reconnoitring party of Americans was seen, he wrote in high spirits for more troops, and constructed strong intrenchments. Burgoyne sent him orders to maintain his post; and, at eight o'clock on the fifteenth, Breymann, a Brunswick lieutenant-colonel, with two Brunswick battalions and two cannon, marched, in a constant rain, through thick woods, to his support.

Bancroft, Hist. of the U.S., vol.5, p.171 - p.172

The legislature of New Hampshire, in the middle of July, receiving the supplicatory letter from Vermont, promptly resolved to co-operate "with the troops of the new state," and ordered Stark, with a brigade of militia, "to stop the progress of the enemy on their western frontier." Uprising at the call, the men of New Hampshire flew to his standard, which he set up at Charlestown, on the Connecticut river. Schuyler ordered them to join his retreating army, and, because they chose to follow their own wise plans, Schuyler brought upon Stark the censure of congress for disobedience. But the upright hero, consulting with Seth Warner of Vermont, made his bivouac on the fourteenth of August at the distance of a mile from the post of Baum, to whom he vainly offered battle. The regiment of Warner came down from Manchester during the rain of the fifteenth; and troops arrived from the westernmost county of Massachusetts.

Bancroft, Hist. of the U.S., vol.5, p.172

When the sun rose on the sixteenth, Stark concerted with his officers the plan for the day. Baum, seeing small bands of men, in shirt-sleeves and carrying fowling-pieces without bayonets, steal behind his camp, mistook them for friendly country people placing themselves where be could protect them; and so five hundred men under Nichols and Herrick united in his rear. While his attention was arrested by a feint, two hundred more posted themselves on his right; and Stark, with two or three hundred, took the front. At three o'clock Baum was attacked on every side. The Indians dashed between two detachments and fled, leaving their grand chief and other warriors lifeless on the field. New England sharpshooters ran up within eight yards of the loaded cannon, to pick off the cannoneers. When, after about two hours, the firing of the Brunswickers slackened from scarcity of powder, the Americans scaled the breastwork and fought them hand to hand. Baum ordered his infantry with the bayonet, his dragoons with their sabres, to force a way; but in the attempt he fell mortally wounded, and his veteran troops surrendered.

Bancroft, Hist. of the U.S., vol.5, p.172

Just then the battalions of Breymann, having taken thirty hours; to march twenty-four miles, came in sight. Warner now first brought up his regiment, of one hundred and fifty men, into action; and with their aid Stark began a new attack, using the cannon just taken. The fight raged till sunset, when Breymann, abandoning his artillery and most of his wounded men, ordered a retreat. The pursuit continued till night; those who escaped owed their safety to the darkness. During the day less than thirty of the Americans were killed, and about forty were wounded; the loss of their enemy was estimated at full twice as many, besides at least six hundred and ninety-two prisoners, of whom more than four hundred were Germans.

Bancroft, Hist. of the U.S., vol.5, p.172 - p.173

This victory, one of the most brilliant and eventful of the war, was achieved spontaneously by the husbandmen of New Hampshire, Vermont, and western Massachusetts. Stark only confirms the reports of Hessian officers when he writes: "Had our people been Alexanders or Charleses of Sweden, they could not have behaved better."

Bancroft, Hist. of the U.S., vol.5, p.173

At the news of Breymann's retreat, Burgoyne ordered his army under arms; and at the head of the forty-seventh regiment he forded the Battenkill, to meet the worn-out fugitives. The loss of troops was irreparable. Canadians and Indians of the remoter nations began to leave in disgust. For supplies, Burgoyne was thrown back upon shipments from England, painfully forwarded from Quebec by way of Lake Champlain and Lake George to the Hudson river. Before he could move forward he must, with small means of transportation, bring together stores for thirty days, and drag nearly two hundred boats over two long carrying-places.

Bancroft, Hist. of the U.S., vol.5, p.173

On the first of August congress relieved Schuyler from command by a vote to which there was no negative; and on the fourth eleven states elected Gates his successor. Before Gates assumed the command, Fort Stanwix was safe and the victory of Bennington achieved; yet congress hastened to vote him all the powers and all the aid which Schuyler in his moods of despondency had entreated. Touched by the ringing appeals of Washington, thousands of the men of Massachusetts, even from the counties of Middlesex and Essex, were in motion toward Saratoga. Congress, overriding Washington's advice, gave Schuyler's successor plenary power to make further requisitions for militia on New York, New Jersey, and Pennsylvania. Washington had culled from his troops five hundred riflemen, and formed them under Morgan into a better corps of skirmishers than had ever been attached to an army even in Europe; congress directed them to be forthwith sent to assist Gates against the Indians; and Washington obeyed so promptly that the order might seem to have been anticipated.

Bancroft, Hist. of the U.S., vol.5, p.173

As for Schuyler, he proffered his services to the general by whom he was superseded, heartily wished him success, and soon learned to "justify congress for depriving him of the command, convinced that it was their duty to sacrifice the feelings of an individual to the safety of the states when the people who only could defend the country refused to serve under him."

Chapter 13:

Progress of Sir William Howe and Burgoyne,

July-October 20, 1777

Bancroft, Hist. of the U.S., vol.5, p.174

A DOUBT arose whether Washington retained authority over the new chief of the northern department till congress declared that "they never intended to supersede or circumscribe his power;" but, from all unwillingness to confess their own mistakes, from the pride of authority and jealousy of his superior popularity, they slighted his advice and neglected his wants. They remodelled the commissary department in the midst of the campaign on a system which no competent men would undertake to execute. Washington, striving for an army, raised and officered by the United States, "used every means in his power to destroy state distinction in it, and to have every part and parcel of it considered as continental;" congress more and more reserved to the states the recruiting of men, and the appointment of all but general officers. Political and personal considerations controlled the nomination of officers; and congress had not vigor enough to drop the incapable. "The wearisome wrangles for rank," and the numerous commissions given to foreign adventurers of extravagant pretensions, made the army "a just representation of a great chaos." A reacting "spirit of reformation" was at first equally undiscerning; Kalb and Lafayette, arriving at Philadelphia near the end of July, met with a repulse. When it was told that Lafayette desired no more than leave to risk his life in the cause of liberty without pension or allowance, congress gave him the rank of major-general, and Washington received him into his family; but at first the claim of Kalb was rejected.

Bancroft, Hist. of the U.S., vol.5, p.175

On the fifth of July, General Howe, leaving more than seven regiments in Rhode Island, and about six thousand men under Sir Henry Clinton at New York, began to embark the main body of his army for a joint expedition with the naval force against Philadelphia. The troops, alike foot and cavalry, were kept waiting on shipboard till the twenty-third. The fleet of nearly three hundred sail spent seven days in beating from Sandy Hook to the capes of Delaware. Finding the Delaware river obstructed, it steered for the Chesapeake, laboring against the southerly winds of the season August was half gone when it turned Cape Charles; and on the twenty-fifth, after a voyage of thirty-three days, it anchored in Elk river, six miles below Elktown and fifty-four miles from Philadelphia.

Bancroft, Hist. of the U.S., vol.5, p.175

Expressing the strange reasoning and opinions of many of his colleagues, John Adams, the head of the board of war, could write: "We shall rake and scrape enough to do Howe's business; the continental army under Washington is more numerous by several thousands than Howe's whole force; the enemy give out that they are eighteen thousand strong, but we know better, and that they have not ten thousand. Washington is very prudent; I should put more to risk, were I in his shoes; I am sick of Fabian systems. My toast is, a short and violent war." Now at that time the army of Howe, apart from the corps of engineers, counted, at the lowest statements, seventeen thousand one hundred and sixty-seven men, with officers amounting to one fifth as many more, all soldiers by profession and perfectly equipped.

Bancroft, Hist. of the U.S., vol.5, p.175

Congress gave itself the air of efficiency by calling out the militia of Maryland, Delaware, Pennsylvania, and New Jersey; but New Jersey had to watch the force on the Hudson; the slaveholders on the Maryland eastern shore and in the southern county of Delaware were disaffected; the Pennsylvania militia with Washington did not exceed twelve hundred men, and never increased beyond twenty-five hundred.

Bancroft, Hist. of the U.S., vol.5, p.175 - p.176

On the twenty-fourth of August, Washington led the continental army, decorated with sprays of green, through the crowded streets of Philadelphia; the next day he reached Wilmington just as the British anchored in the Elk with the purpose of marching upon Philadelphia by an easy inland route through an open country which had no difficult passes, no rivers but fordable ones, and was inhabited chiefly by royalists and Quakers. When Sullivan, who had just lost two hundred of the very best men in a senseless expedition to Staten Island, brought up his division, the American army, which advanced to the highlands beyond Wilmington, was not more than half as numerous as the British; but Howe, from the waste of horses on his long voyage, was compelled to wait till others could be provided.

Bancroft, Hist. of the U.S., vol.5, p.176

On the third of September the two divisions under Cornwallis and Kuyphausen began the march toward Philadelphia; Maxwell and the light troops, composed of drafts of one hundred men from each brigade, occupied Iron Hill, and, after a sharp skirmish in the woods with a body of German yagers and light infantry, withdrew slowly and in perfect order. For two days longer Howe waited, to provide for his wounded men in the hospital-ship of the fleet, and purchase still more means of transportation. Four miles from him, Washington took post behind Red Clay creek, and invited an attack. On the eighth, Howe sent a strong column in front of the Americans to feign an attack, while his main army halted at Milltown. The British and Germans went to rest in full confidence of turning Washington's right on the morrow, and cutting him off from the road to Lancaster. But Washington had divined their purpose, and, by a masterly and really secret movement, took post on the high grounds above Chad's ford on the north side of the Brandywine, directly in Howe's path.

Bancroft, Hist. of the U.S., vol.5, p.176

The baggage of the army was sent forward to Chester. A battery of cannon with a good parapet guarded the ford The American left, resting on a thick, continuous forest along the Brandywine, which below Chad's ford becomes a rapid, encumbered by rocks and shut in by abrupt high banks, was sufficiently defended by Armstrong and the Pennsylvania militia. On the right the river was hidden by thick woods and the unevenness of the country; to Sullivan was assigned the duty of taking "every necessary precaution for the security of that flank;" and the six brigades of his command, consisting of the divisions of Stirling, of Stephen, and his own, were stationed in echelons along the river.

Bancroft, Hist. of the U.S., vol.5, p.177

On the tenth the two divisions of the British, led respectively by Knyphausen and Cornwallis, formed a junction at Kennet Square. At five the next morning more than half of Howe's forces, leaving their baggage even to their knapsacks behind them, and led by trusty guides, marched under the general and Cornwallis up the Great Valley road to cross the Brandy wine at its forks. About ten o'clock Knyphausen with his column, coming upon the river at Chad's ford, seven miles lower down, halted and began a long cannonade, manifesting no purpose of forcing the passage. Washington had "certain" information of the movement of Howe, and resolved to strike at once at the division in his front, which was less than half of the British army, and was encumbered with the baggage of the whole. As Washington rode up and down his lines the shouts of his men witnessed their confidence, and as he spoke to them in cheering words they clamored for battle. Sending orders to Sullivan to cross the Brandywine at a higher ford, prevent the hasty return of the body with Howe and Cornwallis, and threaten the left flank of Knyphausen, Washington put his troops in motion. Greene with the advance was at the river's edge and about to begin the attack, when a message came from Sullivan announcing that he had disobeyed his orders, that the "information on which these orders were founded must be wrong."

Bancroft, Hist. of the U.S., vol.5, p.177 - p.178

The information on which they rested was precisely correct; but the failure of Sullivan overthrew the design, which for success required swiftness of execution. After the loss of two hours, word was brought that the division of Cornwallis had passed the forks and was coming down with the intent to turn the American right. On the instant Sullivan was ordered to confront the advance. Lord Stirling and Stephen posted their troops in two lines on a rounded eminence south-west of Birmingham meeting-house, while Sullivan, who should have gone' to their right, marched his division beyond their extreme left, leaving a gap of a half-mile between them, so that he could render no service, and was exposed to be cut off. The general officers, whom he "rode on to consult," explained to him that the right of his wing was unprotected. Upon this, he began to march his division to his proper place. The British troops, which beheld this movement as they lay at rest for a full hour after their long march in the hot day, were led to the attack before he could form his line. His division, badly conducted, fled without their artillery, and could not be rallied. Their flight exposed the flank of Stirling and Stephen. These two divisions, only half as numerous as their assailants, in spite of the "unofficerlike behavior" of Stephen, fought in good earnest, using their artillery from a distance, their muskets only when their enemy was within forty paces; but under the charge of the Hessians and British grenadiers, who vied with each other in fury as they ran forward with the bayonet, the American line continued to break from the right. Conway's brigade resisted well; Sullivan showed personal courage; Lafayette, present as a volunteer, though wounded in the leg while rallying the fugitives, bound up the wound as he could, and kept the field till the close of the battle. The third Virginia regiment, commanded by Marshall and stationed apart in a wood, held out till both its flanks were turned and half its officers and one third its men were killed or wounded.

Bancroft, Hist. of the U.S., vol.5, p.178

Howe seemed likely to get in the rear of the continental army and complete its overthrow. But, at the sound of the cannon on the right, Washington, taking with him Greene and the two brigades of Muhlenburg and Weedon, which lay nearest the scene of action, moved swiftly to the support of the wing that had been confided to Sullivan, and in about forty minutes met them in full retreat. His approach checked the pursuit. Cautiously making a new arrangement of his forces, Howe again pushed forward, driving the party with Greene till they came upon a strong position, chosen by Washington, which completely commanded the road and which a regiment of Virginians under Stevens and another of Pennsylvanians under Stewart were able to hold till nightfall.

Bancroft, Hist. of the U.S., vol.5, p.178

In the heat of the engagement the division with Knyphausen crossed the Brandywine in one body at Chad's ford. 'The left wing of the Americans, under the command of Wayne, defended their intrenchments against an attack in front; but when, near the close of the day, a strong detachment threatened their rear, they made a well-ordered retreat, and were not pursued.

Bancroft, Hist. of the U.S., vol.5, p.179

Night was falling, when two battalions of British grenadiers under Meadow and Monckton received orders to occupy a cluster of houses on a hill beyond Dilworth. They marched carelessly, the officers with sheathed swords. At fifty paces from the first house they were surprised by a deadly fire from Maxwell's corps, which lay in ambush to cover the American retreat. The British officers sent for help, but were nearly routed before General Agnew could bring relief. The Americans then withdrew, and darkness ended the contest.

Bancroft, Hist. of the U.S., vol.5, p.179

At midnight, Washington from Chester seized the first moment of respite to report to congress his defeat, making no excuses, casting blame on no one, not even alluding to the disparity of forces, but closing with cheering words. His losses, in killed, wounded, and prisoners, were about one thousand, less rather than more. Except the severely wounded, few prisoners were taken. A howitzer and ten cannon, among them two Hessian field-pieces captured at Trenton, were left on the field. Several of the French officers behaved with great gallantry: Mauduit Duplessis; Lewis de Fleury, whose horse was shot under him and whose merit congress recognised by vote; Lafayette, of whom Washington said to the surgeon: "Take care of him as though he were my son." Pulaski the Pole, who on that day showed the daring of adventure rather than the qualities of a commander, was created a brigadier of cavalry.

Bancroft, Hist. of the U.S., vol.5, p.179

The loss of the British army in killed and wounded was at least five hundred and seventy-nine, of whom fifty-eight were officers. Of the Hessian officers, Ewald and Wreden received from the elector a military order. Howe showed his usual courage under fire; but nightfall, the want of cavalry, and the extreme fatigue of his army, forbade pursuit.

Bancroft, Hist. of the U.S., vol.5, p.179 - p.180

When congress heard of the defeat at the Brandywine, it directed Putnam to send fifteen hundred continental troops to the commander-in-chief with all possible expedition, and summoned continental troops and militia from Maryland and Virginia. The militia of New Jersey were kept at home by a triple raid of Sir Henry Clinton. The assembly of Pennsylvania, rent by faction, chose this moment to change nearly all its delegates in congress. The people along Howe's route, being largely Quakers, were friendly or passive. Negro slaves prayed for his success, hoping "that, if the British power should be victorious, all the negro slaves would become free."

Bancroft, Hist. of the U.S., vol.5, p.180

Washington, who had marched from Chester to Germantown, after having supplied his men with provisions and forty rounds of cartridges, recrossed the Schuylkill to confront once more the army of Howe, who had been detained near the Brandywine till he could send his wounded to Wilmington. The two chiefs marched toward Goshen. On the sixteenth, Donop and his yagers, who pressed forward too rapidly, were encountered by Wayne; but, before the battle became general, a furious rain set in, which continued all the next night; and the American army, as, from the poor quality of their accoutrements, their cartridges were drenched, were obliged to retire to replenish their ammunition.

Bancroft, Hist. of the U.S., vol.5, p.180

It was next the purpose of the British to turn Washington's right, so as to shut him up between the rivers; but he took care to hold the roads to the south as well as to the north and west. Late on the eighteenth Alexander Hamilton, who was ordered to Philadelphia to secure military stores, gave congress notice of immediate danger; and its members, few in number, fled in the night to meet at Lancaster.

Bancroft, Hist. of the U.S., vol.5, p.180

When, on the nineteenth, the American army passed through the Schuylkill at Parker's ford, Wayne was left with a large body of troops to fall upon any detached party of Howe's army. On the night following the twentieth, just as he had called up his men to make a junction with another American party, Major-General Grey of the British army, with three regiments, broke in upon them by surprise, and, using the bayonet only, killed, wounded, or took at least three hundred. Darkness and Wayne's presence of mind saved his cannon and the rest of his troops.

Bancroft, Hist. of the U.S., vol.5, p.180 - p.181

The loss opened the way to Philadelphia. John Adams, the head of the board of war, blamed Washington without stint for having crossed to the eastern side of the Schuylkill: "If he had sent one brigade of his regular troops to have headed the militia, he might have cut to pieces Howe's army in attempting to cross any of the fords. Howe will wait for his fleet in Delaware river. Heaven grant us one great soul! One leading mind would extricate the best cause from that ruin which seems to await it."

Bancroft, Hist. of the U.S., vol.5, p.181

While John Adams was writing, Howe moved down the valley and encamped along the Schuylkill from Valley Forge to French creek. There were many fords on the rapid river, which in those days flowed at its will. On the twenty-second a small party of Howe's army forced the passage at Gordon's ford. The following night and morning the main body of the British army crossed at Fatland ford near Valley Forge, and encamped with its left to the Schuylkill. Congress disguised its impotence by voting Washington power to change officers under brigadiers, and by inviting him to support his army upon the country around him. He could not by swift marches hang on his enemy's rear, for more than a thousand of his men were barefoot. Rejoined by Wayne, and strengthened by a thousand Marylanders under Smallwood, he sent a peremptory order to Putnam, who was wildly planning attacks on Staten Island, Paulus Hook, New York, and Long Island, to forward a detachment of twenty-five hundred men "with the least possible delay," and to draw his remaining forces together, so that with aid from the militia of New York and Connecticut "the passes in the Highlands might be perfectly secure." He requested Gates to return the corps of Morgan, being resolved, if he could but be seconded, to force the army of Howe to retreat or capitulate before winter.

Bancroft, Hist. of the U.S., vol.5, p.181

On the twenty-fifth that army encamped at Germantown; and the next morning Cornwallis, with the grenadiers, after thirty days had been consumed in a march of fifty-four miles, entered Philadelphia. But it was too late for Howe to send aid to Burgoyne.

Bancroft, Hist. of the U.S., vol.5, p.181

On the nineteenth of August, Gates assumed the command of the northern army, which lay nine miles above Albany, near the mouths of the Mohawk. After the return of the battalions with Arnold and the arrival of the corps of Morgan, his continental troops, apart from continental accessions of militia, outnumbered the British and German regulars whom he was to meet. Artillery and small arms from France arrived through Portsmouth, New Hampshire; and New York brought out its resources with exhaustive patriotism.

Bancroft, Hist. of the U.S., vol.5, p.182

The war of America was a war of ideas more than of material power. On the ninth of September, Jay, the first chief justice of the new commonwealth of New York, as he opened its supreme court in Kingston, charged the grand jury in these words: " Free, mild, and equal government begins to rise. Divine Providence has made the tyranny of princes instrumental in breaking the chains of their subjects. Whoever compares our present with our former constitution will admit that all the calamities incident to this war will be amply compensated by the many blessings flowing from this glorious revolution. Thirteen colonies immediately become one people, and unanimously determine to be free. The people of this state have chosen their constitution under the guidance of reason and experience. The highest respect has been paid to those great and equal rights of human nature which should forever remain inviolate in every society. You will know no power but such as you create, no laws but such as acquire all their obligation from your consent. The rights of conscience and private judgment are by nature subject to no control but that of the Deity."

Bancroft, Hist. of the U.S., vol.5, p.182

Gates, after twenty days of preparation, moved his army to Stillwater, and on the twelfth of September encamped on Behmus's Heights, a spur of hills jutting out nearly to the Hudson, which Kosciuszko had selected as the ground on which their enemy was to be waited for. The army counted nine thousand effectives, eager for action.

Bancroft, Hist. of the U.S., vol.5, p.182

For the army of Burgoyne a hundred and eighty boats were hauled by relays of horses over the two portages between Lake George and the river at Saratoga, and laden with provisions for one month. Then calling in all his men, he gave up his connections, and with less than six thousand rank and file he proceeded toward Albany. On the thirteenth his army crossed the Hudson at Schuylerville by a bridge of boats, and encamped within six miles of the American army.

Bancroft, Hist. of the U.S., vol.5, p.182 - p.183

At once Lincoln, carrying out a plan concerted with Gates, sent from Manchester five hundred light troops without artillery, under Colonel John Brown of Massachusetts, to distress the British in their rear. In the morning twilight of the eighteenth Brown surprised the outposts of Ticonderoga, including Mount Defiance; and, with the loss of not more than nine killed and wounded, he set free one hundred American prisoners, captured four companies of regulars and others who guarded the new portage between Lake Champlain and Lake George, in all two hundred and ninety-three men with arms and five cannon, and destroyed an armed sloop, gunboats, and other boats to the number of one hundred and fifty below the falls of Lake George, and fifty above them.

Bancroft, Hist. of the U.S., vol.5, p.183

The British army, stopping to rebuild bridges and repair roads, advanced scarcely four miles in as many days. The right of the well-chosen camp of the Americans touched the Hudson and could not be assailed; their left was a high ridge of hills; their lines were protected by a breastwork. To get forward, Burgoyne must dislodge them. His army moved on the nineteenth, as on former days, in three columns: the artillery, protected by Riedesel and Brunswick troops, took the road through the meadows near the river; the general led the centre across a deep ravine to a field on Freeman's farm; while Fraser, with the right, made a circuit upon the ridge to occupy heights from which the left of the Americans could be assailed. Indians, Canadians, and tories hovered on the front and flanks of the several columns.

Bancroft, Hist. of the U.S., vol.5, p.183 - p.184 - p.185

In concurrence with the advice of Arnold, Gates ordered out Morgan's riflemen and the light infantry. They put a picket to flight at a quarter past one, but retired before the division with Burgoyne. Leading his force unobserved through the woods, and securing his right by thickets and ravines, Morgan next fell unexpectedly upon the left of the British central division. To support him, Gates, at two o'clock, sent out three New Hampshire battalions, of which that of Scammel met the enemy in front, that of Cilley took them in flank. Morgan with his riflemen captured a cannon, but could not bring it off; his horse was shot under him in the warm engagement. From half-past two there was a lull of a half-hour, during which Phillips brought more artillery against the Americans, and Gates ordered out two regiments of Connecticut militia under Cook. At three the battle became general, and it raged till after sundown. Fraser sent to the aid of Burgoyne such detachments as he could spare without endangering his own position, which was the object of the day. At four, Gates ordered out the New York regiment of Cortlandt, followed in a half-hour by that of Henry Livingston. The battle was marked bye the obstinate courage of the Americans, but by no manoeuvre; man fought against man, regiment against regiment. An American party would capture a cannon, and drive off the British; the British would rally and recover it with the bayonet, but only to fall back before the deadly fire from the wood. The Americans used no artillery; the British employed it with effect; but the commander of their principal battery was killed, and some of his officers and thirty-six out of forty-eight matrosses were killed or wounded. At five, all too late in the day, Brigadier Learned was ordered with his brigade and a Massachusetts regiment to the enemy's rear. Before the sun went down Burgoyne was in danger of a rout; the troops about him wavered, when Riedesel, with a single regiment and two cannon, struggling through the thickets, across a ravine, climbed the hill and charged the Americans on their right flank. Evening was at hand, and those of the Americans who had been engaged for more than three hours had nearly exhausted their ammunition; they withdrew within their lines, taking with them their wounded and a hundred captives. On the British side three major-generals came on the field; on the American side not one, nor a brigadier till near its close. The glory of the day was due to the several regiments of husbandmen, who fought with one spirit and one will, and needed only proper support and an able general to have utterly routed the army of Burgoyne. Of the Americans, praise justly fell upon Morgan of Virginia and Scammel of New Hampshire; none offered their lives more freely than Cilley's continental regiment and the Connecticut militia of Cook. The American loss, including the wounded and missing, proved less than three hundred and twenty; distinguished among the dead was Lieutenant-Colonel Andrew Colburn of New Hampshire. This battle crippled the British force irretrievably. Their loss exceeded six hundred. Of the sixty-second regiment, which left Canada five hundred strong, there remained less than sixty men and four or five officers. "Tell my uncle I died like a soldier," were the last words of Hervey, one of its lieutenants, a boy of sixteen, who was mortally wounded. A shot from a rifle, meant for Burgoyne, struck an officer at his side.

Bancroft, Hist. of the U.S., vol.5, p.185

The British army passed the night in bivouac under arms; the division of Burgoyne on the field of battle. Morning revealed to them their desperate condition; to former difficulties was added the encumbrance of their wounded. Their dead were buried promiscuously, except that officers were thrown into holes by themselves, in one pit three of the twentieth regiment, of whom the oldest was not more than seventeen.

Bancroft, Hist. of the U.S., vol.5, p.185

An attack upon the remains of Burgoyne's division, while it was still disconnected and without intrenchments, was urged by Arnold; but Gates waited for ammunition and more troops. The quarrel between them grew more bitter; and Arnold demanded and received a passport for Philadelphia. Repenting of his rashness, he lingered in the camp, but could not obtain access to Gates, nor a command.

Bancroft, Hist. of the U.S., vol.5, p.185

During the twentieth the British general encamped his army on the heights near Freeman's house, so near the American lines that he could not make a movement unobserved. On the twenty-first he received from Sir Henry Clinton a promise of a diversion on Hudson river; and answered that he could maintain his position until the twelfth of October.

Bancroft, Hist. of the U.S., vol.5, p.185 - p.186

Spies of the British watched the condition of Putnam, and he had not sagacity to discover theirs. In his easy manner he suffered a large part of the New York militia to go home; so that he now had but about two thousand men. Sir Henry Clinton, with four thousand troops, feigned an attack upon Fishkill by landing troops at Verplanck's Point. Putnam was duped; and, just as the British wished, retired out of the way to the hills in the rear of Peekskill. George Clinton, the governor of New York, knew the point of danger. With such force as he could collect he hastened to Fort Clinton, while his brother James took command of Fort Montgomery. Putnam should have reinforced their garrisons; instead of it, he ordered troops away from them, and left the passes unguarded. At daybreak on the sixth of October the British and Hessians disembarked at Stony Point; Vaughan, with more than one thousand men, advanced toward Fort Clinton, while a corps of about a thousand occupied the pass of Dunderberg, and, by a difficult, circuitous march of seven miles, at five o'clock came in the rear of Fort Montgomery. Vaughan's troops were then ordered to storm Fort Clinton with the bayonet. A gallant resistance was made by the governor; but at the close of twilight the British, by the superiority of numbers, forced the works. In like manner Fort Montgomery was carried; but the two commanders and almost all of both garrisons escaped into the forest. A heavy iron chain with a boom had been stretched across the river from Fort Montgomery to Anthony's Nose. Overruling the direction of Governor Clinton, Putnam ordered down two continental frigates for the defence of the chain; but, as they were badly manned, one of them could not be got off in time; the other grounded opposite West Point; and both were set on fire in the night. Fort Constitution, on the island opposite West Point, was abandoned, so that the river was open to Albany. Putnam, receiving large reinforcements from Connecticut, did nothing with them. On the seventh he wrote to Gates: "I cannot prevent the enemy's advancing; prepare for the worst; " and on the eighth: " The enemy can take a fair wind and go to Albany or Half Moon with great expedition and without any opposition." But Sir Henry Clinton, who ought a month sooner to have gone to Albany, garrisoned Fort Montgomery and returned to New York, leaving Vaughan with a large marauding expedition to ascend the Hudson. Vaughan did no more than plunder and burn the town of Kingston and the mansions of patriots along the river.

Bancroft, Hist. of the U.S., vol.5, p.186 - p.187

After the battle of the nineteenth of September the condition of Burgoyne rapidly grew more perplexing. The Americans in his rear broke down the bridges which he had built, and so swarmed in the woods that he could gain no just idea of their situation. His foraging parties and advanced posts were harassed; horses grew thin and weak; the hospital was cumbered with at least eight hundred sick and wounded men. One third part of the soldier's ration was retrenched. While the British army declined in number, Gates was constantly reinforced. On the twenty-second Lincoln arrived, and took command of the right wing; he was followed by two thousand militia. The Indians melted away from Burgoyne, and by the zeal of Schuyler, contrary to the wiser policy of Gates, a small band, chiefly of Oneidas, joined the American camp. In the evening of the fourth of October, Burgoyne called Phillips, Riedesel, and Fraser to council, and proposed to them by a roundabout march to turn the left of the Americans. To do this, it was answered, the British must, for three days, leave their boats and provisions at the mercy of the Americans. Riedesel advised a swift retreat to Fort Edward; but Burgoyne still continued to wait for a co-operating army from below. On the seventh he agreed to make a grand reconnoissance, and, if the Americans could not be attacked, he would think of a retreat. At eleven o'clock on the morning of that day seven hundred men of Fraser's command, three hundred of Breymann's, and five hundred of Riedesel's, were picked out for the service. The late hour was chosen, that in case of disaster night might intervene for their relief. They were led by Burgoyne, who took with him Phillips, Riedesel, and Fraser. The fate of the army hung on the issue, and not many more than fifteen hundred men could be spared without exposing the camp. They entered a field about half a mile from the Americans, where they formed a line, and sat down in double ranks, offering battle. Their artillery, consisting of eight brass pieces and two howitzers, was well posted; their front was open; the grenadiers under Ackland, stationed in the forests, protected the left; Fraser, with the light infantry and an English regiment, formed the right, which was skirted by a wooded hill; the Brunswickers held the centre. While Fraser sent foragers into a wheat-field, Canadians, provincials, and Indians were to get upon the American rear.

Bancroft, Hist. of the U.S., vol.5, p.187 - p.188 - p.189

Gates, having in his camp ten or eleven thousand men eager for battle, resolved to send out a force sufficient to overwhelm the detachment. By the advice of Morgan, a simultaneous attack was ordered to be made on both flanks. A little before three o'clock the column of the American right, composed of Poor's brigade, followed by the New York militia under Ten Broeck, unmoved by the well-served grape-shot from two twelve-pounders and four sixes, marched on to engage Ackland's grenadiers; while the men of Morgan were seen making a circuit, to reach the flank and rear of the British right, upon which the American light infantry under Dearborn impetuously descended. In danger of being surrounded, Burgoyne ordered Fraser with the light infantry and part of the twenty-fourth regiment to form a second line in the rear, so as to secure the retreat of the army. While executing this order, Fraser was bit by a ball from a sharpshooter, and, fatally wounded, was led back to the camp. Just then, within twenty minutes from the beginning of the action, the British grenadiers, suffering from the sharp fire of musketry in front and flank, wavered and fled, leaving Major Ackland, their commander, severely wounded. These movements exposed the Brunswickers on both flanks, and one regiment broke, turned, and fled. It rallied, but only to retreat in less disorder, driven by the Americans. Sir Francis Clarke, Burgoyne's first aid, sent to the rescue of the artillery, was mortally wounded before he could deliver his message; and the Americans took all the eight pieces. In the face of the hot pursuit, no second line could be formed. Burgoyne exposed himself fearlessly; a shot passed through his hat, and another tore his waistcoat; but he was compelled to give the word of command for all to retreat to the camp of Fraser, which lay to the right of head-quarters. As he entered, he betrayed his sense of danger, crying out: "You must defend the post till the very last man!" The Americans pursued with fury. Arnold, who had ridden upon the field without orders, without command, without a staff, and beside himself, like one intoxicated, yet carrying some authority as the highest officer present in the action, gave orders which argued thoughtlessness rather than courage. By his command an attack was made on the strongest part of the British line, and continued for more than an hour, though in vain. Meantime, the brigade of Learned made a circuit and assaulted the quarters of the regiment of Breymann, which flanked the extreme right of the British camp, and was connected with Fraser's quarters by two stockade redoubts, defended by Canadian companies. These intermediate redoubts were stormed by a Massachusetts regiment headed by John Brooks, afterward governor of that state, and with little loss. Arnold, who had joined in this last assault, lost his horse and was himself badly wounded within the works. Tone and the loss of blood restored his senses. The regiment of Breymann was now exposed in front and rear. Its colonel, fighting gallantly, was mortally wounded; some of his troops fled; and the rest, about two hundred in number, surrendered. Colonel Speth, who led a small body of Germans to his support, was taken prisoner. The position of Breymann was the key to Burgoyne's camp; but the directions for its recovery could not be executed. Night ended the battle.

Bancroft, Hist. of the U.S., vol.5, p.189

During the fight, neither Gates nor Lincoln appeared on the field. In his report of the action, Gates named Arnold with Morgan and Dearborn; and congress restored Arnold to the rank which he had claimed. The action was the battle of husbandmen, in which men of the valley of Virginia, of Maryland, of Pennsylvania, of New York, and of New England fought together with one spirit for the common cause. The army of Burgoyne was greatly outnumbered, its cattle starving, its hospital cumbered with sick, wounded, and dying. At ten o'clock in the night he gave orders to retreat; but at daybreak he had only transferred his camp to the heights above the hospital. Light dawned, to show the hopelessness of his position.

Bancroft, Hist. of the U.S., vol.5, p.189

Fraser questioned the surgeon eagerly as to his wound, and, when he learned that he must die, he cried out in agony: "Damned ambition!" At sunset of the eighth his body, attended by the officers of his family, was borne by soldiers of his corps to the great redoubt above the Hudson where he had asked to be buried; the three major-generals, Burgoyne, Phillips, and Riedesel, and none beside, followed as mourners; and, under the fire of the American artillery, the order for the burial of the dead was strictly observed over his grave.

Bancroft, Hist. of the U.S., vol.5, p.189 - p.190

In the following hours Burgoyne, abandoning the wounded and sick in his hospital, continued his retreat; but, the road being narrow and heavy from rain and the night dark, he made halt two miles short of Saratoga. In the night before the tenth the British army, finding the passage of the Hudson too strongly guarded, forded the Fishkill, and in a very bad position at Saratoga made their last encampment. On the tenth Burgoyne sent out a party to reconnoitre the road on the west of the Hudson; but Stark, who after the battle of Bennington had been received at home as a conqueror, had returned with more than two thousand men of New Hampshire and held the river at Fort Edward.

Bancroft, Hist. of the U.S., vol.5, p.190

At daybreak of the eleventh an American brigade, favored by a thick fog, broke up the British posts at the mouth of the Fishkill and captured all their boats and all their provisions except a short allowance for five days. On the twelfth the British army was completely invested, and every spot in its camp was exposed to rifle shot or cannon. On the thirteenth, Burgoyne for the first time called the commanders of the corps to council, and they were unanimous for treating on honorable terms.

Bancroft, Hist. of the U.S., vol.5, p.190

The American army and the freeholders of New York and New England, who had voluntarily risen up to resist the invasion from Canada, had, by their unanimity, courage, and energy, left the British no chance of escape. "The great bulk of the country," wrote Burgoyne, "is undoubtedly with the congress in principle and zeal." When the general who should have directed them remained in camp, their common zeal created a harmonious correspondence of movement, and baffled the officers and veterans opposed to them. Gates, who had never appeared in the field during the campaign, took to himself the negotiation, and proposed that they should surrender as prisoners of war. Burgoyne replied by the proposal that his army should pass from the port of Boston to Great Britain upon the condition of not serving again in North America during the present contest; and that the officers should retain their carriages, horses, and baggage free from molestation or search, Burgoyne "giving his honor that there are no public stores secreted therein." Gates, uneasy at the news of British forces on the Hudson river, closed with these "articles of convention," and on the seventeenth "the convention was signed." A body of Americans marched to the tune of Yankee Doodle into the lines of the British, who marched out and in mute astonishment laid down their arms with none of the American soldiery to witness the spectacle. Bread was then served to them, for they had none left, nor flour.

Bancroft, Hist. of the U.S., vol.5, p.191

Their number, including officers, was five thousand seven hundred and ninety-one, among whom were six members of parliament. Previously there had been taken eighteen hundred and fifty-six prisoners of war, including the sick and wounded who had been abandoned. Of deserters from the British ranks there were three hundred; so that, including the killed, prisoners, and disabled at Hubbardton, Fort Ann, Bennington, Orisca, the outposts of Ticonderoga, and round Saratoga, the total loss of the British in this northern campaign was not far from ten thousand.

Bancroft, Hist. of the U.S., vol.5, p.191

The Americans acquired thirty-five pieces of the best ordnance then known, beside munitions of war, and more than four thousand muskets.

Bancroft, Hist. of the U.S., vol.5, p.191

Complaints reached congress that the military chest of the British army, the colors of its regiments, and arms, especially bayonets, had been kept back; and that very many of the muskets which were left behind had been purposely rendered useless.

Bancroft, Hist. of the U.S., vol.5, p.191

During the resistance to Burgoyne, Daniel Morgan, from the time of his transfer to the northern army, never gave other than the wisest counsels, and stood first for conduct, effective leadership, and unsurpassable courage on the field of battle; yet Gates did not recommend him for promotion, but asked and soon obtained the rank of brigadier for James Wilkinson, an undistinguished favorite of his own.

Chapter 14:

The Contest for the Delaware River,

The Confederation,

September-November 1777

Bancroft, Hist. of the U.S., vol.5, p.192

THE approach to Philadelphia by water was still obstructed by a double set of chevaux-de-frise, extending across the channel of the Delaware: one, seven miles from Philadelphia, just below the mouth of the Schuylkill, and protected by Fort Mercer at Red-bank on the New Jersey shore and Fort Mifflin on Mud Island; the other, five miles still nearer the bay, and overlooked by works at Billingsport.

Bancroft, Hist. of the U.S., vol.5, p.192

On the second of October a detachment was put across the Delaware from Chester; the garrison at Billingsport, spiking their guns, fled, leaving the lower line of obstructions to be removed without molestation. Faint-heartedness spread along the river; from the watercraft and even from the forts there were frequent desertions both of officers and privates. Washington must act, or despondency will prevail.

Bancroft, Hist. of the U.S., vol.5, p.192

The village of Germantown formed for two miles one continuous street. At its centre it was crossed at right angles by Howe's encampment, which extended on the right to a wood, and was guarded on its extreme left by Hessian yagers at the Schuylkill. The first battalion of light infantry and the queen's American rangers were advanced in front of the right wing; the second battalion supported the farthest pickets of the left at Mount Airy, about two miles from the camp; and at the head of the village, in an open field near a large house, built solidly of stone and known as that of Chew, the fortieth regiment under the veteran Musgrave pitched its tents. Information reached Howe of an intended attack, but he received it with incredulity.

Bancroft, Hist. of the U.S., vol.5, p.193

About noon on the third, Washington, at Matouchin Hills, announced to his army his purpose to move upon Germantown. He spoke to them of the successes of the northern army, and explained "that Howe, who lay at a distance of several miles from Cornwallis, had further weakened himself by sending two battalions to Billingsport. If they would be brave and patient, he might on the next day lead them to victory." His plan was to direct the chief attack upon the right of the insulated part of the British forces, to which the approach was easy; and, for that purpose, he gave to Greene the command of his left wing, composed of the divisions of Greene and of Stephen and flanked by Macdougall's brigade. These formed about two thirds of his force. The divisions of Sullivan and Wayne, flanked by Conway's brigade and followed by Washington, with the brigades of Nash and Maxwell under Lord Stirling as the reserve, assumed the more difficult task of engaging the British left. To distract attention, the Maryland and New Jersey militia were to make a circuit and come upon the rear of the British right, while on the opposite side Armstrong, with the Pennsylvania militia, was to deal blows on the Hessian yagers.

Bancroft, Hist. of the U.S., vol.5, p.193 - p.194

The different columns received orders to conduct their march of about fourteen miles so as to arrive near the enemy in time to rest, and to begin the attack on all quarters precisely at five o'clock. Accordingly, the right wing, after marching all night, halted two miles in front of the British outpost and took refreshment. Screened by a fog and moving in silence, the advance party at the appointed hour surprised the British picket. The battalion of light infantry offered resistance; but when Wayne's men, closely followed by Sullivan's division, rushed on, the bugle sounded a retreat. The cannon woke Cornwallis in Philadelphia, who instantly ordered British grenadiers and Hessians to the scene of action; Howe, in like manner startled from his bed, rode up just in time to see the battalion running away. "For shame, light infantry!" he cried in anger; "I never saw you retreat before. Form! form! it is only a scouting party." But grape-shot from three of the American cannon rattling about him showed the seriousness of the attack, and he rode off at full speed to prepare his camp for battle, while Musgrave, detaching a part of his regiment to support the fugitives, threw himself with six companies into Chew's house by the wayside and barricaded its lower windows and doors. The cannon of the Americans were too light to breach its walls.

Bancroft, Hist. of the U.S., vol.5, p.194

As nothing was heard from Greene, Sullivan, as he approached Chew's house, directed Wayne to pass to the left of it while he advanced on its right. In this manner the two divisions were separated. The advance was slow, for it was made in line; and the troops wasted their ammunition by an incessant fire. Washington, with Maxwell's part of the reserve, summoned Musgrave to surrender; but the officer who carried the white flag was fired upon and killed. Urged forward by his own anxiety and the zeal of the young officers of his staff, Washington left a single regiment to watch the house, and with the rest of the reserve advanced to the front of the battle.

Bancroft, Hist. of the U.S., vol.5, p.194 - p.195

And where was Greene with the two thirds of the attacking force which had been confided to his command? He reached the British outpost three quarters of an hour behind time; then, at a great distance from the force which he was to have attacked, he formed his whole wing, and in line of battle advanced two miles or more through marshes, thickets, and strong and numerous post-and-rail fences. Irretrievable disorder was the consequence; the line was broken and the divisions became mixed. Macdougall never came into the fight; Greene, with the brigades of Scott and Muhlenberg, entered the village and attacked the British right, which had had ample time for preparation. They were outflanked, and, after about fifteen minutes of heavy firing, were driven back; and the regiment which had penetrated farthest was captured. Stephen with one of his brigades came as far as the left of Wayne's division; the commander of the other, which was on the extreme right of the wing, left the way marked out by his orders and went to Chew's house. There the brigade halted, and with light field-pieces began to play upon its walls. For this cannonade Wayne's division could not account, except by supposing that the British right had gained their rear; and, throwing off all control, they retreated in disorder. Sullivan's men had expended their ammunition. The English battalions from Philadelphia, advancing on a run, were close at hand. In the fog, parties of Americans had repeatedly mistaken each other for British. At about half-past eight, Washington, who had "exposed himself to the hottest fire," seeing that the day was lost, gave the word to retreat, and sent it to every division. Care was taken for the removal of every piece of artillery. British and German officers of the first rank judged the attack to have been well planned, and that no retreat was ever conducted in better order.

Bancroft, Hist. of the U.S., vol.5, p.195

In the official report of this engagement, the commander-in-chief stated with unsparing exactness the tardy arrival of Greene and the wing under his command. The renewal of an attack so soon after the defeat at the Brandywine inspirited congress and the army.

Bancroft, Hist. of the U.S., vol.5, p.195

To open the Delaware river, the fleet of Lord Howe, between the fourth and eighth of the month, anchored between Newcastle and Reedy Island. By the middle of October a narrow and intricate channel through the lower obstruction in the river was opened. The upper set of chevaux-de-frise was untouched; and the forts on Red-bank and on Mud Island which protected it, were garrisoned by continental troops, the former under the command of Colonel Christopher Greene of Rhode Island, the latter of Lieutenant-Colonel Samuel Smith of Maryland. Meantime, from the necessity of concentrating his force, Howe ordered Sir Henry Clinton to abandon Fort Clinton on the Hudson and to send him a reinforcement of "full six thousand men." He removed his army from Germantown to Philadelphia, and raised a line of fortifications from the Schuylkill to the Delaware.

Bancroft, Hist. of the U.S., vol.5, p.195

On the morning of the eighteenth a messenger arrived in the American camp, bringing letters from Putnam and Clinton, prematurely but positively announcing the surrender of the army of Burgoyne. Washington received them with joy unspeakable and devout gratitude "for this signal stroke of Providence." "All will be well," he said, "in His own good time."

Bancroft, Hist. of the U.S., vol.5, p.195 - p.196 - p.197

The news quickly penetrated the British camp. The difficulty of access to the upper chevaux-de-frise in the Delaware river had delayed its reduction; under a feeling of exasperated impatience, Sir William Howe gave verbal orders to Colonel Donop, who had expressed a wish for a separate command, to carry Red-bank by assault if it could easily be done. On the twenty-second, Donop, with five Hessian regiments and their artillery, four companies of yagers, a few mounted yagers, and two English howitzers, arrived near the fort, which on three sides could be approached through thick woods within four hundred yards. It was a pentagon, with a high earthy rampart, protected in front by an abattis. The battery of eight three-pounders and two howitzers was brought up on the right wing, and directed on the embrasures. At the front of each of the four battalions selected for the assault stood a captain with the carpenters and one hundred men bearing the fascines. Donop, at half-past four, summoned the garrison in arrogant language. A defiance being returned, he addressed a few words to his troops. Each colonel placed himself at the head of his division; and at a quarter before five, under the protection of a brisk cannonade from all their artillery, they ran forward and carried the abattis. On clearing it, they were embarrassed by pitfalls, and were exposed to a terrible fire of small arms and of grape-shot from a concealed gallery, while two galleys, which the bushes had hidden, raked their flanks with chain-shot. Yet the brave Hessians formed on the glacis, filled the ditch, and pressed on toward the rampart. But Donop, the officers of his staff, and more than half the other officers, were killed or wounded; the men who climbed the parapet were beaten down with lances and bayonets; and, as the morning twilight was coming on, the assailants fell back under the protection of their reserve. Many of the wounded crawled into the forest; Donop and a few others were left behind. The survivors marched back during the night unpursued. As the British ships-of-war which had attempted to take part in the attack fell down the river, the Augusta, of sixty-four guns, and the Merlin frigate grounded. The next day the Augusta was set on fire by red-hot shot from the American galleys and floating batteries, and blew up before all her crew could escape; the Merlin was abandoned and burned. From the wrecks the Americans brought off two twenty-four pounders. "Thank God," reasoned John Adams, "the glory is not immediately due to the commander-in-chief, or idolatry and adulation would have been so excessive as to endanger our liberties."

Bancroft, Hist. of the U.S., vol.5, p.197

The Hessians, by their own account, lost in the assault four hundred and two in killed and wounded, of whom twenty-six were officers. Two colonels gave up their lives. Donop, whose thigh was shattered, lingered for three days; to Mauduit Duplessis, who watched over his death-bed, he said: "It is finishing a noble career early; I die the victim of my ambition and of the avarice of my sovereign." This was the movement chosen by Howe to complain of Lord George Germain; to ask the king's leave to resign his command; and to report that there was no prospect of terminating the war without another campaign, nor then, unless large reinforcements should be sent from Europe.

Bancroft, Hist. of the U.S., vol.5, p.197 - p.198

On Burgoyne's surrender, Gates should instantly have detached reinforcements to Washington; but even the corps of Morgan was not returned. The commander-in-chief, therefore, near the end of October, despatched Alexander Hamilton, with authority to demand them. Putnam for a while disregarded the orders borne by Hamilton. Gates detained a very large part of his army in idleness at Albany, under the pretext of an expedition against Ticonderoga, which he did not mean to attack and which the British of themselves abandoned; he neglected to announce his victory to the commander-in-chief. Instead of chiding the insubordination, congress appointed him to regain the forts and passes on the Hudson river. Now Washington had himself recovered these forts and passes by pressing Howe so closely as to compel him to order their evacuation; yet congress forbade Washington to detach from the northern army more than twenty-five hundred men, including the corps of Morgan, without first consulting General Gates and the governor of New York. It was even moved that he should not detach any troops except after consultation with Gates and Clinton; and Samuel Adams, John Adams and Gerry of Massachusetts, with Marchant of Rhode Island, voted for that restriction. Time was wasted by this interference. Besides, while the northern army had been borne on ward to victory by the rising of the people, Washington encountered in Pennsylvania internal feuds, and a religious sect which forbade to its members the use of arms.

Bancroft, Hist. of the U.S., vol.5, p.198 - p.199

By the tenth of November the British had completed their batteries on the reedy morass of Province Island, five hundred yards from the American fort on Mud Island, and began an incessant fire from four batteries of heavy artillery. Smith gave the opinion that the garrison could not repel a storming party; but Major Fleury, the French engineer, reported the place to be still defensible. On the eleventh, Smith, having received a slight hurt, passed immediately to Red-bank; the next in rank desired to be recalled; and early on the thirteenth the brave garrison of but two hundred and eighty-six fresh men and twenty artillerists was confided to Major Simeon Thayer of Rhode Island, who had distinguished himself in the expedition against Quebec, and who now volunteered to take the desperate command. Directed by Thayer and Fleury, the garrison held out during an incessant bombardment and cannonade. On the fifteenth, the wind proving fair, the Vigilant carrying sixteen twenty-four pounders, and the hulk of a large Indiaman with three twenty-four pounders, aided by the tide, were warped through an inner channel which the obstructions in the river had deepened, and anchored so near the American fort that they could send into it hand-grenades, and marksmen from the mast of the Vigilant could pick off men from its platform. Five large British ships-of-war, which drew near the chevaux-de-frise, kept off the American flotilla, and sometimes fired on the unprotected side of the fort. The land batteries, now five in number, played from thirty pieces at short distances. The ramparts and block-houses on Mud Island were honeycombed, their cannon nearly silenced. A storming party was got ready; but Sir William Howe, who on the fifteenth was present with his brother, gave orders to keep up the fire all night through. In the evening Thayer sent all the garrison but forty men over to Red-bank, and after mid night followed with the rest. When, on the sixteenth, the British troops entered the fort, they found nearly every one of its cannon stained with blood. Never were orders to defend a place to the last extremity more faithfully executed. Thayer was reported to Washington as an officer of the highest merit; Fleury won well-deserved promotion from congress.

Bancroft, Hist. of the U.S., vol.5, p.199

Cornwallis was next sent by way of Chester to Billingsport with a strong body of troops to clear the left bank of the Delaware. A division under Greene was promptly despatched across the river to give him battle. Cornwallis was joined by five British battalions from New York, while the American reinforcements from the northern army were still kept back. It therefore became necessary to evacuate Redbank. Cornwallis, having levelled its ramparts, returned to Philadelphia, and Green rejoined Washington; but not till Lafayette, who attended the expedition as a volunteer, had secured the applause of congress by routing a party of Hessians. For all the seeming success, many officers in the British camp expressed the opinion that the states could not be subjugated.

Bancroft, Hist. of the U.S., vol.5, p.199

From day to day the want of a general government was more keenly felt. While the winter-quarters of the British in Philadelphia were rendered secure by the possession of the river Delaware, congress, which was scoffed at in the British house of lords as a "vagrant" horde, resumed at Yorktown the work of confederation. Of the committee who, in June 1776, had been appointed to prepare the plan, Samuel Adams alone remained a member; and even he was absent when, on the fifteenth of November 1777, "articles of confederation and perpetual union" were adopted, to be submitted for approbation to the several states.

Bancroft, Hist. of the U.S., vol.5, p.199

The present is always the lineal descendant of the past. A new form of political life never appears but as a growth out of its antecedents. In civil affairs, as much as in husbandry, seed-time goes before the harvest, and the harvest may be seen in the seed, the seed in the harvest. According to the American theory, the unity of the colonies had, before the declaration of independence, resided in the British king. The congress of the United States was the king's successor, and it inherited only the powers which the colonies themselves acknowledged to have belonged to the crown.

Bancroft, Hist. of the U.S., vol.5, p.199 - p.200

The instincts of local attachment shad been strengthened by time and by the excellence of the local governments. Affection could not twine itself round a continental domain of which the greater part was a wilderness, associated with no recollections. The confederacy was formed under the influence of political ideas which had been developed by a contest of centuries for individual and local liberties against an irresponsible central authority. Now that power had passed to the people, new institutions were required strong enough to protect the union, yet without impairing the liberties of the state dr the individual. But America, misled by what belonged to the past, took for her organizing force the principle of resistance to power, which in all the thirteen colonies had been hardened into stubbornness by resistance to oppression.

Bancroft, Hist. of the U.S., vol.5, p.200

During the sixteen mouths that followed the introduction of the plan for confederation prepared by Dickinson, the spirit of separation, fostered by uncontrolled indulgence, and by opposing interests and institutions, visibly increased in congress; and every change in his draft, which of itself proposed only a league of states, diminished the energetic authority which is the first guarantee of liberty.

Bancroft, Hist. of the U.S., vol.5, p.200

The United States of America included within their jurisdiction all the territory that had belonged to the old thirteen colonies; and, if Canada would so choose, they were ready to annex Canada.

Bancroft, Hist. of the U.S., vol.5, p.200 - p.201

In the republics of Greece, citizenship had in theory been confined to a body of kindred families, which formed an hereditary caste, a multitudinous aristocracy. Such a system could have no permanent vitality; and the Greek republics, as the Italian republics in after-ages, died out for want of citizens. America adopted the principle of the all-embracing unity of society. As the American territory was that of the old thirteen colonies, so the free people residing upon it formed the free people of the United States. Subject and citizen were correlative terms; subjects of the monarchy became citizens of the republic. He that had owed primary allegiance to the king of England now owed primary allegiance to united America; yet, as the republic was the sudden birth of a revolution, the moderation of congress did not name it treason for the former subjects of the king to adhere to his government; only it was held that whoever chose to remain on the soil, by residence accepted protection and owed allegiance. This is the reason why, for twelve years, free inhabitants and citizens were in American state papers convertible terms, sometimes used one for the other, and sometimes, for the sake of perspicuity, redundantly joined together.

Bancroft, Hist. of the U.S., vol.5, p.201

The king of England claimed as his subjects all persons born within his dominions: in like manner, every one who first saw the light on the American soil was a natural-born American citizen; but the power of naturalization, which, under the king, each colony had claimed to regulate by its own laws, remained under the confederacy with the separate states.

Bancroft, Hist. of the U.S., vol.5, p.201

The king had extended protection to every one of his lieges in every one of the thirteen colonies; now that congress was the successor of the king in America, the right to equal protection was continued to every free inhabitant in whatever state he might sojourn or dwell.

Bancroft, Hist. of the U.S., vol.5, p.201 - p.202

It had been held under the monarchy that each American colony was as independent of England as the electorate of Hanover; in the confederacy of "the United States of America," each state was to remain an independent sovereign, and the union was to be no more than an alliance. This theory decided the manner in which congress should vote. Pennsylvania and Virginia asked that, while each state might have at least one delegate, the rule should be one for every fifty thousand inhabitants; but the amendment was rejected by nine states against two, Delaware being absent and North Carolina divided. Virginia would have allowed to each state one member of congress for every thirty thousand of its inhabitants, and in this she was supported by John Adams; but his colleagues cast the vote of Massachusetts against it, and Virginia was left alone, North Carolina as before being equally divided. Virginia, again supported by John Adams, desired that the representation for each state should be in proportion to its contribution to the public treasury; but this was opposed by every other state, including North Carolina and Massachusetts. At last, with only one state divided and no negative voice but that of Virginia, an equal vote in congress was acknowledged to belong to each sovereign state. The number of delegates to give that vote might be not less than two nor more than seven for each state. The remedy for this inequality enhanced the evil and foreboded anarchy; while each state had one vote, "great and very interesting questions" could be carried only by the concurrence of nine states. If the advice of Samuel Adams had been listened to, the vote of nine states would not have prevailed, unless they represented a majority of the people of all the states. For the transaction of less important business, an affirmative vote of seven states was required. In other words, in the one case the assent of two thirds of all the states, in the other of a majority of them all, was needed, the absence of any state having the force of a negative vote.

Bancroft, Hist. of the U.S., vol.5, p.202

The king's right to levy taxes in the colonies by parliament or by his prerogative had been denied, and no more than a power to make requisitions had been conceded: in like manner it was assumed as a fundamental article that the United States in congress assembled shall never impose or levy any tax or duties, but only make requisitions for money on the several states; and this restriction, such was the force of usage, was accepted without remark. No one explained the distinction between a superior power wielded by an hereditary king in another hemisphere and a superior power which should be the chosen expression of the will and reason of the nation. The country had broken with the past in declaring independence; it went back into bondage to the past in forming its first constitution. The king might establish a general post-office, it had been held, for public convenience, not for a purpose of revenue: in like manner congress might authorize rates of postage to defray the expense of transporting the mails. The colonies under the king had severally levied import and export duties; the same power was reserved to each separate state, to be limited only by the proposed treaties with France and Spain.

Bancroft, Hist. of the U.S., vol.5, p.202 - p.203

The new republic was left without any independent revenue, and the charges of the government, its issues of paper money, its loans, were to be ultimately defrayed through requisitions for the quotas assessed upon the separate states. The difference between the North and the South growing out of the institution of slavery decided the rule for the distribution of these quotas. By the draft of Dickinson, taxation was to be in proportion to the census of population, in which slaves were to be enumerated. On the thirteenth of October 1777, it was moved that the sum to be paid by each state into the treasury should be ascertained by the value of all property within each state. This was promptly negatived, and was followed by a motion having for its object to exempt slaves from taxation altogether. On the following day eleven states were present. The four of New England voted in the negative; Maryland, Virginia, and the two Carolinas in the affirmative. Robert Morris of Pennsylvania against Roberdeau, and Duer of New York against Duane, voted with the South, and so the votes of their states were divided and lost. The decision rested on New Jersey, and she gave it for the complete exemption from taxation of all property in slaves. This is the first important division between slaveholding states and the states where slavery was of little account. The rule for apportioning the revenue, as finally adopted, was the respective value of land granted or surveyed, and the buildings and improvements thereon, without regard to personal property or numbers. This rendered the confederacy nugatory; for congress had not power to make the valuation.

Bancroft, Hist. of the U.S., vol.5, p.203

In like manner the rules for navigation were to be established exclusively by each separate state, and the confederation did not take to itself power to countervail the restrictions of foreign governments, or to form agreements of reciprocity, or even to establish uniformity. These arrangements suited the opinions of the time; the legislature of New Jersey, vexed by the control of New York over the waters of New York bay, alone proposed as an amendment a grant of greater power over foreign commerce. Moreover, each state decided for itself what imports it would permit and what it would prohibit. As a consequence, the confederate congress was left without power to sanction or to stop the slave-trade.

Bancroft, Hist. of the U.S., vol.5, p.203 - p.204

The king had possessed all land not alienated by royal grants. On the declaration of independence, the royal quitrents ceased to be paid; and each state assumed the ownership of the royal domain within its limits. The validity of the act of parliament which transferred the region north-west of the Ohio to the province of Quebec was denied by all; but the states which by their charters extended indefinitely west, or west and north-west, refused to accept the United States as the umpire to settle their boundaries, except with regard to each other.

Bancroft, Hist. of the U.S., vol.5, p.204

Jealousy of a standing army and the superiority of the civil over the military power were among the dearest traditions of English liberty. It was borne in mind that victorious legions revolutionized Rome; that Charles I. sought to overturn the institutions of England by an army; that by an army Charles II. was brought back without conditions; that by a standing army, which Americans themselves were to have been taxed to maintain, it had been proposed to abridge American liberties. In congress this distrust of military power existed all the more for the confidence and undivided affection which the people bore to the American commander-in-chief, and has for its excuse that human nature was hardly supposed able to furnish an example of a military liberator of his country, desirous after finishing his work to go into private life. We have seen how earnestly Washington endeavored to establish an army of the United States. His plan, which, at the time it was proposed, congress did not venture to reject, was now deliberately demolished. To prevent a homogeneous organization, it not only left to each of them the exclusive power over its militia, but the exclusive appointment of the regimental officers in its quota of land forces for the general service.

Bancroft, Hist. of the U.S., vol.5, p.204

As in England, so in America, this jealousy did not extend to maritime affairs; the separate states had no share in the appointment of officers in the navy.

Bancroft, Hist. of the U.S., vol.5, p.204

As the king in England, so the United States determined on peace and war, sent ambassadors to foreign powers, and entered into treaties and alliances; but, beside their general want of executive power, the grant to make treaties of commerce was limited by the power reserved to the states over imports and exports, over shipping and revenue.

Bancroft, Hist. of the U.S., vol.5, p.204 - p.205

The right of coining money, the right of keeping up ships-of-war, land forces, forts, and garrisons, were shared by congress with the respective states. No state, Massachusetts not more than South Carolina, would subordinate its law of treason to the will of congress. The formation of a class of national statesmen was impeded by the clause which forbade any man to sit in congress more than three years out of six; nor could the same member of congress be appointed its president more than one year in any term of three years. No executive distinct from the general congress could be detected in the system. Judicial power over questions arising between the states was provided for; and courts might be established to exercise primary jurisdiction over crimes committed on the high seas, with appellate jurisdiction over captures, but there was scarcely the rudiment of a judiciary from which a court for executing the ordinances of congress could be developed. Congress was incapable of effectual supervision over officers of its own appointment and in its own service. The report of Dickinson provided for a council; but this was narrowed down to "a committee of states," to be composed of one delegate from each state, with no power whatever respecting important business, and no power of any kind except that with which congress, "by the consent of nine states," might invest them from time to time.

Bancroft, Hist. of the U.S., vol.5, p.205

Each state retained its sovereignty, and all power not expressly delegated. Under the king of England, the use of the veto in colonial legislation had been complained of. There was not even a thought of vesting congress with a veto on the legislation of states, or subjecting such legislation to the revision of a judicial tribunal. Each state, being esteemed independent and sovereign, had exclusive, full, and final powers in every matter relating to domestic police and government, to slavery and manumission, to the conditions of the elective franchise; and the restraints required to secure loyalty to the central government were left to be self-imposed. Incidental powers to carry into effect the powers granted to the United States were withheld.

Bancroft, Hist. of the U.S., vol.5, p.205 - p.206

To complete the security against central authority, the articles of confederation were not to be adopted except by the assent of every one of the legislatures of the thirteen separate states; and no amendment might be made without an equal unanimity. A government which had not power to levy a tax, or raise a soldier, or deal directly with an individual, or keep its engagements with foreign powers, or amend its constitution without the unanimous consent of its members, had not enough of vital force to keep itself alive. But a higher spirit moved over the darkness of that formless void. Notwithstanding the defects of the confederation, the congress of the United States, inspired by the highest wisdom of the eighteenth century, and seemingly without debate, imbodied in their work four capital results, which Providence in its love for the human race could not let die.

Bancroft, Hist. of the U.S., vol.5, p.206

The republics of Greece and Rome had been essentially no more than governments of cities. When Rome exchanged the narrowness of the ancient municipality for cosmopolitan expansion, the republic, from the false principle on which it was organized, became an empire. The middle ages had free towns and cantons, but no national republic. Congress had faith that one republican government could comprehend a continental territory, even though it should extend from the Gulf of Mexico to the uttermost limit of Canada and the eastern limit of Newfoundland.

Bancroft, Hist. of the U.S., vol.5, p.206

Having thus proclaimed that a republic may equal the widest empire in its bounds, the relation of the United States to the natural rights of their inhabitants was settled with superior wisdom. Some of the states had, each according to its prevailing superstition or prejudice, narrowed the rights of classes of men. One state disfranchised Jews, another Catholics, another deniers of the Trinity, another men of a complexion different from white. The United States in congress assembled, suffering the errors in one state to eliminate the errors in another, rejected every disfranchisement and superadded none. The declaration of independence said, all men are created equal; by the articles of confederation and perpetual union, free inhabitants were free citizens.

Bancroft, Hist. of the U.S., vol.5, p.206 - p.207

That which gave reality to the union was the article which secured to "the free inhabitants" of each of the states "all privileges and immunities of free citizens in the several states." Congress appeared to shun the term "people of the United States." It is nowhere found in their articles of confederation, and rarely and only accidentally in their votes; yet by this act they constituted the free inhabitants of the different states one people. When the articles of confederation reached South Carolina for confirmation, it was perceived that they secured equal rights of inter-citizenship in the several states to the free black inhabitant of any state. This concession was opposed in the legislature of South Carolina, and, after an elaborate speech by William Henry Drayton, the articles were returned to congress with a recommendation that inter-citizenship should be confined to the white man; but congress, by a vote of eight states against South Carolina and Georgia, one state being divided, refused to recede from the universal system on which American institutions were to be founded. The decision was not due to impassioned philanthropy: slavery at that day existed in every one of the thirteen states; and, notwithstanding many men South as well as North revolted at the thought of continuing the institution, custom scarcely recognised the black man as an equal; yet congress, with a fixedness of purpose resting on a principle, would not swerve from its position. For, when it resolved upon independence and had to decide on whom a demand could be made to maintain that independence, it defined as members of a colony all persons abiding within it and deriving protection from its laws. Now, therefore, when inter-state rights were to be confided to the members of each state, it looked upon every freeman who owed primary allegiance to the state as a citizen of the state. The free black inhabitant owed allegiance, and was entitled to equal civil rights, and so was a citizen. Congress, while it left the regulation of the elective franchise to the judgment of each state, in the articles of confederation, in its votes and its treaties with other powers, reckoned all the free inhabitants, without distinction of ancestry, creed, or color, as subjects or citizens. But America, though the best representative of the social and political acquisitions of the eighteenth century, was not the parent of the idea in modern civilization that man is a constituent member of the state of his birth, irrespective of his ancestry. It was already the public law of Christendom. Had America done less, she would have been a laggard among the nations.

Bancroft, Hist. of the U.S., vol.5, p.207 - p.208

One other life-giving excellence distinguished the articles of confederation. The instrument was suffused with the idea of securing the largest liberty to individual man. In the ancient Greek republic, the state existed before the individual and absorbed the individual. Thought, religious Opinion, worship, conscience, amusements, joys, sorrows, all activities were regulated by the state; the individual lived only as an integral part of the state. A declaration of rights is a declaration of those liberties of the individual which the state cannot justly control. The Greek system of law knew nothing of such liberties; the Greek citizen never spoke of the rights of man; the individual was merged in the body politic. At last a government founded on consent could be perfected; for the acknowledgment that conscience has its rights had broken up the unity of despotic power, and confirmed the freedom of the individual. Because there was life in all the parts, there was the sure promise of a well-organized life in the whole.

Bancroft, Hist. of the U.S., vol.5, p.208

Yet the young republic failed in its first effort at forming a general union. The smoke in the flame overpowered the light. "The articles of confederation endeavored to reconcile a partial sovereignty in the union with complete sovereignty in the states, to subvert a mathematical axiom by taking away a part and letting the whole remain." The polity then formed could hardly be called an organization, so little did the parts mutually correspond and concur to the same final actions. The system was imperfect, and was acknowledged to be imperfect. A better one could not then have been accepted; but with all its faults it contained the elements for the evolution of a more perfect union. The sentiment of nationality was forming. The framers of the confederacy would not admit into that instrument the name of the people of the United States, and described the states as so many sovereign and independent communities; yet already in the circular letter of November 1777 to the states, asking their several subscriptions to the plan of confederacy, they avowed the purpose to secure to the inhabitants of all the states an "existence as a free people." The child that was then born was cradled between opposing powers of evil; if it will live, its infant strength must strangle the twin serpents of separatism and central despotism.

Chapter 15:

The Winter at Valley Forge,

Britain in Want of Troops,

November 1777-April 1778

Bancroft, Hist. of the U.S., vol.5, p.209

WHEN at last Washington was joined by troops from the northern army, a clamor arose for the capture of Philadelphia. Protected by the Schuylkill and the Delaware, the city could be approached only from the north, and on that side a chain of fourteen redoubts extended from river to river. Moreover, the army by which it was occupied, having been reinforced from New York by more than three thousand men, exceeded nineteen thousand. Four American officers voted in council for an assault upon the lines of this greatly superior force; but the general, sustained by eleven, disregarded the murmurs of congress and rejected "the mad enterprise."

Bancroft, Hist. of the U.S., vol.5, p.209 - p.210

With quickness of eye he selected in the woods of Whitemarsh strong ground for an encampment, and there, within fourteen miles of Philadelphia, awaited the enemy, of whose movements he received exact and timely intelligence. On the severely cold night of the fourth of December the British, fourteen thousand strong, marched out to attack the American lines. Before daybreak on the fifth their advance party halted on a ridge beyond Chestnut Hill, eleven miles from Philadelphia, and at seven their main body formed in one line, with a few regiments as reserves. The Americans occupied thickly wooded hills, with a morass and a brook in their front. Opposite the British left wing a breastwork defended the only point where the brook could be easily forded. At night the British force rested on their arms. Washington passed the hours in strengthening his position; and though, according to Kalb who was present, he had but seven thousand really effective men, he wished for an engagement. Near the end of another day Howe marched back to Germantown, and on the next, as if intending a surprise, suddenly returned upon the American left, which he made preparations to assail. Washington delivered in person to each brigade his orders on the manner of receiving their enemy, exhorting to a reliance on the bayonet. All day long, and until eight in the evening, Howe kept up his reconnoitring, but found the American position everywhere strong by nature and by art. Nothing occurred but a sharp action on Edge Hill between light troops under Gist and Morgan's riflemen and a British party led by General Grey. The latter lost eighty-nine in killed and wounded; the Americans, twenty-seven, among them the brave Major Morris of New Jersey. On the eighth, just after noon, the British suddenly marched by the shortest road to Philadelphia. Their loss in the expedition exceeded one hundred. The rest of the season Howe made no excursions except for food or forage; and Washington had no choice but to seek winter-quarters for his suffering soldiers; while Gates, with Conway and Mifflin, formed a cabal to drive Washington into retirement and put Gates in his place.

Bancroft, Hist. of the U.S., vol.5, p.210

Military affairs had thus far been superintended by a congressional committee. After some prelude, in July 1777, it was settled in the following October to institute an executive board of war of five persons not members of congress.

Bancroft, Hist. of the U.S., vol.5, p.210 - p.211 - p.212

Conway, a French officer of Irish descent, had long been eager for higher rank. In a timely letter to Richard Henry Lee, a friend to Conway, Washington wrote: "His merits exist more in his own imagination than in reality; it is a maxim with him not to want anything which is to be obtained by importunity;" his promotion would be "a real act of injustice," likely to "incur a train of irremediable evils. To sum up the whole, I have been a slave to the service; I have undergone more than most men are aware of to harmonize so many discordant parts; but it will be impossible for me to be of any further service if such insuperable difficulties are thrown in my way." Conway breathed out his discontent to Gates, writing in substance: "Heaven has been determined to save your country, or a weak general and bad counsellors would have ruined it." The correspondents of Gates did not scruple in their letters to speak of the commander-in-chief with bitterness or contempt. "This army," wrote Reed, "notwithstanding the efforts of our amiable chief, has as yet gathered no laurels. I perfectly agree with that sentiment which leads to request your assistance." On the seventh, Mifflin, leaving his office of quartermaster-general, of which he had neglected the duties, yet retaining the rank of major-general, was elected to the board of war. The injurious words of Conway having through Wilkinson been made known to Washington, on the ninth he communicated his knowledge of them to Conway, and to him alone. Conway in an interview justified them, made no apology, and after the interview reported his defiance of Washington to Mifflin. On the tenth, Sullivan, knowing the opinion of his brother officers and of his chief, and that on a discussion at a council of war about appointing an inspector-general Conway's pretensions met with no favor, wrote to a member of congresss: "No man can behave better in action than General Conway; his regulations in his brigade are much better than any in the army; his knowledge of military matters far exceeds any officer we have. If the office of inspector-general with the rank of major-general was given him, our army would soon cut a different figure from what they now do." On the same day Wayne expressed his purpose "to follow the line pointed out by the conduct of Lee, Gates, and Mifflin." On the eleventh, Conway, foreseeing that Gates was to preside at the board of war, offered to form for him a plan for the instruction of the army; and, on the fifteenth, to advance his intrigue, he tendered his resignation to congress. On the seventeenth, Lovell of Massachusetts wrote to Gates, threatening Washington "with the mighty torrent of public clamor and vengeance," and subjoined: "How different your conduct and your fortune! this army will be totally lost unless you come down and collect the virtuous band who wish to fight under your banner." On the twenty-first, Wayne, forgetting the disaster that had attended his own rashness, disparaged Washington as having more than once slighted the favors of fortune. On the twenty-fourth, congress received the resignation of Conway, and referred it to the board of war, of which Mifflin at that time was the head. On the twenty-seventh they filled the places in that board, and appointed Gates its president. On the same day Lovell wrote to Gates: "We want you in different places; we want you most near Germantown. Good God, what a situation we are in! how different from what might have been justly expected!" and he represented Washington as a general who collected astonishing numbers of men to wear out stockings, shoes, and breeches, and "Fabiused affairs into a very disagreeable posture." On the twenty-eighth' congress, by a unanimous resolution, declared in favor of carrying on a winter's campaign with vigor and success, and sent three of its members to direct every measure which circumstances might require. On the same day Mifflin, explaining to Gates how Conway had braved the commander-in-chief, volunteered his own opinion that the extract from Conway's letter was a "collection of just sentiments." Gates, on receiving the letter, wrote to Conway: "You acted with all the dignity of a virtuous soldier." He wished "so very valuable and polite an officer might remain in the service." To congress he complained that his correspondence had been betrayed to Washington, with whom he came to an open rupture. On the thirteenth of December congress, following Mifflin's report, appointed Conway inspector-general, promoted him to be a major-general, made his office independent of the commander-in-chief, and referred him to the board of war for the regulations which he was to introduce. Some of those engaged in the cabal, "which had its supporters exclusively in the North," wished to provoke Washington to resign his place.

Bancroft, Hist. of the U.S., vol.5, p.212 - p.213

This happened just as Washington at Whitemarsh had closed the campaign with honor. The problem which he must next solve was to keep together through the cold winter an army without tents, and to confine the British to the environs of Philadelphia. There was no town which would serve the purpose. Valley Forge, on the Schuylkill, but twenty-one miles from Philadelphia, admitted of defence against the artillery of those days, and had more than one route convenient for escape into the interior. The ground lay between two ridges of bills, and was covered by a thick forest. As his men moved toward the spot, they were in need of clothes and blankets and shoes, as well as tents, and were almost as often without prod visions as with them. On the nineteenth they arrived at Valley Forge, with no covering. From his life in the woods, Washington could see in the trees a town of log cabins, built in regular streets, and affording shelter enough to save the army from dispersion. The order for their erection was received by officers and men as impossible of execution; and they were astonished at the ease with which, as the work of their Christmas holidays, they changed the forest into huts thatched with boughs in the order of a regular encampment.

Bancroft, Hist. of the U.S., vol.5, p.213

Washington was followed to Valley Forge by letters from congress transmitting the remonstrance of the council and assembly of Pennsylvania against his going into winter-quarters To this reproof Washington, on the twenty-third, after laying deserved blame upon Mifflin for neglect of duty as quarter-master-general, replied: "For the want of a two days' supply of provisions, an opportunity scarcely ever offered of taking an advantage of the enemy that has not been either totally obstructed or greatly impeded. Men are confined to hospitals, or in farmers' houses for want of shoes. We have this day no less than two thousand eight hundred and ninety-eight men in camp unfit for duty, because they are barefoot and otherwise naked. Our whole strength in continental troops amounts to no more than eight thousand two hundred in camp fit for duty. Since the fourth instant our numbers fit for duty from hardships and exposures have decreased nearly two thousand men. Numbers still are obliged to sit all night by fires. Gentlemen reprobate the going into winter-quarters as much as if they thought the soldiers were made of stocks or stones. I can assure those gentlemen that it is a much easier and less distressing thing to draw remonstrances in a comfortable room by a good fireside than to occupy a cold, bleak hill, and sleep under frost and snow without clothes or blankets. However, although they seem to have little feeling for the naked and distressed soldiers, I feel Superabundantly for them, and from my soul I pity those miseries which it is neither in my power to relieve or prevent."

Bancroft, Hist. of the U.S., vol.5, p.214

While the shivering soldiers were shaping the logs for their cabins, the clamor of the Pennsylvanians continued; and, the day after Christmas, Sullivan, who held with both sides, gave his written advice to Washington to yield and attack Howe in Philadelphia, "risking every consequence in an action." On the last day of the year an anonymous writer in the "New Jersey Gazette," at Trenton, supposed to be Benjamin Rush, began a series of articles under the name of a French officer, to set forth the unrivalled glory of Gates, who had conquered veterans with militia, pointing out plainly Washington's successor.

Bancroft, Hist. of the U.S., vol.5, p.214

The next year opened gloomily at Valley Forge. To the touching account of the condition of the army, congress, which had not provided one magazine for winter, made no response except a promise to the soldiers of one month's extra pay, and a renewal of authority to take the articles necessary for their comfortable subsistence. On the fifth of January 1778, Washington renewed his remonstrances: "It will never answer to procure supplies of clothing or provision by coercive measures. Such procedures may give a momentary relief, but, if repeated, besides spreading disaffection, jealousy, and fear among the people, never fail, even in the most veteran troops under the most rigid and exact discipline, to raise in the soldiery a disposition to plunder, difficult to suppress, and not only ruinous to the inhabitants, but, in many instances, to armies themselves. I regret the occasion that compelled us to the measure the other day, and shall consider it among the greatest of our misfortunes if we should be under the necessity of practicing it again." Still, congress did no more than, on the tenth and twelfth of January, appoint Gates and Mifflin, with four or five others, to repair to head-quarters and concert reforms.

Bancroft, Hist. of the U.S., vol.5, p.214 - p.215

While those who wished the general out of the way urged him to some rash enterprise, or sent abroad rumors that he was about to resign, Benjamin Rush, in a letter to Patrick Henry, represented the army of Washington as having no general at their head, and went on to say: "A Gates, a Lee, or a Conway would in a few weeks render them irresistible. Some of the contents of this letter ought to be made public, in order to awaken, enlighten, and alarm our country." This communi cation, to which Rush did not sign his name, Patrick Henry received with scorn, and noticed only by sending it to Washington. An anonymous paper of the like stamp, transmitted to Henry Laurens, then president of congress, took the same direction. Meantime, the council and assembly of Pennsylvania renewed to congress their wish that Philadelphia might be recovered and the British driven away. Congress hailed the letter as proof of a rising spirit, and directed the committee appointed to go to camp to consult on the desired attack with the government of Pennsylvania and with General Washington.

Bancroft, Hist. of the U.S., vol.5, p.215

Conway having vainly striven to alienate Lafayette from Washington, and even to induce him to abandon the United States, the board of war sought to entice the young representative of France by dazzling him with ideas of glory. In concert with Conway, and without consulting Washington, they induced congress to sanction a winter expedition against Canada, under Lafayette, who was not yet twenty-one years old, with Conway for his second in command, and with Stark. At a banquet given in his honor by Gates at Yorktown, Lafayette braved the intriguers, and made them all drink his toast to the health of their general. Assured by Gates that he would command an army of three thousand men, and that Stark would have already destroyed the shipping at St. John's, Lafayette, having obtained from congress Kalb as his second, and Washington as his direct superior, repaired to Albany. There the three major-generals of the expedition met, and were attended or followed by twenty French officers. Stark wrote for orders. The available force for the conquest, counting a regiment which Gates detached from the army of Washington, did not exceed a thousand. For these there was no store of provision, nor clothing suited to the climate of Canada, nor means of transportation. Two years' service in the northern department cannot leave to Gates the plea of ignorance; his plan showed his utter want of administrative capacity; it accidentally relieved the country of Conway, who, writing petulantly to congress, found his resignation, which he had meant only as a complaint, irrevocably accepted. Laffayette and Kalb were recalled.

Bancroft, Hist. of the U.S., vol.5, p.215 - p.216

Slights and selfish cabals could wound the sensibility, but not affect the conduct of Washington. His detractors took an unfair advantage, for he was obliged to conceal the weakness of his army from the enemy, and therefore from the public. To William Gordon, who was gathering materials for a history of the war, he wrote freely: "Neither interested nor ambitious views led me into the service. I did not solicit the command, but accepted it after much entreaty, with all that diffidence which a conscious want of ability and experience equal to the discharge of so important a trust must naturally excite in a mind not quite devoid of thought; and, after I did engage, pursued the great line of my duty and the object in view, as far as my judgment could direct, as pointedly as the needle to the pole. No person ever heard me drop an expression that had a tendency to resignation. The same principles that led me to embark in the opposition to the arbitrary claims of Great Britain operate with additional force at this day; nor is it my desire to withdraw my services, while they are considered of importance to the present contest. There is not an officer in the service of the United States that would return to the sweets of domestic life with more heartfelt joy than I should, but I mean not to shrink in the cause."

Bancroft, Hist. of the U.S., vol.5, p.216 - p.217

In his remonstrances with congress he wrote with plainness, but with moderation. His calm dignity alike irritated and overawed his adversaries; and nothing could shake the confidence of the people, or divide the affectious of the army, or permanently distract the majority of congress. Those who had been most ready to cavil at him soon wished their rash words benevolently interpreted or forgotten. Gates denied the charge of being in a league to supersede Washington as a wicked, false, diabolical calumny of incendiaries, and would not believe that any such plot existed; Mifflin exonerated himself in more equivocal language; and both retired from the committee that was to repair to head-quarters. The French minister loudly expressed to the officers from his country his disapprobation of their taking part in any cabal whatever. In the following July, Conway, thinking himself mortally wounded in a duel, wrote to Washington: "My career will soon be over; therefore justice and truth prompt me to declare my last sentiments. You are in my eyes the great and good man. May you long enjoy the love, veneration, and esteem of these states, whose liberties you have asserted by your virtues." The committee, which toward the end of January was finally sent to consult with Washington, was composed exclusively of members of congress; and the majority of them, especially Charles Carroll of Maryland and John Harvey of Virginia, were his friends. They discerned at once the falsehood of the rumors against Washington. John Harvey said to him: "If you had but explained yourself, these reports would have ceased long ago." And his answer was: "How could I have thrown off the blame without doing injury to the common cause?" But, in the procrastination of active measures of relief, the departments of the quartermaster and commissary remained like clocks with so many checks that they cannot go. Even so late as the eleventh of February, Dana, one of the committee, reported that men died for the want of straw or other bedding to raise them from the cold, damp earth. Inoculation was for a like reason delayed. Almost every species of camp-transportation was performed by men who, without a murmur, yoked themselves to little carriages of their own making, or loaded their fuel and provisions on their backs. Sometimes fuel was wanting, when for want of shoes and stockings they could not walk through the snow to cut it in the neighboring woods. Some brigades had been four days without meat. For days together the army was without bread. There was danger that the troops would perish from famine or disperse in search of food.

Bancroft, Hist. of the U.S., vol.5, p.217 - p.218

All this time the British soldiers in Philadelphia were well provided for, and the officers quartered upon the inhabitants. The days were spent in pastime, the nights in entertainments. By a proportionate tax on the pay and allowances of each officer, a house was opened for daily resort and for weekly balls, with a gaming-table, and a room devoted to the players of chess. Thrice a week dramas were enacted by amateur performers. The curtain painted by Andre was greatly admired. The officers, among whom all ranks of the British aristocracy were represented, lived in open licentiousness. At a grand review, an English girl, mistress of a colonel and dressed in the colors of his regiment, drove down the line in her open carriage with great ostentation. The pursuit of pleasure was so eager that an attack in winter was not added to the trials of the army at Valley Forge, even though at one time it was reduced to five thousand men.

Bancroft, Hist. of the U.S., vol.5, p.218

During the winter the members present in congress were sometimes only nine, rarely seventeen; of former members, Franklin, Jefferson, John Rutledge, Jay, and others were employed elsewhere, and John Adams had recently been elected to succeed Deane as commissioner in France. The want of power explains the inefficiency of congress. It proposed in January to borrow ten millions of dollars, but it had no credit. So in January, February, and March two millions of paper money were ordered to be issued, and in April six and a half millions more. These emissions were rapidly followed by corresponding depreciations. When the currency lost its value, congress would have had the army serve on from disinterested patriotism; but Washington pointed out the quality in human nature which does not permit practical affairs to be conducted through a succession of years by a great variety of persons without regard to equitable interests and just claims; and, after months of resistance, officers who should serve to the end of the war were promised half-pay for seven years, privates a sum of eighty dollars.

Bancroft, Hist. of the U.S., vol.5, p.218 - p.219

The opportunity of keeping up an army by voluntary enlistments having been thrown away by the jealousy of congress, Washington, in February, in a particular manner laid before the congressional committee of arrangement, then with the army at Valley Forge, a plan of an annual draft as the surest and most certain, if not the only, means left for conducting the war "on a proper and respectable ground." Toward the end of the month congress adopted the advice, but changed its character to that of a transient expedient. It directed the continental battalions of all the states, except South Carolina and Georgia, to be completed by drafts from their militia, but limited the term of service to nine months. The execution of the measure was unequal, for it depended on the good-will of the several states; but the scattered villages paraded their militia for the draft with sufficient regularity to save the army from dissolution. Varnum, a brigadier of Rhode Island, proposed the emancipation of slaves in that state, on condition of their enlisting in the army for the war. The scheme approved by Washington, and by hid referred to Cooke, the governor of the state, was accepted. Every able-bodied slave in Rhode Island received by law liberty to enlist in the army for the war. On passing muster, he became free and entitled to all the wages and encouragements given by congress to any soldier. The state made some compensation to their masters.

Bancroft, Hist. of the U.S., vol.5, p.219

Unable to force a defaulting agent to a settlement, congress in February asked the legislatures of the several states to enact laws for the recovery of debts due to the United States; and it invited the supreme executive of every state to watch the behavior of all civil and military officers of the United States in the execution of their offices.

Bancroft, Hist. of the U.S., vol.5, p.219 - p.220

The regulation of the staff of the army was shaped by Joseph Reed, now a member of congress and of the committee sent by congress to the camp. Notwithstanding the distresses of the country, the system was founded on the maxim of large emoluments, especially for the head of the quartermaster's department; and for that head Greene was selected, with two family connections of Reed as his assistants. The former was to be with the army; the other two, of whom one was superfluous, were stationed near congress, and, by an agreement among themselves, the emoluments in the shape of commissions were to be divided equally between the three. All subordinate appointments were to be made by the quartermaster-general himself, and their emoluments were likewise to be derived from commissions. The system was arranged and carried through congress independently of Washington, who, though repeatedly solicited, would never sanction it by his approval. Greene was importunate in his demands to retain the command of a division; on that point Washington was inflexible. After more than another month the system of centralization was extended to the commissary department. To increase his profits by furnishing supplies to the army, Greene did not scruple to enter into a most secret partnership with the head of that department, a third partner, not in office, being the only one known to the public. When he was censured for his desire of gaining wealth from his office as quartermaster-general, he offered the excuse that, as he made a sacrifice of his command of a division and so of his chances of glory in the field, he had a right to be compensated by large emoluments.

Bancroft, Hist. of the U.S., vol.5, p.220

The place of inspector-general fell to Baron Steuben, a Prussian officer, then forty-seven years of age. The high military rank which he assumed without right but without question, the good opinion of Vergennes and Saint-Germain, the recommendation of Franklin, the halo of having served during the seven years' war under the great Frederic, and real merit, secured for him an appointment as major-general. On the twenty-third of February he was welcomed to Valley Forge. He benefited the country of his adoption by "introducing into the army a regular formation and exact discipline, and by establishing a spirit of order and economy in the interior administration of the regiments."

Bancroft, Hist. of the U.S., vol.5, p.220

Yet there remained a deeply seated conflict of opinion between congress and the commander-in-chief on questions of principle and policy. Washington would from the first have had men enlisted for the war; congress, from jealousy of standing annies, had insisted upon short enlistments. Washington wished the exchange of prisoners to be conducted on one uniform rule; congress required a respect to the law of treason of each separate state. Washington would have one continental army; congress, an army of thirteen sovereignties. Congress was satisfied with the amount of its power as a helpless committee; Washington wished a union with efficient powers of government. Congress guarded separate independence; the patriotism of Washington took a wider range, and in return the public affection, radiating from every part of the United States, met in him. All this merit, and this popularity, and the undivided attachment of the army, made congress more sensible of their own relative weakness. They felt that their perfect control over the general was due to his own nature, and that nature could not be fully judged of before the end. Nor was it then known how completely the safety of the country against military usurpation lay in the character of the American people.

Bancroft, Hist. of the U.S., vol.5, p.221

To allay the jealousy of congress, Washington, on the twenty-first of April, wrote to one of its delegates: "Under proper limitations it is certainly true that standing armies are dangerous to a state. The prejudices of other countries have only gone to them in time of peace, and from their being hirelings. It is our policy to be prejudiced against them in time of war, though they are citizens, having all the ties and interests of citizens, and in most cases property totally unconnected with the military line. The jealousy, impolitic in the extreme, can answer not a single good purpose. It is unjust, because no order of men in the thirteen states has paid a more sacred regard to the proceedings of congress than the army; for, without arrogance or the smallest deviation from truth, it may be said that no history now extant can furnish an instance of an army's suffering such uncommon hardships as ours has done, and bearing them with the same patience and fortitude. Their submitting without a murmur is a proof of patience and obedience which in my opinion can scarce be paralleled. There may have been some remonstrances or applications to congress in the style of complaint from the army, and slaves indeed should we be if this privilege were denied; but these will not authorize nor even excuse a jealousy that they are therefore aiming at unreasonable powers, or making strides subversive of civil authority. There should be none of these distinctions. We should all, congress and army, be considered as one people, embarked in one cause, acting on the same principle and to the same end." In framing an oath of fidelity for all civil and military officers, congress, much as it avoided the expression, made them swear that the "people of the United States" owed no allegiance to the king of Great Britain. The soldiers serving under one common flag, to establish one common independence, and, though in want of food, of shoes, of clothes, of straw for bedding, of pay in a currency of fixed value, of regular pay of any kind, never suffering their just discontent to get the better of their patriotism, still more clearly foreshadowed a great nation.

Bancroft, Hist. of the U.S., vol.5, p.221 - p.222

The troops of Burgoyne remained in the environs of Boston. As if preparing an excuse for a total disengagement from his obligations, Burgoyne, complaining without reason of the quarters provided for his officers, wrote and insisted that the United States had violated the public faith, and refused to congress descriptive lists of the noncommissioned officers and soldiers who were not to serve in America during the war. On these grounds congress suspended the embarkation of the troops under his command till it should receive notice of a ratification of the convention by the court of Great Britain. Burgoyne sailed for England on his parole.

Bancroft, Hist. of the U.S., vol.5, p.222

To counteract the arts of the British emissaries among the Indians on the borders of Virginia and the Carolinas, Colonel Nathaniel Gist was commissioned to take into the public service two hundred of the red men and fifty of the white inhabitants of the neighboring counties. Care was taken to preserve the friendship of the Oneidas.

Bancroft, Hist. of the U.S., vol.5, p.222

The American militia of the sea were restlessly active. In the night of the twenty-seventh of January a privateer took the fort of New Providence, one of the Bahama isles, made prize of a British vessel of war of sixteen guns, which had gone in for repairs, and recaptured five American vessels. On the seventh of March, Biddle, in the Randolph, a United States frigate of thirty-six guns on a cruise from Charleston, falling in with the Yarmouth, a British ship of sixty-four guns, hoisted the stars and stripes, fired a broadside, and continued the engagement till his ship went down.

Bancroft, Hist. of the U.S., vol.5, p.222

The king of England succeeded but poorly in his negotiations for subsidiary troops. The crazy prince of Anhalt-Zerbst, who ruled over but three hundred square miles with twenty thousand inhabitants, after unceasing importunities, bargained with the king of England to deliver, at his own risk, twelve hundred and twenty-eight men. On their way to the place of embarkation, as they passed near the frontier of Prussia, three hundred and thirty-three of them deserted in ten days, and the number finally delivered was less than half of what was promised. When they arrived at their destination in Quebec, Carleton the governor, having no orders respecting them, would not suffer them to disembark till a messenger brought back orders from England.

Bancroft, Hist. of the U.S., vol.5, p.223

To make good the loss of Hessians, the landgrave of Hesse-Cassel impressed men wherever he could do so with impunity. The heartless meanness of the Brunswick princes would pass belief, if it was not officially authenticated. They begged that the Brunswickers, who surrendered at Saratoga, might not find their way back to their homes, where they would spoil the traffic in soldiers by their complaints, but be sent rather to the British West Indies. The princes who first engaged in the trade in soldiers were jealous of competitors, and dropped hints that the states of Wurtemberg, where Schiller ran the risk of being assistant surgeon to a regiment of mercenaries, would never suffer a contract by their duke to be consummated; that Protestant England ought not to employ troops of the elector palatine because they were Roman Catholics.

Bancroft, Hist. of the U.S., vol.5, p.223

Had officers or men sent over to America uttered complaints, they would have been shot for mutiny; Mirabeau, then a fugitive in Holland, lifted up the voice of the civilization of his day against the trade, and spoke to the peoples of Germany and the soldiers themselves: "What new madness is this? Alas, miserable men, you burn down not the camp of an enemy, but your own hopes! Germans! what brand do you suffer to be put upon your forehead? You war against a people who have never wronged you, who fight for a righteous cause, and set you the noblest pattern. They break their chains. Imitate their example. Have you not the same claim to honor and right as your princes? Yes, without doubt. Men stand higher than princes. Of all rulers, conscience is the highest. You, peoples that are cheated, humbled, and sold, fly to America, but there embrace your brothers. In the spacious places of refuge which they open to suffering humanity, learn to apply social institutions to the advantage of every member of society." Against this tocsin of revolution the land grave of Hesse defended himself on principles of feudal law and legitimacy; and Mirabeau rejoined: "When power breaks the compact which secured and limited its rights, then resistance becomes a duty. To recover freedom, insurrection becomes just. There is no crime like the crime against the freedom of the people."

Bancroft, Hist. of the U.S., vol.5, p.223 - p.224

When on the twentieth of November the king of England opened the session of parliament, only three systems were proposed. The king insisted on a continuation of the war, without regard to the waste of life or treasure, till the colonies should be reduced to subordination. Chatham said: "France has insulted you, and our ministers dare not interpose with dignity or effect. My lords! you cannot conquer America. In three campaigns we have done nothing and suffered much. You may swell every expense, accumulate every assistance you can buy or borrow, traffic and barter with every little pitiful German prince that sells and sends his subjects to the shambles of a foreign prince: your efforts are forever vain and impotent, doubly so from this mercenary aid on which you rely, for it irritates to an incurable resentment. If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms; never, never, never." And he denounced the alliance with "the horrible hell-hounds of savage war." His advice, freed from rhetoric, was to conciliate America by a change of ministry, and to make war on France. The third plan, which was that of the Rockingham party, was expressed by the duke of Richmond: "I would sooner give up every claim to America than continue an unjust and cruel civil war." A few days later, Lord Chatham inveighed against a sermon which Markham, the archbishop of York, had preached and published, reflecting on the "ideas of savage liberty " in America, and denounced his teachings as "the doctrines of Atterbury and Sacheverell."

Bancroft, Hist. of the U.S., vol.5, p.224 - p.225

Returning from the fatiguing debate of the second of December on the state of the nation, Lord North received the news of the loss of Burgoyne's army. He was so agitated that he could neither eat nor sleep, and the next day at the levee his distress was visible to the foreign ministers. Concession after defeat was humiliating; but there must be prompt action, or France would interfere. In a debate of the eleventh, the duke of Richmond, from the impossibility of conquest, argued for "a peace on the terms of independence, and an alliance or federal union." Burke in the commons was for an agreement with the Americans at any rate. "The ministers know as little how to make peace as war," said Fox; and privately among his friends, openly in the house of commons, he demanded a settlement with the Americans on their own terms of independence. Eliot, afterward Lord Minto, and Gibbon agreed in the speculative opinion that, after the substance of power was lost, the name of independence might be granted to the Americans. On that basis the desire of peace was universal. It was the king who persuaded his minister to forego the opportunity which never could recur, and against his own conviction, without opening to America any hope of pacification, to adjourn the parliament to the twentieth of January 1778. In that month Lord Amherst, as military adviser, gave the opinion that nothing less than an additional army of forty thousand men would be sufficient to carry on offensive war in North America; but the king would not suffer Lord North to flinch, writing that there could not be "a man either bold or mad enough to presume to treat for the mother country on a basis of independence; sometimes appealing to the minister's "personal affection for him and sense of honors" and, in the event of a war with France, suggesting that "it might be wise to draw the troops from the revolted provinces, and to make war on the French and Spanish islands." To Lord Chatham might be offered anything but substantial power, for "his name, which was always his greatest merit, would hurt Lord Rockingham's party." And at court the king lavished civilities on young George Grenville and others who were connected with Lord Chatham.

Bancroft, Hist. of the U.S., vol.5, p.225

Those who were near Lord North in his old age never heard him murmur at his having become blind; but his wife is the witness that "in the solitude of sleepless nights he would sometimes fall into very low spirits and deeply reproach himself for having, at the earnest desire of the king, remained in administration after he thought that peace ought to have been made with America."

Chapter 16:

The Aspect of Continental Europe,

1775-1781

Bancroft, Hist. of the U.S., vol.5, p.226

THE United States needed an ally in France, but the ministers of that kingdom were unwilling to risk a war with Great Britain except with the certainty of the acquiescence of continental Europe; the history of the next years of the United States cannot be understood without a knowledge of the disposition of the several powers of Europe toward them.

Bancroft, Hist. of the U.S., vol.5, p.226

France was sure of the forbearance of Austria, for Austria had chosen the Bourbon powers for its allies.

Bancroft, Hist. of the U.S., vol.5, p.226

In Italy, which by being broken into fragments was reft of its strength though not of its beauty, the United States vainly hoped to find support from the ruler of Florence, of whose humane code the world had been full of praise. The king of Naples, as one of the Spanish Bourbons, conformed his policy to that of Spain. But the genius of the Italians has always revered the struggles of patriotism; Alfieri saw in America the prophet of Italian unity; and Filangieri was preparing the work, in which, with the applause of the best minds, he claimed for reason its rights in the government of men. Portugal irritated the United States by closing its ports against their ships; but was scarcely heard of again during the war.

Bancroft, Hist. of the U.S., vol.5, p.226

The Turkish empire affected the course of American affairs during the war and at its close. The embroilment of the western maritime kingdoms seemed to leave its border provinces at the mercy of their neighbors; and there were statesmen in England who wished peace, that their country might speak with authority on the Bosphorus and the Euxine.

Bancroft, Hist. of the U.S., vol.5, p.227

Of Russia, Great Britain with ceaseless importunity sought the alliance; but its empress put aside every overture, and repeatedly advised the concession of independence to the united States. She confidentially assured the Bourbon family that she would not interfere in their quarrel, and would even be pleased to see them throw off the yoke of England. Her heart was all in the Orient. She longed to establish a Christian empire on the Bosphorus, and wondered why Christians of the West should prefer to maintain Mussulmans at Constantinople. Of England, she venerated the people; but she had contempt for its king, and foretold the failure of his ministry. On the other hand, while she did not love the French nation, she esteemed Vergennes as a wise and able statesman.

Bancroft, Hist. of the U.S., vol.5, p.227

In Gustavus III of Sweden, the nephew of Frederic of Prussia, France might expect a friend, for the revolution of 1771 in favor of the royal prerogative had been aided by French subsidies and the counsels of Vergennes, who was at the time the French minister at Stockholm. The oldest colonizers of the Delaware were Swedes, and a natural affection bound their descendants to the mother country. The Swedes, as builders and owners of ships, favored the largest interpretation of the maritime rights of neutrals; and their king, who had dashing courage, though not perseverance, was now and then the boldest champion of the liberty of the seas.

Bancroft, Hist. of the U.S., vol.5, p.227 - p.228

Denmark, the remaining northern kingdom, was itself a colonial power, possessing small West India islands and a foothold in the East. Its king, as duke of Holstein, had a voice in the German diet at Ratisbon. Its people were of a noble race; it is the land which, first of European states, forbade the slave-trade, and which, before the and of the century, abolished the remains of serfdom. But its half-witted king had for his minister of foreign affairs Count Bernstorf, a Hanoverian by birth, who professed to believe that a people can never be justified in renouncing obedience to its lawful government. He would not suffer the Danish government to favor, or even seem to favor, the Americans. Danish subjects were forbidden to send, even to Danish West India islands, munitions of war, lest they should find their way to the United States. The Danish and Norwegian ports were closed against prizes taken by American privateers. Yet, from its commercial interests, Denmark was forced to observe and to claim the rights of a neutral.

Bancroft, Hist. of the U.S., vol.5, p.228

Of the two European republics of the last century, the one had established itself among the head-springs of the Rhine, the other at its mouth. The united cantons of Switzerland, content within themselves, constituted a republic, which rivalled in age the oldest monarchies, and, by its good order and industry, morals and laws, proved the compatibility of extensive confederacies with modern civilization. The United States gratefully venerated their forerunner, but sought from it no assistance.

Bancroft, Hist. of the U.S., vol.5, p.228

The deepest and the saddest interest hovers over the republic of the Netherlands, for the war between England and the United States prepared its grave. Of all the branches of the Germanic family, that nation, which for its abode rescued from the choked and shallowed sea the unstable silt and sands brought down by the Rhine, has endured the most and wrought the most in favor of liberty of conscience, commerce, and the state. The republic which it founded was the child of the reformation. For three generations the best interests of mankind were abandoned to its keeping; and, to uphold the highest objects of spiritual life, its merchants, landholders, and traders so abounded in heroes and martyrs that they tired out brute force and tyranny and death itself, and from war educed life and hope for coming ages. Their existence was an unceasing struggle with the ocean which beat against their dikes; with the rivers which cut away their soil; with neighbors that coveted their territory; with England, their ungenerous rival in trade. In proportion to numbers, they were the first in agriculture and in commerce, first in establishing credit by punctuality and probity, first in seeing clearly that great material interests are fostered best by liberty. Their land remained the storehouse of renovating political ideas for Europe, and the asylum of all who were persecuted for their thoughts. In freedom of conscience they were the light of the world. Out of the heart of a taciturn, phlegmatic, serious people, inclined to solitude and reflection, rose the men who constructed the code of international law in the spirit of justice.

Bancroft, Hist. of the U.S., vol.5, p.229

In 1674, after England for about a quarter of a century had aimed by acts of legislation and by wars to ruin the navigation of the Netherlands, the two powers consolidated peace by a treaty of commerce, in which the rights of neutrals were guaranteed in language the most precise and clear. Not only was the principle recognised that free ships make free goods, but, both positively and negatively, ship-timber and other naval stores were excluded from the list of contraband.

Bancroft, Hist. of the U.S., vol.5, p.229

In 1688 England contracted to the Netherlands the highest debt that one nation can owe to another. Herself not knowing how to recover her liberties, they were restored by men of the United Provinces; and Locke brought back from his exile in that country the theory on government which had been formed by the Calvinists of the continent, and which made his chief political work the text-book of the friends of free institutions for a century.

Bancroft, Hist. of the U.S., vol.5, p.229

During the long wars for the security of the new English dynasty, and for the Spanish succession, in all which the republic had little interest of its own, it remained the faithful ally of Great Britain. Gibraltar was taken by ships and troops of the Dutch not less than by those of England; yet its appropriation by the stronger state brought them no corresponding advantage; on the contrary, their exhausted finances and disproportionate public debt crippled their power of self-defense.

Bancroft, Hist. of the U.S., vol.5, p.229 - p.230

For these unexampled and unrequited services the republic might expect to find in England a wall of protection. But during the seven years' war, in disregard of treaty obligations, its ships were seized on the ground that they had broken the arbitrary British rules of contraband and blockade. In the year 1758 the losses of its merchants on these pretences were estimated at more than twelve million guilders. In 1762, four of its ships, convoyed by a frigate, were taken, after an engagement; and, though the frigate was released, George Grenville, then secretary of state, announced by letter to its envoy that the right of stopping Dutch ships with naval stores must be and would be sustained. But this was not the worst: England took advantage of the imperfections in the constitution of the Netherlands to divide their government, and by influence and corruption to win the party of the stadholder to her own uses.

Bancroft, Hist. of the U.S., vol.5, p.230

The republic was in many ways dear to the United States. It had given a resting-place to their immigrant pilgrims, and dismissed them to the New World with lessons of religious toleration. It had planted the valley of the Hudson; and in New York and New Jersey its sons still cherished the language, church rule, and customs of their parent nation. The Dutch saw in the American struggle a repetition of their own history; and the Americans found in them the evidence that a small but resolute state can triumph over the utmost efforts of the mightiest and wealthiest empire.

Bancroft, Hist. of the U.S., vol.5, p.230 - p.231

The people who dwelt between the Alps and the northern seas, between France and the Slaves, founded no colonies in America; but they saw in the rising people of the New World many who traced their lineage back to the same ancestry with themselves, and they claimed a fellowship with the youthful nation which was struggling for freedom of mind and free institutions. Their great philosopher, Immanuel Kant, the contemporary of the American revolution, the man who alone of Germans can with Leibnitz take a place by the side of Plato and Aristotle, reformed philosophy as Luther had reformed the church, on the principle of the self-activity of the individual mind. His method was that of the employment of mind in its freedom; and his fidelity to human freedom has never been questioned and never can be. He accepted the world as it is, only with the obligation that it is to be made better. His political philosophy enjoins a constant struggle to lift society out of its actual imperfect state, which is its natural condition, into a higher and better one, by deciding every question, as it arises, in favor of reform and progress, and keeping open the way for the elimination of all remaining evil. He condemned slavery, and he branded the bargaining away of troops by one state to another without a common cause. "The rights of man," he said, "are dear to God, are the apple of the eye of God on earth;" and he wished an hour each day set aside for all children to learn them and take them to heart. He was one of the first, perhaps the very first, of the German nation to uphold, even at the risk of his friendships, the cause of the United States.

Bancroft, Hist. of the U.S., vol.5, p.231

Lessing contemplated the education of his race as carried forward by one continued revelation of truth, the thoughts of God, present in man, creating harmony and unity, and leading toward higher culture. In his view, the class of nobles was become superfluous: the lights of the world were they who gave the clearest utterance to the divine ideas. He held it a folly for men of a republic to wish for a monarchy: the chief of a commonwealth, governing a free people by their free choice, has a halo that never surrounded a king. Though he was in the employ of the duke of Brunswick, he loathed from his inmost soul the engagement of troops in a foreign war, either as volunteers or as sold by their prince. "How came Othello," he asks, "into the service of Venice? Had the Moor no country? Why did he let out his arm and blood to a foreign state?" And he published to the German nation this lesson: "The Americans are building in the New World the lodge of humanity."

Bancroft, Hist. of the U.S., vol.5, p.231

At Weimar, in 1779, Herder, the first who vindicated for the songs of the people their place in the annals of human culture, published these words: "The boldest, most godlike thoughts of the human mind, the most beautiful and greatest works, have been perfected in republics; not only in antiquity, but in medieval and more modern times, the best history, the best philosophy of humanity and government, is always republican; and the republic exerts its influence, not by direct intervention, but mediately by its mere existence." The United States, with its mountain ranges, rivers, and chains of lakes in the temperate zone, seemed to him shaped by nature for a new civilization.

Bancroft, Hist. of the U.S., vol.5, p.231 - p.232

Of the poets of Germany, the veteran Klopstock beheld in the American war the inspiration of humanity and the dawn of an approaching great day. He loved the terrible spirit which emboldens the peoples to grow conscious of their power. With proud joy he calls to mind that, among the citizens of the young republic, there were many Germans who gloriously fulfilled their duty in the war of freedom. "By the rivers of America light beams forth to the nations, and in part from Germans." So he wrote, embalming the martyrdom of Herkimer and his German companions.

Bancroft, Hist. of the U.S., vol.5, p.232

Less enthusiastic, but not less consistent, was Goethe. Of plebeian descent, by birth a republican, born like Luther in the heart of Germany, educated like Leibnitz in the central university of Saxony, when seven years old he and his father's house were partisans of Frederic, and rejoiced in his victories as the victories of the German nation. In early youth he, like those around him, was interested in the struggles of Corsica; joined in the cry of "Long live Paoli!" and gave his hearty sympathy to the patriot in exile. Ideas of popular liberty led him, in his twenty-second year or soon after, to select the theme for his first tragedy from the kindred epoch in the history of the Netherlands. But the interest of the circle in which he moved became far more lively when, in a remote part of the world, a whole people showed signs that it would make itself free. He classed the Boston tea-party of 1773 among the prodigious events which stamped themselves most deeply on his mind in childhood. Like everybody around him, he wished the Americans success, and "the names of Franklin and Washington shone and sparkled in his heaven of politics and war." When to all this was added reform in France, be and the youth of Germany promised themselves and all their fellow-men a beautiful and even a glorious future. The thought of emigrating to America passed placidly over his imagination, leaving no more mark than the shadow of a flying cloud as it sweeps over a garden of flowers.

Bancroft, Hist. of the U.S., vol.5, p.232 - p.233

The sale of Hessian soldiers for foreign money called from him words of disdain; but his reproof of the young Germans who volunteered to fight for the American cause and then from faint-heartedness drew back, did not go beyond a smile at the contrast between their zeal and their deeds. He congratulated America that it was not forced to bear up the traditions of feudalism; and, writing or conversing, used none but friendly words of the United States, as "a noble country." Daring all his life coming in contact with events that were changing the world, he painted them to his mind in their order and connection. Twenty years before the movements of 1848 he foretold with passionless serenity that, as certainly as the Americans had thrown the tea-chests into the sea, so certainly it would come to a breach in Germany between princes and people, if monarchy should not reconcile itself with freedom; and just before the French revolution of 1830 he published his opinion that the desire for self-government, which had succeeded so well in the colonies of North America, was sustaining the battle in Europe without signs of weariness.

Bancroft, Hist. of the U.S., vol.5, p.233

Schiller was a native of Wurtemburg, the part of Germany most inclined to idealism; in medieval days the stronghold of German liberty; renowned for its numerous free cities, the wide distribution of land among small freeholders, the total absence of great landed proprietaries, the comparative extinction of the old nobility. Equally in his hours of reflection and in his hours of inspiration, his sentiments were such as became the poet of the German nation invigorated by the ideas of Kant. The victory which his countrymen won against the Vatican and against error for the freedom of reason was, as be wrote, a victory for all nations and for endless time. He was ever ready to clasp the millions of his fellow-men in his embrace, to give a salutation to the whole world; and, glowing with indignation at princes who met the expenses of profligacy by selling their subjects to war against the rights of mankind, a few years later be brought their crime upon the stage.

Bancroft, Hist. of the U.S., vol.5, p.233

Under the German kinglings, the sense of the nation could not express itself freely, but German political interest centred in America. Translations of British pamphlets on the war, including "Price upon Liberty," were printed in Brunswick. It is related by Niebuhr that the political ideas which in his youth most swayed the mind of Germany grew out of its fellow-feeling with the United States in their struggle for independence.

Bancroft, Hist. of the U.S., vol.5, p.233 - p.234

While the truest and best representatives of German intelligence applauded Americans as the founders of a republic, the best of the German princes approved their rising in arms against a sovereign who attempted to strip them of their rights. Duke Ernest of Saxony, cultivated by travel in Holland, England, and France, ruled his principality of Saxe-Gotha and Altenburg with wisdom and justice. By frugality and simplicity in his court, he restored the disordered finances of the duchy, and provided for great public works and for science. Though the king of England was his near relation, he put aside the offers of enormous subsidies for troops to be employed in America. When, ten years later, he was ready to risk his life and independence in the defence of the unity and the liberties of Germany, these are the words in which he cheered on his dearest friend to aid in curbing the ambition of Austria: "All hope for our freedom and the preservation of the constitution is not lost. Right and equity are on our side; and the wise Providence, according to my idea of it, cannot approve, cannot support, perjury and the suppression of all rights of citizens and of states. Of this principle the example of America is the eloquent proof. England met with her deserts. It was necessary that her pride should be bowed, and that oppressed innocence should carry off the victory. Time cannot outlaw the rights of mankind."

Bancroft, Hist. of the U.S., vol.5, p.234

The friend to whom these words were addressed was the brave, warm-hearted Charles Augustus of Saxe-Weimar, who, in 1776, being then of only nineteen years, refused a request for leave to open recruiting offices at Ilmenau and Jena for the English service, though he consented to the delivery of vagabonds and convicts. When, in the last days of November 1777, the prince of Schaumburg-Lippe, as the go-between of the British ministry, made unlimited offers for some of his battalions, the patriot prince called his ministers to a conference, and, supported by the unanimous advice of those present, on the third of December he answered: "There are, in general, many weighty reasons why I cannot yield my consent to deliver troops into foreign service and pay;" and it is minuted on the draft that "Serenissimus himself took charge of posting the letter."

Bancroft, Hist. of the U.S., vol.5, p.234

The signature of Goethe, the youngest minister of Weimar, is wanting to the draft, for he was absent on a winter trip to the Hartz Mountains; but that his heart was with his colleagues appears from his writing simultaneously from Goslar: "How am I again brought to love that class of men which is called the lower class, but which assuredly for God is the highest! In them moderation, contentment, straightforwardness, patience, endurance, all the virtues, meet together."

Bancroft, Hist. of the U.S., vol.5, p.235

Did the future bring honor to the houses of the princes who refused to fight against America? or to those who sold their subjects to destroy the freedom of the New World? Every dynasty which furnished troops to England has ceased to reign, except one, which has now for its sole representative an aged and childless man. On the other hand, the three Saxon families remain; and in their states local self-government has continually increased, and the Wisdom and the will of the inhabitants have been consulted and respected. In Saxe-Weimar the collision between monarchy and popular freedom, predicted for Germany by Goethe, was avoided by the wisdom of its administration.

Bancroft, Hist. of the U.S., vol.5, p.235

Nor is this different fate of the princes to be attributed to accident. The same infidelity to duty, which induced some of them to support their vices by traffic in their subjects, colored their career, and brought them in conflict with the laws of the eternal Providence.

Bancroft, Hist. of the U.S., vol.5, p.235

The prince who, next to Joseph of Austria, governed at that time the largest number of men having the German for their mother tongue, was Frederic of Prussia, then the only king in Germany. He was a prince trained alike in the arts of war and administration, in philosophy and letters. It should be incredible, and yet it is true that, at the moment of the alliance of the Catholic powers against Protestantism, England, under the second George and a frivolous minister, was attempting by large subsidies to set the force of Russia against the most considerable Protestant power in Germany. In the attempt, England shot so wildly from its sphere that Newcastle was forced to bend to William Pitt; and then England and Prussia, and the embryon United States—Pitt, Frederic, and Washington—worked together for human freedom. The seven years' war extended the English colonies to the Mississippi and gave Canada to England. "We conquered America in Germany," said the elder Pitt, ascribing to Frederic a share in the extension of the Germanic race in the other hemisphere; and Frederic, in his histories, treats the English movement in America and his own struggles in Europe all as one, so long as Pitt was at the helm.

Bancroft, Hist. of the U.S., vol.5, p.235 - p.236

To what end would events have been shaped if Pitt's ministry had continued, and the bonds between England and Prussia had been riveted by a common peace? But here, as everywhere, it is useless to ask what would have happened if the eternal Providence had for the moment suspended its rule. The Americans were at variance with the same class of British ministers which had wronged Frederic in 1762. With which branch of the Teutonic family would be the sympathy of Germany? Where stood its one incomparable king?

Bancroft, Hist. of the U.S., vol.5, p.236

He was old and broken; his friends had fallen near him in battle. The thought of his campaigns gave him no pleasure, their marvellously triumphant result no pride: he looked back to them with awe, and even with horror; like one who has sailed through a relentless whirlwind in mid-ocean, and been but just saved from foundering. No one of the powers of Europe was heartily his ally. Russia will soon leave him for Austria. His great deeds become to him so many anxieties; his system meets with persistent and deadly enmity. He seeks rest; and strong and unavoidable antagonisms allow his wasted strength no repose. He is childless and alone; his nephew, who will be his successor, neglects him, and follows other counsels; his own brother hopes and prays to heaven that the king's days may not be prolonged. Worn by unparalleled labor and years, he strikes against obstacles on all sides as he seeks to give a sure life to his kingdom; and prudence teaches him that he must still dare and suffer and go on. He must maintain Protestantism and German liberty against Austria, which uses the imperial crown only for its advantage as a foreign power, and relentlessly aims at the destruction of his realm.

Bancroft, Hist. of the U.S., vol.5, p.236 - p.237

The most perfect government he held to be that of a well-administered monarchy. "But then," he added, "kingdoms are subjected to the caprice of a single man whose successors will have no common character. A good-for-nothing prince succeeds an ambitious one; then follows a devotee; then a warrior; then a scholar; then, it may be, a voluptuary; and the genius of the nation, diverted by the variety of objects, assumes no fixed character. But republics fulfil more promptly the design of their institution, and hold out better; for good kings die, but wise laws are immortal. There is unity in the end which republics propose, and in the means which they employ; and they therefore almost never miss their aim." The republic which arose in America encountered no unfavorable prejudice in his mind. With the France which protected the United States he had a common feeling. Liberal English statesmen commanded his good-will; but he detested the policy of Bute and of North: so that for him and for America there were in England the same friends and the same enemies.

Bancroft, Hist. of the U.S., vol.5, p.237

In November 1774 he expressed the opinion that the British colonies would rather be buried under the ruins of their settlements than submit to the yoke of the mother country. He was astonished at the apathy and gloomy silence of the British nation on undertaking a war alike absurd and fraught with hazard. "The treatment of the colonies," he wrote in September 1775," appears to me to be the first step toward despotism."

Bancroft, Hist. of the U.S., vol.5, p.237

In October of the same year the British minister at Berlin reported: "His ill state of health threatens him with a speedy dissolution." What thoughts filled his mind while others believed him dying, we know from himself: "During my illness, in which I have passed many moments doing nothing, these are the ideas that occupied my mind: It seems to me very hard to proclaim as rebels free subjects who only defend their privileges against the despotism of a ministry." This he said at the proclamation of George III, which had denounced the American insurgents as traitors. "The more I reflect on the measures of the British government, the more they appear to me arbitrary and despotic. The British constitution itself seems to authorize resistance. That the court has provoked its colonies to withstand its measures, nobody can doubt. It invents new taxes it wishes by its own authority to impose them on its colonies in manifest breach of their privileges: the colonies do not refuse their former taxes, and demand only with regard to new ones to be placed on the same footing with England; but the government will not accord to them the right to tax themselves. This is the whole history of these disturbances."

Bancroft, Hist. of the U.S., vol.5, p.237 - p.238

"If I had a voice in the British cabinet, I should take advantage of the good disposition of the colonies to reconcile myself with them." "In order to interest the nation in this war, the British court will offer conditions of reconciliation; but it will make them so burdensome that the colonies will never be able to accept them." "The issue of this contest cannot fail to make an epoch in British annals." "The great question is always whether the colonies will not find means to separate entirely from the mother country and form a free republic. The examples of the Netherlands and of Switzerland make me at least presume that this is not impossible. Nearly all Europe takes the part of the colonies and defends their cause, while that of the court finds neither favor nor aid."

Bancroft, Hist. of the U.S., vol.5, p.238

No prince could be farther than Frederic from romantic attempts to rescue from oppression foreign colonies that were beyond his reach. In a careful search through his cabinet papers for several years, I have found no letter or part of a letter in which he allowed the interest of his kingdom to suffer from personal pique or dynastic influences. His cares are for the country which he rather serves than rules. He sees and exactly measures its weakness as well as its strength, and gathers every one of its disconnected parts under his wings.

Bancroft, Hist. of the U.S., vol.5, p.238

When, in May 1776, a plan for a direct commerce with America was suggested, Frederic answered: "The plan appears to me very problematical; without a fleet, how could I cause such a commerce to be respected?"

Bancroft, Hist. of the U.S., vol.5, p.238

In September he received from his minister in London a French version of the American declaration of independence; and, as the British had not had decisive success in arms, it was to him a clear indication that the colonies could not be subjugated. He had heard of the death-bed remark of Hume, that the success of the court would bring to England the loss of her liberties.

Bancroft, Hist. of the U.S., vol.5, p.238

With a commercial agent, sent in the following November by Silas Deane, he declined to treat for a direct commerce between the United States and Prussia; but he consented to an exchange of their commodities through the ports of Brittany.

Bancroft, Hist. of the U.S., vol.5, p.238

That France and Spain would be drawn into the war, he from the first foretold; yet for France he said: "In the ruinous condition of its finances, a war will certainly bring bankruptcy in its train."

Bancroft, Hist. of the U.S., vol.5, p.238 - p.239

Meantime, the liberties of Germany were endangered; and the political question of the day assumed the largest proportions by a groundless claim on the part of Joseph of Austria to a contingent right of inheritance to a large part of Bavaria. To prevent so fatal a measure, the king of Prussia, in the last months of 1776, began to draw near to France, which was one of the guarantees of the peace of Westphalia.

Bancroft, Hist. of the U.S., vol.5, p.239

In January 1777, he instructed his minister at Versailles to say: "Should France begin war, she may be sure that I will do everything in the world to preserve peace" on the continent. "I guarantee to you reciprocity on the part of his most Christian majesty," was the answer of Maurepas.

Bancroft, Hist. of the U.S., vol.5, p.239

On the fourteenth of February 1777, the American commissioners at Paris transmitted to Frederic a copy of the declaration of independence and of the articles of American confederation, with the formal expression of the earnest desire of the United States to obtain his friendship, and to establish a mutually beneficial free commerce between their distant countries. The great king received from Franklin, with unmingled satisfaction, the manifesto of the republic and its first essay at a constitution. The victories of Washington at Trenton and Princeton proved to him that the colonies were become a nation. He supported the rights of neutrals in their fullest extent; but, as to a direct commerce, he could only answer as before: "I am without a navy; having no armed ships to protect trade, the direct commerce could be conducted only under the flag of the Netherlands, and England respects that flag no longer. St. Eustatius is watched by at least ninety English cruisers. Under more favorable circumstances, our linens of Silesia, our woollens and other manufactures, might find a new market." But, while he postponed negotiations, he, who was accustomed to utter his commands tersely and not to repeat his words, charged his minister thrice over in the same rescript to say and do nothing that could offend or wound the American people. In the remaining years of the war some one of the American agents would ever and anon renew the same proposition; but he always in gentle words turned aside the request which interfered with his nearer duty to Prussia.

Bancroft, Hist. of the U.S., vol.5, p.239 - p.240

Against the advice of Franklin and a seasonable hint from the Prussian minister Schulenburg that the visit would be premature, Arthur Lee went by way of Vienna to Berlin. At Vienna he was kept aloof by Kaunitz, socially and from the foreign office. In Berlin he, as a traveller, was assured of protection. Frederic, though he refused to see him, promised his influence to prevent new treaties by England for German troops, and to troops destined for America forbade the transit through any part of his dominions.

Bancroft, Hist. of the U.S., vol.5, p.240

Elliott, then British minister in Berlin, for a thousand guineas induced a burglar to steal the papers of Arthur Lee, but, on the complaint of Arthur Lee to the police, sent them back after reading them, and spirited the thief out of the kingdom. Against the rules of the court, he hurried to Potsdam: the king refused to see him; and a cabinet order, in his own handwriting, still preserves his judgment upon Elliott: "It is a case of public stealing, and he should be forbidden the court; but I will not push matters with rigor." And to his minister in London he wrote: "Oh, the worthy pupil of Bute! In truth, the English ought to blush for shame at sending such ministers to foreign courts."

Bancroft, Hist. of the U.S., vol.5, p.240

The people of England cherished the fame of the Prussian king as in some measure their own, and unanimously desired the renewal of his alliance. The ministry sought to open the way for it through his envoy in London. Frederic replied: "No man is further removed than myself from having connections with England." "A scalded cat fears cold water,' says the proverb. If that crown would give me all the millions possible, I would not furnish it two small files of my troops to serve against the colonies."

Bancroft, Hist. of the U.S., vol.5, p.240

"Never in past ages," he continued, some weeks later, "has the situation of England been so critical. Her ministry is without men of talent." "A glance at the situation shows that, if she continues to employ the same generals, four campaigns will hardly be enough to subjugate her colonies." "All good judges agree with me that, if the colonies remain united, the mother country will never subjugate them."

Bancroft, Hist. of the U.S., vol.5, p.240

"My marine is nothing but a mercantile marine, of which I know the limits too well to go beyond them." "If the colonies shall sustain their independence, a direct commerce with them will follow, of course."

Bancroft, Hist. of the U.S., vol.5, p.240 - p.241

Having taken his position toward England, he proceeded to gain the aid of France as well as of Russia against the annexation of Bavaria to the Austrian dominions; and in the breast of the aged Maurepas, whose experience in office preceded the seven years' war, there remained enough of the earlier French traditious to render him jealous of such an aggrandizement of the old rival of his country. The vital importance of the question was understood at Potsdam and at Vienna. Kaunitz, who made it the cardinal point of Austrian policy to overthrow the kingdom of Prussia, looked upon the acquisition of Bavaria as the harbinger of success. When Joseph repaired to Paris to win France for his design through the influence of his sister, Marie Antoinette, the Prussian envoy was commanded to be watchful, but to be silent. No sooner had the emperor retired than Frederic, knowing that Maurepas had resisted the influence of the queen, renewed his efforts; and, through a confidential French agent sent to him under the pretext of attending the midsummer military reviews at Magdeburg, the two kingdoms adjusted their foreign policy, of which the central points lay in the United States and in Germany.

Bancroft, Hist. of the U.S., vol.5, p.241

France, if she would venture on war with England, needed security and encouragement from Frederic on the side of Germany, and his aid to stop the sale of German troops. He met the overture with joy, and near the end of July wrote with his own hand: "No; certainly we have no jealousy of the aggrandizement of France: we even put up prayers for her prosperity, provided her armies are not found near Wesel or Halberstadt." "You can assure de Maurepas," so he continued in August and September, "that I have no connection whatever with Engiand, nor do I grudge to France any advantages she may gain by the war with the colonies." "Her first interest requires the enfeeblement of Great Britain, and the way to this is to make it lose its colonies in America. The present opportunity is more favorable than ever before existed, and more favorable than is likely to recur in three centuries." "The independence of the colonies will be worth to France all which the war will cost."

Bancroft, Hist. of the U.S., vol.5, p.241 - p.242

To preserve his own kingdom and the liberties of Germany, he pressed upon the French council an alliance of France, Prussia, and Russia. "Italy and Bavaria," he said, "would follow, and no alliance would be left to Austria except that with England. If it does not take place, troubles are at hand to be decided only by the sword." In his infirm old age, he felt his own powers utterly unequal to the renewal of such a conflict; and he saw no hope for himself, as king of Prussia, to rescue Bavaria and with it Germany from absorption by Austria, except in the good-will of France and Russia.

Bancroft, Hist. of the U.S., vol.5, p.242

While Frederic was encouraging France to strike a decisive blow in favor of the United States, their cause found an efficient advocate in Marie Antoinette. She placed in the hands of her husband a memoir which had been prepared by Count de Maillebois and Count d'Estaing, and which censured the timid policy of his ministers. The states of Europe, it was said, would judge the reign of Louis XVI by the manner in which that prince will know how to avail himself of the occasion to lower the pride and presumption of a rival power. The French council, nevertheless, put off the day of decision. Even so late as the twenty-third of November 1777, every one of them, except the minister of the marine and Vergennes, Maurepas above all, desired to avoid a conflict. Frederic, all the more continued his admonitions, through his minister at Paris, that France had now an opportunity which must be regarded as unique; that England could from no quarter obtain the troops which she needed; that Denmark would be solicited in vain to furnish ships-of-war and mariners; that he himself, by refusing passage through any part of his dominions to the recruits levied in Germany, had given public evidence of his sympathy with the Americans; that France, if she should go to war with England, might be free from apprehension alike on the side of Russia and of Prussia.

Bancroft, Hist. of the U.S., vol.5, p.242

So when the news of the surrender of Burgoyne's army was received at Paris, and every face, even that of the French king, showed signs of joy, Maurepas prepared to yield; but first wished the great warrior, who knew so well the relative forces of the house of Bourbon and England, to express his judgment on the probable issues of a war. Frederic, renewing assurances of his own good-will and the non-interference of Russia, replied: "The chances are one hundred to one that the colonies will sustain their independence."

Bancroft, Hist. of the U.S., vol.5, p.243

Balancing the disasters of Burgoyne with the successes of Howe, he wrote: "These triumphs of Howe are ephemeral. The ministry may get funds, but where will they get twenty thousand men? I see no gate at which they can knock for auxiliaries." "England made originally an awkward mistake in going to war with its colonies; then followed the illusion of being able to subjugate them by a corps of seven thousand men; next, the scattering its different corps which has caused the failure of all its enterprises. I am of Chatham's opinion, that its ill success is due to the ignorance, rashness, and incapacity of its ministry. Even should there be a change in the ministry, the tories would still retain the ascendency." "The primal source of the decay of Britain is to be sought in the departure of its present government in a sovereign degree from the principles of British history. All the efforts of his Britannic majesty tend to despotism. It is only to the principles of the tories that the present war with the colonies is to be attributed. The reinforcements which these same ministers design to send to America will not change the face of affairs; and independence will always be the indispensable condition of an accommodation."

Bancroft, Hist. of the U.S., vol.5, p.243

At the same time, Frederic expressed more freely his sympathy with the United States. The port of Embden could not receive their cruisers, for the want of a fleet or a fort to defend them from insult; but he bade them welcome at Dantzic. He forbade the subsidiary troops, both from Anspach and Hesse, to pass through his dominions. The prohibition resounded throughout Europe, and he announced to the Americans that it was given "to testify his good-will for them." Every facility was afforded them to ship arms from Prussia. Before the end of 1777 he promised not to be the last to recognise the independence of the United States; and, in January 1778, his minister, Schulenburg, wrote officially to one of their commissioners in Paris: "The king desires that your generous efforts may be crowned with complete success. He will not hesitate to recognise your independence, when France, which is more directly interested in the event of this contest, shall have given the example."

Chapter 17:

France and the United States,

December 1777-April 1778

Bancroft, Hist. of the U.S., vol.5, p.244

THE account of Burgoyne's surrender, which was brought to France by a swift-sailing ship from Boston, threw Turgot and all Paris into transports of joy. None doubted the ability of the states to maintain their independence. On the twelfth of December their commissioners had an interview with Vergennes. "Nothing," said he, "has struck me so much as General Washington's attacking and giving battle to General Howe's army. To bring troops raised within the year to this, promises everything. The court of France, in the treaty which is to be entered into, intend to take no advantage of your present situation. Once made, it should be durable; and therefore it should contain no condition of which the Americans may afterward repent, but such only as will last as long as human institutions shall endure, so that mutual amity may subsist forever. Entering into a treaty will be an avowal of your independence. Spain must be consulted, and Spain will not be satisfied with an undetermined boundary on the west. Some of the states are supposed to run to the South Sea, which might interfere with her claim to California." It was answered that the last treaty of peace adopted the Mississippi as a boundary. "And what share do you intend to give us in the fisheries?" asked Vergennes; for in the original draft of a treaty the United States had proposed to take to themselves Cape Breton and the whole of the island of Newfoundland. Explanations were made by the American commissioners that their later instructions removed all chances of disagreement on that subject.

Bancroft, Hist. of the U.S., vol.5, p.245

The return of the courier to Spain was not waited for. On the seventeenth, Gerard, one of the secretaries of Vergennes, informed Franklin and Deane that the king in council had determined not only to acknowledge the United States, but to support their cause; and in case England should declare war against France on account of this recognition, he would not insist that the Americans should not make a separate peace, but only that they should maintain their independence. The American commissioners answered: "We perceive and admire the king's magnanimity and wisdom. He will find us faithful and firm allies. We wish with his majesty that the amity between the two nations may last forever;" and both parties agreed that good relations could continue between a monarchy and a republic.

Bancroft, Hist. of the U.S., vol.5, p.245

The French king promised, in January 1778, three millions of livres; as much more, it was said, would be remitted by Spain from Havana. But the Spanish government, while it was devoted to the union between the crowns of France and Spain, adhered as yet to the policy of avoiding a rupture with England. To Count Montmorin, then French ambassador at Madrid, Florida Blanca said, with warmth: "Your court is disposed to treat with the Americans; war will result from it, and the war will have neither an object for its beginning nor a plan for its end."

Bancroft, Hist. of the U.S., vol.5, p.245 - p.246

Correct reports from Versailles reached Leopold of Tuscany and Joseph of Austria. "The women and the enthusiasm of the moment," so predicted the latter to his brother before the end of January, "putting the ministers in fear of losing their places, will determine them to make war on the English; and they could commit no greater folly." While "the two greatest countries in Europe were fairly running a race for the favor of the Americans," the question of a French alliance with them was discussed by Vergennes with the Marquis d'Ossun, the late French ambassador in Madrid, as the best adviser with regard to Spain, and the plan of action was formed. Then these two met the king at the apartment of Maurepas, where the plan, after debate, was finally settled. Maurepas, at heart opposed to the war, loved ease and popularity too well to escape the sway of external opinion; and Louis XVI sacrificed his own inclination and his own feeling of justice to policy of state and the opinion of his advisers. So, on the sixth of February, a treaty of amity and commerce and an eventual defensive treaty of alliance were concluded between the king of France and the United States on principles of equality and reciprocity, and for the most part in conformity to the proposals of congress. In commerce each party was to be placed on the footing of the most favored nation. The king of France promised his good offices with the princes and powers of Barbary. As to the fisheries, each party reserved to itself the exclusive possession of its own. Accepting the French interpretation of the treaties of Utrecht and of Paris, the United States acknowledged the right of French subjects to fish on the banks of Newfoundland, and their exclusive right to half the coast of that island for drying-places. On the question of ownership in the event of the conquest of Newfoundland the treaty was silent. The American proposal, that free ships give freedom to goods and to persons, except to soldiers in actual service of an enemy, was adopted. Careful lists were made out of contraband merchandises. The absolute and unlimited independence of the United States was described as the essential end of the defensive alliance; and the two parties mutually engaged not to lay down their arms until it should be assured by the treaties terminating the war. More over, the United States guaranteed to France the possessions then held by France in America, as well as those which it might acquire by a future treaty of peace; and, in like manner, the king of France guaranteed to the United States their present possessions and acquisitions during the war from the dominions of Great Britain in North America. A separate and secret act reserved to the king of Spain the power of acceding to the treaties. Within forty-two hours of the signature of these treaties of commerce and alliance the British ministry received the news by a special messenger from their spy in Paris, but it was not divulged.

Bancroft, Hist. of the U.S., vol.5, p.246 - p.247

On the eleventh, Hillsborough asked of the duke of Richmond, "in what manner he meant that England should crouch to the vipers and rebels in America By giving up the sacred right of taxation? or by yielding to her absurd pretensions about her charters? or by declaring the thirteen provinces independent?" Richmond answered: "I never liked the declaratory act; I voted for it with regret to obtain the repeal of the stamp-act; I wish we could have done without it; I looked upon it as a piece of waste paper that no minister would ever have the madness to revive; I will, with pleasure, be the first to repeal it or to give it up." In this mood Richmond sougth harmony with Chatham. On the same day, in the house of commons, George Grenville attacked the administration in the harshest terms, and pointed out Lord Chatham as the proper person to treat with America. The very sincere and glowing words of eulogy spoken by the son of the author of the stamps tax were pleasing to Lord Chatham in these his last days.

Bancroft, Hist. of the U.S., vol.5, p.247

While the British government stumbled in the dark, Franklin placed the public opinion of philosophical France conspicuously on the side of America. No man of that century so imbodied the idea of toleration as Voltaire; for fame he was unequalled among living men of letters; for great age he was venerable; he, more than Louis XVI, or the cabinet of the king, represented France of that day; and he was come up to Paris, bent with years, to receive before his death the homage of its people. Wide indeed was the difference between him and America. But for the moment they were in harmony; and, before he had been a week in Paris, Franklin claimed leave to wait upon him. We have Voltaire's account of the interview. Franklin bade his grandson demand the benediction of the more than octogenarian, and, in the presence of twenty persons, he gave it in these words: "GOD AND LIBERTY!" Everywhere Voltaire appeared as the friend of America. Being in company where the wife of Lafayette was present, he asked that she might be brought to him, kissed her hand, and spoke to her the praises of her husband and of the cause in which he served.

Bancroft, Hist. of the U.S., vol.5, p.247 - p.248

Almost simultaneously, Lord North, on the seventeenth of February, made known to the house of commons the extent of his conciliatory propositions. Of the two bills, one declared the intention of the parliament of Great Britain not to exercise the right of imposing taxes within the colonies of North America, the other authorized commissioners to be sent to the United States. In a speech of two hours, Lord North avowed that he had never had a policy of his own. He had never proposed any tax on America; he had found the tea-tax imposed, and, while he had not moved its repeal, he never devised means to enforce it; the commissioners would have power to treat with congress, with provincial assemblies, or with Washington; to order a truce; to suspend all laws; to grant pardons and rewards; to restore the constitution as it stood before the troubles. "A dull, melancholy silence for some time succeeded to the speech. It had been heard with profound attention, but without a single mark of approbation to any part of it from any party or man in the house. Astonishment, dejection, and fear overclouded the assembly." After the house of commons had given leave to bring in the bills, Hartley, acting on an understanding with Lord North, enclosed copies of them to Franklin. Franklin, with the knowledge of Vergennes, answered: "If peace, by a treaty with America, upon equal terms, is really desired, your commissioners need not go there for it. If wise and honest men, such as Sir George Saville, the bishop of St. Asaph, and yourself, were to come over here immediately with powers to treat, you might not only obtain peace with America, but prevent a war with France."

Bancroft, Hist. of the U.S., vol.5, p.248 - p.249

The conciliatory bills, which with slight modifications became statutes by nearly unanimous consent, confirmed the ministry in power. The king of France, from regard to his dignity, made a formal declaration to Great Britain of his treaties with the United States. British ships-of-war had captured many French ships, but the ministry had neither communicated the instructions under which their officers acted, nor given heed to the reclamations of the French government. The rescript, which on the thirteenth of March was left by the French ambassador with the British secretary of state, announced that "the United States of North America are in full possession of independence, which they had declared on the fourth of July 1776; that, to consolidate the connection between the two nations, their respective plenipotentiaries had signed a treaty of friendship and commerce, but without any exclusive advantages in favor of the French nation. The king is determined to protect the lawful commerce of his subjects, and for that purpose has taken measures in concert with the United States of North America."

Bancroft, Hist. of the U.S., vol.5, p.249

This declaration established a state of war between England and France. The British ambassador was immediately recalled, and the recall notified to the French ambassador. Lord North became despondent, and professed a desire to make way for Lord Chatham. The king on the fifteenth answered: "On a clear explanation that Lord Chatham is to step forth to support you, I will receive him with open arms. I will only add, to put before your eyes my most inmost thoughts, that no advantage to my country nor personal danger to myself can make me address myself to Lord Chatham, or to any other branch of opposition. I would rather lose the crown I now wear, than bear the ignominy of possessing it under their shackles. You have now full power to act, but I don't expect Lord Chatham and his crew will come to your assistance." Fox would have consented to a coalition, had it been agreeable to his friends. Shelburne answered instantly: "Lord Chatham must be the dictator. I know that Lord Chatham thinks any change insufficient which does not comprehend a great law arrangement and annihilate every party in the kingdom." The king, when this reply was reported to him, broke out with violence: "Lord Chatham, that perfidious man, as dictator! Nothing shall bring me to treat personally with Lord Chatham. Experience makes me resolve to run any personal risk rather than submit to a set of men who certainly would make me a slave for the remainder of my days."

Bancroft, Hist. of the U.S., vol.5, p.249

After a night's rest, the king wrote with still more energy: "No consideration in life shall make me stoop to opposition. I will rather risk my crown than do what I think personally disgraceful. If the nation will not stand by me, they shall have another king; for I never will put my hand to what will make me miserable to the last day of my life."

Bancroft, Hist. of the U.S., vol.5, p.249 - p.250

On the seventeenth the king communicated to parliament the rescript of the French ambassador. In the commons Conway said: "What have we to do but, with fairness and manliness, to take up the idea that Frank!in has thrown out?" Among the lords, Rockingham advised to break the alliance between France and the United States by acknowledging American independence. Richmond still hoped to avoid a war. Lord Shelburne dwelt on the greatness of the affront offered by France and the impossibility of not resenting it, yet he would not listen to a private overture from the ministers. "Without Lord Chatham," he said, "any new arrangement would be inefficient; with Lord Chatham, nothing could be done but by an entire new cabinet and a change in the chief departments of the law." On the report of this language, the king wrote his last word to Lord North: "Rather than be shackled by these desperate men, I will see any form of government introduced into this island, and lose my crown rather than wear it as a disgrace."

Bancroft, Hist. of the U.S., vol.5, p.250 - p.251

The twentieth of March was the day appointed for the presentation of the American commissioners to the king of France in the palace built by Louis XIV at Versailles. The world thought only of Franklin; but he was accompanied by his two colleagues and by the unreceived ministers to Prussia and Tuscany. These four glittered in lace and powder; the patriarch was dressed in the plain gala coat of Manchester velvet which he had used at the levee of George III—the same which, according to the custom of that age, he had worn, as it proved, for the last time in England, when as agent of Massachusetts he had appeared before the privy council—with white stockings, spectacles on his nose, a round white hat under his arm, and his thin gray hair in its natural state. The crowd through which they passed received them with long-continued applause. The king, without any unusual courtesy, said to them: "I wish congress to be assured of my friendship." After the ceremony they paid a visit to the wife of Lafayette, and dined with the secretary of foreign affairs. Two days later they were introduced to the still youthful Marie Antoinette, who yielded willingly to generous impulses in behalf of republicans, and by her sympathy made the support of America a fashion at the French court. The king felt all the while as if he were wronging the cause of monarchy itself by his acknowledgment of rebel republicans, and engaged in the American revolution against his own will, only because members of his cabinet insisted that it was his duty to France to take revenge on England. Personally he was irritated, and did not disguise his vexation. The praises lavished on Franklin by those around the queen fretted him to peevishness, and he mocked what seemed to him the pretentious enthusiasm of the Countess Diana de Polignac.

Bancroft, Hist. of the U.S., vol.5, p.251

The pique of the king was in no degree due to any defect in Franklin. He was a man of the soundest understanding, never disturbed by recollections or fears, by capricious anxieties, or the susceptibilities of self-love. Free from the illusions of poetic natures, he loved truth for its own sake and saw things as they were. As a consequence, he had no eloquence but that of clearness. He knew the moral world to be subjected to laws like the natural world; in conducting affairs he remembered the necessary relation of cause to effect, aiming only at what was possible; and with a tranquil mind he signed the treaty with France, just as with calm observation he had contemplated the dangers of his country. In regard to money he was frugal, that he might be independent and that he might be generous. He owed good health to his exemplary temperance. Habitually gay, employment was his resource against weariness and sorrow; and contentment came from his superiority to ambition, interest, or vanity. There was about him more of moral greatness than appeared on the surface; and, while he made no boast of unselfish benevolence, he would have surely met martyrdom had duty demanded it.

Bancroft, Hist. of the U.S., vol.5, p.251 - p.252 - p.253

The official conduct of Franklin and his intercourse with persons of highest rank were marked by the most delicate propriety as well as by self-respect. His charm was simplicity, which gave grace to his style and ease to his manners. No life-long courtier could have been more free from vulgarity; no diplomatist more true to his position as minister of a republic; no laborer more consistent with his former life as a workingman; and thus he won respect and favor from all. When a celebrated cause was to be heard before the parliament of Paris, the throng which tilled the house and its approaches opened a way on his appearance, and he passed to the seat reserved for him amid the acclamations of the people. At the opera, at the theatres, similar honors were paid him. It is John Adams who said: "Not Leibnitz or Newton, not Frederic or Voltaire, had a more universal reputation; and his character was more beloved and esteemed than that of them all." Throughout Europe there was scarcely a citizen or a peasant of any culture who was not familiar with his name, and who did not consider him as a friend to all men. At the academy, Alembert addressed him as one who had wrenched the thunderbolt from the cloud, the sceptre from tyrants; and both these ideas were of a nature to pass easily into the common mind. From the part which he had taken in the emancipation of America, imagination transfigured him as the man who had separated the colonies from Great Britain, had framed their best constitutions of government, and by counsel and example would show how to abolish all political evil throughout the world. Malesherbes spoke of the excellence of the institutions that permitted a printer, the son of a tallow-chandler, to act a great part in public affairs; and, if Malesherbes reasoned so, how much more the workmen of Paris and the people. Thus Franklin was the venerable impersonation of democracy, so calmly decorous, so free from a disposition to quarrel with the convictions of others, that, while he was the delight of free-thinking philosophers, he escaped the hatred of the clergy, and his presence excited no jealousy in the old nobility. He remarked to those in Paris who learned of him the secret of statesmanship: "He who shall introduce into public affairs the principles of primitive Christianity will change the face of the world;" and we know from Condorcet that he said in a public company: "You perceive Liberty establish herself and flourish almost under your eyes; I dare to predict that by and by you will be anxious to taste her blessings." In this way he conciliated the most opposite natures, yet not for himself. Whatever favor he met in society, whatever honor he received from the academy, whatever authority he gained as a man of science, whatever distinction came to him through the good will of the people, whatever fame he acquired throughout Europe, he turned to account for the good of his country. Surrounded by colleagues, some of whom were jealous of his superiority, and for no service whatever were greedy of the public money, he threw their angry demands into the fire. Arthur Lee intrigued to supplant him, Izard maligned him with the strangeness of passionate frenzy; but he met their hostility by patient indifference. Never detracting from the merit of any one, he did not disdain glory, and he knew how to pardon envy. Great as were the injuries which he received in England, he used toward that power undeviating frankness and fairness.

Bancroft, Hist. of the U.S., vol.5, p.253 - p.254

In England, Rockingham, Richmond, Burke, Fox, and Conway desired to meet the offers of Franklin. So, too, did Lord North, though he was too selfish to be true to his convictions. On the other side stood the king; but, for reasons which were hateful to the king, Chatham arrayed himself with inflexibility against American independence. Richmond, as a friend to liberty, made advances to Chatham, sending him the draft of an address which he was to move in the house of lords, and entreating of him mutual confidence and support. Chatham rejected the overture, and avowed the purpose of opposing the motion. Accordingly, on the seventh of April, against earnest requests, Lord Chatham, wrapped up in flannel to the knees, pale and wasted away, his eyes still retaining their fire, came into the house of lords, leaning upon his son William Pitt and his son-in-law Lord Mahon. The peers stood up out of respect as he hobbled to his bench. The duke of Richmond proposed and spoke elaborately in favor of an address to the king, which in substance recommended the recognition of the independent sovereignty of the thirteen revolted provinces and a change of administration. Chatham, who alone of British statesmen had a right to invite America to resume her old connection, rose from his seat with slowness and difficulty, leaning on his crutches and supported under each arm by a friend. He deemed a being superior to those around him. Raising one hand from his crutch, and casting his eyes toward heaven, he said: "I thank God that, old and infirm, and with more than one foot in the grave, I have been able to come this day to stand up in the cause of my country, perhaps never again to enter the walls of this house." Stillness prevailed. His voice, at first low and feeble, rose and became harmonious; but his speech faltered, his sentences were broken, his words were no more than flashes through darkness, shreds of sublime but unconnected eloquence. He recalled his prophecies of the evils which were to follow such American measures as had been adopted, adding at the end of each: "and so it proved." He could not act with Lord Rockingham and his friends, because they persisted in unretracted error. He laughed to scorn the idea of an invasion of England by Spain or by France or by both. "If peace cannot be preserved with honor, why is not war declared without hesitation? This kingdom has still resources to maintain its just rights. Any state is better than despair. My lords, I rejoice that the grave has not closed upon me, that I am still alive to lift up my voice against the dismemberment of this ancient and most noble monarchy." The duke of Richmond answered with respect for the name of Chatham, so dear to Englishmen, but he resolutely maintained the wisdom of avoiding a war in which France and Spain would have America for their ally. Lord Chatham would have replied; but, after two or three unsuccessful efforts to rise, he fell backward and seemed in the agonies of death. Every one of the peers pressed round him, save Mansfield, who sat unmoved. The senseless sufferer was borne from the house with tender solicitude to the bed from which he never was to rise.

Bancroft, Hist. of the U.S., vol.5, p.254 - p.255

The king wrote at once to Lord North: "May not the political exit of Lord Chatham incline you to continue at the head of my affairs?" The world was saddened by the loss of so great a man. The elder Pitt never seemed more thoroughly the spokesman of the people of England than in the last months of his career. He came to Parliament with an all-impassioned love of liberty, the proudest sentiment of nationality, his old scorn for the house of Bourbon, and a burning passion for recovering the American colonies by reviving and establishing their rights. His eloquence in the early part of the session seemed to some of his hearers to surpass all that they had heard of the orators of Greece or Rome. In his last days he was still hoping for a free England and a house of commons truly representing the British people. With a haughtiness all the more marvellous from his age, decrepitude, and insulation, he confronted alone all branches of the nobility, who had lost a continent in the vain hope of saving themselves a shilling in the pound of the land-tax, and declared that there could be no good government but under an administration that should crush to atoms all parties of the aristocracy, and interpret law in favor of liberty. He died like a hero struck down on the field of battle after the day was lost; in heart, more than ever, the great commoner. With logical consistency, the house of lords refused to attend his funeral.

Bancroft, Hist. of the U.S., vol.5, p.255

By this time the news of the French alliance with the United States had spread through Europe. It was received at St. Petersburg with lively satisfaction. In England, the king, the ministry, parliament, the British nation, all were unwilling to speak the word independence, wishing at least to retain some preference by compact. Custom, mutual confidence, sameness of language and of civil law, the habit of using English manufactures, their cheapness and merit, of themselves secured to England almost a monopoly of American commerce for a generation, and yet she stickled for the formal concession of special commercial advantages. Deluded by the long usage of monopoly, she would not see that equality was all she needed. Once more Hartley, as an informal agent from Lord North, repaired to Paris to seek of Franklin an offer of some alliance, or at least of some favor in trade. Franklin answered him as he answered other emissaries, that the Americans enjoyed independence already; its acknowledgment would secure to Britain equal but not superior advantages in commerce. Fox was satisfied with this offer, and on the tenth, when it was moved in the house of commons to enlarge the powers of the commissioners, he held up to view that greater benefits to trade would follow from friendly relations with independent America than from nominal dependence.

Bancroft, Hist. of the U.S., vol.5, p.255 - p.256

Fox was in the right, but was not heeded. Jackson, the former faithful agent of Connecticut, the fellow-laborer with Franklin for the rights of the colonies, ever consistent with himself, even when he became secretary of Grenville, refused to be of the commission for peace, because he saw that it was a delusion accorded by the king to quiet Lord North and to unite the nation. Long before the commissioners arrived, the United States had taken its part. On the twenty-first of April, Washington gave his opinion to a member of congress: "Nothing short of independence can possibly do. A peace on any other terms would be a peace of war. The injuries we have received from the British nation were so unprovoked, and have been so great and so many, that they can never be forgotten. Our fidelity as a people, our character as men, are opposed to a coalition with them as subjects." The twenty-second was a day of general public fasting and humiliation, with prayers to Almighty God to strengthen and perpetuate the union. Assembled on that day in a house for public worship, congress resolved "to hold no conference or treaty with any commissioners on the part of Great Britain, unless they shall, as a preliminary thereto, either withdraw their fleets and armies, or in positive and express terms acknowledge the independence of the states." "Lord North is two years too late with his political manoeuvre," responded George Clinton, then governor of New York. Jay met not a single American "willing to accept peace under Lord North's terms." "No offers," wrote Robert Morris, "ought to have a hearing of one moment, unless preceded by acknowledgment of our independence, because we can never be a happy people under their domination. Great Britain would still enjoy the greatest share and most valuable parts of our trade."

Bancroft, Hist. of the U.S., vol.5, p.256

Since Britain would grant no peace, on the tenth the French king despatched from Toulon a fleet, bearing Gerard as his minister to the congress of the United States, that the alliance between France and America might be riveted. On the twenty-ninth, when, in the presence of Franklin and his newly arrived colleague John Adams, Voltaire was solemnly received by the French academy, philosophic France gave the right hand of fellowship to America as its child by adoption. The numerous assembly demanded a visible sign of this union; and, in the presence of all that was most distinguished in letters and philosophy, Franklin and Voltaire kissed each other, in recognition that the war for American independence was a war for freedom of mind.

Bancroft, Hist. of the U.S., vol.5, p.256

Many causes combined to procure the alliance of France and the American republic; but the force which brought all influences harmoniously together, overruling the timorous levity of Maurepas and the dull reluctance of Louis XVI, was the movement of intellectual freedom.

Bancroft, Hist. of the U.S., vol.5, p.256 - p.257

The spirit of free inquiry penetrated the Catholic world as it penetrated the Protestant world. Each of their methods of reform recognised that every man shares in the eternal reason. Luther, as he climbed on his knees the marble steps of a church at Rome, heard a voice within him cry out: "Justification is by faith alone;" and he vindicated man's individuality from the point of view of religion. Descartes, meditating on a November night on the banks of the Danube, summoned each individual mind, in the consciousness of its freedom, to bring to judgment all tradition and all received opinion, and to prove all things, that it may hold fast only that which approves itself to be true.

Bancroft, Hist. of the U.S., vol.5, p.257 - p.258

A practical difference marked the kindred systems: the one was the method of continuity and gradual reform; the other of an instantaneous, complete, and thoroughly radical revolution. The principle of the reformation waked up a superstitious world, "asleep in lap of legends old," but did not renounce all external authority; and so it escaped premature conflicts. By the principle of Descartes, the individual man at once and altogether stood aloof from king, church, universities, public opinion, traditional science, all external authority and all other beings, and, turning every intruder out of the inner temple of the mind, kept guard at its portal to bar the entry to every belief that had not first obtained a passport from his own reason. No one ever applied the theory of Descartes with rigid inflexibility; a man can as little move without the weight of the superincumbent atmosphere, as escape altogether the opinions of the age in which he sees the light; but the theory was there, and it rescued philosophy from bondage to monkish theology, forbade to the church all inquisition into private opinion, and gave to reason, and not to civil magistrates, the maintenance of truth. The nations that learned their lessons of liberty from Luther and Calvin went forward in their natural development and their institutions grew and shaped themselves according to the increasing public intelligence. The nations that learned their lessons of liberty from Descartes were led to question everything, and to attempt the renewal of society through the destruction of the past. The progress of liberty in all Protestant countries was marked by moderation. The German Lessing, the antitype of Luther, said to his countrymen: "Don't put out the candles till day breaks." America conducted a revolution on the highest principles of freedom with such circumspection that it seemed to be only a war against innovation. On the other hand, free thought in France, as pure in its source as free thought in America, became speculative and skeptical and impassioned. As it broke its chains, it started up with a sentiment of revenge against the terrorism and oppression, which for centuries had sequestered the rights of mind and assumed to rule the world. Inquiry took up with zeal every question in science, politics, and morals. Free thought paid homage to the "majesty of nature;" investigated the origin of species; analyzed the air we breathe; pursued the discoveries of Columbus and Copernicus; mapped the skies; explored oceans and measured the earth; revived ancient learning; revelled in the philosophy of Greece, which was untrammelled by national theology; nursed the republican sentiment by study of the history of Athens and Rome; spoke words for liberty on the stage; and adapted the round of learning to the common understanding. Now it translated and scattered abroad the new American constitutions, and the proud intellect of France was in a maze; Turgot and Condorcet melted with admiration and sympathy as they read the organic laws, in which the unpretending law-givers of a new continent had introduced into the world of real life the ideas that for them dwelt only in hope. All influences that favored freedom of mind conspired together. Anti-prelatical Puritanism was embraced by anti-prelatical skepticism. The exiled Calvin was welcomed home as he returned by way of New England and the states where Huguenots and Presbyterians prevailed. One great current of vigorous living opinion, which there was no power in France capable of resisting, swept through society, driving all the clouds in the sky in one direction. Ministers and king and nation were hurried along together.

Bancroft, Hist. of the U.S., vol.5, p.258 - p.259

The wave of free thought broke as it rolled against the Pyrenees. The Bourbon of France was compelled by the public opinion of France into an alliance with America; in Spain no intellectual activity existed that could drive the Bourbon of Spain beyond the narrow range of thought in palaces. The Spanish people did not share the passion of the French, for they had not had the training of the French. In France, there was no inquisition; in Spain, the king would have submitted his own son to its tribunal. Descartes, the philosophizing soldier of France, emancipated thought; Loyola, the contemplative soldier of Spain, organized repression; for the proud Corneille, so full of republican fire, Spain had the monkish Calderon. In Spain no poet like Moliere unfrocked hypocrisy. Not only had she no Calvin, no Voltaire, no Rousseau; she had no Pascal to mock at casuistry; no prelate to instruct her princes in the rights of the people like Fenelon, or defend her church against Rome, or teach the equality of all men before God like Bossuet; no controversies through the press like those with the Huguenots; no edict of toleration like that of Nantes. A richly endowed church always leans to Arminianism and justification by works; it was so in Spain, where the spiritual instincts of man, which are the life of freedom, had been trodden under foot, and aims-giving to professed mendicants usurped the place of charity. Natural science in its progress gently strips from religion the follies of superstition, and purifies and spiritualizes faith; in Spain it was dreaded as of kin to the Islam; and, as the material world was excluded from its rightful place among the objects of study, it avenged itself by overlaying religion. The idea was lost in the symbol; to the wooden or metal cross was imputed the worth of inward piety; religious feeling was cherished by magnificent ceremonies to delight the senses; penitence in this world made atonement by using the hair shirt, the scourge and maceration; the immortal soul was thought to be purged by material flames; by the confessional the merciless inquisition kept spies over opinion in every house, and quelled free thought by the dungeon, the torture, and the stake. Nothing was left in Spain that could tolerate Protestantism, least of all the stern Protestantism of America; nothing congenial to free thought, least of all to free thought as it was in France.

Bancroft, Hist. of the U.S., vol.5, p.259 - p.260

France was alive with the restless spirit of inquiry; the country beyond the Pyrenees was still benumbed by superstition, priestcraft, and tyranny over mind, and the church through its organization maintained a stagnant calm. As there was no union between the French mind and the Spanish mind, between the French people and the Spanish people, the union of the governments was simply the result of the family compact between its kings, which the engagement between France and the United States without the assent of Spain violated and annulled. The self-love of the Catholic king was touched, that his nephew should have formed a treaty with America without waiting for his advice. The independence of colonies was an example that might divest his crown of its possessions in both parts of America; and he dreaded the establishment of republicanism on the border of his transatlantic provinces, as more surely fatal than all the power of Great Britain.

Bancroft, Hist. of the U.S., vol.5, p.260

The king of France, while he declared his wish to make no conquest whatever in the war, vainly held out to the king of Spain, with the consent of the United States, the acquisition of Florida; but that province had not power to allure Charles III or his ministry, which was a truly Spanish ministry and wished to pursue a truly Spanish policy. There was indeed one word which, if pronounced, would be potent enough to alter their decision. That word was Gibraltar; but, as it was not spoken, the king of Spain declared that he would not enter into the quarrel of France and England; that he wished to close his life in tranquillity, and valued peace too highly to sacrifice it to the interests or opinions of another.

Bancroft, Hist. of the U.S., vol.5, p.260

So the flags of France and the United States went together into the field against Great Britain, unsupported by any other government. The benefit then conferred on the United States was priceless; in return the revolution in America brought to France new life and hope.

Chapter 18:

The British Abandon Pennsylvania,

May-June 1778

Bancroft, Hist. of the U.S., vol.5, p.261

THE alliance of France with the United States waked in the heart of Europe the hope of the overthrow of the old colonial system of commercial monopoly. American independence was won not by arms alone, but in part by the sympathies of neutral princes and nations.

Bancroft, Hist. of the U.S., vol.5, p.261

Both the great belligerents were involved in contradictions at home. The government of England, in seeking to suppress in her dependencies English rights by English arms, made war on the life of her own life. Inasmuch as the party of freedom and justice, which is indeed one for all mankind, was at least seen to be one and the same for the whole English race, it appeared more and more clearly that the total subjugation of America would be the prelude to the repression of liberty in the British isles.

Bancroft, Hist. of the U.S., vol.5, p.261 - p.262

The country, which in the seven years' war had been impelled by the elder Pitt to mighty deeds, found in the ministry no representative. Public spirit had been quelled, and personal interests prevailed over the general good. Even impending foreign war could not hush the turbulence of partisans. The administration, having no guiding principle, held its majority in the house of commons only by sufferance and the control of patronage. Insubordination showed itself in the fleet and in the army, and most among the officers. England had not known so bad a government since the reign of James II. It was neither beloved nor respected, and truly stood neither for the people nor for any branch of the aristocracy; neither for the spirit of the time, nor for the past age, nor for that which was coming. It was a conglomerate of inferior and heterogeneous materials, totally unfit to govern a great and free empire.

Bancroft, Hist. of the U.S., vol.5, p.262

The period in British history was distinguished in philosophy by Hume and Reid and Price and Adam Smith; in painting by Reynolds; in poetry and various learning by Gray and Goldsmith, Johnson and Cowper; in legislative eloquence by Chatham, Burke, and Fox; in history by Gibbon, as well as by Hume and Robertson; in the useful arts by Brindley, Watt, and Arkwright. That the nation, in a state of high and advancing culture, should have been ruled by a sordid ministry, so inferior to itself as that of Lord North, was not due to the corruption of Parliament alone; for there was always in the house of commons an independent fraction. It cannot be fully explained without considering the chaotic state of political parties.

Bancroft, Hist. of the U.S., vol.5, p.262

The conflict between England and her American colonies sprang necessarily out of the development of British institutions. The supreme right of parliament as the representative of English nationality and bound to resist and overthrow the personal government of the Stuarts, was the watchword of the revolution of 1688, which had been dear to America as the death-blow to monarchical absolutism throughout the English dominions, and as the harbinger of constitutional liberty for the civilized world. Parliament again asserted its paramount authority over the crown, when by its own enactment it transferred the succession to the house of Hanover. These revolutions were achieved through a categorical principle that would endure no questioning of its rightfulness. Such a principle could not submit to modifications until it had accomplished its work; and, as it was embedded with the love of liberty in the mass of the English nation, it had moved and acted with the strength and majesty of a national conviction.

Bancroft, Hist. of the U.S., vol.5, p.262 - p.263

In the process of years the assertion of the supreme power of parliament assumed an exaggerated form, and was claimed to extend without limit over Ireland and over the colonies; so that the theory which' had first been used to rescue and secure the liberties of England became an instrument of despotism. Both branches of parliament were but representatives of the same favored class; and the kings awakened no counterpoising sentiment of loyalty so long as the house of Hanover, the creature of parliament, was represented by princes of foreign birth, ignorant of the laws and language of the land.

Bancroft, Hist. of the U.S., vol.5, p.263

In this manner the government was conducted for a half century by the aristocracy, which, keeping in memory the days of the commonwealth and the days of James II., were led into the persuasion that the constitution was not safe except in the custody of the aristocracy, that the party of liberty, to use the words of Rockingham, was that which "fought up against the king and against the people."

Bancroft, Hist. of the U.S., vol.5, p.263 - p.264

But by the side of the theory of absolute power concentred in parliament which had twice been the sheet-anchor of the English constitution, there existed the older respect for the rights of the individual and the liberties of organized communities. These two elements of British political life were brought into collision by the American revolution, which had its provocation in the theory of the omnipotence of parliament, and its justification in the eyes of Englishmen in the principle of vital liberty diffused through all the parts of the commonwealth. The two ideas struggled for the ascendency in the mind of the British nation and in its legislature. They both are so embalmed in the undying eloquence of Burke as to have led to the most opposite estimates of his political character. They both appear in startling distinctness in the speeches and conduct of Fox, who put all at hazard on the omnipotence of parliament, and yet excelled in the clear statement and defence of the attitude of America. Both lay in irreconciled confusion in the politics of Rockingham, whose administration signalized itself by enacting the right of the king, lords, and commons of Britain to bind America in all cases whatsoever, and yet in practice humanely refused to enforce the pretension. The aristocratic party of liberty, organized on the principle of the absolute power of parliament in order to defeat effectually and for all time the designs of the king against parliamentary usages and rights, had done its work and outlived its usefulness. In opposition to the continued rule of an aristocracy, with the device of omnipotence over king and people, there rose up around the venerable form of Chatham a new liberal party, willing to use the prerogative of the king to increase the weight of the commons.

Bancroft, Hist. of the U.S., vol.5, p.264

The new party aimed at a double modification of the unrestricted sovereignty of parliament. The elder Pitt ever insisted, and his friends continued to maintain, that the commons of Great Britain had no right to impose taxes on unrepresented colonies. This was the first step in the renovation of English liberty. The next was to recognise that parliament, as then composed, did not adequately represent the nation; and the connection of Rockingham resisted both these cardinal principles of reform. This unyielding division among the opponents of Lord North prolonged his administration.

Bancroft, Hist. of the U.S., vol.5, p.264

Besides, many men of honest intentions, neither wishing to see English liberties impaired, nor yet to consent to the independence of the colonies, kept their minds in a state of suspense; and this reluctance to decide led them to bear a little longer the ministry which alone professed ability to suppress the insurrection: for better men would not consent to take their places coupled with the condition of continuing their policy. Once, in a moment of petulance, Lord George Germain resigned; and the king wished to be rid of him; but he was from necessity continued in his office, because no one else could be found willing to accept it.

Bancroft, Hist. of the U.S., vol.5, p.264

In the great kingdom on the other side of the channel antagonistic forces were likewise in action. As the representative of popular power, France had in reserve one great advantage over England in her numerous independent peasantry. Brought up in ignorance and seclusion, they knew not how to question anything that was taught by the church or commanded by the monarch; but, however they might for the present suffer from grievous and unredressed oppression, they constituted the safeguard of order as well as of nationality.

Bancroft, Hist. of the U.S., vol.5, p.264 - p.265

In the capital and among the cultivated classes of society, in coffee-houses and saloons, the cry rose for reform or revolution. The French king was absolute; yet the teachings of Montesquieu and the example of England raised in men of generous natures an uncontrollable desire for free institutions; while speculative fault-finders, knowing nothing of the self-restraint which is taught by responsibility in the exercise of office, indulged in ideal anticipations which were colored by an exasperating remembrance of griefs and wrongs. France was the eldest daughter of the Roman church, with a king who was a sincere though not a bigoted Roman Catholic; and its philosophers carried their impassioned war against the church to the utmost verge of skepticism and unbelief, while a suspicion that forms of religion were used as a mere instrument of government began to arise in the laboring classes of the cities. But, apart from all inferior influences, the power of generalization, in which the French nation excels all others, imparts from time to time an idealistic character to its policy. The Parisians felt the reverses of the Americans as if they had been their own; and, in November 1776, an approaching rupture with England was the subject of all conversations.

Bancroft, Hist. of the U.S., vol.5, p.265

The American struggle was avowedly a war in defence of the common rights of mankind. The Prince de Montbarey, who owed his place as minister of war to the favor of Maurepas and female influence, and who cherished the prejudices of his order without being aware of his own mediocrity, professed to despise the people of the United States as formed from emigrants for the most part without character and without fortune, ambitious and fanatical, and likely to attract to their support "all the rogues and the worthless from the four parts of the globe." He had warned Lafayette against leaving his wife and wasting his fortune to play the part of Don Quixote in their behalf, and had raised in the council his feeble voice against the alliance of France with the insurgents. He regarded a victory over England as of no advantage commensurate with the dangerous example of sustaining a revolt against established authority. Besides, war would accumulate disorder in the public finances, retard useful works for the happiness of France, and justify reprisals by Great Britain on the colonies of the Bourbon princes.

Bancroft, Hist. of the U.S., vol.5, p.265 - p.266

It was against the interior sentiment of the king and the doubts of Maurepas, that the lingering influence of the policy of the balance of power, the mercantile aspirations of France, its spirit of philosophic freedom, and its traditional antagonism to England as the monopolist of commerce and the ruler of the seas, forced the French alliance with America.

Bancroft, Hist. of the U.S., vol.5, p.266

Just thirty-eight years before, Maurepas, in the vigor of manhood, had been famed for his aversion to England, and for the desire to found his glory on the restoration of the French navy. Of the members of the administration of Cardinal Fleury, he was thought to have had the mind of the widest range; and it was predicted of him that France would accomplish great results if he should ever become the director of its government. At length he was the first minister of a king who looked up to him with deference and imnplicit trust. The tone of his thoughts was unchanged; but he was so enfeebled by long exclusion from public affairs, and by years and infirmities, that no heroic enterprise could lure him from the love of quiet. By habit he put aside all business which admitted of delay. When the question of the alliance with America became urgent, he shrunk from proposing new taxes which the lately restored parliaments might refuse to register; and he gladly accepted the guarantee of Necker that all war expenditures could be met by the use of credit, financial operations, and reforms. It was only after the assurance of a sufficient supply of money from loans, that he no longer attempted to stem the opinion of Paris in favor of America.

Bancroft, Hist. of the U.S., vol.5, p.266

The strength of the cabinet lay in Vergennes. He secured the unfailing good-will of his sovereign by recognising no authority of either clergy, or nobility, or third estate, but only of the monarch, whom all the three were to obey. Nor did he for a moment forget the respect due to Maurepas as his superior, so that he never excited a jealousy of rivalship. He had no prejudice about calling republics into being, whether in Europe or beyond the Atlantic, if the welfare of France seemed to require it; he continued to believe that from the family alliance Spain would follow France into the war with England; and in his eyes the interests of that branch of the house of Bourbon took precedence over those of the United States.

Bancroft, Hist. of the U.S., vol.5, p.266

No head of an executive department was primarily a hearty friend to the new republic: Necker favored neutrality; and, though he was a Swiss by birth, his liberalism did not go beyond admiration of the British constitution of that day.

Bancroft, Hist. of the U.S., vol.5, p.267

The statesmen of the nation had not yet deduced from experience and the intuitions of reason a system of civil liberty to supersede worn-out traditional forms; and, just before the alliance between France and the United States, the lighter literature of the hour, skeptical rather than hopeful, mocked at the contradiction between institutions and rights, and asked if while the mutinous Americans, "without kings and without queens, bearded the whole world and were free," Europe should still be crushed by inexorable tyranny. Mirabeau wrote a fiery invective against despotism from a prison of which his passionate prayer for leave to serve in America could not open the doors.

Bancroft, Hist. of the U.S., vol.5, p.267

Until chastened by affliction, Marie Antoinette wanted earnestness of character, and suffered herself to be swayed by generous caprices, or family ties, or the selfish solicitations of her female companions. She had an ascendency over the king, and could not always conceal her contempt for his understanding, but never aspired to control his foreign policy, except in relation to Austria. It was only in the pursuit of benefits for her friends that she would suffer no denial. She did not spare words of petulance to a minister who dared to thwart her requests; and Necker retained her favor by never refusing them. Her enthusiasm for the new republic was only superficial and occasional, and could form no support for a steady conduct of the war.

Bancroft, Hist. of the U.S., vol.5, p.267

The king felt for the Americans neither as insurgents against wrongs nor as a self-governing people; and never understood how it came about that, contrary to his own faith in monarchical power and in the Catholic church, his kingdom had plunged into a war to introduce among the potentates of the civilized world a revolutionary Protestant republic.

Bancroft, Hist. of the U.S., vol.5, p.267

France was rich in resources; but its finances had not recovered from their exhaustion in the seven years' war. Their restoration became hopeless, when Necker promised to employ the fame of his severer administration only to increase the public debt, which was already too heavy to be borne. The king of Prussia, whose poverty made him a sharp observer of the revenues of wealthier powers, repeatedly foretold the bankruptcy of France if its king should break the peace.

Bancroft, Hist. of the U.S., vol.5, p.268

All this while Paris was the centre of the gay society and intelligence of Europe. The best artists of the day and the masters of the rival schools of music crowded round the court. The splendor of the Bourbon monarchy was kept up at the Tuileries and Versailles with prodigal magnificence, and invention was ever devising new refinements in social enjoyment The queen was happy in the dazzling scenes of which she was the life; the king, a young man of four-and-twenty, whom his Austrian brother-in-law described as a child, was pleased with the absolute power which he held it his right to exercise. To France, the years which followed are among the most glorious in her history, for they were those in which she prepared the way for the overthrow of feudalism and her own regeneration; but Louis XVI and Marie Antoinette, when they embarked for the liberation of America, pleasure on the prow and the uncertain hand of youth at the helm, might have cried out to the new republic which they fostered: "Morituri te salutant," "The doomed to die salute thee."

Bancroft, Hist. of the U.S., vol.5, p.268

The rescript of France, which announced to the British ministry her acknowledgment of American independence, assumed as a principle of public law that a nationality may, by its own declaration, speak itself into being. The old systems of the two governments were reversed. The British monarchy put forth its strength in behalf of unjust authority, while France became the foster-mother of republicanism. In one respect France was more suited than Britain to lead the peoples of Europe in the road to freedom. On the release of her rural population from serfdom, a large part of them retained their rights to the soil; and, though bowed down under grievous burdens and evil laws, they had a home and acres from which they could not be evicted. In England and Scotland and Ireland "the property by feudal law was strictly in the tenant," but the feudal chiefs had taken to themselves in absolute ownership nearly all the ground.

Bancroft, Hist. of the U.S., vol.5, p.268 - p.269

On the fourth of May the treaties of commerce and alliance with Louis XVI were unanimously ratified by congress, with grateful acknowledgments of his magnanimous and disinterested conduct, and the "wish that the friendship so happily commenced between France and the United States might be perpetuated." The rivalries of centuries, in which the Americans had been involved only from their dependence on England land, were effaced forever; Frenchmen became their friends, and the king of France was proclaimed "the protector of the rights of mankind."

Bancroft, Hist. of the U.S., vol.5, p.269

Lafayette smiled as, in Washington's camp, he read that his government dated the independence of America from the moment of its own declaration, and said prophetically: "Therein lies a principle of national sovereignty which one day will be recalled to them at home." On the sixth the alliance was celebrated at Valley Forge. After a salute of thirteen cannon and a running fire of all the musketry, the army, drawn up in two lines, shouted: "Long live the king of France!" and again: "Long live the friendly European powers!" and the ceremonies were closed by a huzza for the American states.

Bancroft, Hist. of the U.S., vol.5, p.269

In an address to the inhabitants of the United States, congress assumed that independence was secured; and they proclaimed the existence of a new people, though they could not hide its want of a government. They rightly represented its territory as a continental one and most blessed in its climate and productions; they owned its financial embarrassments, because no taxes had been laid to carry on the war; and they invited their countrymen to "bring forth their armies into the field," while men of leisure were encouraged to collect moneys for the public funds. In return for all losses, they promised "the sweets of a free commerce with every part of the earth."

Bancroft, Hist. of the U.S., vol.5, p.269 - p.270

On the eighteenth of May a festival was given to General Howe by thirty of his officers, most of them members of his staff. The numerous company embarked on the Delaware above the town, and, to the music of one hundred and eight hautboys, rowed two miles down the stream in galleys and boats glittering with colors and streamers. They passed two hundred transport vessels tricked out in bravery and crowded with lookers-on; and, landing to the tune of "God save the King" under salutes from two decorated ships-of-war, they marched between lines of cavalry and infantry and all the standards of the army to a lawn, where, in presence of their chosen ladies raised on thrones, officers, fantastically dressed as knights and squires, engaged in a tournament. After this, they proceeded under an ornamented arch to a splendidly furnished house, where dancing began; and a gaming table was opened with a bank of two thousand guineas. The tickets of admission described the guest of the night as the sun, going down in brightness to rise in greater glory; and fireworks in dazzling letters promised him immortal laurels. At midnight a supper of four hundred and thirty covers was served under the light of twelve hundred wax candles, and was enlivened by an orchestra of more than one hundred instruments. Dancing continued till the sun was more than an hour high. Never had subordinates given a more brilliant farewell to a departing general; and it was doubly dear to their commander, for it expressed their belief that the ministry had wronged him, and that his merit pointed him out for advancement.

Bancroft, Hist. of the U.S., vol.5, p.270

The festival was hardly over when Howe was informed that Lafayette, with twenty-five hundred men and eight cannon, had crossed the Schuylkill and, twelve miles from Valley Forge, had taken a post of observation on the range of Barren Hill. Flushed with the hope of ending his American career with lustre, he resolved by a swift movement to capture the party. At ten on the nineteenth he sent Grant, at the head of fifty-three hundred chosen men, with the best guides, to gain by roundabout ways the rear of Lafayette. They were followed the next morning by fifty-seven hundred selected troops, commanded by Howe himself, assisted by Clinton and Knyphausen, with Lord Howe to witness the discomfiture of the youthful general, whom he was to ship to England. At Chestnut Hill they were to receive the American party as prisoners; but they listened in vain for the sound of cannon, and at noon Grant came in sight with only his own detachment. Lafayette had been surprised, and his direct communication with Valley Forge cut off; but a lower ford called Matson's, which was nearer to Grant than to him, remained unoccupied. Sending small parties into the woods, to present themselves as the heads of attacking columns, he deceived his antagonist and crossed the ford while Grant was preparing to give battle.

Bancroft, Hist. of the U.S., vol.5, p.270 - p.271

Howe, returning crestfallen to the city, on the twenty-fourth gave up to Sir Henry Clinton the command of the army. Officers who attended him to the place of embarkation shed tears at the parting; and Knyphausen, from deep emotion, could not finish the address which, in their name, he began to read.

Bancroft, Hist. of the U.S., vol.5, p.271

Brave and an adept in military science, Howe had failed in the conduct of the war from want of earnest enterprise. On landing near Bunker Hill, he had sufficient troops to have turned the position of the Americans; but he delayed just long enough for them to prepare for his attack. He was driven out of Boston from his neglect to occupy Dorchestcr Heights, which overlook the town. He took his troops in midwinter to the bleak, remote, and then scarcely inhabited Halifax, instead of sailing to some convenient nook on Long Island within the sound, where he would have found a milder climate, greater resources, and nearness to the scene of his next campaign.

Bancroft, Hist. of the U.S., vol.5, p.271

He passed the winter in Philadelphia without attempting to break up the American camp at Valley Forge. The manner in which he threw up his command was a defiance of his government and an open intimation to Europe and to America that the attempt of England to reduce its colonies would fail. Nothing saved him from reprobation but that Lord George Germain had made mistakes still graver than his own.

Bancroft, Hist. of the U.S., vol.5, p.271

Meantime, Lord Howe and Sir Henry Clinton, each acting under special instructions, separately communicated the three conciliatory acts of parliament to congress, who received them on the sixth of June, and on the same day answered: "They have in April last expressed their sentiments upon bills not essentially different. When the king of Great Britain shall be seriously disposed to end the unprovoked war waged against these United States, they will readily attend to such terms of peace as may consist with the honor of independent nations and the sacred regard they mean to pay to treaties."

Bancroft, Hist. of the U.S., vol.5, p.271 - p.272

On the day of this second rejection of Lord North's offers the three British commissioners arrived in Philadelphia. In sailing up the Delaware they had seen enough "to regret ten thousand times that their rulers, instead of a tour through the worn-out countries of Europe, had not finished their education with a visit round the coasts and rivers of this beautiful and boundless continent." The English rivers shrunk for them into rills; they predicted that in a few years Philadelphia would become a magnificent metropolis. Their mission was a mere device to aid Lord North in governing the house of commons, and to "reconcile the people of England to a continuance of the war." Carlisle, the first commissioner, had in the house of lords "spoken with warmth upon the insolence of the rebels" in refusing to treat with the Howes, and stigmatized them as "base and unnatural children" of England. The second commissioner was an under-secretary, whose chief, in the same assembly, had scoffed at Congress as a "body of vagrants." The third was Johnstone, who had lately in parliament justified the Americans and charged the king with hypocrisy.

Bancroft, Hist. of the U.S., vol.5, p.272

In the certainty that the commission would not be received, Clinton was instructed to abandon Philadelphia; to hold New York and Rhode Island; to curtail the boundaries of the thirteen states on the north-east and on the south; to lay waste Virginia by means of ships-of-war; and to attack Providence, Boston, and all accessible ports between New York and Nova Scotia, destroying vessels, wharfs, stores, and materials for shipbuilding; the Indians, from Detroit to Florida, were to be hounded on to spread dismay and death all along the frontiers. No active operations at the North were expected. The king, under his sign manual, ordered Clinton to detach five thousand men for the conquest of the French island, St. Lucia.

Bancroft, Hist. of the U.S., vol.5, p.272 - p.273

As the commissioners stepped on shore they found, to their extreme surprise and chagrin, that orders for the immediate evacuation of Philadelphia had preceded them. "If Philadelphia is left to the rebels," it was said, "independence is acknowledged and America lost." About three thousand of the inhabitants were embarking in British ships. Those who resolved to stay roused from a delusive confidence in British protection to restless anxiety. In this strait, the representatives of Britain, in a communication to congress sealed with the image of a fond mother caressing her children, recognised the constituency of congress as "states," and pressed them to accept perfect freedom of legislation and of internal government, representation in parliament, and an exemption from the presence of military forces, except with their own permission; in short, the gratification of "every wish that America had expressed." And they insinuated that France was the common enemy. These offers were made without authority, and were therefore fraudulent; and, before an answer could be received, they had sailed down the Delaware.

Bancroft, Hist. of the U.S., vol.5, p.273

Congress resented the letter of the commissioners as an offence to their own honor and to their ally. Their wars with France had been but a consequence of their connection with England; independence was peace, and, by a unanimous vote, they on the seventeenth made answer as before: "The idea of dependence is inadmissible. Congress will be ready to enter upon a treaty of peace and commerce when the king of Great Britain shall demonstrate a sincere disposition for that purpose by an explicit acknowledgment of the independence of these states, or withdrawing his fleets and armies." The American officers were of the same mind, except Lee who was false, and Gates, who, in the belief that everything contended for was granted, wished a conference with the commissioners. To Johnstone Washington wrote: "The voice of congress is the voice of the people."

Bancroft, Hist. of the U.S., vol.5, p.273

The convention of Saratoga had been broken by the British, at the time of the surrender, by the concealment of public property. In November 1777, Burgoyne had made a formal but groundless complaint of its violation by the Americans, and raised the implication that the pretended breach might be used to disengage himself and his government from all the obligations which it imposed. Moreover, congress had made a demand for lists of all persons comprehended in the surrender, and a compliance with this proper and even necessary requisition had been refused. In January 1778, congress suspended the embarkation of the army until the convention should be confirmed by the highest authority of Great Britain. Refusing the intervention of the British commissioners, from their want of power, congress, on the fourth of September, without a dissentient voice, confirmed their resolution.

Bancroft, Hist. of the U.S., vol.5, p.273 - p.274

On the night following the seventeenth of June, Sir Henry Clinton crossed the Delaware with more than seventeen thousand effective men. The loyalists saw in the retreat a violation of the plighted faith of the British king. The winter's revelry was over; honors and offices turned suddenly to bitterness and ashes; papers of protection became only an opprobrium and a peril. Crowds of wretched refugees, with all of their possessions which they could transport, fled with the army. The sky sparkled with stars; the air of the summer night was soft and tranquil, as the exiles, broken in fortune and without a career, went in despair from the only city they could love.

Bancroft, Hist. of the U.S., vol.5, p.274

While the American army was pining from the delinquency of the states to meet the requisitions of Congress, Lee, then second in command, was treacherously plotting its ruin. His loud fault-finding was rebuked by the general for its "very mischievous" tendency. To secure to the British a retreat "on velvet," Lee asserted that they would move to the south. In a council on the seventeenth, he gave as his advice that it would not be safe to attack the British, and carried with him all the officers except Greene, Lafayette, Wayne, and Cadwalader. Unmoved by the apathy of so many, Washington crossed the Delaware sixteen miles above Trenton, and, detaching Maxwell's brigade of nine hundred to assist a party of a thousand Jersey militia in destroying the roads, and Morgan with a corps of six hundred to hang upon the enemy's right, he moved with the main army to Hopewell. There, on the twenty-fourth, Lee insisted in council that the Americans should rather build a bridge for the retreat of their enemies than attack so well-disciplined an army. Lafayette replied that it would be shameful to suffer the British to cross New Jersey with impunity; that, without extreme risk, it was possible to engage their rear and take advantage of any favorable opportunity; still Lord Stirling and most of the brigadiers again sided with Lee.

Bancroft, Hist. of the U.S., vol.5, p.274 - p.275

From Allentown the British general, fearing danger in crossing the Raritan, decided to march by way of Monmouth to Sandy Hook; and Washington followed him in a parallel line, ready to strike his force at right angles. The parties in advance, increased by Scott with fourteen hundred and forty men, and on the twenty-fifth by Wayne with a thousand more, composed a third of the army, and formed a fit command for the oldest major-general. But Lee refused it, saying that the plan must surely fail. Upon this Washington intrusted it to Lafayette, who marched toward the enemy with alacrity. Lee now fretted at the wrong which he pretended was done to himself and to Lord Stirling. As Washington heard him unmoved, be wrote to Lafayette: "My fortune and my honor are in your hands; you are too generous to ruin the one or the other." And this appeal succeeded.

Bancroft, Hist. of the U.S., vol.5, p.275

On the twenty-sixth, Lee was sent forward with two brigades to command the advance party, with orders to attack the enemy's rear. Intense heat and heavy rains held both armies quiet on the twenty-seventh; but, just after noon on that day, Washington, summoning the generals to head-quarters, instructed them to engage the enemy on the next morning; and he directed Lee to concert with his officers the mode of attack. But, when Lafayette, Wayne, and Maxwell at the appointed hour came to Lee, he refused to form a plan, so that none was made; nor did he attempt to gain knowledge of the ground on which he was ordered to fight. In the evening he was charged by Washington to detach a party of six or eight hundred skirmishers, to lie very near the enemy, and delay them, if they should move off at night or early in the morning. The order was executed too tardily to have effect.

Bancroft, Hist. of the U.S., vol.5, p.275

Informed at five in the morning of the twenty-eighth, that the British had begun their march from Monmouth, Lee remained inert, till Washington, who was the first to be in motion, sent him orders to attack the British rear, unless there should be very powerful reasons to the contrary, promising to come up rapidly to his support. He obeyed so far as to move languidly, but without a plan or any concert with his generals. To a proposal of Lafayette, Lee answered: "You don't know the British soldiers: we cannot stand against them." Upon this, Lafayette sent to Washington that his presence on the field was needed; and twice were similar messages sent by Laurens. Having orders to attack the enemy's left, Lafayette received counter orders before he had proceeded one quarter of the way. Wayne was on the point of engaging the enemy in earnest, when he was enjoined only to make a feint. There was marching and counter-marching, crossing and recrossing a bridge, and a halt for an hour. To a French officer who expressed surprise, Lee said: "I have orders from congress and the commander-in-chief not to engage;" yet, to appear to do something, he professed as his object to cut off a small covering party.

Bancroft, Hist. of the U.S., vol.5, p.276

Thus Sir Henry Clinton gained time for preparation. His baggage, which occupied a line of eight miles or more, was sent onward, protected by a strong force under Knyphausen The division of Cornwallis and a brigade and a regiment of dragoons from Knyphausen's division remained behind. At about eight in the morning Clinton sent against Lee two regiments of cavalry, with the grenadiers, guards, and Highlanders, and "the flower of the American infantry was vanquished by their obedience to the commands of a leader who meditated their disgrace." As the enemy followed the Americans through a narrow defile, no order was sent by Lee to any of the parties to rally, and no word of all that happened officially communicated to the commander-in-chief.

Bancroft, Hist. of the U.S., vol.5, p.276 - p.277

When Washington encountered the fugitives, he, in a voice of just angel., demanded of Lee: "What is the meaning of this?" Abashed and confused, Lee stammered: "Sir—sir;" and to the renewed inquiry answered: "You know that the attack was contrary to my advice and Opinion." Washington rejoined: "You should not have undertaken the command unless you intended to carry it through," and at once arrested the retreat. As the narrow road, through which the best troops of the British army, led by Clinton and Cornwallis and numbering from six to eight thousand, were now hotly chasing an unresisting enemy, was bounded on each side by a morass, he swiftly formed two of the retreating regiments of Wayne's brigade, commanded by Stewart and Ramsay, in front of the pursuers and under their fire; and thus gained time to plant the troops that were advancing with him upon good ground. This being done, he again met Lee, who was doing nothing, "like one in a private capacity;" and, finding in him no disposition to retrieve his character, ordered him to the rear. Even Laurens hoped for no more than an orderly retreat; and Hamilton's thought was to die on the spot. But Washington's self-possession, his inspiring mien, his exposure of himself to every danger, and the obvious wisdom of his orders, kindled the enthusiasm of officers and men; while Lee in the rear, sitting idly on horseback, explained to bystanders that "the attempt was madness and could not be successful." The British cavalry were easily driven back and showed themselves no more. The regiments of foot came up next; but they could not turn the left flank, where Stirling commanded, without exposing their own right to the American artillery. The attack upon the right, where Greene commanded, was defeated by his battery. Others encountered the grenadiers and guards till they turned and fled; and when they rallied and came back to the charge, Wayne with a body of infantry engaged them face to face till they were again repulsed, Lieutenant-Colonel Monckton falling at their head. During the day the heat reached ninety-six degrees in the shade; and many on both sides, struck by the sun, fell dead without a wound.

Bancroft, Hist. of the U.S., vol.5, p.277

The British retired through the pass by which they had advanced, and occupied a position accessible in front only by the narrow road, and protected on both flanks by woods and morasses which could not be turned before night. Two American brigades hung on their right, a third on their left, while the rest of the army planted their standards on the field of battle, and lay on their arms to renew the contest at daybreak. But Clinton, abandoning his severely wounded and leaving his dead unburied, before midnight withdrew his forces, which at the early dawn found shelter in the highlands of Middleburg. Washington then marched toward the North river; the British for New York by way of Sandy Hook.

Bancroft, Hist. of the U.S., vol.5, p.277

On receiving the English accounts, Frederic of Prussia replied: "Clinton gained no advantage except to reach New York with the wreck of his army; America is probably lost for England."

Bancroft, Hist. of the U.S., vol.5, p.277

Of the Americans who were in the engagement, two hundred and twenty-nine were killed or wounded. Of the British, more than four hundred; and above eight hundred deserted their standard during the march through the Jerseys.

Bancroft, Hist. of the U.S., vol.5, p.277 - p.278

In the battle, which took its name from the adjacent village of Monmouth, the American generals except Lee did well; Wayne especially established his fame. The army and the whole country resounded with the praises of Washington, and congress unanimously thanked him "for his great good conduct and victory." Nor may history omit to record that, of the "revolutionary patriots" who on that day perilled life for their country, more than seven hundred colored Americans fought side by side with the white.

Bancroft, Hist. of the U.S., vol.5, p.278

After the battle, Lee was treated from head-quarters with forbearance; but in two letters to the commander-in-chief he avowed the expectation that the campaign would close the war—that is, that the terms offered by the British commissioners would be accepted—and demanded reparation for injustice and injury. A court-martial found him guilty of disobedience, misbehavior before the enemy, and disrespect to the commander-in-chief, and all too leniently did but suspend him from command for twelve mouths. After long delay, congress confirmed the sentence, though by a narrow vote. The next year it censured Lee for obtaining money through British officers in New York, and in January 1780, provoked by an impertinent letter, dismissed him from the service. From that time he no longer concealed his wish for the return of America to her old allegiance, and his chosen companions were the partisans of England. Under the false colors of military genius and experience in war, he had solicited a command; after his appointment he had given the reins to self-will so that misfortune overtook his treachery. In October 1782, sinking under a fever in a sordid inn at Philadelphia, he died as he had lived, loving neither God nor man.

Chapter 19:

After the French Alliance,

June-December 1775

Bancroft, Hist. of the U.S., vol.5, p.279

CONFINED between ridges three miles apart, the Susquehannah, for a little more than twenty miles, winds through the valley of Wyoming. Abrupt rocks, rent by tributary streams, rise on the east, while the western declivities are luxuriantly fertile. Connecticut, whose charter from Charles II was older than that of Pennsylvania, using its prior claim to lands north of the Mamaroneck river, had colonized this beautiful region and governed it as its county of Westmoreland. The settlements, begun in 1754 increased in numbers and wealth till their annual tax amounted to two thousand pounds in Connecticut currency. In the winter of 1776 the people aided Washington with two companies of infantry, though their men were all needed to protect their own homes. Knowing the alliance of the British with the Six Nations, they built a line of ten forts as places of refuge.

Bancroft, Hist. of the U.S., vol.5, p.279

The Seneca tribe kept fresh in memory their chiefs and braves who fell in the conflict with the New York husbandmen at Oriskany. Their king, Sucingerachton, was, both in war and in council, the foremost man in all the Six Nations. Compared with him, the Mohawk, Brant, who had been but very lately known upon the war-path, was lightly esteemed. His attachment to the English increased to a passion on the alliance of America with the French, for whom he cherished implacable hate. Through his interest, and by the blandishments of gifts and pay and chances of revenge, Colonel John Butler lured the Seneca warriors to cross the border of Pennsylvania under the British flag.

Bancroft, Hist. of the U.S., vol.5, p.280

The party of savages and rangers, numbering between five hundred and seven hundred men, fell down the Tioga river, and on the last day of June hid in the forests above Wyoming. The next day the two northernmost forts capitulated. The men of Wyoming, old and young, with one regular company, in all hardly more than three hundred, took counsel with one another, and found no hope of deliverance for their families but through a victorious encounter with a foe of twice their number, and more skilful in the woods than themselves. On the third of July the devoted band, led by Colonel Zebulon Butler, who had just returned from the continental service, began their march up the river. The horde of invaders, pretending to retreat, couched themselves on the ground in an open wood. The villagers of Wyoming began firing as they drew near, and at the third volley stood within one hundred yards of the ambush, when the Seneca braves rose to the attack and were immediately seconded by the rangers. The Senecas gave no quarter, and in less than a half-hour took two hundred and twenty-five scalps, among them those of two field officers and seven captains. The rangers saved the lives of but five of their captives. On the British side only two whites were killed and eight Indians wounded. The next day the remaining forts, filled chiefly with women and children, capitulated. The long and wailing procession of the survivors, flying from their fields of corn, their gardens, the flames of their cottages, the unburied bodies of their beloved defenders, escaped by a pass through the hills to the eastern settlements. Every fort and dwelling was burnt.

Bancroft, Hist. of the U.S., vol.5, p.280

The Senecas roamed over the surrounding country, adepts in murder and devastation. The British leader boasted in his report that his party had burnt a thousand houses and every mill; Germain in reply extolled their prowess and even their humanity, and resolved on directing a succession of similar parties, and to waste the older settlements, but not to recover and hold them. The ancient affection for England was washed out in blood.

Bancroft, Hist. of the U.S., vol.5, p.280 - p.281

After the retreat of the British, the government of Pennsylvania, as well as that of New Jersey, used the right of bringing to trial those of their citizens who had been false to their allegiance; but Livingston, the governor of New Jersey, pardoned every one of seventeen who were found guilty. At Philadelphia, against his intercession, two men, one of whom had conducted a British party to a midnight carnage, were convicted, and suffered on the gallows. Regret prevailed that these had not in like manner been forgiven.

Bancroft, Hist. of the U.S., vol.5, p.281

Before the treaties of alliance had been signed Vergennes wrote "that it was almost physically impossible for the English to wrest independence from the Americans; that all efforts, however great, would be powerless to recall a people so thoroughly determined to refuse submission." On the side of the sea, from Nova Scotia to Florida, the British occupied no posts except the island of Rhode Island, and New York city with its environs. The British were as yet at Ogdensburg, Niagara, and Detroit; but the Americans held the country from the Highlands to the water-shed of Lake Ontario.

Bancroft, Hist. of the U.S., vol.5, p.281

The love and the exercise of individual liberty, though they hindered the efficiency of government, made the Americans unconquerable. They looked beyond danger to the enjoyment of peace in a family and country of their own. Their service in the camp exalted their character; they knew that they were suffering, not for their own land only, but for the benefit of the human race. Moreover, the inmost mind of the American people had changed. The consciousness of a national life had dissolved the sentiment of loyalty to the crown of England.

Bancroft, Hist. of the U.S., vol.5, p.281 - p.282

In England a similar revolution had taken place. The insurgents, losing the name of rebels, began to be called Americans. Officers, returning from the war, said openly that "no person of judgment conceived the least hope that the colonies could be subjected by force." Some British statesmen thought to retain a political, or at least a commercial, connection; while many were willing to give them up unconditionally. Even before the surrender of Burgoyne, Gibbon, a member of the board of trade, confessed that, though England had sent to America the greatest force which any European power ever ventured to transport into that continent, it was not strong enough to attack its enemy, nor to prevent them from receiving assistance; the war "measures" of the administration were therefore "so repugnant to sound policy that they ceased to be right." After that surrender, he agreed that, since "the substance of power was lost, the name of independence might be granted to the Americans." General Howe coupled his retirement from active service with the avowal that the disposable resources of his country could produce no decisive result. "Things go ill, and will not go better," wrote the chief of the new commission for establishing peace. Sir Henry Clinton, the successor of Howe, reported himself too weak to attempt the restoration of the king's authority. Lord George Germain had no plan for the coming campaign but to lay the colonies waste. Lord North, who had been at the head of affairs from 1770, owned in anguish the failure of his system and deplored its continuance. Should the Americans ratify the French alliance, Lord Amherst, who was the guide of the ministry in the conduct of the war, recommended the evacuation of New York and Rhode Island and the employment of the troops against the French West Indies.

Bancroft, Hist. of the U.S., vol.5, p.282

But the radical change of opinion was shown most clearly by the votes of parliament. In February 1774, the house of commons, in a moment of unrestrained passion, adopted measures for enforcing the traditional absolutism of parliament by majorities of three to one: corresponding majorities, in February 1778, reversed its judgment, repealed the punitive acts, and conceded everything which the colonies had demanded.

Bancroft, Hist. of the U.S., vol.5, p.282

There was "a general cry for peace." The king, in January 1778, confessed to Lord North: "The time may come when it will be wise to abandon all North America but Canada, Nova Scotia, and the Floridas; but then the generality of the nation must see it first in that light." Lord Rockingham was convinced, and desired to "convince the public, of the impossibility of going on with the war." On the second of February, Fox spoke against its continuance, and was heard with favor; and on the division several tories voted with him. English opinion had by this time resigned itself to the belief that the United States could not be reduced.

Bancroft, Hist. of the U.S., vol.5, p.282 - p.283

Fox would have had England "instantly declare their independence;" Pownall, who had once defended the stamp act, urged their recognition; and Conway, breaking through his reserve, said in parliament: "It has been proved to demonstration that there is no other method of having peace with them but acknowledging them to be, what they really are, and what they are determined to remain, independent states." The house of commons seemed secretly to agree with him. Tories began to vote against the ministry. The secretary of war, Lord Barrington, said to the king: "The opinion that the administration is not equal to the times prevails even among those who are most dependent on the ministers and most attached to them; nay, it prevails among the ministers themselves." Lord North was convinced of the ruinous tendency of his measures, and professed, but only professed, an earnest wish to resign office. Lord Mansfield deplored the danger of a war with both houses of the Bourbons. The landed aristocracy were grown weary of the conflict of which the continuance promised only increasing taxation and a visible loss of national dignity and importance. So long as there remained a hope of recovering America, the ministers were supported, for they alone would undertake its reduction. The desire to replace them by statesmen more worthy of a great people implied the consent to peace on the basis of American independence. To that end all elements conspired.

Bancroft, Hist. of the U.S., vol.5, p.283 - p.284

On the second of July the president and several members of congress met once more in Philadelphia. On the ninth the articles of confederation, engrossed on parchment, were signed by eight states. On the tenth, congress issued a circular to the other five, urging them "to conclude the glorious compact which was to unite the strength, wealth, and councils of the whole." North Carolina acceded on the twenty-first; Georgia, on the twenty-fourth. New Jersey demanded for the United States the regulation of trade and the ownership of the ungranted north-western domain; but, after unassisted efforts for a more efficient union, the state, on the twenty-fifth of the following November, accepted the confederacy without amendment; and, on the fifth of May 1779, the delegates of Delaware did the same. Maryland alone arrested the consummation of the confederation by demanding, that the public lands north-west of the Ohio should first be recognised as the common property of all the states, and held as a common resource to discharge the debts contracted by congress for the expenses of the war.

Bancroft, Hist. of the U.S., vol.5, p.284

On the eighth of July the French fleet, consisting of twelve ships of the line and three frigates, after a rough voyage of nearly ninety days from Toulon, anchored in the bay of Delaware, ten days too late to intercept the inferior squadron of Lord Howe and its crowd of transports on their retreat from Philadelphia. The Count d'Estaing had persuaded Marie Antoinette to propose the expedition, of which he became the admiral. On the eleventh, congress learned from his letters that he was "ready to cooperate with the states in the reduction of the British army and navy." This first invitation to a concert of measures revealed that the American people, for want of an organized government, could do no more than empower Washington to call upon the six states north of the Delaware for aids of militia, while its financial measure was a popular loan to be raised throughout the country by volunteer collectors.

Bancroft, Hist. of the U.S., vol.5, p.284

D'Estaing followed his enemy to the North, and anchored within Sandy Hook, where he intercepted unsuspecting British ships bound for New York. The fleet of Lord Howe was imperfectly manned, but his fame attracted from merchant vessels and transports a full complement of volunteers. The French fleet desired nevertheless to sail up the bay and offer battle; but no pilots could be found to take its largest ships through the channel.

Bancroft, Hist. of the U.S., vol.5, p.284 - p.285

Since New York could not be reached, d'Estaing, ignorant of the secret agreement between France and Spain, indulged the dream of annexing British Newfoundland to the American republic as a fourteenth state with representation in congress. Washington proposed to employ the temporary superiority at sea in the capture of Rhode Island and its garrison of six thousand men. He had in advance summoned Massachusetts, Connecticut, and Rhode Island to send quotas of their militia for the expedition. The council of war of Rhode Island, exceeding his requirement, called out one half of the effective force of the state for twenty days from the first of August, and ordered the remainder to be ready at a minute's warning. Out of his own feeble army he spared one brigade from Massachusetts and one from Rhode Island, of one thousand each, and they were followed by a further detachment. Directing Sullivan, who was placed over the district of Rhode Island, to throw the American troops into two divisions, he sent Greene to command the one, and Lafayette the other. Young Laurens served d'Estaing as aid and interpreter. On the twenty-ninth of July, while Clinton was reporting to Germain that he would probably be under the necessity of evacuating New York and retiring to Halifax, the French fleet, with thirty-five hundred land troops on board, appeared off Newport; and the British saw themselves forced to destroy ten or more armed ships and galleys, carrying two hundred and twelve guns.

Bancroft, Hist. of the U.S., vol.5, p.285

The country was palpitating with joy at the alliance with France. Congress, on Sunday the sixth of August, with studied ceremony gave its audience of reception to Conrad Alexander Gerard, the French plenipotentiary, listened to his assurances of the affection of his king for the. United States and for "each one" of them, and "acknowledged the hand of a gracious Providence in raising them up so powerful a friend." Robert Livingston expressed the hope that congress, in treating for peace, would insist on the independence of Canada, Hudson's bay, the Floridas, and all the continent.

Bancroft, Hist. of the U.S., vol.5, p.285 - p.286

On the eighth the French fleet, which a whim of Sullivan had detained for ten days in the offing, ran past the British batteries into the harbor of Newport. The landing had been concerted for the tenth; but, learning that the British outposts on the north of the island had been withdrawn, Sullivan, on the morning of the ninth, without notice to d'Estaing, crossed with his troops from the side of Tiverton. Scarcely had he done so when the squadron of Lord Howe, which had been reinforced from England, was seen to anchor near Point Judith. On the tenth, a strong wind rising from the north-east, d'Estaing, by advice of his officers, among whom were Suffren and de Grasse, bore down upon the British squadron in order of battle. While d'Estaing was baffled in the attempt to force an action, the wind increased to a hurricane and wrecked and scattered both fleets. The French ship Languedoc lost its rudder and masts; the Apollo, to which the British admiral had shifted his flag, could not keep at sea.

Bancroft, Hist. of the U.S., vol.5, p.286

The same storm flooded Rhode Island with rain, damaged the ammunition of the American army, overturned their tents, and left them no shelter except trees and fences. Horses were killed, and even soldiers perished. The British troops, being quartered in the town, suffered less; and, on the return of fair weather, Pigot, but for his inertness, might have fallen upon a defenceless enemy.

Bancroft, Hist. of the U.S., vol.5, p.286

The squadron of Lord Howe steered for Sandy Hook. D'Estaing, three of whose ships had severally encountered three English ships, appeared on the twentieth within sight of Newport; but only to announce that he was compelled to sail for Boston for repairs and supplies. In general orders, Sullivan censured d'Estaing, and insinuated the inutility of the French alliance; and then, under compulsion from Lafayette, in other general orders made reparation. Washington sent him timely and incessant messages to withdraw from the island; yet he persisted in raising on Honyman's Hill batteries which were too remote to be of use. The retreat, which was conducted in the presence of regular troops superior in numbers, was delayed till the night of the twenty-eighth. The next day the British attempted to get round the American right wing, and cut off every chance of escape. On that side, Greene, supported by young Laurens, changed the defence into an attack, and drove the enemy in disorder and with loss back to their strong post on Quaker Hill. On the night following the thirtieth the army of Sullivan, evading its pursuers, escaped from the island.

Bancroft, Hist. of the U.S., vol.5, p.286 - p.287

Clinton, with a reinforcement of four thousand men, landed the next day. He soon returned to New York, having accomplished nothing, except that a detachment under Grey set fire to the shipping in New Bedford, and then levied cattle and money on the farmers of Martha's yineyard. Lord Howe gave up the naval command to Admiral Byron, and was not again employed in America. Washington, in August, as he came again upon White Plains, wrote to a friend in Virginia: "After two years' manoeuvring and the strangest vicissitudes, both armies are brought back to the very point they set out from, and the offending party at the beginning is now reduced to the use of the spade and pickaxe for defence. The hand of Providence has been so conspicuous in all this that he must be worse than an infidel that lacks faith, and more than wicked that has not gratitude to acknowledge his obligations." Governor Trumbull of Connecticut expressed the belief of his state when he said: "In the series of marvellous occurrences during the present war he must be blind who doth not see the divine ordering thereof."

Bancroft, Hist. of the U.S., vol.5, p.287 - p.288

On the third of October the commissioners for restoring peace to the colonies addressed a farewell manifesto to the congress, assemblies, and other inhabitants of America, that their persistence in separating from Great Britain would "change the whole nature and future conduct of this war;" that "the extremes of war" should so distress the people and desolate the country as to make them of little avail to France. Congress published the paper in the gazettes to convince the people of the insidious designs of the commissioners. In the British house of commons Coke of Norfolk proposed to disavow the declaration. Lord George Gerinain insisted that the Americans by their alliance were become French, and should be treated as Frenchmen. Burke pointed out that the "dreadful menace was pronounced against those who, conscious of rectitude, stood up to fight for freedom and country." The commissioner, Johnstone, who, in changing sides on the American question, had not tamed the fury of his manner, said: "No quarter ought to be shown to their congress; and, if the infernals could be let loose against them, I should approve of the measure. The proclamation certainly does mean a war of desolation; it can mean nothing else." Gibbon divided silently with the friends of America, who had with them the judgment, though not the vote, of the house. Three days later Rockingham in the house of lords denounced the "accursed" manifesto, and declared that "since the coming of Christ war had not been conducted on such inhuman ideas." Lord Suffolk, in reply, appealed to the bench of bishops; on which the bishop of Peterborough, tracing the resemblance between the proclamation and the acts of Butler at Wyoming, added: "There is an article in the extraordinaries of the army for scalping-knives. Great Britain defeats any hope in the justness of her cause by means like these to support it."

Bancroft, Hist. of the U.S., vol.5, p.288

The debate closed well for America, except that Lord Shelburne was provoked into saying that he never would serve with any man who would consent to its independence.

Bancroft, Hist. of the U.S., vol.5, p.288

The British army under Clinton could only ravage and destroy by sudden expeditions. Toward the end of September, Cornwallis led a foray into New Jersey; and Major-General Grey with a party of infantry, surprising Baylor's lighthorse, used the bayonet mercilessly against men that sued for quarter. A band, led by Captain Patrick Ferguson in October, after destroying the shipping in Little Egg Harbor, spread through the neighboring country to burn the houses and waste the lands of the patriots. On the night of the fifteenth they surprised light infantry under Pulaski's command; and, cumbering themselves with no prisoners, killed all they could. In November a large party of Indians, with bands of tories and regulars, entered Cherry valley by an unguarded pass, and, finding the fort too strong to be taken, murdered and scalped more than thirty of the inhabitants, most of them women and children.

Bancroft, Hist. of the U.S., vol.5, p.288

Immediately after the general declaration of independence the citizens of South Carolina, by common consent, intrusted constituent powers to their representatives. In January 1777, a bill for a new constitution was introduced. The senate was to be chosen by the electors in the several parishes; the distribution of the representation in the general assembly was left unchanged. The bill was printed, and submitted for examination to the people for more than a year. The legislature, in March 1778, gave it their sanction; and it was then presented to the president for confirmation. Every one expected that in a few hours it would be proclaimed, when Rutledge, the outgoing president, called the council and assembly into the council chamber, and, after a formal speech, gave it a negative, because it took from the chief of the executive his veto power. The majority determined to vote no taxes until the veto should be reversed. After a three days' adjournment, which was required by the rules before a rejected bill could be again brought forward, Rawlins Lowndes, the newly elected president, gave his sanction to the reenacted bill.

Bancroft, Hist. of the U.S., vol.5, p.289

The new constitution might be altered by legislative authority after a notice of ninety days. None but freeholders could elect or be elected to office; and for the higher offices the possession of a large freehold was required. In any redistribution of the representation of the state, the number of white inhabitants and the amount of taxable property were to be considered. The veto power was taken from the president. Till this time, the church of England had been the established church in South Carolina. The Christian Protestant church was now declared to be the established religion of the state; and none but Protestants were eligible to high executive or any legislative office. The right of suffrage was conferred exclusively on every free white man who, having the requisite age and freehold, acknowledged God and a future state of rewards and punishments. All persons who so believed, and that God is publicly to be worshipped, might form religious societies. The support of religious worship was voluntary; the property then belonging to societies of the church of England, or any other religions societies, was secured to them in perpetuity. The people were to enjoy forever the right of electing their own pastors or clergy; but the state was entitled to security for the due discharge of the pastoral office by the persons so elected. Of slaves or slavery no mention was made except by implication.

Bancroft, Hist. of the U.S., vol.5, p.289

The constitution having been adopted on the nineteenth of March 1778, to go into effect on the following twenty-ninth of November, all resident free male persons in the state above sixteen years, refusing to take the oath to maintain it against the king of Great Britain and all other enemies, were exiled; but a period of twelve months after their departure was allowed them to dispose of their property. In October 1778, after the intention of the British to reduce South Carolina became known, death was made the penalty for refusing to depart from the state, or for returning without permission.

Bancroft, Hist. of the U.S., vol.5, p.289 - p.290

At this time the British ministry, resigning the hope of reducing the North, indulged the expectation of conquering all the states south of the Susquehannah. For this end the British commander-in-chief at New York was ordered to despatch before October, if possible, a thousand men to reinforce Pensacola, and three thousand to take Savannah. Two thousand more were destined as a reinforcement to St. Augustine.

Bancroft, Hist. of the U.S., vol.5, p.290

The new policy was inaugurated by remonstrances from the highest British officials in America, and was followed by never-ending complaints. Lord Carlisle and his associate commissioners deprecated the policy of enfeebling New York by detachments for distant services. "Under these appearances of weakness," so they reported, "our cause has visibly declined." Sir Henry Clinton remonstrated against being "a mournful witness of the debility" of his army "reduced to a starved defensive." Every detachment for the southern campaign was made with sullen reluctance; and his indirect criminations offended the unforgiving minister.

Bancroft, Hist. of the U.S., vol.5, p.290

The use of paper money by the Americans and its ever-accelerated depreciation, and the want of a central government, revived the hope of subjugating them. The United States closed the campaign of 1778 before autumn, for want of money. Paper bills, emitted by congress on its pledge of the faith of each separate state, supported the war in its earliest period. Their decline was hastened by the disasters that befell the American armies. Their value was further impaired by the ignoble stratagem of the British ministers, under whose authority Lord Dunmore and others introduced into the circulation of Virginia and other states a large number of bills counterfeited for the purpose in England. In October 1776, congress, which possessed no independent resources and no powers on which credit could be founded, opened loan offices in the several states, and authorized a lottery. In December it issued five million dollars more in continental bills. In January 1777, when they had sunk to one half of their pretended value, it denounced every person who would not receive them at par as a public enemy, liable to forfeit whatever he offered for sale; and it requested the state legislatures to declare them a lawful tender. This Massachusetts had enacted a month before; and the example was followed throughout the union.

Bancroft, Hist. of the U.S., vol.5, p.290 - p.291

The loan offices exchanged United States paper money at par for certificates of debt bearing six per cent interest. On a hint from Arthur Lee, congress resolved to pay this interest by drawing on its commissioners in Paris for coin, though the commissioners had no funds. The bills were of a very long date; and, before they became due, one dollar in coin was worth six in paper.

Bancroft, Hist. of the U.S., vol.5, p.291

In the middle of November 1776, Massachusetts, which had grown opulent before the war by tolerating no currency but hard money, proposed a convention of committees from the several New England states to consider all questions relating to public credit. Connecticut feared the measure would give umbrage to congress. Upon this, a convention of the New England states, called by Rhode Island under the name of "a council of war," met on Christmas day at Providence. They regulated prices, proposed taxation and loans, and recommended that the states should issue no more paper, "unless in extreme cases." Congress liked their doings so well that, in January 1777, it advised similar conventions of the middle and of the three southernmost states. Striving for the monopoly of paper money, it asked the states to call in their bills, and to issue no more.

Bancroft, Hist. of the U.S., vol.5, p.291

All the measures hitherto suggested having failed of their object, Massachusetts once more took the lead; and, on her invitation, the four New England states and New York met, near the end of July, at Springfield on the Connecticut. With one voice, they found the root of all financial difficulties in the use of irredeemable paper. As the only remedy, they proposed to sink all bills of the states, and to provide alike for their local expenses and those of the war by quarter-yearly taxes. Their example showed how readily the people of the states could come together by their delegates for the purpose of reforming the government; prices rose and bills went down with accelerated speed.

Bancroft, Hist. of the U.S., vol.5, p.291 - p.292

The anxious deliberations of the committee of congress during more than two months at Yorktown, with the report of the Springfield convention before them, produced only a recommendation, adopted in November 1777, that the several states should become creditors of the United States by raising for the continental treasury five millions of dollars in four quarterly instalments, the first payment to be made on the coming New Year's day, and the whole to bear six per cent interest until the final adjustment of accounts, after the confederation should have been ratified. Massachusetts was rated at eight hundred and twenty thousand dollars; Virginia, at eight hundred; Pennsylvania, at six hundred and twenty; Connecticut, at six hundred; New York, rent and ravaged by the war, at two hundred; Delaware and Georgia, each at sixty. A general wish prevailed to respect the recommendation; but most of the states retained their quotas to reimburse themselves for advances; and, besides, they were all weighed down by expenses and obligations of their own.

Bancroft, Hist. of the U.S., vol.5, p.292

Shadowy hopes of foreign loans rose before congress. In December 1777, in advance of treaties of commerce and alliance, the American commissioners in France and Spain were instructed to borrow two million pounds sterling, to be repaid in ten years; and, in February 1778, the commissioner for Tuscany was charged to borrow half as much more. Yet the grand duke of Tuscany would have no relations with the United States; and no power was so ill disposed toward them as the king of Spain.

Bancroft, Hist. of the U.S., vol.5, p.292

To the American people congress wrote in May: "The reasons that your money hath depreciated are, because no taxes have been imposed to carry on the war;" but they did not as yet venture to ask power to levy taxes. On obtaining the king of France for their ally, they authorized drafts on their commissioners in Paris for thirty-one and a half millions of livres at five livres to the dollar, in payment of loan-office certificates, leaving Franklin and his colleagues to meet the bills of exchange as they could. Of continental bills, five millions of dollars were issued in May, as many more in June, and as many more in July. In August, congress devoted two days in the week to the consideration of its finances, but with no better result than to order five millions of dollars in paper in the first week of September, and ten millions more in the last. Certificates of the loan offices were used in great amounts in payment of debts to the separate states, especially to Pennsylvania.

Bancroft, Hist. of the U.S., vol.5, p.292 - p.293

The legalized use of paper money spread its never-failing blight. Trade became a game of hazard. Unscrupulous debtors discharged contracts of long standing in bills worth perhaps but a twentieth of their nominal value. The unwary ran in debt, while cunning creditors waited for payment till the continental bills should cease to be a legal tender.

Bancroft, Hist. of the U.S., vol.5, p.293

The name of Richard Price was dear to every lover of political freedom. He derived his theory of morals from eternal and immutable principles, and his essay on "Liberty," which was read in Great Britain, America, and, through a translation, in Germany, founded the rights of man on the reality of truth and justice. He had devised a scheme for the payment of the British debt. Congress, on the sixth of October, invited him to become their fellow-citizen, and to regulate their finances. The invitation was declined by their illustrious friend; but he gave the assurance that he "looked upon the United States as now the hope, and soon to become the refuge, of mankind."

Bancroft, Hist. of the U.S., vol.5, p.293

From this time congress saw no resource but in such "very considerable loans or subsidies in Europe" as could be expected only from an ally; and, before the end of October, they instructed Franklin "to assure his most Christian majesty they hoped protection from his power and magnanimity." There were those in congress who would not place their country under "protection;" but the word was retained by eight states against Rhode Island and Maryland. Samuel Adams and Lovell of Massachusetts voted for it, but were balanced by Gerry and Holten; Sherman of Connecticut opposed it, but his vote was neutralized by that of Ellsworth. The people of the United States, in proportion to their numbers, were more opulent than the people of France; but the pride that would not consent to an efficient union was willing to ask protection.

Bancroft, Hist. of the U.S., vol.5, p.293 - p.294

The country was looking to the United Provinces for aid; and in December Laurens retired from the office of president of congress, in the expectation of being appointed to negotiate a loan in the Netherlands. Till money could be borrowed, paper was the only resource; and the wants of November and December required an emission of rather more than twenty millions. The debt of the United States, in currency and in certificates, was estimated at one hundred and forty millions. The continental bills already exceeded one hundred and six millions of dollars, and had fallen in value to twenty for one in silver; yet congress maintained "the certainty of their redemption," and resolved—Samuel Adams and six others dissenting—" that any contrary report was false, and derogatory to its honor." To make good the promise, the states were invited to withdraw six millions of paper dollars annually for eighteen years, beginning with the year 1780. The measure was carried by Pennsylvania and the states north of it, against the southern states.

Bancroft, Hist. of the U.S., vol.5, p.294

The expenses of the year 1778, so far as they were defrayed by congress, amounted to sixty-two and a sixth millions in paper money, besides more than eighty-four thousand dollars in specie. Toward the expenses of the coming year, nothing further was done than to invite the states to contribute fifteen millions in paper, equal in Specie to seven hundred thousand dollars; but, as the payments depended on the good-will of each separate state, very little of this moderate assessment reached the national treasury, and there was no resource but in new emissions of notes and loan certificates.

Bancroft, Hist. of the U.S., vol.5, p.294 - p.295

Private reports from American refugees, seeking the favor of the king of England, persuaded Germain that the cause of the United States would share the wreck of their finances; but he knew not how to conciliate provinces that were weary of war, nor to measure the tenacity of the passive resistance of a determined people, and he systematically sought to subdue them by terror. The refugees, emboldened by the powerlessness of congress and embittered by its advice to the several states to confiscate their property, thronged the antechamber of the minister to fire his vengeful passions by their own. In New York there sprung up a double set of counsellors. Clinton repressed the confidence of the secretary of state by faithful reports of the inadequacy of his army: on the other hand, William Franklin, late governor of New Jersey, aiming at the power and emoluments to be derived from an appointment as the head of a separate organization of loyalists, proposed as no difficult task to reduce and retain one of the middle provinces by hanging or exiling all its rebels, and confiscating their estates for the benefit of the friends to government. Wiser partisans of Great Britain reprobated "the desire of continuing the war for the sake of war," and foretold that, should "the mode of devastation be adopted, the friends of government must bid adieu to all hopes of ever again living in America."

Bancroft, Hist. of the U.S., vol.5, p.295

The British gained numerous recruits from immigrants. Cultivated men of the Roman church gave hearty support to the cause of independence; but the great mass of its members, who were then but about one in seventy-five of the population of the United States and were chiefly new comers in the middle states, followed the influence of the Jesuits, in whose hands the direction of the Catholics of the United States still remained, and who cherished hatred of France for her share in the overthrow of their order. In Philadelphia Howe had been able to form a regiment of Roman Catholics. With still better success, Clinton courted the Irish as Irishmen. They had fled from rack-renting landlords to a country which offered them freeholds. By flattering their nationality and their sense of the importance attached to their numbers, Clinton allured them, alike Catholics and Protestants, to a combination directly adverse to their own interests, and raised for Lord Rawdon a large regiment in which officers and men, including nearly five hundred deserters from the American army, were exclusively Irish.

Bancroft, Hist. of the U.S., vol.5, p.295

Yet the British general lagged far behind the requirements of Germain, who counted upon ten thousand provincial levies, and wished "a manner of war better calculated to make the people feel their distresses." The king believed that "the colonies must soon sue to the mother country for pardon." But Clinton, obeying peremptory instructions, before the end of the year most reluctantly detached three thousand men for the conquest of Georgia, and ten regiments for service in the West Indies. His supplies of meat and bread, for which he depended on Europe, were precarious; his military chest was empty; and the inhabitants of New York, mindful of the hour when the city would be given up, were unwilling to lend him their specie. "I do not complain," so he wrote in December to the secretary of state; "but, my lord, do not let anything be expected of one circumstanced as I am."

Bancroft, Hist. of the U.S., vol.5, p.295 - p.296

On the other hand, America, notwithstanding the want of efficient government, set no narrow bounds to its aspirations. Samuel Adams, uttering the popular sentiment, wrote from Philadelphia: "I hope we shall secure to the United States Canada, Nova Scotia, Florida too, and the fishery, by our arms or by treaty. We shall never be on a solid footing till Great Britain cedes to us, or we wrest from her, what nature designs we should have."

Bancroft, Hist. of the U.S., vol.5, p.296

From Boston, d'Estaing, in the name of his king, had summoned the Canadians to throw off British rule; Lafayette, in December, exhorted "his children, the savages of Canada," to look upon the English as their enemies. Thus encouraged, congress, without consulting a single military man, formed a plan for the "emancipation of Canada" in co-operation with an army of France. One American detachment from Pittsburg was to capture Detroit; another from Wyoming, Niagara; a third from the Mohawk river, to seize Oswego; a fourth from New England, by way of the St. Francis, to enter Montreal; a fifth to guard the approaches from Quebec; while to France was assigned the office of reducing Quebec and Halifax. Lafayette would willingly have used his influence at Versailles in favor of the enterprise; but Washington showed how far the part reserved for the United States went beyond their resources.

Bancroft, Hist. of the U.S., vol.5, p.296

The spirit of independence grew in strength. In almost all parts of the country the inhabitants were left to plough and plant, to sow and reap, without fear. On the plantations of Virginia the abundant products of labor were heaped up for exportation along the banks of her navigable waters. In all New England, seed-time and harvest had not failed; and the ports of Massachusetts grew opulent by commerce.

Bancroft, Hist. of the U.S., vol.5, p.296 - p.297

For want of a government, this boundless hope of a young and resolute people could have no support in organized forces. The army, of which the head-quarters were at Middlebrook, was encamped for the winter so as to form a line of observation and defence from the Connecticut shore of Long Island Sound to the Delaware. For the convenience of forage, the four regiments of cavalry were distributed among the states from Connecticut to Virginia. The troops were hutted as at Valley Forge; they suffered extreme distress for want of food; but, through importations from France, they were better clad than ever before. Officers in great numbers were quitting the service from absolute necessity, and those who remained were sinking into poverty; while the men grew impatient under their privations and want of pay.

Bancroft, Hist. of the U.S., vol.5, p.297

And yet the British made no progress in recovering their colonies. Incalculable energy lay in reserve in the states and in their citizens individually. Though congress possessed no effective means of strengthening the regular army, there could always be an appeal to the militia, who were the people in arms. The strength of patriotism, however it might seem to slumber, was ready to break forth in every crisis of danger. The people never lost buoyant self-reliance, nor the readiness to make sacrifices for the public good.

Bancroft, Hist. of the U.S., vol.5, p.297 - p.298

Congress brought forward no proposition to clothe the union with powers of coercion, and by choice devolved the chief executive power upon their constituents. To the separate states it was left to enforce the embargo on the export of provisions; to sanction the seizure of grain and flour for the army at established prices; to furnish, and in great part to support, their quotas of troops; and to collect the general revenue, so far as its collection was not voluntary. Each state government was dearer to its inhabitants than the general government; the one was excellent, the other inchoate and incompetent. The former was sanctified by the memories and attachments of generations; the latter had no associations with the past, no traditions, no inherited affection. The states had power which they exercised to raise taxes, to pledge and keep faith, to establish order, to administer justice through able and upright and learned courts, to protect liberty and property and all that is dear in social life; the chief acts of congress were only propositions and promises. The states were everywhere represented by civil officers in their employ; congress had no magistrates, no courts, no executive agents of its own. The tendency of the general government was toward utter helplessness; so that, not from intention, but from the natural course of political development, the spirit and the habit of separatism grew with every year. In July 1776, the United States declared themselves to have called a "people" into being; at the end of 1778, congress knew no "people of the United States" but only "inhabitants." The name of "the United States" began to give place to that of "the Confederated States," even before the phrase could pretend to historic validity. The attempt to form regiments directly by the United States completely failed; and each state maintained its separate line. There were thirteen distinct sovereignties and thirteen armies, with scarcely a symbol of national unity except in the highest offices.

Bancroft, Hist. of the U.S., vol.5, p.298

From the height of his position, Washington was the first keenly to feel and clearly to declare that efficient power must be infused into the general government. To Benjamin Harrison, the president of the house of burgesses of Virginia, he wrote from the camp in December 1778: "The states separately are too much engaged in their local concerns, and have too many of their ablest men withdrawn from the general council for the good of the common weal. Our political system may be compared to the mechanism of a clock, and we should derive a lesson from it; for it answers no good purpose to keep the smaller wheels in order if the greater one, which is the support and prime mover of the whole, is neglected. If the great whole is mismanaged, the states individually must sink in the general wreck; in effecting so great a revolution, the greatest abilities and the most honest men our American world affords ought to be employed." He saw "America on the brink of" destruction; her "common interests, if a remedy were not soon to be applied, mouldering and sinking into irretrievable mill." "Where," he asked, "are Mason, Wythe, Jefferson, Nicholas, Pendleton, Nelson, and another I could name?" He pleaded for "the momentous concerns of an empire," for "the great business of a nation." "The states, separately," such were his words, "are too much engaged in their local concerns;" and he never ceased his efforts, by conversation and correspondence, to train the statesmen of America, especially of his beloved native commonwealth, to the work of constructing the real union of the states.

Chapter 20:

The King of Spain Baffled by the Backwoodsmen of Virginia,

1778-1779

Bancroft, Hist. of the U.S., vol.5, p.299

THE Catholic king, whose public debt a large annual deficit was rapidly increasing, recoiled from war, and, above all, from a war which was leading to the irretrievable ruin of the old colonial system.

Bancroft, Hist. of the U.S., vol.5, p.299 - p.300

The management of its foreign dependencies—colonies they could not properly be named, nor could Spain be called their mother country—was to that kingdom an object of never-sleeping suspicion, heightened by a consciousness that the task of governing them was beyond its ability. The total number of their inhabitants greatly exceeded its own. By their very extent, embracing, at least in theory, all the Pacific coast of America, and all the land west of the Mississippi and all Louisiana, it could have no secure feeling of their subordination. The remoteness of the provinces on the Pacific still more weakened its supremacy, which was nowhere confirmed by a common language or affinities of race; by the joint possession of political rights, or inbred loyalty. The connection between rulers and ruled was one of force alone; and the force was feeble and precarious. Distrust marked the policy of the home government, even toward those of its officials who were natives of Spain; still more toward the Creoles, as the offspring of Spaniards in America were called. No attempt had been made to bind the mind of the old races, except through the Roman religion, which was introduced by the sword and maintained by methods of superstition. There was, perhaps, never a time when the war-cry of some one of the semi-barbarous nations who formed the bulk of the population was not somewhere heard. The restraints on commerce provoked murmurs and frauds.

Bancroft, Hist. of the U.S., vol.5, p.300

Moreover, all the world was becoming impatient that so large a portion of the globe should be monopolized by a decrepit dynasty. The Dutch and the British and the French sought opportunities of illicit trade. The British cut down forest-trees, useful in the workshop and the dye-house, and carried them off as unappropriated products of nature.

Bancroft, Hist. of the U.S., vol.5, p.300

To these dangers Charles III had added another by making war to the death on the so called company of Jesus. Of the prelates of Spain, seven archbishops and twenty-eight bishops, two thirds of them all approved the exile of the order from his dominions, and recommended its total dissolution; while only one bishop desired to preserve it without reform. With their concurrence, and the support of France and Portugal, he extorted the assent of the pope to the abolition of the order. On the second of April 1767, at one and the same hour in Spain, in the north and south of Africa, in Asia, in America, in all the islands of the monarchy, the royal decree was opened by officials of the crown, enjoining them immediately to take possession of its houses, to chase its members from their convents, and within twenty-four hours to transport them as prisoners to some appointed harbor. In Spain the Jesuit priests, without regard to their birth, education, or age, were sent on board ships to land where they could. The commands were executed less perfectly in Mexico and California, and still less so along the South Pacific coast and the waters of the La Plata.

Bancroft, Hist. of the U.S., vol.5, p.300 - p.301

But the power of Spain in America had rested in a great measure on the unwearied activity of the Jesuits as missionaries and teachers and organizers of the native population. Their banishment weakened her authority over Spanish emigrants, and confused the minds of the rude progeny of the aborigines. In Paraguay, where Spanish supremacy had rested alone on Jesuits who had held in their hands all the attributes of Caesar and pope, of state and church, the revolution made a fracture that never could be healed. The independence of the United States threatened a very real danger in all the boundless vice-royalties of Spain. As they had been won by adventurous leaders, so a priest, an aboriginal chief, a descendant of an Inca, night waken any of them to defy the Spanish rule. Jesuits might find shelter among their neophytes, and reappear as the guides of rebellion. One of their order has written: "When Spain tore evangelical laborers away from the colonies, the breath of independence agitated the New World, and God permitted it to detach itself from the Old."

Bancroft, Hist. of the U.S., vol.5, p.301

The United States did not merely threaten to hold the left bank of the Mississippi; but, as epidemic disease leaps mysteriously over mountains and across oceans, spores of discontent might be unaccountably borne to the many-tongued peoples of South America. Alluring promises of weakening Britain could soothe Florida Blanca no more; and, from the time when the court of France resolved to treat with the Americans, his prophetic fears were never allayed.

Bancroft, Hist. of the U.S., vol.5, p.301

Early in the year 1778 Juan de Miralez, a Spanish emissary, appeared in Philadelphia. Not accredited to congress, for Spain would not recognise that body, he looked upon the rising republic as a natural enemy to his country; and through the French minister, with whom he had as yet no authorized connection, he sought to raise up obstacles to its progress. He came as a spy and an intriguer; nevertheless, congress, with unsuspecting confidence, welcomed him as the representative of an intended ally.

Bancroft, Hist. of the U.S., vol.5, p.301 - p.302

Count Montmorin, the French ambassador at Madrid, had in his childhood been a playmate of the king of France, whose friendship he retained. As a man of honor, he desired to deal fairly with the United States, and he watched with impartiality the politics of the Spanish court. On learning from him the separate determination of France to support the United States, Florida Blanca quivered in every limb and could hardly utter a reply. Ever haunted by the spectres of contraband trade, and of territorial encroachments, he was appalled at the example of the Americans as insurgents, and the colossal greatness which their independence foretold. With these apprehensions he combined a subtle jealousy of the good faith of the French, who, as a colonial power, were reduced to the lowest rank among the nations of western Europe, and who could recover their share in commerce only through the ruin of colonial monopoly.

Bancroft, Hist. of the U.S., vol.5, p.302

When, in April, the French ambassador pressed Florida Blanca to declare at what epoch Spain would engage in the war, the minister, beside himself width passion, exclaimed: "I will take the opinion of the king. Since April of last year France has gone counter to our advice. The king of Spain seems to be looked upon as a viceroy, whom you put questions as if for his opinion, and then send orders. The American deputies are treated like the Roman consuls, to whom the kings of the East came to beg support. The announcement of your treaty with them is worthy of Don Quixote." The first wish of Spain was to prevent the self-existence of the United States, and, as mediator, to dictate the terms of their accomodation with their mother country; if this was no longer possible, she hoped to be able to concert in advance with England how, in the negotiation for peace, to narrow their domain and erect barriers against their ambition. No sooner had Louis XVI and his council resolved to brave England than they made it their paramount object to reconcile the Spanish king to their measures. His need of protection, his respect for the elder branch of his family, and some remnants of rancor against England, concurred to bind him to the alliance with France. Moreover, Florida Blanca, who from the drudgery of a provincial attorney had risen to be the chief minister of a world-wide empire, had a passion to be famous in his own time and in history, and was therefore willing to join France in the war, if he could but secure Spain against the United States. Avoiding an immediate choice between peace and war, he demanded the postponement of active hostilities in European waters that he might gain free scope for treating with England. Britain was unprepared. The French were ready for action; yet they consented to wait for Spain.

Bancroft, Hist. of the U.S., vol.5, p.302 - p.303

To ascertain the strength of the fleet at Brest, a British fleet of twenty ships of the line put to sea under Admiral Keppel, so well known to posterity by the pencil of Reynolds and the words of Burke. On the seventeenth of June, meeting two French frigates near the island of Ouessant, Keppel gave orders that they should bring to. They refused. One of them, being fired into, discharged its broadside and then lowered its flag; the other escaped. The French government, no longer able to remain inactive, authorized the capture of British merchantmen; and early in July its great fleet sailed out of Brest. Keppel put to sea once more. On the twenty-seventh the two admirals, each having thirty men-of-war in three divisions and each professing the determination to fight a decisive battle, met off Ouessant. D'Orvilliers was better fitted for a monastery than for the quarter-deck; and the British admiral wanted ability for so great a command. After an insignificant action, in which neither party lost a ship, the French returned to Brest, the British to Portsmouth. The French army encamped in Normandy under the Count de Broglie, as if to invade England, and wasted the season in cabals. In India, Chandernagor on the Hoogley surrendered to the English without a blow; the governor of Pondicherry, with a feeble garrison and weak defences, maintained a siege of seventy days in the vain hope of relief. The flag of the Bourbons disappeared from the gulf and sea of Bengal, and from the coast of Malabar.

Bancroft, Hist. of the U.S., vol.5, p.303

Florida Blanca proposed to the British minister at Madrid to obtain a cessation of hostilities in order to establish and perpetuate an equilibrium on the continent of America. This was an offer to secure to England the basin of the St. Lawrence, with the territory north-west of the Ohio, and to bound the United States by the Alleghanies. Lord Weymouth answered "that, while France supported the colonies in rebellion, no negotiation could be entered into;" but, as both Great Britain and Spain were interested in preserving colonial dependency, he invited Spain to an alliance.

Bancroft, Hist. of the U.S., vol.5, p.303 - p.304

Spain was unprepared for war; her ships were poorly armed; her arsenals ill supplied; and few of her naval officers were skilful: yet Florida Blanca threw out hints to France that he would in October be ready for action, if she would undertake a descent into England. To the British proposal of an alliance he returned a more formal offer of mediation between the two belligerents, with the avowal that the king of Spain would be forced to choose his part if the war should be continued.

Bancroft, Hist. of the U.S., vol.5, p.304

Weymouth, in October, warning Spain of the fatal consequence to the Spanish monarchy of the independence of the United States, put the proposal aside. Yet Florida Blanca continued to fill the courts of Europe with the declaration that Spain would never precede England in recognising the separate existence of her colonies.

Bancroft, Hist. of the U.S., vol.5, p.304

In this state of the relations between the three great powers, congress, tired of the dissensions of rival commissioners, on the fourteenth of September, with the cordial approval of John Adams, abolished the joint commission and appointed Franklin their minister plenipotentiary at the court of France. In him the interests of the United States obtained a serene and wakeful guardian, who penetrated the wiles of the Spanish government, and knew how to unite fidelity to the French alliance with timely vindication of the rights of America.

Bancroft, Hist. of the U.S., vol.5, p.304

"I observe with pain," so reported Count Montmorin in October, and so he was obliged continually to report of the younger branch of the house of Bourbon, "that this government singularly fears the prosperity and progress of the Americans; and will be much inclined to stipulate for such a form of independence as may leave divisions between England and her colonies." To this end Florida Blanca wished England to retain Canada and Nova Scotia, that they might prove a perennial source of quarrels between the British and the Americans. "On our side," wrote Vergennes simultaneously, "there will be no difficulty in guaranteeing to England Canada and all other American possessions which may remain to her at the peace. The king has recognised the thirteen provinces as free and independent states; for them we ask independence, but without comprehending other English possessions. We are very far from desiring that the nascent republic should remain the exclusive mistress of all that immense continent."

Bancroft, Hist. of the U.S., vol.5, p.304 - p.305

The French minister at Philadelphia zealously urged members of congress to renounce every ambition for an increase of territory. Gouverneur Morris assented to the necessity of a law for setting a limit to American dominion. "Our empire," said Jay, then president of congress, "is already too great to be well governed; and its constitution is inconsistent with the passion for conquest;" and as he smoked his pipe at the house of Gerard he warmly commended the triple alliance of France, the United States, and Spain.

Bancroft, Hist. of the U.S., vol.5, p.305

From the study of their forms of government, Vergennes represented to Spain that "there was no ground for seeing in this new people a race of conquerors. Their republic," he said, "unless they amend its defects, which from the diversity and even antagonism of their interests appears to me very difficult, will never be anything more than a feeble body, capable of little activity." To allay the fears of Florida Blanca, Vergennes, in October, without demanding the like confidence from Spain, enumerated as the only conditions which France would exact for herself at the peace: the treaty of Utrecht wholly continued or wholly abrogated; freedom to restore the harbor of Dunquerque; the coast of Newfoundland from Cape Bonavista to Cape St. John, with the exclusive fishery from Cape Bonavista to Point Riche.

Bancroft, Hist. of the U.S., vol.5, p.305 - p.306

From this time Florida Blanca was in earnest in wishing Spain to take part in the war. But his demands, in comparison with the moderation of France, were so extravagant that he was ashamed himself to give them utterance; and in November, saying that the king of Spain could not be induced to engage in the war except for great objects, he requested Vergennes to suggest to him the advantages which France would bind itself to secure to Spain before listening to propositions for peace. To Montmorin he verbally explained his demands in both hemispheres. As to Europe, he said: "Without Gibraltar, I will never consent to a peace." "How are you to gain the place?" asked Montmorin; and he replied: "By siege it is impossible; Gibraltar must be taken in Ireland or in England." Montmorin rejoined: "The English must be reduced very low before they can cede Gibraltar, unless the Spaniards first get possession of it." "If our operations succeed," answered Florida Blanca, "England will be compelled to subscribe to the law that we shall dictate." At the same time he frankly avowed that France must undertake the invasion of Great Britain alone; even the junction of the fleets to protect the landing must be of short duration.

Bancroft, Hist. of the U.S., vol.5, p.306

Early in February 1779, Lafayette, after a short winter passage from Boston to Brest, rejoincd his family and friends. His departure for America in the preceding year, against the command of his king, was atoned for by a week's exile to Paris, and confinement to the house of his father-in-law. The king then received him at Versailles with a gentle reprimand; the queen addressed him with eager curiosity: "Tell us good news of our dear republicans, of our beloved Americans." His fame, his popularity, the influence of his rank, were all employed in behalf of the United States. Accustomed to see great interests sustained by small means, he grudged the prodigality which expended on a single festival at court as much as would have equipped the American army. "To clothe it," said Maurepas, "he would be glad to strip Versailles." He found a ministry neglecting the main question of American independence, and half unconscious of being at war. Public opinion in France had veered about, and everybody clamored for peace, which was to be hastened by the active alliance with Spain.

Bancroft, Hist. of the U.S., vol.5, p.306 - p.307

All the while the Spanish government, in its intercourse with England, sedulously continued its offers of mediation. Lest its ambassador at London should betray the secret, he was kept in the dark. Lord Grantham, the British ambassador at Madrid, was completely hoodwinked; and wrote home in January 1779: "I really believe this court is sincere in wishing to bring about a pacification." At the end of March the king of England still confided in the neutrality of Spain. Acting from her own interests alone, Spain evaded the question of American independence, and offered England her mediation on the basis of a truce of twenty-five or thirty years, to be granted by the king of England with the concurrence of Spain and France. This offer called forth the most earnest expostulations of Vergennes, till Lord Weymouth put it aside; for he held that, if independence was to be conceded to the new states, it must be conceded "directly to congress, that it might be made the basis of all the advantages to Great Britain which so desirable an object might seem to be worth." England, in establishing its relations with America, whether as dependencies or as states, reserved to itself complete freedom.

Bancroft, Hist. of the U.S., vol.5, p.307

Meantime, Vergennes, on the twelfth of February, forwarded the draft of a convention which yielded to Spain all that she required, except that its fourth article maintained the independence of the United States. "In respect to this," he wrote, "our engagements are precise, and it is not possible for us to retract them. Spain must share them, if she makes common cause with us." Yet the article was persistently cavilled at, as in itself useless, and misplaced in a treaty of France with Spain; and Florida Blanca remarked with ill-humor how precisely the treaty stipulated "that arms should not be laid down" till American independence should be obtained, while it offered only a vague promise "of every effort " to procure the objects in which Spain was interested. "Efface the difference," answered Montmorin, "and employ the same expressions for both stipulations." The Spanish minister caught at the unwary offer, and in this way it was agreed that peace should not be made without the restoration of Gibraltar. Fired by the prospect which now opened before him, the king of Spain pictured to himself the armies of France breaking in upon the English at their firesides; and Florida Blanca said to Montmorin: "The news of the rupture must become first known to the world by a landing in England. With union, secrecy, and firmness, we shall be able to put our enemies under our feet; but no decisive blow can be struck at the English except in England itself."

Bancroft, Hist. of the U.S., vol.5, p.307

All this time the Spanish minister avoided fixing the epoch for joint active measures. "The delay," said Vergennes, "can be attributed only to that spirit of a pettifogger which formed the essence of his first profession. I cry out less at his repugnance to guarantee American independence; to suitable concessions from the Americans we assuredly make no opposition."

Bancroft, Hist. of the U.S., vol.5, p.307 - p.308

Discussing with Montmorin the article relating to the Americans, Florida Blanca said: "The king, my master, will never acknowledge their independence, until the English themselves shall be forced to recognise it by the peace. He fears the example which he should otherwise give to his own possessions." "As well acknowledge their independence as accord them assistance," began Montmorin; but the minister cut him short, saying: "Nothing will come of your insisting on this article."

Bancroft, Hist. of the U.S., vol.5, p.308

Now that no more was to be gained, Florida Blanca made a draft of a convention, and suddenly presented it to Montmorin. A few verbal corrections were agreed upon, and on the evening of the twelfth of April the treaty was signed.

Bancroft, Hist. of the U.S., vol.5, p.308

By its terms, France bound herself to undertake the invasion of Great Britain or Ireland; if she could drive the British from Newfoundland, its fisheries were to be shared only with Spain. For trifling benefits to be acquired for herself, she promised to use every effort to recover for Spain Minorca, Pensacola and Mobile, the bay of Honduras and the coast of Campeachy; and the two courts bound themselves not to grant peace, nor truce, nor suspension of hostilities, until Gibraltar should be restored.

Bancroft, Hist. of the U.S., vol.5, p.308

This convention of France with Spain modified the treaty between France and America. The Americans were not bound to continue the war till Gibraltar should be taken; still less, till Spain should have carried out a policy hostile to their interests. They gained the right to make peace whenever Great Britain would recognise their independence.

Bancroft, Hist. of the U.S., vol.5, p.308 - p.309

The Mississippi river is the guardian and the pledge of the union of the states of America. Had they been confined to the eastern slope of the Alleghanies, there would have been no geographical unity between them, and the thread of connection between states that merely fringed the Atlantic must soon have been sundered. The father of rivers gathers his waters from all the clouds that break between the Alleghanies and the farthest ranges of the Rocky Mountains. The ridges of the eastern chain bow their heads at the North and at the South; so that, long before science became the companion of man, nature herself pointed out to the barbarous races that short portages join his tributary rivers to those of the Atlantic coast. At the other side, his mightiest arm interlocks with arms of the Oregon and the Colorado, and marshals highways to the Pacific. As from the remotest springs he bears many waters to the bosom of the ocean, the myriads of flags that wave above them are the ensigns of one people. States larger than kingdoms flourish where he passes; and, beneath his step, cities start into being, more marvellous in their reality than the fabled creations of enchantment. His magnificent valley, lying in the best part of the temperate zone, salubrious and fertile, IS the chosen muster-ground of the most various elements of human culture brought together by men, summoned from all the civilized nations of the earth and joined in the bonds of common citizenship by the attraction of republican freedom. Now that science has come to be the household friend of trade and commerce and travel, and that nature has lent to wealth and intellect the use of her constant forces, the hills, once walls of division, are scaled or pierced or levelled; and the two oceans, between which the republic has unassailably intrenched itself against the outward world, are bound together across the continent by friendly links of iron.

Bancroft, Hist. of the U.S., vol.5, p.309

From the great destiny foretold by the possession of that river and the lands which it drains, the Bourbons of Spain, hoping to act in concert with Great Britain as well as France, would have shut out the United States even on its eastern side.

Bancroft, Hist. of the U.S., vol.5, p.309 - p.310

While the absolute monarch of the Spanish dominions and his minister thought to exclude the republic from the valley of the Mississippi, a power emerged from its forests to bring their puny policy to nought. An enterprise is now to be recorded which, for the valor of the actors, their fidelity to one another, the seeming feebleness of their means, and the great result of their hardihood, remains forever memorable in the history of the world. On the sixth of June 1776, the emigrants to the region west of the Louisa river, at a general meeting in Harrodston, elected George Rogers Clark, then midway in his twenty-fourth year, and one other, to represent them in the assembly of Virginia, with a request that their settlements might be constituted a county. Before they could cross the mountains, the legislature of Virginia had declared independence, established a government, and adjourned. In a later session they were not admitted to seats in the house; but on the sixth of December 1776 the westernmost part of the state was incorporated by the name of "the county of Kentucky." As Clark on his return descended the Ohio, he brooded over the conquest of the land to the north of the river. In the summer of 1777 he sent two young hunters to reconnoitre the French villages in Illinois and on the Wabash.

Bancroft, Hist. of the U.S., vol.5, p.310

In the latter part of 1777 Clark took leave of the woodsmen of Kentucky and departed for the East. To a few at Williamsburg, of whom no one showed more persistent zeal than George Mason and Thomas Jefferson, he proposed a secret expedition to the Illinois. Patrick Henry, the governor, made the plan his own; and, at his instance, the house of delegates, by a vote of which "few knew the intent," empowered him to aid "any expedition against their western enemies." On the second of January 1778, Clark received from the governor and council a supply of money, liberty to levy troops in any county of Virginia, and written and verbal instructions, clothing him with large discretionary authority to attack the British dominion on the Illinois and the Wabash. Hastening to the frontier, he established recruiting parties from the head of the Ohio to the Holston. At Redstone-old-fort, with the cordial aid of Hand, its commander, he collected boats, light artillery, and ammunition. It was probably there that he met with Captain William Harrod and his company. There, too, he was overtaken by Captain Leonard Helm of Fauquier, and by Captain Joseph Bowman of Frederic, each with less than half a company. These and the adventurers of his own enlistment, together only one hundred and fifty men, but all of a hardy race, self-relying, and trusting in one another, he was now to lead near a thousand miles from their former homes against a people who exceeded them in number and were aided by merciless tribes of savage allies. At Fort Kanawha, in May, they were reinforced by Captain O'Hara and his company. On the day of an eclipse of the sun they glided over the falls of the Ohio, below which they were "joined by a few Kentuckians" under John Montgomery. On the twenty-sixth of June, Clark and his companions, Virginians in the service of Virginia, set off from the falls, and, with oars double-manned, proceeded night and day on their ever-memorable enterprise.

Bancroft, Hist. of the U.S., vol.5, p.310 - p.311

From Detroit, Hamilton, the lieutenant-governor, sent a broad along the American frontier parties of savages, whose reckless cruelty won his applause; and he schemed attempts against the "rebel forts on the Ohio," relying on the red men of the prairies and the white men of Vincennes. The reports sent to Germain made him believe that the inhabitants of that settlement, though "a poor people who thought themselves cast off from his majesty's protection, were firm in their allegiance to defend it against all enemies," and that hundreds in Pittsburg remained at heart attached to the crown.

Bancroft, Hist. of the U.S., vol.5, p.311

On the invasion of Canada in 1775, Carleton, to strengthen the posts of Detroit and Niagara, had withdrawn the small British garrison from Kaskaskia, and the government was left in the hands of Rocheblave, a Frenchman, who had neither troops nor money. "I wish," he wrote in February 1778," the nation might come to know one of its best possessions, and consent to give it some encouragement; and he entreated Germain that a lieutenant-governor might be despatched with a company of soldiers to reside in Illinois.

Bancroft, Hist. of the U.S., vol.5, p.311

Apprised of the condition of Kaskaskia by a band of hunters, Clark ran his boats into a creek a mile above Fort Massac, reposed there but for a night, and struck across the hills to the great prairie. On the treeless plain his party, "in all about one hundred and eighty," could be seen for miles around by nations of Indians, able to fall on them with three times their number; yet they were in the highest spirits; and "he felt as never again in his life a flow of rage," an intensity of will, a zeal for action. Approaching Kaskaskia on the fourth of July 1778, in the darkness of evening he surprised the town, and without bloodshed seized Rocheblave, the commandant. The inhabitants gladly bound themselves to fealty to the United States. A detachment under Bowman was despatched to Kahokia, and received its submission. The people, of French origin and few in number, were averse to the dominion of the English; and this disaffection was confirmed by the American alliance with the land of their ancestors.

Bancroft, Hist. of the U.S., vol.5, p.311 - p.312

In a long conference, Gibault, a Catholic priest, dissuaded Clark from moving against Vincennes. His own offer of mediation being accepted, he, with a small party, repaired to the post; and its people, having listened to his explanation of the state of affairs, went into the church and took the oath of allegiance to the United States. The transition from the condition of subjects of a king to that of integral members of a free state made them new men. Planning the acquisition of the whole north-west, they sent to the Indians on the Wabash five belts: a white one for the French; a red one for the Spaniards; a blue one for America; and for the Indian tribes a green one as an offer of peace, and one of the color of blood if they preferred war, with this message: "The king of France is come to life. We desire you to leave a very wide path for us to pass through your country to Detroit, for we are many in number and we might chance to hurt some of your young people with our swords."

Bancroft, Hist. of the U.S., vol.5, p.312

To dispossess the Americans of the Illinois country and Vincennes, on the seventh of October Lieutenant-Governor Hamilton left Detroit, with regulars and volunteers, and three hundred and fifty warriors picked by their chiefs out of thirteen different nations. On the seventeenth of December he took possession of Fort Vincennes without opposition; and the inhabitants of the town returned to their subjection to the British king. After this exploit he contented himself for the winter with sending out parties; but he announced to the Spanish governor his purpose early in the spring to recover Illinois; and, confident of receiving reinforcements, be threatened that, if the Spanish officers should afford an asylum to rebels in arms against their lawful sovereign, he would invade their territory and seize the fugitives.

Bancroft, Hist. of the U.S., vol.5, p.312

Hamilton was methodical in his use of Indians. He gave standing rewards for scalps, but offered none for prisoners. His continuous parties, of Indian and white volunteers, spared neither men nor women nor children. In the coming year he promised that as early as possible all the different nations, from the Chickasas and Cherokees to the Hurons and Five Nations, should join in the expeditions against Virginia; while the lake Indians from Mackinaw, in conjunction with white men, agreed to destroy the few rebels in Illinois. He sent out detachments to watch Kaskaskia and the falls of the Ohio, and to intercept any boats that might venture up that river with supplies for the rebels. He never doubted his ability to reduce all Virginia west of the mountains.

Bancroft, Hist. of the U.S., vol.5, p.313

In 1779, danger hovered from every quarter over Clark and his party in Illinois. He had not received a single line from the governor of Virginia for near twelve months; his force was too small to stand a siege; his position too remote for assistance. By his orders, Bowman of Kentucky joined him, after evacuating the fort at Kahokia, and preparations were made for the defence of Kaskaskia. Just then Francis Vigo, by birth an Italian of Piedmont, a trader of St. Louis, arrived from Vincennes and gave information that Hamilton had weakened himself by sending out hordes of Indians; that he had not more than eighty soldiers in garrison, nor more than three pieces of cannon and some swivels mounted; but that he intended to collect in spring a sufficient number of men to clear the west of the Americans before the fall.

Bancroft, Hist. of the U.S., vol.5, p.313

With a courage as desperate as his situation, Clark resolved to attack Hamilton before he could call in his Indians. On the fourth of February he despatched a small galley, mounting two four-pounders and four swivels, and carrying a company of men and military stores under Captain John Rogers, with orders to ascend the Wabash, take a station a few miles below Vincennes, suffer nothing to pass, and await further instructions. Of the young men of Illinois, thirty volunteered to be the companions of Clark; the rest he imbodied to garrison Kaskaskia and guard the different towns. On the seventh of February he began his march across the country with one hundred and thirty men. The inclemency of the season, high water, and "the drowned lands" of the Wabash river, which they were forced to pass through, threatened them with ruin.

Bancroft, Hist. of the U.S., vol.5, p.313

At this time Hamilton was planning murderous expeditions. He wrote: "Next year there will be the greatest number of savages on the frontier that has ever been known, as the Six Nations have sent belts around to encourage their allies, who have made a general alliance."

Bancroft, Hist. of the U.S., vol.5, p.313 - p.314

On the twenty-third, just at evening, Clark and his companions reached dry land, and, making no delay, with a white flag flying, they entered Vincennes at the lower end of the village. The town surrendered without resistance, and assisted in the siege of the fort, which was immediately invested. The moon was new, and in the darkness Clark threw up an intrenchment within rifle-shot of the fort. Under this protection the riflemen silenced two pieces of cannon, and, before the close of the twenty-fourth, Hamilton and his garrison surrendered as prisoners of war.

Bancroft, Hist. of the U.S., vol.5, p.314

A large supply of goods for the British force was on its way from Detroit. Sixty men, despatched by Clark in boats well mounted with swivels, surprised the convoy forty leagues up the river, and made a prize of the whole, taking forty prisoners. The joy of the men of the North-west was completed by the return of their messenger from Virginia, bringing from the house of assembly its votes of October and November 1778 establishing the county of Illinois, and "thanking Colonel Clark and the brave officers and men under his command for their extraordinary resolution and perseverance, and for the important services which they had thereby rendered their country."

Bancroft, Hist. of the U.S., vol.5, p.314

Since the time of that vote they had undertaken a far more hazardous enterprise, and had obtained permanent "possession of all the important posts and settlements on the Illinois and Wabash, rescued the inhabitants from British dominion, and established civil government"in its republican form.

Bancroft, Hist. of the U.S., vol.5, p.314

The conspiracy of the Indians embraced those of the South. Early in the year 1779, Cherokees and warriors from every hostile tribe south of the Ohio, to the number of a thousand, assembled at Chickamauga. To restrain their ravages, which had extended from Georgia to Pennsylvania, the governments of North Carolina and Virginia appointed Evan Shelby to command about a thousand men, called into service chiefly from the settlers beyond the mountains. To these were added a regiment of twelve-months men that had been enlisted for the reinforcement of Clark in Illinois. Their supplies and means of transportation were due to the unwearied and unselfish exertions of Isaac Shelby. In the middle of April, embarking in pirogues and canoes at the mouth of Big Creek, they descended the river so rapidly as to surprise the savages, who fled to the hills and forests. They were pursued, and some of their warriors fell; their towns were burnt, their fields laid waste, and their cattle driven away.

Bancroft, Hist. of the U.S., vol.5, p.315

For the rest of the year 1779 the western settlements enjoyed peace; and the continuous flow of emigration through the mountains to Kentucky and the country on the Holston so strengthened them, that they were never again in danger of being broken up by any alliance of the savages with the British. The prowess of the people west of the Alleghanies, where negro slavery had not yet been introduced and every man was in the full possession of a wild but self-restrained liberty, fitted them for self-defence. In this year James Robertson, with a band of hunters, took possession of the surpassingly fertile country on the Cumberland river.

Bancroft, Hist. of the U.S., vol.5, p.315

The regiment designed for the support of Clark had been diverted, and thus the British gained time to reinforce and fortify Detroit. But Jefferson, then governor of Virginia, gave instructions to occupy a station on the Mississippi, between the mouth of the Ohio and the parallel of thirty-six degrees, thirty minutes; and, in the spring of 1780, Clark, choosing a strong and commanding situation five miles below the mouth of the Ohio, established Fort Jefferson as the watch on the father of rivers.

Bancroft, Hist. of the U.S., vol.5, p.315

In the summer of 1778, news was received of the conquest of the British settlements on the lower Mississippi. James Willing of Philadelphia, a captain in the service of the United States, left that city with about twenty-seven men, who grew to be more than a hundred at Fort Pitt and on the rivers. On the evening of the nineteenth of February 1778, they arrived at the Natchez landing, and early the next morning sent out several parties, who almost at the same moment made the inhabitants prisoners of war on parole, hoisted the colors of the United States, and in their name took possession of the country. The British agents, who had taken part in stimulating the south-western savages to prowl on the American frontiers, escaped in terror and in haste.

Bancroft, Hist. of the U.S., vol.5, p.315 - p.316

The friendly planters, left unprotected and fearing the confiscation of their property, proposed terms of accommodation, which Willing readily accepted. On the twenty-first, they formally promised on their part in no way to give assistance to the enemies of America, and in return received the assurance of protection during their neutrality. From this agreement were excepted all public officers of the crown of Great Britain. The property of British officers and non-residents was confiscated, and all the eastern side of the river was cleared of loyalists.

Bancroft, Hist. of the U.S., vol.5, p.316

From Pittsburg and Kaskaskia to the Spanish boundary of Florida the United States in 1779 were alone in possession of the Ohio and the left bank of the Mississippi. Could Charles III of Spain stop the onward wave of the backwoodsmen? The legislature of Virginia put on record that "Colonel George Rogers Clark planned and executed the reduction of the British posts between the Ohio and Mississippi," and it granted "two hundred acres of land to every soldier in his corps." "The expedition," wrote Jefferson, "will have an important bearing ultimately in establishing our north-western boundary."

Chapter 21:

The Treaty Between France and Spain,

Reforms in Virginia,

Progress of the War,

1779

Bancroft, Hist. of the U.S., vol.5, p.317

THE alliance with France gave to the United States a respite from active war; but the forced acceptance of irredeemable paper money as legal tender necessarily wrecked public credit and impaired private contracts and debts. The British officials had circulated counterfeits so widely that congress, in January 1779, was compelled to recall two separate emissions, each of five millions. The want of a central power paralyzed every effort at an organization of the strength of the collective states. Washington remained more than a month at Philadelphia in consultation with congress. Fort Niagara and Detroit, as well as New York city, were in the possession of Britain; yet all agreed that the country must confine itself to a defensive campaign.

Bancroft, Hist. of the U.S., vol.5, p.317

Even a defensive campaign was attended with difficulties. To leave the officers, by the depreciation of the currency, even without means to provide themselves with decent clothes and subsistence, augured the reduction of the army to a shadow. Few of them were willing to remain on the existing establishment, and congress was averse to promising pensions to them or to their widows. To each of the rank and file who would agree to serve during the war a bounty of two hundred dollars, besides land and clothing, was offered; while those who had in former years enlisted for the war received a gratuity of one hundred dollars. Yet all would have been in vain but for the earnestness of the people.

Bancroft, Hist. of the U.S., vol.5, p.318

Congress never had any power; now its authority was exhausted, and it could do nothing but appeal to the states. Tardily in March it voted that the infantry should consist of eighty battalions, of which eleven were assigned to Pennsylvania, as many to Virginia, and fifteen to Massachusetts. No state furnished its whole quota; Massachusetts more nearly than any other. In addition to the congressional bounty, New Jersey paid two hundred and fifty dollars to each of her recruits. Often in Massachusetts, sometimes in Virginia, levies were raised by draft.

Bancroft, Hist. of the U.S., vol.5, p.318 - p.319

Four years of hard service and of reflection had ripened in Washington the conviction of the need of a truly efficient general government. To James Warren, speaker of the house of representatives of Massachusetts, he made appeals for the subordination of every selfish interest to the good of what he called "our common country, America;" "our noble cause, the cause of mankind." To the men of Virginia he addressed himself more freely. To one of them he wrote: "Our affairs are come to a crisis; unanimity, disinterestedness, and perseverance in our national duty are the only means to avoid misfortunes." Before the end of March, in a letter "sent by a private hand," he drew the earnest thoughts of George Mason to the ruin that was coming upon the country from personal selfishness and provincial separatism: "I have seen without despondency, even for a moment, the hours which America has styled her gloomy ones; but I have beheld no day, since the commencement of hostilities, that I have thought her liberties in such eminent danger as at present. Friends and foes seem now to combine to pull down the goodly fabric we have been raising at the expense of so much time, blood, and treasure. Indeed, we seem to be verging so fast to destruction that I am filled with sensations to which I have been a stranger till within these three months. I cannot refrain lamenting in the most poignant terms, the fatal policy, too prevalent in most of the states, of employing their ablest men at home in posts of honor and profit till the great national interest is fixed upon a solid basis." He repeated the illustration which he had already used with Harrison, showing how completely he had thought out the proper relations of the union to the states by adhering to the words in which he had forms lated them: "To me it appears no unjust simile to compare the affairs of this great continent to the mechanism of a clock, each state representing some one or other of its smaller parts which they are endeavoring to put in fine order, without considering how useless and unavailing their labor is unless the great wheel or Spring which is to set the whole in motion is also well attended to and kept in good order. As it is a fact, too notorious to be concealed, that congress is rent by party, no man who wishes well to the liberties of his country and desires to see its rights established can avoid crying out, Where are our men of abilities? Why do they not come forth to save their country? Let this voice, my dear sir, call upon you, Jefferson, and others. Do not, from a mistaken opinion, let our hitherto noble struggle end in ignominy. Believe me, when I tell you there is danger of it."

Bancroft, Hist. of the U.S., vol.5, p.319

In May he wrote to another friend: " I never was, and much less reason have I now to be, afraid of the enemy's arms; but I have no scruples in declaring to you that I have never yet seen the time in which our affairs, in my opinion, were at as low an ebb as at the present; and, without a speedy and capital change, we shall not be able to call out the resources of the country."

Bancroft, Hist. of the U.S., vol.5, p.319 - p.320

Count d'Estaing was filled with the idea of a joint expedition of his fleet and the American troops "to give to the king of France Halifax and Newfoundland." To consult on this subject, Gerard, in the first days of May, accepted an invitation from Washington to visit him in his camp. It was not possible for the United States to furnish a force sufficient to conquer and garrison Newfoundland; but on his return from the camp the minister wrote to Count Vergennes: "I have had many conversations with General Washington, some of which have continued for three hours. It is impossible for me briefly to communicate the fund of intelligence which I have derived from him, but I shall do it in my letters as occasions shall present themselves. I will now say only that I have formed as high an opinion of the powers of his mind, his moderation, his patriotism, and his virtues, as I had before front common report conceived of his military talents and of the incalculable services he has rendered to his country."

Bancroft, Hist. of the U.S., vol.5, p.320

At this time, while congress was lulling itself into the belief that hostilities were near their end, the special treaty between France and Spain was exposing America to new dangers. For Spain as well as for France the French envoy to the United States conducted with congress a negotiation on the ultimate terms upon which the United States would be ready to make peace, and was specially commanded to mould them into a form acceptable to Spain. So long as France stood alone, Vergennes had been willing that the United States should treat with Great Britain on the basis of a simple recognition of American independence; but after the understanding with Spain he required America "to declare distinctly and roundly that it will listen to no proposition unless it has for its base peace with France as well;" and, on the report of an able committee, among whom were Samuel Adams and Jay, congress, on the fourteenth of January 1779, resolved unanimously "that as neither France nor these United States may of right, so they will not, conclude either truce or peace with the common enemy without the formal consent of their ally first obtained."

Bancroft, Hist. of the U.S., vol.5, p.320

This point having been gained, the envoy of France held up to America the desire to include Spain in a triple alliance against Great Britain, and for that end to induce the United States to shape their conditions of peace with Great Britain in accordance with the wishes of the French and Spanish monarchs. The conditions on which it was difficult to agree related to boundaries and to the fisheries. For Massachusetts the fisheries had been the great and peculiar source of wealth in return for small outlays of capital, and to put this industry at hazard seemed to that state like perilling its prosperity.

Bancroft, Hist. of the U.S., vol.5, p.320 - p.321

With regard to the fisheries no uniform rule had as yet been so settled by public law as to control treaties. By the treaty of Utrecht, France agreed not to fish within thirty leagues of the coast of Nova Scotia; and by that of Paris, not to fish within fifteen leagues of Cape Breton. New England at the beginning of the war had, as a punitive measure, been debarred by act of parliament from fishing on the banks of Newfoundland. What right of legislation respecting them would remain at the peace to the parliament of England? "The fishery on the high seas," so Vergennes always expounded the law of nations, "is as free as the sea itself, and it is superfluous to discuss the right of the Americans to it. But the coast fisheries belong of right to the proprietary of the coast. Therefore the fisheries on the coasts of Newfoundland, of Nova Scotia, of Canada, belong exclusively to the English; and the Americans have no pretension whatever to share in them." But the Americans had hitherto almost alone engaged in the fisheries on the coast of Nova Scotia and in the Gulf of St. Lawrence. The New England men had planned and had alone furnished land forces for the first reduction of Cape Breton, and had assisted in the acquisition of Nova Scotia and Canada. The men of Massachusetts therefore claimed the fisheries on their coasts as a perpetual joint property. Against this Vergennes argued that the conquest had been made for the crown of Great Britain; and that the New England men, by chosing to be no longer the subjects of that crown, renounced all right to the coast fisheries.

Bancroft, Hist. of the U.S., vol.5, p.321 - p.322

To persuade congress to propitiate Spain by conceding all her demands, the French envoy sought interviews with its newly appointed committee on foreign affairs, which was composed of one from each state; and insisted with them on the relinquishment of the coast fisheries, and of the left bank and the navigation of the Mississippi. It was answered that the land as far as the Mississippi was already colonized and held by Americans. He rejoined that personal considerations must give way to the general interests of the republic; that the king of Spain, if he engaged in the war, would have equal rights with the United States to acquire territories of the king of England; that the persistence in asserting a right to establishments on the Ohio and the Illinois, and at Natchez, would exhibit an unjust desire of conquest; that such an acquisition was foreign to the principles of the American alliance with France, and of the system of union between France and Spain, as well as inconsistent with the interests of the latter power; and he formally declared "that his king would not prolong the war one single day to secure to the United States the possessions which they coveted."

Bancroft, Hist. of the U.S., vol.5, p.322

"Besides, the extent of their territory rendered already a good administration difficult; so enormous an increase would cause their immense empire to crumble under its own weight." Gerard terminated his very long conversation by declaring the strongest desire "that the United States might never be more than thirteen."

Bancroft, Hist. of the U.S., vol.5, p.322

On the fifteenth of February, Gerard in a private audience represented to congress that the price which Spain put upon her friendship was Pensacola and the exclusive navigation of the Mississippi; if her wishes were not complied with, there was danger that Spain and England might make common cause against America.

Bancroft, Hist. of the U.S., vol.5, p.322

Two days after this private interview congress referred the subject of the terms of peace to a special committee of five, composed of Gouverneur Morris of New York, Burke of North Carolina, Witherspoon of New Jersey, Samuel Adams of Massachusetts, and Smith of Virginia.

Bancroft, Hist. of the U.S., vol.5, p.322

On the twenty-third the committee reported their opinion that the king of Spain was disposed to enter into an alliance with the United States, and that consequently independence must be finally acknowledged by Great Britain. This being effected, they proposed as their ultimatum that their territory should extend from the Atlantic to the Mississippi, from the Floridas to Canada and Nova Scotia; that the right of fishing and curing flu on the banks and coasts of Newfoundland should belong equally to the United States, France, and Great Britain; and that the navigation of the Mississippi should be free to the United States down to their southern boundary, with the benefit of a free port below in the Spanish dominions.

Bancroft, Hist. of the U.S., vol.5, p.322 - p.323

Congress, in committee of the whole, on the nineteenth of March agreed substantially to the report on boundaries, yet with an option to adopt westward from Lake Ontario the parallel of the forty-fifth degree of latitude. It was readily agreed by ten states against Pennsylvania, New Hampshire and Connecticut being divided, that the right to navigate the Mississippi need not find a place in the treaty of peace with Great Britain, for, according to the American intention, Great Britain was not to possess any territory on the Mississippi from its source to its mouth.

Bancroft, Hist. of the U.S., vol.5, p.323

The right to the fisheries was long under discussion. The first decision was a merely negative vote that the common right of the United States to fish on the coasts, bays, and banks of Nova Scotia, the banks of Newfoundland and Gulf of St. Lawrence, the straits of Labrador and Belle-Isle, should in no case be given up.

Bancroft, Hist. of the U.S., vol.5, p.323

By the efforts of Gerry, who was from Marblehead, Richard Henry Lee was able to bring up the subject anew; and, avoiding a collision with the monopoly of France, he proposed that the right of fishing on the coasts and banks of North America should be reserved to the United States as fully as they enjoyed the same when subject to Great Britain. This substitute prevailed by the vote of Pennsylvania and Delaware with the four New England states.

Bancroft, Hist. of the U.S., vol.5, p.323

But the state of New York, guided by Jay and Gouverneur Morris, altogether refused to insist in the treaty of peace on a right to the fisheries; and Gouverneur Morris, on the eighth of May, calling to mind "the exhausted situation of the United States, the derangement of their finances, and the defect of their resources," moved that the acknowledgment of independence should be the sole condition of peace. The motion was declared to be out of order by the votes of the four New England states, New Jersey, and Pennsylvania, against the unanimous delegations of New York, Maryland, and North Carolina; while Delaware, Virginia, and South Carolina were equally divided.

Bancroft, Hist. of the U.S., vol.5, p.323

The French minister intervened; and, on the twenty-seventh of May, congress went back to its first resolve, "that by no treaty of peace should the common right of fishing be given up."

Bancroft, Hist. of the U.S., vol.5, p.323 - p.324

On the third of June, Gerry again appeared as the champion of the American right to the fisheries on banks or coasts, as exercised during their political connection with Great Britain. He was in part supported by Sherman; but New Hampshire, Massachusetts, and Rhode Island were left by Connecticut, and, though Pennsylvania came to their aid the "Gallican party," by a vote of seven states against the four, set aside the main question.

Bancroft, Hist. of the U.S., vol.5, p.324

The necessity of appeals to France for aid promoted obsequiousness to its wishes. On the fifteenth of June 1779, congress solicited supplies from its ally to the value of nearly three millions of dollars, to be paid for, with interest, after the peace.

Bancroft, Hist. of the U.S., vol.5, p.324

Four days later, Gerry, evading a breach of the rules of congress by a change in form, moved resolutions that the United States have a common right with the English to the fisheries on the banks of Newfoundland, and the other fishing-banks and seas of North America. A most stormy and acrimonious debate ensued. The friends of France resisted the resolutions as sure to alienate Spain, and contrary to the general longing for peace. Four states read a sketch of their protest on the subject. Congress gave way in part, but by the votes of the four New England states and Pennsylvania against New York, Maryland, Virginia, and North Carolina, with New Jersey, Delaware, and South Carolina divided, they affirmed the common right of the Americans to fish on the Grand Banks; and for this right, to which Vergennes owned their indisputable title, they asked the guarantee of France in the form of an explanatory article of existing treaties.

Bancroft, Hist. of the U.S., vol.5, p.324 - p.325

The persevering French minister sought an interview with president Jay and two other members of congress well disposed to the wishes of France. Finding them inclined to yield to New England, he remarked that disunion from the side of New England was not to be feared, for its people carried their love of independence even to delirium. He added: "There would seem to be a wish to break the connection of France with Spain; but I think I can say that, if the Americans should have the boldness \* to force the king of France to choose between the two alliances, his decision will not be in favor of the United States; he will certainly not expose himself to consume the remaining resources of the kingdom for many years, only to secure an increase of fortune to a few ship-masters of New England. I shall greatly regret, on account of the Americans, should Spain enter into the war without a convention with them."

Bancroft, Hist. of the U.S., vol.5, p.325

The interview lasted from eight o'clock in the evening till an hour after midnight; but Jay and his friends would not themselves undertake to change the opinion of congress; and the result was a new interview on the twelfth of July between Gerard and members of congress in committee of the whole. Of the committee on foreign affairs, eight accepted the French policy. Jay, with other members, gained over votes from the "Anti-Gallican" side; and, after long debates and many divisions, the proposition to stipulate a right to the fisheries in the treaty of peace was indefinitely postponed by the votes of eight states against New Hampshire, Massachusetts, Rhode Island, and Pennsylvania, Georgia alone being absent.

Bancroft, Hist. of the U.S., vol.5, p.325

As to the future boundaries of the United States, Spain passionately desired to recover the Floridas so as to have the whole shore of the Gulf of Mexico. The United States had no traditional wish for their acquisition, and from the military point of view Washington preferred that Spain should possess them rather than Great Britain. Here, therefore, no serious difficulty arose; but Spain dreaded the extension of the United States to the Mississippi. The Quebec act had transferred to Canada the territory west and north-west of the Ohio. Spain indulged the hope that England would insist on its right to that region; but as to the Americans, their backwoodsmen were already settled in the country, and it would have been easier to extirpate the game in its forests than to drive the American settlers from their homes. Spain, with the support of France, wished that the country north-west of the Ohio river should be guaranteed to Great Britain; but such a proposition could never gain a hearing in congress. France, renouncing for herself all pretensions to Canada and Nova Scotia, joined Spain in opposing every wish of the Americans to acquire them. In this congress acquiesced.

Bancroft, Hist. of the U.S., vol.5, p.325 - p.326

The French minister desired to persuade congress to be willing to end the war by a truce, after the precedents of the Swiss cantons and the United Netherlands. Burke of North Carolina, seconded by Duane of New York, wished no more than that independence should be tacitly acknowledged; but congress required that, previous to any treaty of peace, the independence of the United States should, on the part of Great Britain, be "assured."

Bancroft, Hist. of the U.S., vol.5, p.326

Further, Gerard wished America to bring about the accession of Spain to the alliance by trusting implicitly to the magnanimity of the Spanish king; otherwise, he said, "you will prevent his Catholic majesty from joining in our common cause, and from completing the intended triumvirate." Congress escaped from an immediate decision by resolving to send a plenipotentiary of its own to Spain.

Bancroft, Hist. of the U.S., vol.5, p.326

The minister to be chosen to negotiate a peace was, by a unanimous vote, directed to require "Great Britain to treat with the United States as sovereign, free, and independent," and the independence was to be confirmed by the treaty. Nova Scotia was desired; but the negotiator might leave the northeastern boundary "to be adjusted by commissioners after the peace." The guarantee of an equal common right to the fisheries was declared to be of the utmost importance, but was not made an ultimatum, except in the instructions for the treaty of commerce with England. At the same time, the American minister at the court of France was directed to concert with that power a mutual guarantee of their rights in the fisheries as enjoyed before the war.

Bancroft, Hist. of the U.S., vol.5, p.326

The plan for a treaty with the king of Spain lingered a mouth longer. On the seventeenth of September congress offered to guarantee to him the Floridas, if they should fall into his power, "provided always that the United States should enjoy the free navigation of the Mississippi into and from the sea." The great financial distress of the states was to be made known to him, in the hope of a subsidy or a guarantee of a loan to the amount of five millions of dollars.

Bancroft, Hist. of the U.S., vol.5, p.326 - p.327

On the twenty-sixth, congress proceeded to ballot for the minister to negotiate peace, John Adams being nominated by Laurens of South Carolina, while Smith of Virginia proposed Jay who was favored by the French minister. On two ballots no election was made. A compromise reconciled the rivalry; Jay, on the twenty-seventh, was elected envoy to Spain. The formally civil letter in which Vergennes bade farewell to John Adams on his retiring from Paris was read in congress in proof that he would be most acceptable to the French ministry; and, directly contrary to its wishes, he was chosen to negotiate the treaty of peace as well as an eventual treaty of commerce with Great Britain.

Bancroft, Hist. of the U.S., vol.5, p.327

In December 1778, Marie Antoinette, after many years of an unfruitful marriage, gave birth to a daughter. Congress, in June 1779, congratulating the king of France on the event, asked for "the portraits of himself and his royal consort, to be placed in their council chamber." This was not an act of adulation. The Americans took part in the happiness of Louis XVI. An honest impulse of gratitude gave his name to the city which overlooks the falls of the Ohio; and when, in 1781, a son was born to him, Pennsylvania commemorated the event in the name of one of its counties.

Bancroft, Hist. of the U.S., vol.5, p.327

The compulsory inactivity of the British army at the north encouraged discontent and intrigues. There rose up in rivalry with Clinton a body styling themselves "the loyal associated refugees," who were impatient to obtain an independent organization under Tryon and William Franklin. They insisted that more alertness would crush the rebellion; they loved to recommend the employment of savages, the confiscation of the property of wealthy rebels, and even their execution or exile.

Bancroft, Hist. of the U.S., vol.5, p.327 - p.328

The Virginians, since the expulsion of Lord Dunmore, free from war within their own borders, were enriching themselves by the unmolested culture of tobacco, which was exported through the Chesapeake; or, when that highway was unsafe, by a short land carriage to Albemarle sound. On the ninth of May two thousand men under General Matthew, with five hundred marines, anchored in Hampton Roads. The next day, after occupying Portsmouth and Norfolk, they burned every house but one in Suffolk county, and seized or ruined all perishable property. Parties from a sloop-of-war and privateers entered the principal waters of the Chesapeake, carried off or wasted stores of tobacco heaped on their banks, and burned the dwellings of the planters. Before the end of the month the predatory expedition, having destroyed more than a hundred vessels, arrived at New York with seventeen prizes and three thousand hogsheads of tobacco.

Bancroft, Hist. of the U.S., vol.5, p.328

The legislature of Virginia, which was in session at Williamsburg during the invasion, retaliated by confiscating the property of British subjects within the commonwealth. An act of a previous session had directed debts due to British subjects to be paid into the loan-office of the state. To meet the public exigencies, a heavy poll-tax was laid on all servants or slaves, as well as a tax payable in cereals, hemp, inspected tobacco, or the like commodities; and the issue of one million pounds in paper money was authorized. Every one who would serve at home or in the continental army during the war was promised a bounty of seven hundred and fifty dollars, an annual supply of clothing, and one hundred acres of land at the end of the war; pensions were promised to disabled soldiers and to the widows of those who should find their death in the service; half-pay for life was voted to the officers. Each division of the militia was required to furnish for the service one able-bodied man out of every twenty-five, to be drafted by fair and impartial lot.

Bancroft, Hist. of the U.S., vol.5, p.328

The code in which Jefferson, Wythe, and Pendleton adapted the laws of Virginia to reason, the welfare of the whole people, and the republican form of government, was laid before the legislature. The law of descents abolished the rights of primogeniture, and distributed real as well as personal property equally among brothers and sisters. The punishment of death was forbidden, except for treason and murder. A bill was brought in to organize schools in every county, at the expense of its inhabitants, in proportion to the general tax-rates; but in time of war, and in the scattered state of the inhabitants, it was not possible to introduce a thorough system of universal education.

Bancroft, Hist. of the U.S., vol.5, p.328 - p.329

The preamble to the bill for establishing religious freedom, written by Jefferson, declared "that belief depends not on will, but follows evidence; that God hath created the mind free; that temporal punishment or civil incapacitations only beget hypocrisy and meanness; that the impious endeavor of fallible legislators and rulers to impose their own opinions on others hath established and maintained false religions; that to suffer the civil magistrate to intrude his powers into the field of opinion destroys all religious liberty; that truth is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them."

Bancroft, Hist. of the U.S., vol.5, p.329

It was therefore proposed to be enacted by the general assembly: "No man shall be compelled to frequent or support any religious worship, place, or ministry, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his belief; but all men shall be free to profess, and by argument to maintain, their opinion in matters of religion; and the same shall in no wise diminish, enlarge, or affect their civil capacities. And we do declare that the rights hereby asserted are of the natural rights of mankind."

Bancroft, Hist. of the U.S., vol.5, p.329

These words of Jefferson on the freedom of conscience expressed the forming convictions of the people of the United States; the enactment was delayed that the great decree, which made the leap from an established church to the largest liberty of faith and public worship, might be adopted after calm deliberation and with popular approval. Virginia used its right of original and complete legislation to abolish the privileges of primogeniture, cut off entails, forbid the slave-trade, and establish the principle of freedom in religion as the inherent and inalienable possession of spiritual being.

Bancroft, Hist. of the U.S., vol.5, p.329

The British expedition to the Chesapeake, after its return to New York, joined a detachment conducted by Clinton himself forty miles up the Hudson to gain possession of Stony Point and Verplanck's Point. The garrison withdrew from their unfinished work at Stony Point. The commander at Verplanck's Point, waiting to be closely invested by water, on the second of June made an inglorious surrender. The two posts commanded King's ferry; the British fortified and garrisoned them, and so left the Americans no line of communication between New York and New Jersey south of the highlands.

Bancroft, Hist. of the U.S., vol.5, p.329 - p.330

A pillaging expedition, sent to punish the patriotism of Connecticut, was intrusted to Tryon. The fleet and transports arrived off New Haven; and, at two in the morning of the fifth of July, one party landed suddenly on the west of the town, another on the east. Everything was abandoned to plunder: vessels in the harbor, public stores, and the warehouses near the sound, were destroyed by fire. The soldiers, demoralized by license, lost all discipline, and the next morning retired before the Connecticut militia, who left them no time to burn the town. At East Haven, where Tryon commanded, dwelling-houses were fired and cattle wantonly killed; some of the unarmed inhabitants were put to death, others carried away as prisoners; but the British were driven to their ships.

Bancroft, Hist. of the U.S., vol.5, p.330

On the afternoon of the seventh the expedition landed near Fairfield. The village, a century and a quarter old, situated near the water, with a lovely country for its background, contained a moral, well-educated, industrious, and affluent people of nearly unmixed English lineage; well-ordered homes; freeholders as heads of families. An Episcopal church stood by the side of the larger meeting-house. The husbandmen who came together were too few to withstand the unforeseen onslaught. The Hessians were let loose to plunder, and every dwelling was given up to be stripped. Before the sun went down the firing of houses began, and was kept up through the night, amid the "cries of distressed women and helpless children." Early the next morning the conflagration was made general. When at the return of night the retreat was sounded, the rear-guard, composed of Germans, set in flames the meetinghouse and every private habitation that till then had escaped. At Green Farms a meeting-house and all dwellings and barns were consumed.

Bancroft, Hist. of the U.S., vol.5, p.330

On the eleventh the British appeared before Norwalk and burned its houses, barns, and places of public worship. Sir George Collier and Tryon, the British admiral and general, in their address to the inhabitants of Connecticut, said: "The existence of a single habitation on your defenceless coast ought to be a constant reproof to your ingratitude."

Bancroft, Hist. of the U.S., vol.5, p.330 - p.331

New London was selected as the next victim; but Tryon, who had already lost nearly a hundred and fifty men, was recalled to New York by a disaster which had befallen the British. No sooner had they strongly fortified themselves at Stony Point than Washington, after ascertaining the character of their works, formed a plan for taking them by surprise. Wayne, of whom he made choice to lead the enterprise, undertook the perilous office with alacrity, and devised improvements in the method of executing the design.

Bancroft, Hist. of the U.S., vol.5, p.331

Stony Point, a hill just below the Highlands, projects into the Hudson, which surrounds three fourths of its base; the fourth side was covered by a marsh, over which there lay but one pathway; where this road joined the river, a sandy beach was left bare at low tide. The fort, which was furnished with heavy ordnance and garrisoned by six hundred men, crowned the hill. Half-way between the river and the fort there was a double row of abattis. Breastworks and strong batteries could rake any column which might advance over the beach and the marsh. From the river, vessels of war commanded the foot of the hili. Conducting twelve hundred chosen men in single file over mountains and through morasses and narrow passes, Wayne halted them at a distance of a mile and a half from the enemy, while with the principal officers he reconnoitred the works. About twenty minutes after twelve on the morning of the sixteenth the assault began, the troops placing their sole dependence on the bayonet. Two advance parties of twenty men each, in one of which seventeen out of the twenty were killed or wounded, removed the abattis and other obstructions. Wayne, leading on a regiment, was wounded in the head, but, supported by his aids, still went forward. The two columns, heedless of musketry and grape-shot, gained the centre of the works nearly at the same moment. On the right, Fleury struck the enemy's standard with his own hand, and was instantly joined by Stewart, who commanded the van of the left. Five hundred and forty-three British officers and privates were made prisoners. The achievement was in its kind the most brilliant of the war.

Bancroft, Hist. of the U.S., vol.5, p.331

The diminishing numbers of the troops with Washington not permitting him to hold Stony Point, the cannon and stores were removed and the works razed. The post was soon re-occupied, but only for a short time, by a larger British garrison.

Bancroft, Hist. of the U.S., vol.5, p.331 - p.332

The enterprising spirit of Major Henry Lee of Virginia had been applauded in general orders; his daring proposal to attempt the fort at Paulus Hook, now Jersey City, obtained the approval of Washington. The place was strong, but was carelessly guarded. The party with Lee was undiscovered until, in the morning of the nineteenth of August, before day, they plunged into the canal, then deep from the rising tide. Entering the main work through a fire of musketry from block-houses, they captured the fort before the discharge of a single piece of artillery. After daybreak they withdrew, taking with them one hundred and fifty-nine prisoners.

Bancroft, Hist. of the U.S., vol.5, p.332

Incited by the massacres of Wyoming and Cherry valley, congress, on the twenty-fifth of February, had directed Washington to protect the inland frontier and chastise the Seneca Indians. Of the two natural routes to their country, that of the Susquehannah was selected for three thousand men of the best continental troops, who were to rally at Wyoming, while one thousand or more of the men of New York were to move from the Mohawk river.

Bancroft, Hist. of the U.S., vol.5, p.332

Before they could be ready, a party of five or six hundred men, led by Van Schaick and Willet, made a swift march of three days into the country of the Onondagas, and, without the loss of a man, destroyed their settlement.

Bancroft, Hist. of the U.S., vol.5, p.332

The command of the great expedition, which Gates declined, devolved on Sullivan, to whom Washington in May gave repeatedly the instruction: "Move as light as possible even from the first onset. Reject every article that can be dispensed with; this is an extraordinary case, and requires extraordinary attention." Yet Sullivan made insatiable demands on the government of Pennsylvania, and wasted time in finding fault and writing strange theological essays. Meanwhile, British and Indian partisans near Fort Schuyler surprised and captured twenty-nine mowers. Savages under Macdonell laid waste the west bank of the Susquehannah, till "the Indians," by his own report, "were glutted with plunder, prisoners, and scalps." Thirty miles of a closely settled country were burnt. Brant and his crew consumed with fire all the settlement of Minisink, one fort excepted, and, from a party by whom they were pursued, took more than forty scalps and one prisoner.

Bancroft, Hist. of the U.S., vol.5, p.332 - p.333

The best part of the season was gone when Sullivan, on the last of July, moved from Wyoming. His arrival at Tioga sent terror to the Indians. Several of their chiefs said to Colonel Bolton in council: "Why does not the great king, our father, assist us? Our villages will be cut off, and we can no longer fight his battles." On the twenty-second of August, the day after Sullivan was joined by New York troops under General James Clinton, he began the march up the Tioga into the heart of the Indian country. On the same day Little David, a Mohawk chief, delivered a message from himself and the Six Nations to Haldimand, then governor of Canada: "Brother! for these three years past the Six Nations have been running a race against fresh enemies, and are almost out of breath. Now we shall see whether you are our loving, strong brother, or whether you deceive us. Brother! we are still strong for the king of England, if you will show us that he is a man of his word, and that he will not abandon his brothers, the Six Nations."

Bancroft, Hist. of the U.S., vol.5, p.333

The march into the country of the Senecas on the left extended to Genesee; on the right, detachments reached Cayuga lake. After destroying eighteen villages and their fields of corn, Sullivan returned to New Jersey. A small party from Fort Pitt, under command of Colonel Brodhead, broke up the towns of the Senecas upon the upper branch of the Alleghany. The manifest inability of Great Britain to protect the Six Nations taught them to desire neutrality.

Bancroft, Hist. of the U.S., vol.5, p.333 - p.334

In June the British general Maclean, who commanded in Nova Scotia, established a post of six hundred men at what is now Castine, on Penobscot bay. To dislodge the intruders, the Massachusetts legislature sent nineteen armed ships, sloops, and brigs; two of them continental vessels, the rest privateers or belonging to the state. The flotilla carried more than three hundred guns, and was attended by twenty-four transports, having on board nearly a thousand men. So large an American armament had never put to sea. The towns on the coast spared no sacrifice to insure success. On the twenty-eighth of July the expedition gallantly effected their landing, but were too weak to carry the works of the British by storm, and, while a reinforcement was on the way, Sir George Collier on the fourteenth of August arrived in a sixty-four gun ship, attended by five frigates. Two vessels of war fell into his hands; the rest and all the transports ran up the river, and were burnt by the men of the expedition, who made their escape through the woods. The British were left masters of the country east of the Penobscot.

Bancroft, Hist. of the U.S., vol.5, p.334

Yet the result of the campaign at the north promised success to America. Clinton had evacuated Rhode Island, and all New England west of the Penobscot was free from an enemy. In New York the Six Nations had learned that the alliance with the English secured them gifts, but not protection. On the Hudson river the Americans recovered the use of King's ferry, and held all the country above it.

Bancroft, Hist. of the U.S., vol.5, p.334

The winter set in early and with unwonted severity. Before the middle of December, and long before the army could build their log huts, the snow lay two feet deep in New Jersey, where the troops were cantoned; so that they saved themselves with difficulty from freezing by keeping up large fires. Continental money was valued at no more than thirty for one, and even at that rate the country people took it unwillingly. There could be no regularity in supplies. Sometimes the army was five or six days together without bread; at other times as many without meat; and once or twice two or three days without either. But such was the efficiency of the magistrates of New Jersey, such the good disposition of its people, that, when requisitions were made by the commander-in-chief on its several counties, they were punctually complied with, and in some counties exceeded. For many of the soldiers the term of service expired with the year; and shorter enlistments, by which several states attempted to fill their quotas, were fatal to compactness and stability. Massachusetts offered a bounty of five hundred dollars to each of those who would enlist for three years or the war, and found few to accept the offer. The Americans wanted men and wanted money, but could not be subdued. An incalculable strength lay in reserve in the energy of the states and of each individual citizen; and neither congress nor people harbored a doubt of their ultimate triumph.

Bancroft, Hist. of the U.S., vol.5, p.334 - p.335

Thomas Pownall, a member of parliament, who, from long civil service in various parts of the United States, knew them thoroughly well, published in England a memorial about them addressed to the sovereigns of Europe:

Bancroft, Hist. of the U.S., vol.5, p.335

"The system of establishing colonies in various climates to create a monopoly of the peculiar product of their labor is at end. The spirit of commerce hath become predominant. A great and powerful empire, founded in nature and growing into an independent organized being, has taken its equal station with the nations upon earth. I see the sun rising in the west. The independence of America is fixed as fate; she is mistress of her own fortune; knows that she is so; and will establish her own system and constitution and change the system of Europe.

Bancroft, Hist. of the U.S., vol.5, p.335

"In this New World growth is founded in the civilizing activity of the human race. We see all the inhabitants not only free, but allowing an universal naturalization. In a country like this, where every man has the full and free exertion of his powers, an unabated application and a perpetual struggle sharpen the wits and give constant training to the mind. In this wilderness of woods the settlers try experiments, and the advantages of their discoveries are their own. One sees them laboring after the plough, as though they had not an idea beyond the ground they dwell upon; yet is their mind all the while enlarging its powers, and their spirit rises as their improvements advance. This is no fancy drawing of what may be; it is an exact portrait of what actually exists. Many a real philosopher, a politician, a warrior, emerge out of this wilderness, as the seed rises out of the ground where it hath lain buried for its season.

Bancroft, Hist. of the U.S., vol.5, p.335

"In agriculture, in mechanic handicrafts, the New World hath been led to many improvements of implements, tools, and machines, leading experience by the hand to many a new invention. The settlers find fragments of time in which they make most of the articles of personal wear and household use for home consumption. Here no laws frame conditions on which a man is to exercise this or that trade. Here are no oppressing, obstructing, dead-doing laws. The moment that the progress of civilization is ripe for it, manufactures will grow and increase with an astonishing exuberancy.

Bancroft, Hist. of the U.S., vol.5, p.335 - p.336

"The same ingenuity is exerted in ship-building; their commerce hath been striking deep root. The nature of the coast and of the winds renders marine navigation a perpetually moving intercourse; and the nature of the rivers renders inland navigation but a further process of that communion; all which becomes, as it were, a one vital principle of life, extended through a one organized being, one-nation. Will that most enterprising spirit be stopped at Cape Horn, or not pass the Cape of Good Hope. Before long they will be found trading in the South Sea, in the Spice Islands, and in China.

Bancroft, Hist. of the U.S., vol.5, p.336

"This fostering happiness in North America doth produce progressive population. They have increased nearly the double in eighteen years. By constant intercommunion, America will every day approach nearer and nearer to Europe. Unless the great potentates of Europe can station cherubim at every avenue with a flaming sword that turns every way, to prevent man's quitting this Old World, multitudes of their people, many of the most useful, enterprising spirits, will emigrate to the new one. Much of the active property will go there also.

Bancroft, Hist. of the U.S., vol.5, p.336

"The new empire of America is like a giant ready to run its course. The fostering care with which the rival powers of Europe will nurse it insures its establishment beyond all doubt or danger."

Bancroft, Hist. of the U.S., vol.5, p.336

So prophesied Pownall to the English world and to Europe in the first month of 1780. Since the issue of the war is to proceed in a great part from the influence of European powers, it behooves us now to study the manner of their intervention.

Chapter 22:

America in Europe,

The Armed Neutrality,

1778-1780

Bancroft, Hist. of the U.S., vol.5, p.337

FREDERIC of Prussia had raised the hope that he would follow France in recognising the independence of the United States; but the question of the Bavarian succession compelled him, in junction with Saxony, to stand forth as the champion of Germany; and in his late old age, broken as he was in everything but spirit, he stayed the aggressions of Austria on Bavarian territory, and on the liberty and the constitutions of the Germanic body. "At this moment the affairs of England with her colonies disappeared from his eyes." To William Lee, who, in July 1777, had been appointed by congress its commissioner to treat alike with the emperor of Germany and the king of Prussia, and in March 1778 importuned the Prussian minister Schulenburg for leave to reside at Berlin as an American functionary, Frederic minuted this answer: "We are so occupied with Germany that we cannot think of the Americans: we should be heartily glad to recognise them; but at this present moment it could do them no good, and to us might be very detrimental." He could not receive the prizes of the Americans in Embden, because at that harbor he had no means to protect them; their merchants were admitted to his ports on the same terms as the merchants of all other countries.

Bancroft, Hist. of the U.S., vol.5, p.337 - p.338

The British ministry, abandoning the scheme of destroying Prussian influence at Petersburg, sought to propitiate Frederic, as the best means of gaining favor in Russia; and authorized its minister at Berlin to propose an alliance. But Frederic was unalterably resolved "not to contract relations with a power which, like England in the last war, had once deceived him so unworthily."

Bancroft, Hist. of the U.S., vol.5, p.338

With the restoration of peace, Austria and Russia contested the honor of becoming mediators between the Bourbons and England. On the fifteenth of May 1779, Maria Theresa wrote in her own hand to Charles III of Spain, in the hope to hold him back from war; and she sent a like letter to her son-in-law at Versailles. Kaunitz, her great minister, followed with formal proposals of mediation to France and England. In an autograph letter, the king of Spain put aside the interference of the empress; and on the sixteenth of June his ambassador in London delivered to Lord Weymouth a declaration of war; but neither in that declaration nor in the manifesto which followed was there one word relating to the war in America.

Bancroft, Hist. of the U.S., vol.5, p.338

In reply, Burke, Fox, and their friends, joined in pledging the house of commons and the nation to the support of the crown. Fifty thousand troops defended the coasts, and as many more of the militia were enrolled. The oscillation of the funds did not exceed one per cent. But opinion more and more denied to parliament the right of taxing unrepresented colonies, and prepared to accept the necessity of recognising their independence. In the commons, Lord John Cavendish, true to the idea of Chatham, moved for orders to withdraw the British forces employed in America; to the lords, the duke of Richmond proposed a total change of meas ures in America and Ireland; and they were supported by increasing numbers. The great land-owners were grown sick of attempting to tax America; Lord Mansfield was ready to consent to the cutting of the traces that bound the restless colonies to Britain; Lord North was frequently dropping hints that no advantage was to be gained by continuing the contest.

Bancroft, Hist. of the U.S., vol.5, p.338 - p.339

But on the twenty-first of June the king summoned his ministers to his library; and, seating them all at a table, expressed to them in a speech of an hour and a half "the dictates of his frequent and severe self-examination." Inviting the friends of Grenville to the support of the administration, he declared his unchanging resolution to carry on the war against America, France, and Spain. Before he would hear of any man's readiness to come into office, he would expect to see it signed under his hand, that he was resolved to keep the empire entire. "If his ministers would act with vigor and firmness, he would support them against wind and tide." Yet, far from obtaining recruits from the friends of Grenville, the administration was about to lose its members of the Bedford connection. The chief minister, incapable of forming a plan for the conduct of the war, repeatedly offered his resignation, not in earnest, but that it might serve him as an excuse for remaining in office without assuming the proper responsibility of his station. Confiding in the ruin of the finances of the rebels and in recruiting successfully within their borders, the king was certain that, but for the intervention of Spain, the provinces would have sued to the mother country for pardon; and "he did not despair that, with the activity of Clinton and the Indians, they would even now submit." But his demands for an unconditional compliance with his American policy left him no choice of ministers but among weak men. So the office made vacant by the death of Lord Suffolk, the representative of the Grenville party, was reserved for Hillsborough. "His American sentiments," said the king, "make him acceptable to me." Yet it would have been hard to find a public man more ignorant or more narrow, more confused in judgment or faltering in action; nor was he allowed to enter on active service till Lord Weymouth had retired.

Bancroft, Hist. of the U.S., vol.5, p.339

To unite the house of Bourbon in the war, France had bound herself to the invasion of England. True to her covenant, she moved troops to the coasts of Normandy and Brittany, and engaged more than sixty transport vessels of sixteen thousand tons' burden. The king of Spain would not listen to a whisper of the hazard of the undertaking, for which he was to furnish only the temporary use of twenty ships for the defence of the French in crossing the channel. Florida Blanca insisted on an immediate descent on England without regard to risk. Vergennes, on the other hand, held the landing of a French army in England to be rash until a naval victory over the British should have won the dominion of the sea.

Bancroft, Hist. of the U.S., vol.5, p.339 - p.340

Early in June the French fleet of thirty-one ships of the line, yielding to Spanish importunities, put to sea from Brest; and yet they were obliged to wait off the coast of Spain for the Spaniards. After a loss of two months in the best season of the year, a junction was effected with more than twenty ships-of-war under the separate command of Count Gaston; and the combined fleet, the largest force that had ever been afloat, sailed for the British channel. King George longed to hear that Sir Charles Hardy, with scarcely more than forty ships of the line, had brought the new armada to battle. "Everything," wrote Marie Antoinette, "depends on the present moment. Our united fleets have a great superiority; they are in the channel; and I cannot think without a shudder that, from one moment to the next, our destiny will be decided."

Bancroft, Hist. of the U.S., vol.5, p.340

The united fleet rode unmolested by the British; Sir Charles Hardy either did not or would not see them. On the sixteenth of August they appeared off Plymouth, but did not attack the town. After two idle days, a strong wind drove them to the west. When the gale had abated, the allies rallied, returned up the channel, and the British retreated before them. No harmony existed between the French and Spanish officers. A deadly malady ravaged the French ships and infected the Spanish. The combined fleet never had one chief. The French returned to port and remained there; the Spaniards sailed for Cadiz, execrating their allies. The two powers had not even harmed British merchant vessels on their homeward voyages. The troops that were to have landed in England wasted by disease in Normandy and Brittany. "The doing of nothing at all will have cost us a great deal of money," wrote Marie Antoinette to her mother. There was nothing but the capture of the little island of Grenada for which a Te Deum could be chanted in Paris. "We shall feel it very sensibly if any offer of mediation should be preferred to ours," wrote Maria Theresa to her daughter, who answered: "The nothingness of the campaign removes every idea of peace."

Bancroft, Hist. of the U.S., vol.5, p.340 - p.341

During the attempt at an invasion of England the allied belligerents considered the condition of Ireland. "To form Ireland into an independent government like that of America," wrote Vergennes, "I would not count upon the Catholics. They form the largest and the most oppressed part of the nation; but the principle of their religion attaches them specially to the monarchical system." An American was sent as the agent of France to form close relations with the principal Presbyterians, especially with the ministers; but confidence was not established between France and the protestant Irish.

Bancroft, Hist. of the U.S., vol.5, p.341

The emissary from Spain to the Irish Catholics was a Catholic priest, who was promised a bishopric if he should succeed. He could have no success. After the first shedding of American blood in 1775, one hundred and twenty-one Irish Catholics, professing to speak "for all the Roman Catholic Irish," had made to the British secretary in Ireland "a tender of two millions of men in defence of the government of the king in any part of the world." The Irish association aimed only to extort for Ireland the free trade with other nations which had been granted to Scotland at the union.

Bancroft, Hist. of the U.S., vol.5, p.341

As soon as the existence of war between Spain and Great Britain was known at New Orleans, Galvez, the governor of Louisiana, drew together all the troops under his command to drive the British from the Mississippi. Their posts were protected by less than five hundred men; Lieutenant-Colonel Dickson, abandoning Manchac as untenable, sustained a siege of nine days at Baton Rouge, and on the twenty-first of September made an honorable capitulation. The Spaniards planned the recovery of east Florida, Pensacola, and Mobile. They expelled from Honduras the British logwood cutters. In Europe, their first act was the siege of Gibraltar.

Bancroft, Hist. of the U.S., vol.5, p.341

More important were the consequences of the imperious manner in which Great Britain, substituting its own will alike for its treaties and the law of nations, violated the rights of neutrals on the high seas.

Bancroft, Hist. of the U.S., vol.5, p.341 - p.342

The immunity of neutral flags is unknown to barbarous powers. The usages of the middle ages condemned as lawful booty the property of an enemy, though under the flag of a friend; but spared the property of a friend, though under the flag of an enemy. Ships, except they belonged to the enemy, were never confiscated. When the Dutch republic took its place among the powers of the earth, crowned with the honors of martyrdom in the fight against superstition, this daughter of the sea, with a carrying trade exceeding that of any other nation, became the champion of the maritime code, which protected the neutral flag everywhere on the great deep. In the year 1646 these principles were imbodied in a commercial treaty between the republic and France. When Cromwell was protector, when Milton was Latin secretary, the rights of neutrals found their just place in the treaties of England, in 1654 with Portugal, in 1655 with France, in 1656 with Sweden. After the return of the Stuarts, they were recognised, in 1674, in their fullest extent by the commercial convention between England and the Netherlands.

Bancroft, Hist. of the U.S., vol.5, p.342

In 1689, after the stadholder of the United Provinces had been elected king of England, his overpowering influence drew the Netherlands into an acquiescence in a declaration that all ships going to or coming from a French port were good prizes; but it was recalled upon the remonstrance of neutral states. The rights of neutral flags were confirmed by France and England in the peace of Utrecht. The benefits of the agreement extended to Denmark, as entitled to all favors granted to other powers. Between 1604 and 1713 the principle had been accepted in nearly twenty treaties. When, in 1745, Prussian ships, laden with wood and corn, were captured on the high seas and condemned in English courts, Frederic, without a treaty, resting only on the law of nations, indemnified his subjects for their losses by retaliations on England. The neutral flag found protection in the commercial treaty negotiated in 1766 by the Rockingham ministry with Russia, whose interests as the producer of hemp required the strictest definition of contraband. Of thirty-seven European treaties made between 1745 and 1780, but two have been found which contain conditions contravening neutral rights.

Bancroft, Hist. of the U.S., vol.5, p.342 - p.343

In 1778 England desired an offensive and defensive alliance with Russia and with the Dutch republic. To the renewed overture, Count Panin, the only Russian statesman much listened to by the empress in the discussion of foreign affairs, replied that Russia never would stipulate advantages to Great Britain in its contest with its colonies, and "never would guarantee its American dominions." After the avowal by France of its treaties with the colonies, Harris, the British minister at Petersburg asked an audience of the empress; his request was refused, and all his complaints of the "court of Versailles drew from her only civil words and lukewarm expressions of friendship." But when, in the summer of 1778, an American privateer hovered off the North Cape and took seven or more British vessels bound for Archangel, Panin informed Harris ministerially that, so long as the British treated the Americans as rebels, the court of Petersburg would look upon them as a people not yet entitled to recognition.

Bancroft, Hist. of the U.S., vol.5, p.343

Long years of peace had enriched the Dutch republic by prosperous manufactures and commerce. It was the leading neutral power; but the honor of its flag was endangered by the defects in its constitution, of which the forms of procedure tended to anarchy. Its stadholder, William V of the house of Orange, a young and incompetent prince, without self-reliance and without nobleness of nature, was haunted by the belief that his own position could be preserved only by the influence of Great Britain; and from dynastic selfishness followed the counsels of that power. Nor was his sense of honor so nice as to save him from asking and accepting money from the British crown. His chief personal counsellor was his former guardian, Prince Louis of Brunswick. No man could be less influenced by motives of morality or fidelity to the land in whose army he served, and he was always at the beck of the British ambassador at the Hague. Fagel, the secretary, was devoted to England. The grand pensionary, Van Bleiswijck, who had been the selection of Prince Louis, was a weak politician and inclined to England, but never meant to betray his country. Thus all the principal executive officers were attached to Great Britain; Prince Louis and the secretary Fagel as obsequious vassals.

Bancroft, Hist. of the U.S., vol.5, p.343 - p.344

France had a controlling influence in no one of the provinces; but, in the city of Amsterdam, Van Berckel, its pensionary, was her "friend." In January 1778, before her rupture with England, the French ambassador at the Hague was instructed to suggest a convention between the states-general, France, and Spain, for liberty of navigation. As the proposal was put aside by the grand pensionary, Vergennes asked that the Netherlands in the coming contest would announce to the court of London their neutrality, and support it without concessions. "The Dutch," Vergennes observed, "will find in their own history an apology for the French treaty with America." From the interior condition of the Netherlands, their excessive taxes, their weakness on sea and land, and the precarious condition of their possessions in the two Indies, they sought scrupulously to maintain their neutrality. As England did not disguise her aggressive intentions, the city of Amsterdam and Van Berckel sought to strengthen the Dutch navy, but were thwarted by Prince Louis, Fagel, and the stadholder. The Dutch were brave, provident, and capable of acts of magnanimity; but they were betrayed by their executive.

Bancroft, Hist. of the U.S., vol.5, p.344

In April 1778, the American commissioners at Paris—Franklin, Arthur Lee, and John Adams—in a letter to the grand pensionary, Van Bleiswijck, proposed a good under standing and commerce between the two nations, and promised to communicate to the states-general their commercial treaty with France. The Dutch government, through all its organs, met this only overture of the Americans by total neglect. It was neither answered nor put in deliberation. The British secretary of state could find no ground for complaint whatever. Still the merchants of Amsterdam saw in the independence of the United States a virtual repeal of the British navigation acts; and the most pleasing historical recollections of the Dutch people were revived by the rise of the new republic.

Bancroft, Hist. of the U.S., vol.5, p.344

In the following July the king of France published a declaration protecting neutral ships, though carrying contraband goods to or from hostile ports, unless the contraband exceeded in value three fourths of the cargo. But the right was reserved to revoke these orders if Great Britain should not within six months grant reciprocity.

Bancroft, Hist. of the U.S., vol.5, p.344 - p.345

The commercial treaty between France and the United States was, about the same time, delivered to the grand pensionary and to the pensionary of Amsterdam. The grand pensionary took no notice of it whatever. Van Berckel, in the name of the regency of Amsterdam, wrote to an American correspondent at the Hague: "With the new republic, clearly raised up by the help of Providence, we desire leagues of amity and commerce which shall last to the end of time." Yet he acknowledged that these wishes were the wishes of a single city, which could not bind even the province to which it belonged. Not one province, nor one city; not Holland, nor Amsterdam; no, not even one single man, whether in authority or in humble life—appears to have expected, planned, or wished a breach with England; and to the last they rejected the idea of a war with that power as an impossibility. The American commissioners at Paris, being indirectly invited by Van Berckel to renew the offer of a treaty of commerce between the two republics, declined to do so; for, as the grand pensionary had not replied to their letter written some months before, "they apprehended that any further motion of that kind on their part would not at present be agreeable."

Bancroft, Hist. of the U.S., vol.5, p.345

Meantime, one Jan de Neufville, an Amsterdam merchant, who wished his house recommended to good American merchants and had promised more about an American loan than he could make good, had come in some way to know William Lee, an alderman of London as well as an American commissioner to Vienna and Berlin, and, with the leave of the burgomasters of Amsterdam, met him at Aix-la-Chapelle and concerted terms for a commercial convention, proper in due time to be entered into between the two republics. The act was a nullity. When Lee communicated to the commissioners at Paris this project of a convention, they reminded him that the authority for treating with their high mightinesses belonged exclusively to themselves. The American congress took no notice of his intermeddling, and in the following June dismissed him from its service. Amsterdam disclaimed "the absurd design of concluding a convention independent of their high mightinesses." "The burgomasters only promised their influence in favor of a treaty of amity between the two powers, when the independence of the United States of America should be recognised by the English."

Bancroft, Hist. of the U.S., vol.5, p.345

To get rid of everything of which England could complain, the offer made in April by Franklin, Arthur Lee, and John Adams, to negotiate a treaty of commerce between America and the Netherlands, together with a copy of the commercial treaty between the United States and France, was, near the end of October, communicated to the states-general. They promptly consigned it to rest in the manner which met exactly the "hope" of the British secretary of state.

Bancroft, Hist. of the U.S., vol.5, p.346

During the summer of 1778, British cruisers and privateers scoured the seas in quest of booty. Other nations suffered, but none like the Netherlands. To their complaints that the clearest language of treaties was disregarded, the earl of Suffolk answered that the British ambassador at the Hague should have instructions to negotiate with the republic new stipulations for the future; but for the present, treaty or no treaty, England would not suffer materials for ship-building to be taken by the Dutch to any French port; and its cruisers and its admiralty were instructed accordingly. The stadholder brought all his influence to the side of England. On the thirtieth of December 1778, the states-general asserted their right to the commercial freedom guaranteed by the law of nations and by treaties; and yet of their own choice voted to withhold convoys, where the use of them would involve a conflict with Great Britain.

Bancroft, Hist. of the U.S., vol.5, p.346

In the same year the flag of Denmark, of Sweden, and of Prussia had been disregarded by British privateers, and the three powers severally demanded of England explanations. Vergennes seized the opportunity to fix the attention of Count Panin. "The empress," so he wrote toward the end of the year to the French minister in Russia, "will give a great proof of her dignity and equity if she will make common cause with Sweden, Denmark, Holland, and the king of Prussia." "She would render to Europe a great service if she would bring the king of England to juster principles on the freedom of navigation of neutral ships. Holland arms its vessels to convoy its merchant fleet; Denmark announces that in the sprang it will send out a squadron for the same object; Sweden will be obliged to take the like resolution. So many arrangements can easily give rise to troublesome incidents, and kindle a general maritime war. It would be easy for the empress to secure the prosperity of the commerce of Russia by supporting with energetic representations those of other neutral nations."

Bancroft, Hist. of the U.S., vol.5, p.346 - p.347

The Swedish envoy, in an interview with Panin, invited the Russian court to join that of Stockholm in forming a combined fleet to protect the trade of the North. Denmark, he said, would no doubt subscribe to the plan, and the commerce of the three countries, now so interrupted, would no longer be molested. The summons was heard willingly by Panin, who, on one of the last days of December, spoke to the British minister very plainly: "Denmark, Sweden, and Holland have respectively solicited the empress to join with them in a representation to you on this subject; and she cannot see with indifference the commerce of the North so much molested by your privateers. The vague and uncertain definition given by you to naval and warlike stores exposes almost all the productions of these parts to be sequestered. It becomes the empress, as a leading power on this side Europe, to expostulate with you and express her desire of some alteration in your regulations, and more circumspection in your mode of proceeding against the ships of neutral states." The British minister defended the British definition of "naval stores." Count Panin answered with a smile: "Accustomed to command at sea, your language on maritime subjects is always too positive." Harris deprecated any formal remonstrance against the British treatment of neutral powers as an appearance of disunion between the two courts. Panin replied: "I am sorry to hear you say what you do, as I have the orders of the empress to prepare a representation."

Bancroft, Hist. of the U.S., vol.5, p.347

The plan of Russia for 1779 aimed at no more than an agreement with Denmark and Sweden to exclude privateers from the North Sea near their coasts and from the Baltic. As the Russian trade was for the most part in the hands of the English, this action of Catharine would in practice be little more than a safeguard to English commerce. The cabinet of France feared that the consolidated group of northern states might be drawn into connection with England. At this stage, by the explanations of the king of Prussia, who through the mediation of Russia and France was just emerging from his Austrian war, every doubt was removed from the mind of Vergennes; and his answer to the Russian note drew from Panin the remark to the French minister at Petersburg: "Once more I give you my word that we have no engagement with England whatever."

Bancroft, Hist. of the U.S., vol.5, p.347 - p.348

The oppressed maritime powers continued to lay their complaints before the empress of Russia; so that the study of neutral rights occupied her mind till she came to consider herself singled out to take the lead in their defence.

Bancroft, Hist. of the U.S., vol.5, p.348

When, in the middle of July, Harris presented the Spanish declaration of war against England to Count Panin, he replied ministerially: "Great Britain has by its own haughty conduct brought down all its misfortunes on itself; they are now at their height; you must consent to any concessions to obtain peace; and you can expect neither assistance from your friends nor forbearance from your enemies." In subsequent conversations, Panin ever held the same language.

Bancroft, Hist. of the U.S., vol.5, p.348

"Count Panin," wrote Harris, "receives every idea from his Prussian majesty, and adopts it without reflection;" and the indefatigable envoy, giving up all hope of reclaiming him, undertook to circumvent him through the influence of Prince Potemkin, who possessed rare ability and occupied a position of undefined and almost unlimited influence with the army, the Greek church, and the nobility. By descent and character he was a true representative of Russian nationality. Leaving the two chief maritime powers of western Europe, both of whom wished to preserve the Ottoman empire in its integrity, to wear each other out, Potemkin used the moment of the American war to annex the Crimea.

Bancroft, Hist. of the U.S., vol.5, p.348

Harris professed to believe that for eighty thousand pounds he could purchase the influence of this extraordinary man; but Potemkin could Rot be reached. He almost never appeared at court or in company. No foreign minister could see him except by asking specially for an interview; no one of them was ever admitted to his domestic society or his confidence. Those who knew him best agree that he was too proud to take money from a foreign power, and he never deviated from his Russian policy; so that the enormous bribes which were designed to gain him were squandered on his intimates. At the same time he was aware how much he would gain by lulling the British government into acquiescence in his Oriental schemes of aggrandizement.

Bancroft, Hist. of the U.S., vol.5, p.348 - p.349

Without loss of time, Harris proposed to Potemkin that the empress should make a strong declaration at Versailles and Madrid, and second it by arming all her naval force. To this Potemkin objected, that both the Russian ministers who would be concerned in executing the project would oppose it. Harris next gained leave to plead his cause in person before Catharine herself. On the second of August, the favorite of the time conducted him by a back way into her private room, and immediately retired. The empress discomposed him by asking if he was acting under instructions. He had none; and yet he renewed his request for her armed mediation. She excused herself from plunging her empire into fresh troubles; then discoursed on the American war, and hinted that England could in a moment restore peace by renouncing its colonics. The council of state, to which the question was referred, unanimously refused to change its foreign policy. To the count of Goertz, the new and very able envoy of Frederic at Petersburg, Panin unfolded his innermost thoughts. "The British minister," said he, "as he makes no impression on me by sounding the tocsin, applies to others less well informed; but I answer for my ability to sustain my system. It would be no harm for England to meet with some loss." "The balance of power in Europe," wrote Frederic, "will not be disturbed by England's losing possessions here and there in other parts of the world."

Bancroft, Hist. of the U.S., vol.5, p.349 - p.350

During the same year, 1779, the Netherlands continued to suffer from the conflicting aggressions of France and Great Britain. France sought to influence the states-general by confining its concession of commercial advantages in French ports to the towns which voted for unlimited convoy. In the states of Holland it was carried for all merchant vessels destined to the ports of France by a great majority, Rotterdam and the other chief cities joining Amsterdam, and the nobles being equally divided; but the states-general, in which Zealand was followed by Gelderland, Groningen, and Overyssel, from motives of prudence rejected the resolution. Notwithstanding this moderation, a memorial from the British ambassador announced that Dutch vessels carrying timber to ports of France, as by treaty with England they had the right to do, would be seized, even though, escorted by ships-of-war. Indignation within the provinces at the want of patriotism in the prince of Orange menaced his prerogatives as stadholder, and even the union itself. On one occasion five towns voted in the states of Holland for withholding the quota of their province.

Bancroft, Hist. of the U.S., vol.5, p.350

Great Britain, in July 1779, demanded of the states-general the succor stipulated in the treaties of 1678 and the separate article of 1716; but they denied that any case under the treaties had arisen, and insisted that England might not at will disregard one treaty and claim the benefit of others.

Bancroft, Hist. of the U.S., vol.5, p.350

While the British were complaining that nine or ten American merchant vessels had entered the port of Amsterdam, a new cause of irritation arose. Near the end of July, Paul Jones, a Scot by birth, in the service of the United States, sailed from l'Orient as commander of a squadron, consisting of the Poor Richard of forty guns, many of them unserviceable; the Alliance of thirty-six guns, both American ships-of-war; the Pallas, a French frigate of thirty-two; and the Vengeance, a French brig of twelve guns. They ranged the western coast of Ireland, turned Scotland, and, cruising off Flamborough Head, descried the British merchant fleet from the Baltic, under the convoy of the Serapis of forty-four guns and the Countess of Scarborough of twenty guns.

Bancroft, Hist. of the U.S., vol.5, p.350

An hour after sunset, on the twenty-third of September, the Serapis, having a great superiority in strength, engaged the Poor Richard. Paul Jones, after suffering exceedingly in a contest of an hour and a half within musket-shot, bore down upon his adversary, whose anchor he hooked to his own quarter. The muzzles of their guns touched each other's sides. Jones could use only three nine-pounders beside muskets from the round-tops, but combustible matters were thrown into every part of the Serapis, which was on fire no less than ten or twelve times. There were moments when both ships were on fire. After a two-hours' conflict in the first watch of the night, the Serapis struck its flag. Jones raised his pendant on the captured frigate, and the next day had but time to transfer to it his wounded men and his crew before the Poor Richard went down. The French frigate engaged and captured the Countess of Scarborough. The Alliance, which from a distance had raked the Serapis during the action, not without injuring the Poor Richard, had not a man injured. On the fourth of October the squadron entered the Texel with its prizes.

Bancroft, Hist. of the U.S., vol.5, p.351

The British ambassador, of himself and again under instructions, reclaimed the captured British ships and their crews, "who had been taken by the pirate Paul Jones of Scotland, a rebel and a traitor." "They," he insisted, "are to be treated as pirates whose letters of marque have not emanated from a sovereign power." The grand pensionary would not apply the name of pirate to officers bearing the commissions of congress. In spite of the stadholder, the squadron enjoyed the protection of a neutral port. Under an antedated commission from the French king, the flag of France was raised over the two prizes and every ship but the Affiance; and, four days before the end of the year, Paul Jones with his English captures left the Texel.

Bancroft, Hist. of the U.S., vol.5, p.351

An American frigate, near the end of September, entered the port of Bergen with two rich prizes. Yielding to the British envoy at Copenhagen, Bernstorff, the Danish minister, seized the occasion to publish an ordinance forbidding the sale of prizes until they should have been condemned in a court of admiralty of the nation of the privateer; and he slipped into the ordinance the declaration that, as the king of Denmark had recognised neither the independence nor the flag of America, its vessels could not be suffered to bring their prizes into Danish harbors. The two which had been brought into Bergen were set free; but, to avoid continual reclamations, two others, which in December were taken to Christiansand, were only forced to leave the harbor.

Bancroft, Hist. of the U.S., vol.5, p.351 - p.352

Wrapt up in the belief that he had "brought the empress to the verge of standing forth as the professed friend of Great Britain," Harris thought he had only to meet her objection of has having acted without instructions; and, at his instance, George III, in November, by an autograph letter, entreated her armed mediation against the house of Bourbon. "I admire," so he addressed her, "the grandeur of your talents, the nobleness of your sentiments, and the extent of your intelligence." "The mere show of naval force could break up the league formed against me, and maintain the balance of power which this league seeks to destroy." A writing from Harris, in which he was lavish of flattery, accompanied the letter; and he offered, unconditionally, an alliance with Great Britain, including even a guarantee against the Ottoman Porte.

Bancroft, Hist. of the U.S., vol.5, p.352

The answer was prepared by Panin without delay. The empress loves peace, and therefore refuses an armed intervention, which could only prolong the war. She holds the time ill chosen for a defensive alliance, since England is engaged in a war not appertaining to possessions in Europe; but, if the court of London will offer terms which can serve as a basis of reconciliation between the belligerent powers, she will eagerly employ her mediation.

Bancroft, Hist. of the U.S., vol.5, p.352

In very bad humor, Harris rushed to Potemkin for consolation. "What can have operated so singular a revolution?" demanded he, with eagerness and anxiety. Potemkin, cajoling him, replied: "Count Panin times his councils with address; my influence is at an end."

Bancroft, Hist. of the U.S., vol.5, p.352

The Russian envoy at London, and the envoys of Sweden, Denmark, the Netherlands, and Prussia, delivered memorials to the British government. To detach Russia from the other complainants, Harris, in January 1780, gave a written promise "that the navigation of the subjects of the empress should never be interrupted by vessels of Great Britain."

Bancroft, Hist. of the U.S., vol.5, p.352 - p.353

The spirit of moderation prevailed in the councils of the Netherlands. Even the province of Holland had unreservedly withdrawn its obnoxious demands. On the evening before the twenty-seventh of December 1779, seventeen Dutch merchant vessels, laden with hemp, iron, pitch, and tar, left the Texel under the escort of five ships-of-war, commanded by the Count de Bylandt. In the English channel, on the morning of the thirtieth, they descried a British fleet, by which they were surrounded just before sunset. The Dutch admiral refusing to permit his convoy to be visited, Fielding, the British commander, replied that it would then be done by force. During the parley, night came on; and twelve of the seventeen ships, taking advantage of the darkness and a fair wind, escaped through the British lines to French ports. The English shallop, which the next morning at nine would have visited the remaining five ships, was fired upon. At this, the British flag-ship and two others fired on the Dutch flag-ship. The ship was hit, but no one was killed or wounded. "Let us go down," said the Dutch crews to one another, "rather than fail into a shameful captivity;" but their admiral, considering that the British force was more than three times greater than his own, after returning the broadside, struck his flag. Fielding carried the five merchant ships as prizes into Portsmouth.

Bancroft, Hist. of the U.S., vol.5, p.353

This outrage on the Netherlands tended to rouse and unite all parties and all provinces. But another power beside England had disturbed neutral rights. Fearing that supplies might be carried to Gibraltar, Spain had given an order to bring into Cadiz all neutral ships bound with provisions for the Mediterranean, and to sell their cargoes to the highest bidder. In the last part of the year 1779 the order had been applied to the Concordia, a Russian vessel carrying wheat to Barcelona. Harris, who received the news in advance, hurried to Potemkin with a paper, in which he proved from this example what terrible things might be expected from the house of Bourbon if they should acquire maritime superiority. On reading this paragraph, Potemkin cried out: "You have the empress now. She abhors the inquisition, and will never suffer its precepts to be exercised on the high seas." A strong memorial was drawn up under the inspection of the empress herself; and a reference to the just reproaches of the courts of Madrid and Versailles against Great Britain for troubling the liberty of commerce was added by her own express order.

Bancroft, Hist. of the U.S., vol.5, p.353

Hardly had the Spanish representative at Petersburg forwarded the memorial by a courier to his government when letters from the Russian consul at Cadiz announced that the St. Nicholas, bearing the Russian flag and bound with corn to Malaga, had been brought into Cadiz, its cargo disposed of by auction, and its crew treated with inhumanity. The empress felt this second aggression as a deliberate outrage on her flag; and, following the impulses of her own mind, she seized the opportunity to adopt, seemingly on the urgency of Great Britain, a general measure for the protection of the commerce of Russia as a neutral power against all the belligerents and on every sea. She preceded the measure by signing an order for arming fifteen ships of the line and five frigates for service early in the spring.

Bancroft, Hist. of the U.S., vol.5, p.353 - p.354

She further signed letters, prepared by her private secretary, to her envoys in Sweden, Denmark, and the Hague, before she informed her minister for foreign affairs of what had been done. A Russian courier was expedited to Stockholm, and thence to Copenhagen, the Hague, Paris, and Madrid. On the twenty-second of February 1780, Potemkin announced the measure to Harris, by the special command of the empress. "The ships," said the prince, "will be supposed to protect the Russian trade against every power, but they are meant to chastise the Spaniards, whose insolence the empress cannot brook." Harris "told him that it was no more than the system of giving protection to trade, suggested last year by the three northern courts, now carried into execution." Potemkin, professing to be "almost out of humor with his backwardness to admit the great advantage England would derive from the step," rejoined: "I am just come from the empress; it is her particular order that I tell it to you. She commanded me to lose no time in finding you out. She said she knew it would give you pleasure; and, beside myself, you are at this moment the only person acquainted with her design." He ended by urging Harris to despatch his messenger immediately with the news; and accordingly the measure was reported to the British government by its own envoy as a friendly act performed at its own request.

Bancroft, Hist. of the U.S., vol.5, p.354

Before the dispatches of Harris were on the road, the conduct of the affair was intrusted to Panin, who was suffering from a disease which was bringing him to the grave. The last deed of the dying statesman was his best.

Bancroft, Hist. of the U.S., vol.5, p.354

To Frederic, Goertz made his report: "Everything will depend on the reply of the court of Spain; at so important a moment, your majesty has the right to speak to it with frankness." "There will result from the intrigue a matter the execution of which no power has thus far been able to permit itself to think of. All have believed it necessary to establish and to fix a public law for neutral powers in a maritime war; the moment has come for attaining that end."

Bancroft, Hist. of the U.S., vol.5, p.354 - p.355

These letters reached Frederic by express; and on the fourteenth of March, by the swiftest messenger, he instructed his minister at Paris as follows: "Immediately on receiving the present order you will demand a particular audience of the ministry at Versailles; and you will say that in my opinion everything depends on procuring for Russia, without the least loss of time, the satisfaction she exacts, and which Spain can the less refuse, because it has plainly acted with too much precipitation. Make the ministry feel all the importance of this warning, and the absolute necessity of satisfying Russia without the slightest delay on an article where the honor of her flag is so greatly interested.

Bancroft, Hist. of the U.S., vol.5, p.355

Vergennes forwarded a copy of the letter of Frederic to the French ambassador at Madrid, with the instruction: "I should wrong your penetration and the sagacity of the cabinet of Madrid, if I were to take pains to demonstrate the importance for the two crowns to spare nothing in order that the empress of Russia may not depart from the system of neutrality which she has embraced." The letter of Frederic was communicated to Florida Blanca, and it was impossible to resist its advice.

Bancroft, Hist. of the U.S., vol.5, p.355

Before a dispatch could have reached even the nearest power, Count Panin laid before the empress a plan for deducing out of the passing negotiation a system of permanent protection to neutral flags in a maritime war. He advised her to present herself to Europe in an impartial attitude, as the defender of the rights of neutrals before all the world. She would thus gain a glorious name as the law-giver of the seas, imparting to commerce in time of war a security such as it had never yet enjoyed; she would gather around her all civilized states, and be venerated by the nations through coming centuries as the benefactress of the human race.

Bancroft, Hist. of the U.S., vol.5, p.355 - p.356

The opinions of her minister coinciding with her own, on the twenty-sixth of February 1780—that is, on the eighth of March, new style—Catharine and Panin set their names to the declaration, of which the fixed principles are: Neutral ships shall enjoy a free navigation even from port to port, and on the coasts of the belligerent powers. Free ships free all goods except contraband. Contraband are arms and ammunitions of war, and nothing else. No port is blockaded unless the enemy's ships, in adequate number, are near enough to make the entry dangerous. These principles shall rule decisions on the legality of prizes. "Her imperial majesty," so ran the state paper, "in manifesting these principles before all Europe, is firmly resolved to maintain them. She has therefore given an order to fit out a considerable portion of her naval forces, to act as her honor, her interest, and necessity may require."

Bancroft, Hist. of the U.S., vol.5, p.356

Frederic received the news of the declaration in advance of others, and with all speed used his influence in its behalf at Versailles; So that for the maritime code, which came upon Great Britain as a surprise, a welcome was prepared in France and Madrid.

Bancroft, Hist. of the U.S., vol.5, p.356

The empress made haste to invite Sweden, Denmark, Portugal, and the Netherlands to unite with her in supporting the rules which she had proclaimed. John Adams applauded the justice, the wisdom, and the humanity of an association of maritime powers against violences at sea, and added as his advice to congress: "The abolition of the whole doctrine of contraband would be for the peace and happiness of mankind; and I doubt not, as human reason advances and men come to be more sensible of the benefits of peace and less enthusiastic for the savage glories of war, all neutral nations will be allowed by universal consent to carry what goods they please in their own ships, provided they are not bound to places actually invested by an enemy."

Bancroft, Hist. of the U.S., vol.5, p.356

For the moment the attention of Europe was riveted on the Netherlands.

Chapter 23:

Great Britain Makes War on the Netherlands,

1780-1781

Bancroft, Hist. of the U.S., vol.5, p.357

THE successor of Lord Weymouth was Lord Stormont, the late British ambassador at Paris. He had an unbounded confidence in the spirit and resources of his country but this confidence took the worst forms of haughty blindness to moral distinctions in dealing with foreign powers. To complaints by the Dutch of the outrage on their flag, he answered by interpreting treaties contrary to their plain meaning, and then by saying: "We are determined to persist in the line of conduct we have taken, be the consequences what they may."

Bancroft, Hist. of the U.S., vol.5, p.357 - p.358

The British ministry sent the case of the Dutch merchant vessels that had been carried into Portsmouth to the court of admiralty, where Sir James Marriot, the judge, thus laid down the law: "It imports little whether the blockade be made across the narrows at Dover or off the harbor at Brest or L'Orient. If you are taken, you are blocked. Great Britain, by her insular position, blocks naturally all the ports of Spain and France. She has a right to avail herself of this position as a gift of Providence." Swayed by the more weighty members of the republic, the stadholder addressed a representation to the empress of Russia for concert in the defence of neutral flags. Before it was received at Petersburg, Prince Galitzin, the Russian envoy at the Hague, on the third of April 1780, invited the states-general to a union for the protection of neutral trade and navigation. "The same invitation," said the envoy, "has been made to the courts of Copenhagen, Stockholm, and Lisbon, in order that by the joint endeavors of all neutral maritime powers a natural system, founded on justice, may be established as a rule for future ages." The states-general desired to join in the association; but the stadholder, under English influence, contrived to make delay.

Bancroft, Hist. of the U.S., vol.5, p.358

England acted promptly. On the seventeenth an order of the king in council suspended all treaties between the two countries. In consequence of this order, Dutch ships were taken into English ports and condemned by the admiralty, on the assumption that, French harbors being naturally blockaded by those of England, Dutch ships had no right to sail near them.

Bancroft, Hist. of the U.S., vol.5, p.358

France yielded to Spain the distinction of being the first to accept the Russian proposal; and Florida Blanca on the eighteenth of April did it so heartily that, in the autobiographic report which he made of his administration to his king, he relates: "The honor of this successful project has been ascribed to Russia, which, in fact, gave it support; but it had its origin in the cabinet of your majesty."

Bancroft, Hist. of the U.S., vol.5, p.358

A week later France followed Spain, saying: "The war in which the king is engaged has no other object than the liberty of the seas. The king believed he had prepared an epoch glorious for his reign, in fixing by his example the rights of neutrals. His hopes have not been deceived."

Bancroft, Hist. of the U.S., vol.5, p.358

On the fifth of October the United States of America in congress, by a resolution which Robert R. Livingston drafted, proclaimed the maritime code of the empress of Russia, and afterwards included it in their treaties with the Netherlands, with Sweden, and with Prussia.

Bancroft, Hist. of the U.S., vol.5, p.358

The king of England and his ministry were of the opinion that to tolerate the armed neutrality was to confess that British supremacy on the high seas was broken; and they established two points, from neither of which they would depart: the one, to attack any Netherlands convoy; the other, to prevent the association of the Netherlands with Russia at all hazards.

Bancroft, Hist. of the U.S., vol.5, p.358 - p.359

Even Lord Shelburne, the chief of the opposition in the upper house, condemned the Russian manifesto as an attempt by a "nation scarcely known as a maritime power thirty years ago to dictate laws of navigation to Great Britain;" and Lord Camden denounced it as a dangerous and arbitrary edict, subversive of the first principle of the law of nations. Yet the British government avoided expressing any opinion on the rules which had been laid down. "An ambiguous and trimming answer was given:" such is the narrative of Harris. "We seemed equally afraid to accept or dismiss the new-fangled doctrines. I was instructed secretly to oppose, but avowedly to acquiesce in them."

Bancroft, Hist. of the U.S., vol.5, p.359

The neutral powers on the continent, from Archangel to Constantinople, one after the other, accepted the code of Catharine. Bernstorff, though very reluctant to do anything not agreeable to the English court with which he was then conducting a private negotiation defining contraband, on the eighth of July confirmed the adhesion of Denmark by a treaty with Russia. Gustavus of Sweden set forth to the belligerents that the principles of Russia were his own, and on the twenty-first his kingdom acceded to the treaty between Denmark and Russia, and Denmark to that between Russia and Sweden. The three powers agreed to support each other against every attack by reprisals and other means. Each was to fit out a fleet, and the several commanders were ordered to protect every mercantile ship of the three nations against injury. When in autumn it came to light that Bernstorff in a separate treaty with Great Britain had compromised the rule respecting contraband, the minister was for the time dismissed from office. On the seventh of May 1781, Frederic of Prussia joined the armed neutrality. Five months later, Joseph II acceded by treaty with the empress of Russia, from whom he gained advantages for the commerce of Belgium. The accession of Portugal took place in July 1782; that of Naples in February of the following year; that of the Ottoman Porte in September 1782 by its treaty with Spain, confirmed in June 1783 by its treaty with Russia.

Bancroft, Hist. of the U.S., vol.5, p.359 - p.360

After the British had suspended every commercial treaty with the Netherlands, Stormont wrote to Yorke: "The best way to bring the Dutch around to their senses is to wound them in their most feeling part, their carrying trade. The success of our cruisers has hitherto fallen much short of expectation." So on the thirtieth of May 1780, in a time of uninterrupted peace, Yorke was instructed to collect the best intelligence on the voyages of the Dutch merchants, that British cruisers might know where to go for the richest prizes.

Bancroft, Hist. of the U.S., vol.5, p.360

The condition of the Netherlands was truly difficult to be borne: their honor was trifled with; their commerce pillaged; they were weak and without promise of help from any side; their stadholder did not support them. They anxiously awaited the arrival of each English mail to learn by what new measures the British cabinet would abuse their power, and how many more Dutch ships had been seized. The republic had no part to choose but submission to Great Britain or an association with Russia. The draft of the convention, which the empress had directed to be offered to Sweden, Denmark, and the Netherlands, arrived in June. The grand pensionary and the country wished at once to accede to the confederacy of the North. But the stadholder, who in May, acting in the interests of England, refused to take a step till the conduct of all the other neutral powers should be thoroughly understood, in June would not listen to any treaty with Russia unless it should include a guarantee of the possessions of the republic in both Indies.

Bancroft, Hist. of the U.S., vol.5, p.360

The commissioners for the Netherlands found in Panin a statesman who regarded the independence of America as a result very advantageous for all nations, and especially for Russia, and who did not doubt that England would be forced to recognise it. In the course of September he drafted a convention which he held to be the only possible one between Russia and the republic. The draft did not include the wished for guarantee of the Dutch possessions in America, at the Cape of Good Hope, and in India; but, if the republic should be attacked on account of the convention, the other powers were to take her part. A separate article declared the object of the armed neutrality to be the restoration of peace. At the same time couriers were despatched to the courts of Stockholm and Copenhagen; so that, against the return of a favorable answer from the Hague, all things might be prepared for receiving the Dutch republic into the league of neutral powers.

Bancroft, Hist. of the U.S., vol.5, p.360 - p.361

Every step of this negotiation was watched by England. Yet the ministry, who were all the time seeking an alliance with Russia, disliked the appearance of going to war with the republic solely on account of her intention of joining the armed neutrality. In October, Henry Laurens, whom the United States had accredited to the Netherlands for the purpose of raising a loan, was taken on his passage to Europe, and among his papers was found the unauthorized project for a treaty, concerted, as we have seen, between Neufville and William Lee. To Lord Stormont the "transaction appeared to be the act of individuals;" and Hillsborough owned "that the states-general had had no knowledge of the treaty, which had never been signed except by private persons." But the resolution was instantly taken to use the Laurens papers so as to "give the properest direction to the war." To produce upon the public mind a strange and startling sensation, Laurens, after an examination at the admiralty before the three secretaries of state, was escorted through the streets of London by a large guard, and confined as a state's prisoner in the Tower, where he was debarred from all intercourse and from the use of pen and paper.

Bancroft, Hist. of the U.S., vol.5, p.361

When the courier from Petersburg arrived at the Hague with the treaty which Panin had drafted, Stormont saw there was no time to be lost. On the last day of October, Yorke announced that the states-general, at their meeting in the first week of November, would disavow the transaction between Amsterdam and America, but would decide to join the northern league.

Bancroft, Hist. of the U.S., vol.5, p.361 - p.362

On the third of November this despatch was laid before the king. On that same day the states of Holland, after full deliberation, condemned the conduct of Amsterdam for the acts which Great Britain resented, and resolved to give to the British government every reasonable satisfaction, so as to leave not the slightest ground for just complaint. Even Yorke, who saw everything with the eyes of an Englishman, thought their conduct rather fair. Yet Stormont would brook no delay; and the British cabinet, well aware of the peaceful intentions of the states of Holland and the states-general, with the approval of the king came to a determination to maid war upon the republic, unless it should recede from its purpose of joining the northern confederacy. In the very hours in which this decision was taken, Yorke was writing that a war with the republic would be a war with a government without artillery, "in want of stores of all kinds, without fleet or army, or any one possession in a state of defence." The memorial to the states-general was drafted by Lord Stormont himself, and was designed to conceal the real motives of Great Britain under a cloud of obloquy relating to Amsterdam, and by demands impossible to be complied with. The memorial was not to be presented if the ambassador had certain information that the majority of the provinces would refuse to join the maritime league of the North. "We do not wish," wrote Stormont, "to give a deep wound to our old and natural allies. Our object is to cure their madness by stunning them into their senses."

Bancroft, Hist. of the U.S., vol.5, p.362

On the sixth Yorke represented to the stadholder the opportunity of the republic for repentance and amendment. The prince, shrugging his shoulders, answered: "I foresee consequences which may be fatal to my house and the republic." Yorke replied that the stadholder might do a secondary and passive kind of service by starting difficulties and delaying the fresh instructions to the ministers at Petersburg. The stadholder answered: "England cannot impute a wish for war to those who are for concluding a neutral alliance with Russia, nor blame a vote of convoy from which masts and ship-timber are excluded." Yorke urged that the alliance with the North was pushed by men of warlike views. The stadholder answered: "The regents in general have not that view." Yorke turned the conversation to the negotiation with America. The stadholder observed: "I have reason to believe Holland will, as it ought to do, disavow and disapprove that transaction." "And give satisfaction too?" asked Yorke. The prince answered: "I hope they will communicate their disavowal to England." But he did not deny that the plurality of the provinces was in favor of the connection with Russia on the terms which that empire had proposed.

Bancroft, Hist. of the U.S., vol.5, p.362 - p.363

Just after this interview Yorke received from Stormont an inquiry as to where blows could be struck at the republic with the most profit, and on the seventh of November Yorke replied: "This country is by no means prepared for war. It is the fashion still to suppose a war against England impossible. The executive part of the government has been averse to it all along. As to the Dutch settlements in the East and West Indies, their own avowal proves them in a deplorable state; but St. Eustatius, above all St. Eustatius, is the golden mine of the moment." This letter of Yorke was received by Stormont on the twelfth; and the passage relating to St. Eustatius was secretly sent forthwith to the British admiralty for its guidance.

Bancroft, Hist. of the U.S., vol.5, p.363

Already on the tenth Yorke had presented to the states-general Lord Stormont's memorial. "The king insists," so ran its words, "on the exemplary punishment of the pensionary Van Berckel and his accomplices, as disturbers of the public peace and violators of the rights of nations. His majesty flatters himself that the answer of your high mightinesses will be speedy, and to the purpose in every respect. To pass over in silence so just a request will be deemed a denial, and his majesty will think himself obliged to take such steps as become his dignity."

Bancroft, Hist. of the U.S., vol.5, p.363

Three days after the delivery of the memorial, Yorke caused it to be printed. It seemed to the patriots singular for the English to demand the punishment of Van Berckel, when they themselves did not even bring Laurens to trial. People in the towns under English influence said: "Van Berckel and his accomplices deserve to be 'De-Witted.'" "If a small mob," wrote Yorke from the Hague, "receive the deputies of Amsterdam when they next come here, the affair will be soon decided. But how promise for work with the tools I have?"

Bancroft, Hist. of the U.S., vol.5, p.363 - p.364

"The die is thrown," wrote Stormont to Yorke on the fourteenth, as he asked him again for the best information respecting all the vulnerable parts of the republic. At that time there still reigned among the Dutch confidence in peace. On the twenty-third the states of Holland, acting on a communication from the stadholder, entirely disavowed and disc approved whatever had been done by the burgomasters and regents of the town of Amsterdam respecting negotiations with congress. The states-general confirmed the disavowal, and declared their wish to preserve a good understanding with England. Every post brought to the court of London concurrent proofs that the cities, the people, every branch of the government, all the ministers, desired to continue at peace. The stadholder, the great partisan of England, thought that the Dutch government had done enough to remove from itself every suspicion.

Bancroft, Hist. of the U.S., vol.5, p.364

Yet, on the first of December, Stormont renewed the demand for the immediate punishment of the Amsterdam offenders; and on the fifth he asked of Yorke some ideas for a manifesto, for he was preparing "to send secret orders to seize the Dutch settlements in the West Indies." Then, on the sixteenth, before he even knew that his second memorial had been presented, having been informed that on the afternoon of the eleventh the states-general had resolved to make the declaration required before admission to the armed neutrality, he sent orders to Yorke "as soon as might be to quit Holland without taking leave."

Bancroft, Hist. of the U.S., vol.5, p.364

While Yorke was still negotiating at the Hague, British cruisers pounced upon the unsuspecting merchant-men of their ally of a hundred and six years, and captured two hundred ships of the republic, carrying cargoes worth fifteen millions of guilders. Four days at least before he left the Hague a swift cutter was sent to Rodney at Barbados with orders, founded upon the ambassador's letter of the seventh of November, to seize St. Eustatius.

Bancroft, Hist. of the U.S., vol.5, p.364 - p.365

Suddenly, on the third of February 1781, the British West India fleet and army, after a feint on the coasts of Martinique, appeared off the island and demanded of De Graat, the governor, its surrender within an hour. "The surprise and astonishment of the inhabitants was scarcely to be conceived." Unable to offer resistance and ignorant of a rupture between Great Britain and the republic, the governor gave up his post and its dependencies, invoking clemency for the town. The wealth of the island, which was a free port for all nations, astonished even those who had expected most, "the whole of it being one continued store of French, American, Dutch," and also English "property." In the words of Rodney: "All the magazines, the storehouses, are filled, and even the beach covered, with tobacco and sugar." The value of the merchandise, at a moderate estimate, considerably exceeded three millions of pounds sterling. Besides this, there were taken in the bay upwards of one hundred and fifty merchant vessels, a Dutch frigate and five smaller vessels of war, all complete and ready for service. Thirty richly freighted ships, which had left the island about thirty-six hours before, were overtaken by a detachment from Rodney's fleet, and captured with the ship of sixty guns which was their convoy. The Dutch flag was kept flying on the island, and decoyed no less than seventeen vessels into the port after its capture. Three large ships from Amsterdam, laden with all kinds of naval stores, were taken and carried into St. Christopher. At St. Eustatius, in the order of sale, English stores were, for form's sake, excepted; but all property was seized, and the confiscation was general, without discrimination between friend and foe, between neutral powers and belligerents, between Dutch and British. A remonstrance from British merchants, written by the king's solicitor-general in St. Christopher, Rodney scorned to read, and answered: "The island of St. Eustatius is Dutch; everything in it is Dutch; everything is under the protection of the Dutch flag, and as Dutch it shall be treated."

Bancroft, Hist. of the U.S., vol.5, p.365

Besides St. Eustatius, all the settlements of the republic in South America were taken during the season. Of the Dutch possessions in Africa and Asia, the undefended Cape of Good Hope, as the half-way house on the voyage to India; the feebly garrisoned Negapatam; and the unique harbor of Trincomalee on Ceylon—were held to be most desirable objects for Great Britain.

Bancroft, Hist. of the U.S., vol.5, p.365

The Dutch republic was relatively weak; yet, if her finances were impaired, it was by debts contracted during her alliance with England and in rendering service to that power. The administration of Lord North lost its remaining influence on the continent of Europe by this cruel and unjust war. With no nation had it any connection on the score of principle; to not one was it drawn by regard for the higher interests of humanity.

Chapter 24:

The War in the South; Clinton and Lincoln,

1778-1780

Bancroft, Hist. of the U.S., vol.5, p.366

To trace events intelligibly in their connection, the war of Great Britain on the Netherlands has been carried forward to the ruin of their commerce in the West Indies. The plan for the southern campaign of 1778 was prepared by Germain with great minuteness of detail. Georgia and South Carolina were to be reduced by detachments from the army of New York and be held by the employment of their own militia; the upland settlements were to be separated from the planters of the low country; the one to be reduced by the terror of savage warfare, the other by the fear of their slaves; the city of Charleston was in due time to be taken, and, on the appearance of a small corps at Cape Fear, "large numbers of the inhabitants," it was thought, "would doubtless flock to the standard of the king," whose government would be restored in North Carolina. But, for want of troops, the summer at the South passed away in idleness. When in autumn two expeditions of regulars and vindictive refugees were sent by Brigadier-General Prevost from east Florida into Georgia, the one was stopped at Sunbury, the other at the Ogeechee. The latter on its return burned the church, almost every dwelling-house in Midway, and all rice and other cereals within their reach; and they brought off negroes, horses, cattle, and plate. Screven, an American officer, beloved for his virtues, was killed after he became a prisoner.

Bancroft, Hist. of the U.S., vol.5, p.366

Robert Howe, the American commander in the southern district, returned from an expedition against St. Augustine after the loss of one quarter of his men.

Bancroft, Hist. of the U.S., vol.5, p.367

In December, three thousand men, despatched from New York under Lieutenant-Colonel Campbell, approached Savannah. Relying on the difficulties of the ground, Howe offered resistance to a disciplined corps, ably commanded, and more than three times as numerous as his own; but, on the twenty-ninth of December, a British party, guided by a negro through a swamp, made a simultaneous attack on the Americans in front and rear, and drove them into a precipitate retreat. With a loss of but twenty-four in killed and wounded, the British gained the capital of Georgia and more than four hundred prisoners. Campbell promised protection to the inhabitants, but only on condition that "they would support the royal government with their arms." The captive soldiers, refusing to enlist in the British service, were crowded on board prison-ships, to be swept away by infection. Many civilians submitted; determined republicans found an asylum in the western parts of the state.

Bancroft, Hist. of the U.S., vol.5, p.367

At the request of the delegates from South Carolina, Robert Howe was superseded in the southern command by Major-General Benjamin Lincoln. In private life this officer was most estimable; as a soldier he was brave, but slow in perception and in will. Toward the end of 1776 he had repaired to Washington's camp as a major-general of militia; in the following February he was transferred to the continental service, and passed the winter at Morristown. In the spring of 1777 he was surprised by the British, and narrowly escaped. In the summer he was sent to the North, but never took part in any battle. Wounded by a British party whom he mistook for Americans, he left the camp, having been in active service less than a year. He had not fully recovered when, on the fourth of December 1778, he entered upon the command in Charleston.

Bancroft, Hist. of the U.S., vol.5, p.367 - p.368

Early in January 1779, Prevost marched to Savannah, reducing Sunbury on the way; and Campbell took possession of Augusta. The province of Georgia appearing to be restored to the crown, plunder became the chief thought of the British army. Lincoln took post near Perrysburg, with at first scarcely more than eleven hundred men. The British detached two hundred men to Beaufort. Moultrie, sent almost alone to counteract the movement, rallied under his standard about an equal number of militia, and nine continentals. Their enemy had the advantage of position; but, under a leader whom they trusted, on the third of February they drove the invaders with great loss to their ships.

Bancroft, Hist. of the U.S., vol.5, p.368

The continental regiments of North Carolina were with Washington; its legislature promptly sent, under Ashe and Rutherford, two thousand men, though without arms, to serve for five months. The scanty stores of South Carolina were exhausted in arming them. In the last days of January 1779 they joined the camp of Lincoln. The assembly of South Carolina, superseding Rawlins Lowndes by an almost unanimous vote, recalled John Rutledge to be their governor, ordered a regiment of light dragoons to be raised, offered a bounty of five hundred dollars to every one who would enlist for sixteen months, and gave power to the governor and council to draft the militia of the state and "do everything necessary for the public good."

Bancroft, Hist. of the U.S., vol.5, p.368

The British, having carried their arms into the upper country of Georgia, sent emissaries to encourage a rising in South Carolina. A party of men, whose chief object was rapine, put themselves in motion to join the British, gathering booty on the way. They were pursued across the Savannah by Colonel Andrew Pickens, with about three hundred of the citizens of Ninety-Six; and, on the fourteenth of February, were overtaken, surprised, and routed. About two hundred escaped to the British lines. Their commander and forty others fell in battle, and many prisoners were taken. The republican government, which since 1776 had maintained its jurisdiction without dispute in every part of the commonwealth, arraigned some of them in the civil court; and, by a jury of their fellowcitizens, seventy of them were convicted of treason and rebellion against the state of South Carolina. Of these, five were executed.

Bancroft, Hist. of the U.S., vol.5, p.368 - p.369

The army of Lincoln was greatly inferior to the British in number, and far more so in quality; yet he detached Ashe, with fifteen hundred of the North Carolina militia, on separate service. This inexperienced general crossed the Savannah at Augusta, which the British had abandoned, descended the river with the view to confine the enemy within narrower limits, and, following his orders, encamped his party at Brier creek, on the Savannah, beyond supporting distance. The post seemed to him strong, as it had but one approach. The British amused Lincoln by a feint, while Lieutenant-Colonel Prevost turned the position of Ashe, and on the third day of March fell upon his party. The few continentals, about sixty in number, alone made a brave defence. By wading through swamps and swimming the Savannah, four hundred and fifty of the militia rejoined the American camp; the rest perished, or were captured, or returned to their homes. So quickly was one fourth of the troops of Lincoln lost. After this success General Prevost proclaimed a sort of civil government in Georgia.

Bancroft, Hist. of the U.S., vol.5, p.369

Reinforced from the South Carolina militia, of whom Rub ledge had assembled great numbers at Orangeburg, Lincoln undertook to lead his troops against Savannah by way of Augusta, leaving only a thousand militia under Moultrie at Perrysburg. Prevost had the choice between awaiting an attack or invading the richest part of Carolina. His decision was for the side which promised booty. On the twenty-eighth of April, supported by Indians, he crossed the river with three thousand men and drove Moultrie before him. It was represented to him that Charleston was defenceless. After two or three days of doubt, the hope of seizing the city lured him on; and upon the eleventh of May he appeared before the town. He came two days too late. While he hesitated, the men of Charleston had protected the neck by sudden but well-planned works; on the ninth and tenth, Rutledge arrived with militia, and Moultrie with all of his party that remained true to him, as well as a detachment of three hundred men from the army of Lincoln. While the British crossed the Ashley river, Pulaski and a corps were ferried over the Cooper into Charleston.

Bancroft, Hist. of the U.S., vol.5, p.369 - p.370

In the camp of Washington young Laurens became impatient to fly to his native state and levy and command a regiment of blacks. Alexander Hamilton recommended the project to the president of congress in these words: "The negroes will make very excellent soldiers. This project will have to combat prejudice and self-interest. Contempt for the blacks makes us fancy many things that are founded neither in reason nor experience. Their natural faculties are as good as ours. Give them their freedom with their muskets: this will secure their fidelity, animate their courage, and have a good influence upon those who remain, by opening the door for their emancipation. Humanity and true policy equally interest me in favor of this unfortunate class of men." Two days later the elder Laurens wrote to Washington: "Had we arms for three thousand such black men as I could select in Carolina, I should have no doubt of driving the British out of Georgia and subduing east Florida before the end of July." To this Washington answered: "Should we begin to form battalions of them, I have not the smallest doubt"the British would "follow us in it and justify the measure upon our own ground. The contest then must be, who can arm fastest. And where are our arms?"

Bancroft, Hist. of the U.S., vol.5, p.370

Congress listened to Huger, the agent from South Carolina, as he explained that his state was weak, because many of its citizens must remain at home to prevent revolts among the negroes, or their desertion to the enemy; and it recommended as a remedy that the two southernmost of the thirteen states should arm three thousand of the most vigorous and enterprising of the negroes under command of white officers.

Bancroft, Hist. of the U.S., vol.5, p.370 - p.371

A few days before the British came near Charleston young Laurens arrived, bringing this advice of congress. It was heard in anger and rejected. The state felt itself cast off and alone. Georgia had fallen; the country between Savannah and Charleston was overrun; the British confiscated all negroes whom they could seize; their emissaries were urging the rest to rise against their owners or to run away. Many began to regret the struggle for independence. Moved by their dread of exposing Charleston to be taken by storm, and sure at least of gaining time by protracted parleys, the executive government sent a flag to ask of the invaders their terms for a capitulation. In answer, the British general offered peace to the inhabitants who would accept protection; to all others, the condition of prisoners of war. The council, at its next meeting, debated giving up the town; Moultrie, Laurens, and Pulaski, who were called in, declared that they had men enough to beat the invaders; and yet, against the voice of Gadsden, of Ferguson, of John Edwards, and of others, the majority, irritated by the advice of congress to emancipate and arm slaves, "proposed a neutrality during the war, the question whether the state shall belong to Great Britain or remain one of the United States to be determined by the treaty of peace between the two powers." Laurens, being called upon to bear this message, scornfully refused, and another was selected. The British general declined to treat with the civil government of South Carolina, but made answer to Moultrie that the garrison must surrender as prisoners of war. "Then we will fight it out," said Moultrie to the governor and council, and left their tent. Gadsden and Ferguson followed him, to say: "Act according to your own judgment, and we will support you;" and Moultrie waved the flag from the gate as a signal that the conference was at an end.

Bancroft, Hist. of the U.S., vol.5, p.371

The enemy had intercepted a letter from Lincoln in which he charged Moultrie "not to give up the city, nor suffer the people to despair," for he was hastening to their relief. At daylight the next morning the British were gone. They had escaped an encounter by retreating to the islands. The Americans, for want of boats, could not prevent their embarkation, nor their establishing a post at Beaufort. The Carolina militia returned home; Lincoln, who was left with but about eight hundred men, passed the great heats of summer at Sheldon.

Bancroft, Hist. of the U.S., vol.5, p.371

The invasion of South Carolina by the army of General Prevost proved nothing more than a raid through the richest plantations of the state. The British pillaged almost every house in a wide extent of country, sparing in some measure those who professed loyalty to the king. Objects of value not transportable were destroyed. Porcelain, mirrors, windows, were dashed in pieces; gardens, carefully planted with exotics, laid waste. Domestic animals were wantonly shot. About three thousand fugitive slaves passed with the army into Georgia.

Bancroft, Hist. of the U.S., vol.5, p.371 - p.372

The southernmost states looked for relief to the French fleet in America, but ill fortune clung to it. In September 1778 the Marquis de Bouille, the gallant governor-general of the French Windward islands, in a single day wrested from Great Britain the strongly fortified island of Dominica; but d'Estaing, with a greatly increased fleet and a land-force of nine thousand men, came in sight of the island of St. Lucia just as its last French flag had been struck to a corps of fifteen hundred British troops. A landing for its recovery was repulsed, with a loss to d'Estaing of nearly fifteen hundred men.

Bancroft, Hist. of the U.S., vol.5, p.372

Early in January 1779, reinforcements under Admiral Byron transferred maritime superiority to the British; and d'Estaing for six months sheltered his fleet within the bay of Port Royal. At the end of June, Byron having left St. Lucia to convoy a company of British merchant ships through the passages, d'Estaing detached a force against St. Vincent, which, with the aid of the oppressed and enslaved Caribs, its native inhabitants, was easily taken. This is the only instance in the war where insurgent slaves acted efficiently. On the fourth of July, Grenada surrendered at discretion to the French admiral. Two days later the fleet of Byron arrived within sight of the French, and, though reduced in number, sought a general action, which the French knew how to avoid. In the running fight that ensued, the British ships suffered so much in their masts and rigging that the French recovered the superiority.

Bancroft, Hist. of the U.S., vol.5, p.372

To a direct co-operation with the United States, d'Estaing was drawn by the wish of congress, the entreaties of South Carolina, and his own never-failing good-will. On the first day of September he approached Georgia so suddenly that he took by surprise four British ships-of-war. To the government of South Carolina he announced his readiness to assist in reducing Savannah; but he made it a condition that his fleet, which consisted of thirty-three sail, should not be detained long off so dangerous a coast. In ten days the French troops, though unassisted, effected their landing. Meantime, the British commander worked day and night with relays of hundreds of negroes to strengthen his defences.

Bancroft, Hist. of the U.S., vol.5, p.372 - p.373

On the sixteenth d'Estaing summoned General Prevost to surrender. While Prevost gained time by a triple interchange of notes, Maitland, regardless of malaria, pressed through the swamps of the low country, and, flushed with a mortal fever caught on the march, brought to his aid eight hundred men from Beaufort. When they all had arrived, the British gave their answer of defiance.

Bancroft, Hist. of the U.S., vol.5, p.373

It was the twenty-third of September when the Americans under Lincoln joined the French in the siege of the city. On the eighth of October the reduction of Savannah seemed still so far distant that the naval officers insisted on the rashness of leaving the fleet longer exposed to autumnal gales or to an attack, with so much of its strength on land. An assault was therefore resolved on for the next day, an hour before sunrise, by two feigned and two real attacks.

Bancroft, Hist. of the U.S., vol.5, p.373

The only chance of success lay in the precise execution of the plan. The column under Count Dillon, which was to have attacked the rear of the British lines, missed its way in a swamp, of which it should only have skirted the edge, was helplessly exposed to the British batteries, and could not even be formed. It was broad day when the party with d'Estaing, accompanied by a part of the Carolinians, advanced fearlessly, but only to become huddled together near the parapet under a destructive fire from musketry and cannon. The American standard was planted on the ramparts by Hume and by Bush, lieutenants of the second South Carolina regiment, but both of them fell; at their side Sergeant Jasper was mortally wounded, but he used the last moments of his life to bring off the colors which he supported. A French standard was planted with no better result.

Bancroft, Hist. of the U.S., vol.5, p.373 - p.374

After an obstinate struggle of fifty-five minutes to carry the redoubt, the assailants retreated before a charge of grenadiers and marines, led gallantly by Maitland. The injury sustained by the British was trifling; the loss of the Americans was about two hundred; of the French, thrice as many. D'Estaing was twice wounded; Pulaski once, and mortally. "The cries of the dying," so wrote the severely wounded Baron de Stedingk to his king, Gustavus III of Sweden, "pierced me to the heart. I desired death, and might have found it, but for the necessity of thinking how to save four hundred men whose retreat was stopped by a broken bridge." The patriots of Georgia who had joined in the siege fled to the backwoods or across the river; the French sailed for France. At Paris, Stedingk, as he moved about on crutches, became the delight of the highest social circle; and at one of the theatres was personated on the stage, leading a storming party.

Bancroft, Hist. of the U.S., vol.5, p.374

Lincoln repaired to Charleston, and was followed by what remained of his army; the militia of South Carolina returned home; its continental regiments were melting away; and its paper money became so nearly worthless that a bounty of twenty-five hundred dollars for twenty-one months' service had no attraction. The dwellers near the sea between Charleston and Savannah knew not where to find protection. Throughout the state the people were disheartened, and foreboded its desolation.

Bancroft, Hist. of the U.S., vol.5, p.374

Now that the British held Georgia and Beaufort in South Carolina, they might have gained an enduring mastery by emancipating and arming the blacks. But the idea that slavery was a sin against humanity was unknown to parliament and to the ministry, and would have been hooted at by the army. The thought of universal emancipation had not yet conquered the convictions of the ruling class in England. The English of that day rioted in the lucrative slave-trade, and the zeal of the government in upholding it had been one of the causes that provoked the American war. The advice to organize an army of liberated negroes, though persisted in by the royal governor of Virginia, was crushed by the eagerness of the British officers and soldiers in America for plunder. In this they were encouraged by the cordial approbation of the king and his ministers. The instructions from Germain authorized the confiscation and sale, not only of negroes employed in the American army, but of those who voluntarily followed the British troops and took sanctuary under British jurisdiction. They continued to be shipped to the slave-markets of the West Indies.

Bancroft, Hist. of the U.S., vol.5, p.374 - p.375

Before the end of three months after the capture of Savannah, all the property, real and personal, of the rebels in Georgia was disposed of. For further gains, Indians were encouraged to bring in slaves wherever they could find them. All families in South Carolina were subjected to the visits of successive sets of banditti, who received commissions as volunteers with no pay or emolument but that derived from rapine, and who, roaming about at pleasure, robbed the plantations, alike of patriots and loyalists. Negroes were the spoil most coveted; on the average, they were valued at two hundred and fifty silver dollars each. When Sir James Wright returned to the government of Georgia he found several thousands of them awaiting distribution among claimants. Every hope of the slave for enfranchisement was crushed.

Bancroft, Hist. of the U.S., vol.5, p.375

The property of the greatest part of the inhabitants of South Carolina was confiscated. Families were divided; patriots outlawed and savagely assassinated; houses burned, and women and children driven shelterless into the forests; districts so desolated that they seemed the abode only of orphans and widows. Left mainly to her own resources, it was through the depths of wretchedness that her sons were to bring her back to her place in the republic, after suffering more, and daring more, and achieving more than the men of any other state.

Bancroft, Hist. of the U.S., vol.5, p.375

Sir Henry Clinton, who had so completely failed before Charleston in 1776, resolved in person to carry out the order for its reduction. In August an English fleet, commanded by Arbuthnot, an old and inefficient admiral, brought him reinforcements and stores; in September fifteen hundred men arrived from Ireland; in October the troops which had so long been stationed in Rhode Island joined his army. He still waited till he became assured that the superior fleet of d'Estaing had sailed for Europe.

Bancroft, Hist. of the U.S., vol.5, p.375

Leaving the command in New York to the veteran Knyphausen, Clinton, with eight thousand five hundred officers and men, on the day after Christmas 1779, set sail for the conquest of South Carolina. The admiral led the van into the adverse current of the gulf-stream; glacial storms scattered the fleet; an ordnance vessel foundered; American privateers captured some of the transports; a bark, carrying Hessian troops, lost its masts, was driven by gales across the ocean, and broke in pieces just after its famished passengers landed near St. Ives in England. Most of the horses perished. Few of the transports arrived at Tybee in Georgia, the place of rendezvous, before the end of January. Clinton immediately ordered from New York Lord Rawdon's brigade of about three thousand more.

Bancroft, Hist. of the U.S., vol.5, p.376

Charleston was an opulent town of fifteen thousand inhabitants, free and slave. Among them were traders and others, who were the representatives of British interests. The city, which was not deserted by its private families, had no great store of provisions. The paper money of the province was worth but five per cent of its nominal value. The town, like the country around it, was flat and low. On three sides it lay upon the water; and, for its complete investment, an enemy who commanded the sea needed only to occupy the neck between the Cooper and the Ashley rivers. It had neither citadel, nor fort, nor ramparts, nor materials for building anything more than field-works of loose sand, kept together by boards and logs. The ground to be defended within the limits of the city was very extensive; and Lincoln commanded less than two thousand effective men. On the third of February 1780 the general assembly of South Carolina intrusted the executive of the state with power "to do all things necessary to secure its liberty, safety, and happiness, except taking the life of a citizen without legal trial." But the defeat before Savannah had disheartened the people. The southern part of the state needed all its men for its own protection; the middle part was disaffected; the frontiers were menaced by savage tribes. Yet, without taking counsel of his officers, Lincoln, reluctant to abandon public property which he had not means to transport, remained in the city.

Bancroft, Hist. of the U.S., vol.5, p.376

On the twenty-sixth the British forces from the eastern side of St. John's Island gained a view of the town, its harbor, the sea, and carefully cultivated plantations, which, after their fatigues, seemed to them a paradise. The best defence of the harbor was the bar at its outlet; and already, on the twenty-seventh, the officers of the continental squadron, which carried a hundred and fifty guns, reported their inability to guard it. "Then," in the opinion of Washington, "the attempt to defend the town ought to have been relinquished." But Lincoln, intent only on strengthening its fortifications, was the first to go to work on them in the morning, and would not return till late in the evening. With the guns of the squadron and its seamen, he manned batteries on shore; and ships were sunk to close the entrance to the Ashley river.

Bancroft, Hist. of the U.S., vol.5, p.377

Clinton, trusting nothing to hazard, moved slowly along a coast intersected by creeks and checkered with islands. Lincoln used the time to draw into Charleston all the force in the southern department of which he could dispose. On the seventh of April the remains of the Virginia line, seven hundred veterans, entered Charleston, having in twenty-eight days marched five hundred miles to certain captivity.

Bancroft, Hist. of the U.S., vol.5, p.377

On the ninth, Arbuthnot, taking advantage of a gentle east wind, brought his ships into the harbor, without suffering from Fort Moultrie or returning its fire. The next day, the first parallel being completed, Clinton and Arbuthnot summoned the town to surrender. Lincoln answered: "From duty and inclination, I shall support the town to the last extremity."

Bancroft, Hist. of the U.S., vol.5, p.377

On the thirteenth the American officers insisted that Governor Rutledge should withdraw from Charleston, leaving Gadsden, the lieutenant-governor, with five of the council. On the same morning Lincoln for the first time called a council of war and suggested an evacuation. "We should not lose an hour," said Mackintosh, "in attempting to get the continental troops over the Cooper river; for on their safety depends the salvation of the state." But Lincoln only invited them to consider the measure maturely till he should send for them again. Before he called a second council, the American cavalry, which kept up some connection between the town and the country, had been surprised and dispersed; Cornwallis had arrived with nearly three thousand men from New York; and the British had occupied the peninsula from the Cooper to the Wando; so that an evacuation was no longer possible. On the sixth of May, Fort Moultrie surrendered without firing a gun.

Bancroft, Hist. of the U.S., vol.5, p.377 - p.378

On the twelfth, when the British were ready to assault the town by land and water, Lincoln signed a capitulation. The continental troops and sailors became prisoners of war until exchanged; the militia from the country were to return home as prisoners of war on parole, and to be secure in their property so long as their parole should be observed. All free male adults in Charleston, including the aged, the infirm, and even the loyalists, were counted and paroled as prisoners, of whom Clinton, in this vain glorious way, raised the number to five thousand.

Bancroft, Hist. of the U.S., vol.5, p.378

The value of the spoil, which was distributed by English and Hessian commissaries of captures, amounted to about three hundred thousand pounds sterling; the dividend of a major-general exceeded four thousand guineas. There was no restraint on private rapine; the silver plate of the planters was carried off; all negroes that had belonged to rebels were seized, even though they had themselves sought an asylum within the British lines; and at one embarkation two thousand of them were shipped to the West Indies for sale. British and German officers thought more of amassing fortunes than of reuniting the empire. The patriots were not allowed to appoint attorneys to manage or to sell their estates. A sentence of confiscation hung over the land, and British protection was granted only on the unconditional promise of loyalty.

Bancroft, Hist. of the U.S., vol.5, p.378

For six weeks all opposition ceased in South Carolina. One expedition was sent by Clinton up the Savannah to encourage the loyal and reduce the disaffected in the neighborhood of Augusta; another proceeded for the like purpose to the district of Ninety-Six, where Williamson surrendered his post and accepted British protection; Pickens was reduced to inactivity; alone of the leaders of the patriot militia, Colonel James Williams escaped pursuit and preserved his freedom of action. A third and larger party under Cornwallis moved across the Santee toward Camden. The rear of the old Virginia line, commanded by Colonel Buford, arriving too late to reinforce the garrison of Charleston, had retreated toward the north-east of the state. They were pursued, and on the twenty-ninth of May were overtaken by Tarleton with seven hundred cavalry and mounted infantry. Buford himself, a few who were mounted, and about a hundred of the infantry, saved themselves by flight. The rest, making no resistance, vainly sued for quarter. None was granted. A hundred and thirteen were killed on the spot; a hundred and fifty were too badly hacked to be moved; fifty-three only could be brought into Camden as prisoners. The tidings of this massacre, borne through the southern forests, excited horror and anger; but Tarleton received from Cornwallis the highest encomiums.

Bancroft, Hist. of the U.S., vol.5, p.379

The capture of Charleston suspended all resistance to the British army. The men of Beaufort, of Ninety-Six, and of Camden capitulated under the promise of security, believing that they were to be treated as neutrals or as prisoners on parole. The attempt was now made to force the men of Carolina into active service in the British army, and so to become the instruments of their own subjection.

Bancroft, Hist. of the U.S., vol.5, p.379

On the twenty-second of May confiscation of property and other punishments were denounced against all who should thereafter oppose the king in arms, or hinder any one from joining his forces. On the first of June a proclamation by the commissioners, Clinton and Arbuthnot, offered pardon to the penitent, on their immediate return to allegiance; to the loyal, the promise of their former political immunities, including freedom from taxation except by their own legislature.

Bancroft, Hist. of the U.S., vol.5, p.379

On the third of June, Clinton, by a proclamation which he alone signed, cut up British authority in Carolina by the roots. He required all the inhabitants of the province, even those outside of Charleston "who were now prisoners on parole," to take an active part in securing the royal government. "Should they neglect to return to their allegiance," so ran the proclamation, "they will be treated as rebels to the government of the king." He never reflected that many who accepted protection from fear or convenience did so in the expectation of living in a state of neutrality, and that they might say: "If we must fight, let us fight on the side of our friends, of our countrymen, of America." On the eve of his departure for New York he reported to Germain: "The inhabitants from every quarter declare their allegiance to the king, and offer their services in arms. There are few men in South Carolina who are not either our prisoners or in arms with us."

Chapter 25:

The War in the South,

Cornwallis and Gates,

1780

Bancroft, Hist. of the U.S., vol.5, p.380

RIVALRY between Clinton and Cornwallis already glowed under the ashes. Clinton had written home more truth than was willingly listened to; and, though he clung with tenacity to his commission, intimated a wish to be recalled. Germain took him so far at his word as to give him leave to transfer to Cornwallis the chief command in North America.

Bancroft, Hist. of the U.S., vol.5, p.380

In 1780 all opposition in South Carolina was for the moment at an end, when Cornwallis entered on his separate command. He proposed to keep possession of all that had been gained, and to advance as a conqueror to the Chesapeake. Clinton had left with him no more than five thousand effective troops in South Carolina, and less than two thousand in Georgia; to these were to be added the regiments which he was determined to organize out of the southern people.

Bancroft, Hist. of the U.S., vol.5, p.380 - p.381

As fast as the districts submitted, the new commander enrolled all the inhabitants, and appointed field-officers with civil as well as military power. The men of property above forty years of age were made responsible for order, but were not to be called out except in case of insurrection or of actual invasion; the younger men who composed the second class were held liable to serve six months in each year. Hundreds of commissions were issued for the militia regiments. Major Patrick Ferguson, known from his services in New Jersey and greatly valued, was deputed to visit each district in South Carolina, to procure on the spot lists of the militia, and to see that the orders of Cornwallis were carried into execution. Any Carolinian thereafter taken in arms against the king might be sentenced to death for desertion and treason. Proposals of those who offered to raise provincial corps were accepted; and men of the province, void of honor and compassion, received commissions, gathered about them profligate ruffians, and roamed through the state, indulging in rapine, and ready to put patriots to death as outlaws. Cornwallis never regarded a deserter, or any one whom a court-martial sentenced to death, as a subject of mercy. A quartermaster of Tarleton's legion entered the house of Samuel Wyly near Camden, and, because he had served as a volunteer in the defence of Charleston, cut him in pieces. The Presbyterians supported the cause of independence; and indeed the American revolution was but the application of the principles of the reformation to civil government. One Huck, a captain of British militia, fired the library and dwelling-house of the clergyman at Williams's plantation in the upper part of South Carolina, and burned every Bible into which the Scottish translation of the psalms was bound. Under the immediate eye of Cornwallis, the prisoners who had capitulated in Charleston were the subjects of perpetual persecution, unless they would exchange their paroles for oaths of allegiance. Mechanics and shopkeepers could not collect their dues, except after promises of loyalty.

Bancroft, Hist. of the U.S., vol.5, p.381

Lord Rawdon, who had the very important command on the Santee, raged equally against deserters from his Irish regiment and against the inhabitants. To Rugely, at that time a major of militia in the British service and an aspirant for higher promotion, he on the first of July addressed the severest orders for securing straggling soldiers, adding: "I will give the inhabitants ten guineas for the head of any deserter belonging to the volunteers of Ireland, and five guineas only if they bring him in alive."

Bancroft, Hist. of the U.S., vol.5, p.381

The chain of posts for holding South Carolina consisted of Georgetown, Charleston, Beaufort, and Savannah on the sea; Augusta, Ninety-Six, and Camden in the interior. Of these, Camden was the key between the North and South; and, by a smaller post at Rocky Mount, it kept up a communication with Ninety-Six.

Bancroft, Hist. of the U.S., vol.5, p.382

At the end of June, Cornwallis reported that he had put an end to all resistance in Georgia and South Carolina, and in September, after the harvest, would march into North Carolina to reduce that province. On hearing of the violence of the British, Houston, the delegate in congress from Georgia, wrote to Jay: "Our misfortunes are, under God, the source of our safety. The enemy have overrun a considerable part of the state in the hour of its nakedness and debility; but, as their measures seem as usual to be dictated by infatuation, when they have wrought up the spirit of the people to fury and desperation they will be expelled from the country."

Bancroft, Hist. of the U.S., vol.5, p.382

Patriots of South Carolina took refuge in the state on their north. Among them was Sumter, who in the command of a continental regiment had shown courage and ability. To punish his flight, a British detachment turned his wife out of doors and burned his house with everything which it contained. The exiles, banding themselves together, chose him for their leader. For their use, the smiths of the neighborhood wrought iron tools into rude weapons; bullets were cast of pewter, collected from housekeepers. With scarcely three rounds of cartridges to a man, they could obtain no more but from their foes; and with the arms of the dead and wounded in one engagement they must equip themselves for the next.

Bancroft, Hist. of the U.S., vol.5, p.382

On the rumor of an advancing American army, Rawdon called on all the inhabitants round Camden to join him in arms. One hundred and sixty who refused he crowded during the heat of midsummer into one prison, though some of them were protected by the capitulation of Charleston. More than twenty were loaded with chains. On the twelfth day of July, Captain Huck was sent out with thirty-five dragoons, twenty mounted infantry, and sixty militia, on a patrol. His troops were posted in a lane at the village of Cross Roads, near the source of Fishing creek; and women were on their knees to him, vainly begging mercy; when suddenly Sumter and his men, though inferior in number, dashed into the lane at both ends, killed the commander, and destroyed nearly all his party. This was the first advantage gained over the royal forces since the beginning of the year.

Bancroft, Hist. of the U.S., vol.5, p.382 - p.383

The order by which all the men of Carolina were enrolled in the militia drove into the British service prisoners on parole and all who had wished to remain neutral. One Lisle, who thus suffered compulsion in the districts bordering on the rivers Tyger and Enoree, waited till his battalion was supplied with arms and ammunition, and then conducted it to its old commander who was with Sumter in the Catawba settlement.

Bancroft, Hist. of the U.S., vol.5, p.383

Thus strengthened, Sumter, on the thirtieth of July, made a spirited though unsuccessful attack on Rocky Mount. Having repaired his losses, on the sixth of August he surprised the British post at Hanging Rock. A regiment of refugees from North Carolina fled with precipitation; their panic spread to the provincial regiment of the prince of Wales, which suffered severely. In the beginning of the action not one of the Americans had more than ten bullets; before its end they used the arms and ammunition of the fallen. Among the partisans who were present in this fight was Andrew Jackson, an orphan boy of Scotch-Irish descent, whom hatred of oppression and love of country impelled to deeds beyond his years. Sumter drew back to the Catawba settlement, and from all parts of South Carolina patriots flocked to his standard.

Bancroft, Hist. of the U.S., vol.5, p.383

So far the South had rested on its own exertions. Relying on the internal strength of New England and the central states for their protection, Washington was willing to incur hazard for the relief of the Carolinas; and, with the approval of congress, from his army of less than ten and a half thousand men, of whom twenty-eight hundred were to be discharged in April, he detached General Kalb with the Maryland division of nearly two thousand men and the Delaware regiment. Marching orders for the southward were given to the corps of Major Lee. The movement of Kalb was slow for want of the means of transportation. At Petersburg in Virginia he added to his command a regiment of artillery with twelve cannon.

Bancroft, Hist. of the U.S., vol.5, p.383 - p.384

Of all the states, Virginia, of which Jefferson was then the governor, lay most exposed to invasion from the sea, and was in constant danger from the savages on the west; yet it was unmindful of its own perils. Its legislature met on the ninth of May. Within ten minutes after the house was formed, Richard Henry Lee proposed to raise and send twenty-five hundred men to serve for three months in Carolina, and to be paid in tobacco, which had a real value. Major Nelson with sixty horse, and Colonel Armand with his corps, were already moving to the south. The force assembled at Williamsburg for the protection of the country on the James river consisted of no more than three hundred men; but they too were sent to Carolina before the end of the month. North Carolina made a requisition on Virginia for arms, and received them. With a magnanimity which knew nothing of fear, Virginia laid herself bare for the protection of the Carolinas.

Bancroft, Hist. of the U.S., vol.5, p.384

The news that Charleston had capitulated found Kalb still in Virginia. On the twentieth of June he entered North Carolina, and at Hillsborough halted to repose his wayworn soldiers. He found no magazines, nor did the governor of the state much heed his requisitions or his remonstrances. Caswell, who was in command of the militia, disregarded his orders from the vanity of acting separately. Yet, under all privations, the officers and men of his command vied with each other in maintaining order and harmony. In his camp at Buffalo ford, on Deep river, while he was still doubting how to direct his march, he received news of measures adopted by congress for the southern campaign.

Bancroft, Hist. of the U.S., vol.5, p.384

Washington wished Greene to succeed Lincoln; congress, not asking his advice but not ignorant of his opinion, on the thirteenth of June unanimously appointed Gates to the independent command of the southern army. He received his orders from congress and was to make his reports directly to that body. He might address himself directly to Virginia and the states beyond it for supplies; of himself alone appoint all staff-officers; and take such measures as he should think most proper for the defence of the South. From his plantation in Virginia, Gates made his acknowledgment to congress without elation; to Lincoln he wrote in modest and affectionate language. He enjoined on all remnants of continental troops in Virginia to repair to the southern army with all possible diligence.

Bancroft, Hist. of the U.S., vol.5, p.384 - p.385

Upon information received at Hillsborough from Huger of South Carolina, Gates formed his plan to march directly to Camden, assured of its easy capture. To Kalb he wrote: "Enough has been lost in a vain defence of Charleston; if more is sacrificed, the southern states are undone; and this may go nearly to undo the rest."

Bancroft, Hist. of the U.S., vol.5, p.385

Arriving in the camp of Kalb, the first words of Gates ordered the troops to be prepared to march at a moment's warning. The safest route, recommended by a memorial of the principal officers, was by way of Salisbury and Charlotte, through a most fertile, salubrious, and well-cultivated country, inhabited by Presbyterians who were heartily attached to the cause of independence. But Gates, on the morning of the twenty-seventh of July, put what he called the "grand army" on its march by the shortest route to Camden, through a barren country which could offer no food but lean cattle, fruit, and unripe maize.

Bancroft, Hist. of the U.S., vol.5, p.385

On the third of August the army crossed the Pedee river, making a junction on its southern bank with Lieutenant-Colonel Porterfield of Virginia, an excellent officer, who had been sent to the relief of Charleston, and had found means to subsist his small command on the frontier of South Carolina.

Bancroft, Hist. of the U.S., vol.5, p.385

The force of which Gates could dispose revived the hopes of the South Carolinians, who were writhing under the insolence of an army in which every soldier was licensed to plunder, and every officer outlawed peaceful citizens at will. The British commander on the Pedee called in his detachments, abandoned his post on the Cheraw Hill, and repaired to Lord Rawdon at Camden. An escort of Carolinians, who had been forced to take up arms on the British side, rose against their officers and made prisoners of a hundred and six British invalids who were descending the Pedee river. A boat from Georgetown, laden with stores for the British at Cheraw, was seized by Americans. A revolt in the public mind against British authority invited Gates onward. Misled by false information, from his camp on the Pedee he announced on the fourth by a proclamation, that their late triumphant and insulting foes had retreated with precipitation and dismay on the approach of his numerous, well-appointed, and formidable army.

Bancroft, Hist. of the U.S., vol.5, p.385

On the seventh, at the Cross Roads, the troops with Gates made a junction with the North Carolina militia under Caswell, and proceeded toward the enemy at Lynch's creek.

Bancroft, Hist. of the U.S., vol.5, p.386

In the following night that post was abandoned, and Lord Rawdon occupied another on the southern bank of Little Lynch's creek, unassailable from the deep, muddy channel of the river, and within a day's march of Camden. Here he was joined by Tarleton with a small detachment of cavalry, who on their way had mercilessly ravaged the country on the Black river as a punishment to its patriot inhabitants, and as a terror to the dwellers on the Wateree and Santee. By a forced march up the stream, Gates could have turned Lord Rawdon's flank and made an easy conquest of Camden. Missing his opportunity, on the eleventh, after a useless halt of two days, the defiled by the right, and, marching to the north of Camden, on the thirteenth encamped at Clermont, which the British had just abandoned. In the time thus allowed, Rawdon strengthened himself by four companies from Ninety-Six, as well as by the troops from Clermont, and threw up redoubts at Camden.

Bancroft, Hist. of the U.S., vol.5, p.386

On the evening of the tenth Cornwallis left Charleston, and arrived at Camden before the dawn of the fourteenth. At ten o'clock on the night of the fifteenth he set his troops in motion, in the hope of joining battle with the Americans at the break of day.

Bancroft, Hist. of the U.S., vol.5, p.386

On the fourteenth Gates had been joined by seven hundred Virginia militia under the command of Stevens. On the same day Sumter, appearing in camp with four hundred men, asked for as many more to intercept a convoy with its stores on the road from Charleston to Camden. Gates, who believed him self at the head of seven thousand men, granted his request. Sumter left the camp, taking with him eight hundred men, and on the next morning captured the wagons and their escort.

Bancroft, Hist. of the U.S., vol.5, p.386

An exact field return proved to Gates that he had but three thousand and fifty-two rank and file present and fit for duty. "These are enough," said he, "for our purpose;" and on the fifteenth he communicated to a council of officers an order to begin their march at ten o'clock in the evening of that day. He was listened to in silence. Many wondered at a night march of an army, of which more than two thirds were militia that had never even been paraded together; but Gates, who had the "most sanguine confidence of victory and the dispersion of the enemy," appointed no place for rendezvous, and began his march before his baggage was sufficiently in the rear.

Bancroft, Hist. of the U.S., vol.5, p.387

At half-past two on the morning of the sixteenth, about nine miles from Camden, the advance-guard of Cornwallis fell in with the advance-guard of the Americans, to whom the collision was a surprise. Their cavalry was in front, but Armand, its commander, who disliked his orders, was insubordinate; the horsemen in his command turned suddenly and fled; and neither he nor they did any service that night or the next day. The retreat of Armand's legion produced confusion in the first Maryland brigade, and spread consternation throughout the army, till the light infantry on the right, under the command of Colonel Porterfield, threw back the party that made the attack and restored order; but at a great price, for Porterfield received a wound which proved fatal.

Bancroft, Hist. of the U.S., vol.5, p.387

To a council of the American general officers, held immediately in the rear of the lines, Gates communicated the report of a prisoner, that a large regular force of British troops under Cornwallis was five or six hundred yards in their front, and submitted the question whether it would be proper to retreat. Stevens declared himself eager for battle, saying that "the information was but a stratagem of Rawdon to escape the attack." No other advice being offered, for even Kalb remained silent, Gates desired them to form in line of battle.

Bancroft, Hist. of the U.S., vol.5, p.387

The position of Lord Cornwallis was most favorable. A swamp on each side secured his flanks against the superior numbers of the Americans. At daybreak his last dispositions were made. The front line, to which were attached two six-pounders and two three-pounders, was commanded on the right by Lieutenant-Colonel Webster, on the left by Lord Rawdon; a battalion with a six-pounder was posted behind each wing as a reserve; the cavalry were in the rear, ready to charge or to pursue.

Bancroft, Hist. of the U.S., vol.5, p.387 - p.388

On the American side, the second Maryland brigade with Gist for its brigadier, and the men of Delaware, occupied the right under Kalb; the North Carolina division with Caswell, the centre; and Stevens, with the newly arrived Virginia militia the left: the best troops on the side strongest by nature, the worst on the weakest. The first Maryland brigade at the head of which Smallwood should have appeared, formed a second line about two hundred yards in the rear of the first. The artillery was divided between the two brigades.

Bancroft, Hist. of the U.S., vol.5, p.388

Gates took his place in the rear of the second line. He gave no order till Otho Williams proposed to him to begin the attack with the brigade of Stevens, who had been with the army only one day. Stevens gave the word; and, as they prepared to move forward, Cornwallis ordered Webster, whose division contained his best troops, to assail them, while Rawdon was to engage the American right. As the British with Webster rushed on, firing and shouting huzza, Stevens reminded his militia that they had bayonets; but they had received them only the day before, and knew not how to use them; so, dropping their muskets, they escaped to the woods with such speed that not more than three of them were killed or wounded.

Bancroft, Hist. of the U.S., vol.5, p.388

Caswell and the militia of North Carolina, except the few who had Gregory for their brigadier, followed the example; nearly two thirds of the army, Gates himself writes this of them, "ran like a torrent," and he, their general, ran with them. They took to the woods and dispersed in every direction, while Gates disappeared from the scene, taking no thought for the continental troops whom he left at their posts in the field, and flying, or, as he called it, retiring, as fast as possible to Charlotte.

Bancroft, Hist. of the U.S., vol.5, p.388 - p.389

The militia having been routed, Webster came round the flank of the first Maryland brigade and attacked them in front and on their side. Though Smallwood was nowhere to be found, they were sustained by the reserve till the brigade was outflanked by greatly superior numbers and obliged to give ground. After being twice rallied, they finally retreated. The division which Kalb commanded continued long in action, and never did troops show greater courage than these men of Maryland and Delaware. The horse of Kalb had been killed under him, and he had been badly wounded; yet he continued to fight on foot. At last, in the hope of victory, he led a charge, drove the division under Rawdon, took fifty prisoners, and would not believe that he was not about to gain the day, when Cornwallis poured against him a party of dragoons and infantry. Even then he did not yield until disabled by many wounds.

Bancroft, Hist. of the U.S., vol.5, p.389

The victory cost the British about five hundred of their best troops; "their great loss," wrote Marion, "is equal to a defeat." How many Americans perished on the field or surrendered is not accurately known. They saved none of their artillery and little of their baggage. Except one hundred continental soldiers whom Gist conducted across swamps through which the cavalry could not follow, every corps was dispersed. The canes and underwood that hid them from their pursuers separated them from one another.

Bancroft, Hist. of the U.S., vol.5, p.389

Kalb lingered for three days; but, before he closed his eyes, he bore an affectionate testimony to the exemplary conduct of the division which he had commanded, and of which two fifths had fallen in battle. Opulent, and happy in his wife and children, he gave to the United States his life and his example. Congress decreed him a monument. The British parliament voted thanks to Cornwallis.

Bancroft, Hist. of the U.S., vol.5, p.389

Gates and Caswell, leaving the army without orders, rode in all haste to Clermont which they reached ahead of all the fugitives, and then pressed on and still on, until, late in the night, they escorted each other into Charlotte. The next morning Gates left Caswell to rally such troops as might come in; and himself sped to Hillsborough, where the North Carolina legislature was soon to meet, riding altogether more than two hundred miles in three days and a half, and running away from his army so fast and so far that he knew nothing about its condition. Caswell, after waiting one day, followed his example.

Bancroft, Hist. of the U.S., vol.5, p.389 - p.390

On the nineteenth, American officers, coming into Charlotte, placed their hopes of a happier turn of events on Sumter, who commanded the largest American force that now remained in the Carolinas. His detachment had, on the fifteenth, captured more than forty British wagons laden with stores, and secured more than a hundred prisoners. On hearing of the misfortunes of "the grand army," Sumter retreated slowly and carelessly up the Wateree. On the seventeenth he remained through the whole night at Rocky Mount, though he knew that the British were on the opposite side of the river, and in possession of boats and the ford. On the eighteenth he advanced only eight miles; and on the north bank of Fishing creek, at bright mid-day, his troops stacked their arms; some took repose; some went to the river to bathe; some strolled in search of supplies; and Sumter himself fell fast asleep in the shade of a wagon. In this state a party under Tarleton cut them off from their arms and put them to rout, taking two or three hundred of them captive, and recovering the British prisoners and wagons. On the twentieth Sumter rode into Charlotte alone, without hat or saddle.

Chapter 26:

The War in the South,

Cornwallis and the People of the South-West,

1780

Bancroft, Hist. of the U.S., vol.5, p.391

FROM the moment of his victory near Camden, Cornwallis became the principal figure in the British service in America

—the pride and delight of Germain, the desired commander-in-chief, the one man on whom rested the hopes of the ministry for the successful termination of the war.

Bancroft, Hist. of the U.S., vol.5, p.391

We are come to the series of events which closed the American contest and restored peace to the world. In Europe, the sovereigns of Austria and of Russia were offering their mediation; the Netherlands were struggling to preserve their neutrality; France was straining every nerve to cope with her rival in the four quarters of the globe; Spain was exhausting her resources for the conquest of Gibraltar; but the incidents which overthrew the ministry of North, and reconciled Great Britain to America, had their springs in South Carolina.

Bancroft, Hist. of the U.S., vol.5, p.391

Cornwallis, elated with success and hope, prepared for the northward march, which was to conduct him from victory to victory, till he should restore all America south of Delaware to its allegiance. He appeared to believe that North Carolina would rise to welcome him; and was attended by Martin, its former governor, eager to re-enter on his office. He requested Clinton to detach three thousand men to establish a post on the Chesapeake bay; and Clinton knew too well the wishes of the British government to venture to refuse.

Bancroft, Hist. of the U.S., vol.5, p.391 - p.392

In carrying out his plan, the first measure of Cornwallis in 1780 was a reign of terror. Professing to regard South Carolina as restored to the dominion of George III, and accepting the suggestions of Martin and Tarleton and their like, that severity was the true mode to hold the recovered province, he addressed the most stringent orders to the commandants at Ninety-Six and other posts to imprison all who would not take up arms for the king, and to seize or destroy their whole property. He most positively enjoined that every militia-man who had borne arms with the British and had afterward joined the Americans should be hanged immediately. He set up the gallows at Camden for the indiscriminate execution of those among his prisoners who had formerly given their parole.

Bancroft, Hist. of the U.S., vol.5, p.392

The destruction of property and life assumed still more hideous forms, when the peremptory orders and example of Cornwallis were followed by subordinates in remote districts away from supervision. Cruel measures seek and find cruel agents; officers whose delight was in blood patrolled the country, burned houses, ravaged estates, and put to death whom they would. The wives and daughters of the opulent were left with no fit clothing, no shelter but hovels too mean to attract the destroyer. Of a sudden the woodman in his cabin would find his house surrounded, and he or his guest might be shot, because he was not in arms for the king. No engagement by proclamation or by capitulation was respected. There was no question of proofs and no trial. For two years cold-blooded assassinations, often in the house of the victim and in the presence of his wife and little children, were perpetrated by men holding the king's commission. The enemy were determined to break every man's spirit, or to take his life.

Bancroft, Hist. of the U.S., vol.5, p.392

The ruthless administration of Cornwallis met the hearty and repeated applause of Lord George Germain, who declared himself convinced that "to punish rebellion would have the best consequences." As to the rebels, his orders to Clinton and Cornwallis were: "No good faith or justice is to be expected from them, and we ought in all our transactions with them to act upon that supposition."

Bancroft, Hist. of the U.S., vol.5, p.392 - p.393

In violation of agreements, the continental soldiers who capitulated at Charleston, nineteen hundred in number, were transferred from buildings in the town to prison-ships, where they were joined by several hundred prisoners from Camden. In thirteen mouths one third of the whole number perished by malignant fevers; others were impressed into the British service as mariners; several hundred young men were taken by violence on board transports and forced to serve in a British regiment in Jamaica, leaving wives and young children to want. Of more than three thousand confined in prison-ships, all but about seven hundred were made away with.

Bancroft, Hist. of the U.S., vol.5, p.393

On the capitulation of Charleston, eminent patriots remained prisoners on parole. Foremost among these stood the aged Christopher Gadsden, whose unselfish love of country was a constant encouragement to his countrymen never to yield. Their silent example restrained the timid from exchanging their paroles for the protection of British subjects. To overcome this influence, eleven days after the victory at Camden, he and thirty-six of his most resolute associates, in flagrant disregard of the conditions on which they had surrendered, were early in the morning taken from their houses and beds and transported to St. Augustine. Gadsden and others, refusing to give a new parole, were immured in the castle of St. Mark. After some weeks a like cargo was shipped to the same place.

Bancroft, Hist. of the U.S., vol.5, p.393 - p.394

The system of slaveholding kept away from defensive service not only the slaves, but numerous whites needed to watch them. Moreover, some of the men deriving their livelihood from the labor of slaves, had not the courage to face the idea of poverty for themselves, still less for their wives and children. Many fainted at the hard option between submission and ruin. Charles Pinckney, lately president of the South Carolina senate, classing himself among those who from the hurry and confusion of the times had been misled, desired to show every mark of allegiance. Rawlins Lowndes, who but a few months before had been president of the state of South Carolina, excused himself for having reluctantly given way to necessity, and accepted any test to prove that, with the unrestrained dictates of his own mind, he now attached himself to the royal government. Henry Middleton, president of the first American congress, though still "partial to a cause for which he had been so long engaged," promised to do nothing to keep up the spirit of independence, and to demean himself as a faithful subject.

Bancroft, Hist. of the U.S., vol.5, p.394

But South Carolina was never conquered. From the moment of the fall of Charleston, Colonel James Williams, of the district of Ninety-Six, did not rest in gathering the armed friends of the union. From the region above Camden, Sumter and his band hovered over all British movements. "Sumter certainly has been our greatest plague in this country," writes Cornwallis.

Bancroft, Hist. of the U.S., vol.5, p.394

In the swamps between the Pedee and the Santee, Marion and his men kept watch. Of a delicate organization, sensitive to truth and honor and right, humane, averse to bloodshed, never wreaking vengeance nor suffering those around him to do so, scrupulously respecting private property, he had the love and confidence of all in that part of the country. Tarleton's legion had laid it waste to inspire terror; and volunteer partisans gathered round Marion to redeem their land.

Bancroft, Hist. of the U.S., vol.5, p.394

A body of three hundred royalist militia and two hundred regular troops had established a post at Musgrove's Mills on the Enoree river. On the eighteenth of August they were attacked by inferior numbers under Williams of Ninety-Six, and routed, with sixty killed and more than that number wounded. Williams lost but eleven.

Bancroft, Hist. of the U.S., vol.5, p.394

At dawn of the twentieth a party, convoying a hundred and fifty prisoners of the Maryland line, were crossing the great savanna near Nelson's ferry over the Santee upon the route from Camden to Charleston, when Marion and his men sprang upon the guard, liberated the prisoners, and captured twenty-six of the escort.

Bancroft, Hist. of the U.S., vol.5, p.394

"Colonel Marion," wrote Cornwallis, "so wrought on the minds of the people that there was scarcely an inhabitant between the Pedee and the Santee that was not in arius against us. Some parties even crossed the Santee and carried terror to the gates of Charleston." Balfour, the commandant of Charleston, wrote home: "In vain we expected loyalty and attachment from the inhabitants; they are the same stuff as all Americans." The British historian of the war, who was then in South Carolina, relates that "almost the whole country seemed upon the eve of a revolt."

Bancroft, Hist. of the U.S., vol.5, p.395

In the second week of September, when the heats of summer had abated, the earlier cereal grains had been harvested, and the maize was nearly ripe, Cornwallis began his projected march. He relied on the loyalists of North Carolina to recruit his army. On his left, Major Patrick Ferguson, the ablest British partisan, was sent with two hundred of the best troops to the uplands of South Carolina, where he enlisted young men of that country, loyalists who had fled to the mountains for security, and fugitives of the worst character who sought his standard for the chances of plundering with impunity.

Bancroft, Hist. of the U.S., vol.5, p.395

The Cherokees had been encouraged during the summer to join in ravaging the American settlements west of the mountains as far as Chiswell's lead mines. Against this danger Jefferson organized, in the south-western counties of the state of which he was the governor, a regiment of four hundred backwoodsmen under the command of Colonel William Campbell, brother-in-law of Patrick Henry; in an interview with William Preston, the lieutenant of Washington county, as the south-west of Virginia was then called, he dwelt on the resources of the country, the spirit of congress, and the character of the people; and for himself and for his state would admit no doubt that, in spite of all disasters, a continued vigorous resistance would bring the war to a happy issue.

Bancroft, Hist. of the U.S., vol.5, p.395

At Waxhaw, Cornwallis halted for a few days, and, that he might eradicate the spirit of patriotism from South Carolina before he passed beyond its borders, he, on the sixteenth day of September, sequestered by proclamation all estates belonging to the friends of America, and appointed a commissioner for the seizure of such estates both real and personal. The concealment, removal, or injury of property doomed to confiscation was punishable as an abetting of rebellion. The sequestration extended to debts due to the person whose possessions were confiscated; and, to prevent collusive practices, a great reward was offered to those who should make discovery of the concealment of negroes, horses, cattle, plate, household furniture, books, bonds, deeds, and other property. To patriots, no alternative was left but to fight against their country or to encounter exile and poverty.

Bancroft, Hist. of the U.S., vol.5, p.396

The chiefs of the Cherokees were at that very time on their way to Augusta to receive the presents which were to stimulate their activity. Aware of their coming, Clark, a fugitive from Georgia, forced his way back with one hundred riflemen; having joined to them a body of woodsmen, he defeated the British garrison under Colonel Brown at Augusta, and captured the costly presents designed for the Cherokees. The moment was critical; for Cornwallis, in his eagerness to draw strength to his own army, had not left a post or a soldier between Augusta and Savannah, and the alienated people had returned most reluctantly to a state of obedience. With a corps of one hundred provincials and one hundred Cherokees, Brown maintained a position on Garden Hill for nearly a week, when he was rescued by Cruger from Ninety-Six. At his approach, the Americans retired. On the pursuit, some of them were scalped and some taken prisoners. Of the latter, Captain Ashby and twelve others were hanged under the eyes of Brown; thirteen who were delivered to the Cherokees were killed by tortures, or by the tomahawk, or were thrown into fires. Thirty in all were put to death by the orders of Brown.

Bancroft, Hist. of the U.S., vol.5, p.396

Cruger desired to waylay and capture the retreating party, and Ferguson eagerly accepted his invitation to join in the enterprise. Cruger moved with circumspection, taking care not to be led too far from the fortress of Ninety-Six; Ferguson was more adventurous, having always the army of Cornwallis on his right. Near the Broad river his party encountered Macdowell with one hundred and sixty militia from Burk and Rutherford counties in North Carolina, pursued them to the foot of the mountains, and left them no chance of safety but by fleeing beyond the Alleghanies.

Bancroft, Hist. of the U.S., vol.5, p.396

During these events Cornwallis encountered no serious impediment till he approached Charlotte. There his van was driven back by the fire of a small body of mounted men, commanded by Colonel William Richardson Davie of North Carolina. The general rode up in person, and the American party was dislodged by Webster's brigade; but not till the mounted Americans, scarcely forty in number, had for several minutes kept the British army at bay.

Bancroft, Hist. of the U.S., vol.5, p.396 - p.397

From Charlotte, Cornwallis pursued his course toward Salisbury. Meantime, the fugitives under Macdowell recounted the sorrows of their families to the emigrant freemen on the Watauga, among whom slavery was scarcely known. The backwoodsmen, though remote from the world, love their fellow-men. In the pure air and life of the mountain and the forest they join serenity with courage. They felt for those who had fled to them; with one heart, they resolved to restore the suppliants to their homes, and for that purpose formed themselves into regiments under Isaac Shelby and John Sevier. Shelby despatched a messenger to William Campbell on the forks of Holston; and the field-officers of south-western Virginia unanimously invited him, with four hundred men, to join in the expedition. An express was sent to Colonel Cleaveland of North Carolina: and all were to meet at Burk county court-house, on the waters of the Catawba.

Bancroft, Hist. of the U.S., vol.5, p.397

The three regiments from the west of the Alleghanies under Campbell, Shelby, and Sevier, and the North Carolina fugitives under Macdowell, assembled on the twenty-fifth of September at Watauga. On the next day, each man mounted on his own horse, armed with his own rifle, and carrying his own store of provisions, they began the ride over the mountains, where the passes through the Alleghanies are the highest. Not even a bridle-path led through the forest, nor was there a house for forty miles between the Watauga and the Catawba. The men left their families in secluded valleys, distant one from the other, exposed not only to parties of royalists, but of Indians. In the evening of the thirtieth they formed a junction with the regiment of Colonel Benjamin Cleaveland, consisting of three hundred and fifty men from the North Carolina counties of Wilkes and Surry. The next day Macdowell was despatched to request Gates to send them a general officer; "till he should arrive, Campbell was chosen to act as commandant."

Bancroft, Hist. of the U.S., vol.5, p.397 - p.398

Ferguson, who had pursued the party of Macdowell to the foot of the Alleghanies, and had spread the terror of invasion beyond them, moved eastwardly toward Cornwallis by a road from Buffalo ford to King's Mountain, which offered ground for a strong encampment. Of the parties against him he thus wrote to Cornwallis: "They are become an object of consequence. I should hope for success against them myself; but, numbers compared, that must be doubtful. Three or four hundred good soldiers, part dragoons, would finish the business. Something must be done soon. This is their last push in this quarter."

Bancroft, Hist. of the U.S., vol.5, p.398

On receiving the letter, Cornwallis ordered Tarleton to march with the light infantry, the British legion, and a three-pounder to his assistance.

Bancroft, Hist. of the U.S., vol.5, p.398

At that time Colonel James Williams was about seventy miles from Salisbury, in the forks of the Catawba, with nearly four hundred and fifty horsemen, in pursuit of Ferguson. Wise and vigilant, he kept out scouts on every side; and, on the second of October, one of them "rejoiced his heart" by bringing him the news that one half of the whole male adult population beyond the mountains were drawing near.

Bancroft, Hist. of the U.S., vol.5, p.398

Following a path between King's Mountain and the main ridge of the Alleghanies, "the western army," so they called themselves, under Campbell, already more than thirteen hundred strong, marched to the Cowpens on Broad river, where, on the evening of the sixth, they were joined by Williams with four hundred men. From Williams they learned nearly where Ferguson's party was encamped; and a council of the principal officers decided to go that very night to strike them by surprise. For this end they picked out nine hundred of their best horsemen; at eight o'clock on that same evening the selected men began their march. Riding all night, with the moon two days past its first quarter, on the afternoon of the seventh they were at the foot of King's Mountain.

Bancroft, Hist. of the U.S., vol.5, p.398

The little brook that ripples through the narrow valley flows in an easterly direction. The mountain, which rises a mile and a half south of the line of North Carolina, is the termination of a ridge that branches from the north-west to the south-east from a spur of the Alleghanies. The British, in number eleven hundred and twenty-five, of whom one hundred and twenty-five were regulars, were posted on its summit, "confident that they could not be forced from so advantageous a post," to which the approach was precipitously steep. The slaty rock cropping out in craggy cliffs and forming natural breastworks along its sides and on its heights.

Bancroft, Hist. of the U.S., vol.5, p.399

The Americans dismounted, and, though inferior in numbers, formed themselves into four columns. A part of Cleaveland's regiment, headed by Major Winston, and Colonel Sevier's regiment, formed a large column on the right. The other part of Cleaveland's regiment, headed by Cleaveland himself, and the regiment of Williams, composed the left wing. The post of extreme danger was assigned to the column formed by Campbell's regiment on the right centre, and Shelby's regiment on the left centre; so that Sevier's right nearly adjoined Shelby's left. The right and left wings were to pass the position of Ferguson, and from opposite sides climb the ridge in his rear, while the two central columns were to attack in front. In this order "the western army" advanced to within a quarter of a mile of the enemy before they were discovered.

Bancroft, Hist. of the U.S., vol.5, p.399

The two centre columns, headed by Campbell and Shelby, climbing the mountain, began the attack. Shelby, a man of the hardiest make, stiff as iron, among the dauntless singled out for dauntlessness, went right onward and upward like a man who had but one thing to do, and but the one thought—to do it. The British regulars with fixed bayonets charged Campbell; and his riflemen, who had no bayonets, were obliged to give way for a short distance; but "they were soon rallied by their gallant commander and some of his active officers," and "returned to the attack with additional ardor."

Bancroft, Hist. of the U.S., vol.5, p.399 - p.400

The two columns, with no aid but from a part of Sevier's regiment, kept up a furious and bloody battle with the British for ten minutes, when the right and left wings of the Americans advancing upon their flank and rear, "the fire became general all around." For fifty-five minutes longer the fire on both sides was heavy and almost incessant. The regulars with bayonets could only make a momentary impression. At last the American right wing gained the summit of the eminence, and the position of the British was no longer tenable. Ferguson having been killed, the enemy attempted to retreat along the top of the ridge; but, finding themselves held in check by the brave men of Williams and Cleaveland, Captain Depeyster, the commanding officer of the British, hoisted a flag. The firing immediately ceased; the enemy laid down their arms and surrendered themselves prisoners at discretion.

Bancroft, Hist. of the U.S., vol.5, p.400

The loss of the British on that day was at least eleven hundred and four. Four hundred and fifty-six of them were either killed, or too severely wounded to leave the ground; the number of prisoners was six hundred and forty-eight. On the American side the regiment of Campbell suffered more than any other in the action; the total loss was twenty-eight killed and sixty wounded. Among those who fell was Colonel James Williams of Ninety-Six, a man of an exalted character, of a career brief but glorious. An ungenerous enemy revenged themselves for his virtues by nearly extirpating his family; they could not take away his right to be remembered by his country with honor and affection to the latest time.

Bancroft, Hist. of the U.S., vol.5, p.400

Among the captives there were house-burners and assassins. Private soldiers—who had witnessed the sorrows of children and women, robbed and wronged, shelterless, stripped of all clothes but those they wore, nestling about fires kindled on the ground and mourning for their fathers and husbands executed nine or ten in retaliation for the frequent and barbarous use of the gallows at Camden, Ninety-Six, and Augusta; but Campbell at once intervened, and in general orders, by threatening the delinquents with certain and effectual punishment, secured protection to the prisoners.

Bancroft, Hist. of the U.S., vol.5, p.400 - p.401

Just below the forks of the Catawba the tidings of the defeat reached Tarleton; his party in all haste rejoined Cornwallis. The victory at King's Mountain, which in the spirit of the American soldiers was like the rising at Concord, in its effects like the successes at Bennington, changed the aspect of the war. The loyalists of North Carolina no longer dared rise. It fired the patriots of the two Carolinas with fresh zeal. It encouraged the fragments of the defeated and scattered American army to seek each other and organize themselves anew. It quickened the North Carolina legislature to earnest efforts. It inspirited Virginia to devote her resources to the country south of her border. The appearance on the frontiers of a numerous enemy from settlements beyond the mountains, whose very names had been unknown to the British, took Cornwallis by surprise, and their success was fatal to his intended expedition. He had hoped to step with ease from one Carolina to the other, and from these to the conquest of Virginia; and he had now no choice but to retreat.

Bancroft, Hist. of the U.S., vol.5, p.401

On the evening of the fourteenth his troops began their march back from Charlotte to the Catawba ford. The men of Mecklenburg and Rowan counties had disputed his advance; they now harassed his foraging parties, intercepted his despatches, and cut off his communications. Soldiers of the militia hung on his rear. Twenty wagons were captured, laden with stores and the knapsacks of the light infantry legion. Single men would ride within gunshot of the retreating army, discharge their rifles, and escape.

Bancroft, Hist. of the U.S., vol.5, p.401

The Catawba ford was crossed with difficulty on account of a great fall of rain. For two days the royal forces remained in the Catawba settlement, Cornwallis suffering from fever, the army from want of forage and provisions. The command on the retreat fell to Rawdon. The soldiers had no tents. For several days it rained incessantly. Waters and deep mud choked the roads. At night the army bivouacked in the woods in unwholesome air; sometimes without meat; at others, without bread. Once for five days it lived upon Indian corn gathered from the fields, five ears being the day's allowance for two soldiers. But for the personal exertions of the militia, most of whom were mounted, it would not have been supported. After a march of fifteen days it encamped at Winnsborough, an intermediate station between Camden and Ninety-Six.

Bancroft, Hist. of the U.S., vol.5, p.401

All the while Marion had been on the alert. Two hundred tories had been sent in September to surprise him; and with fifty-three men he first surprised a part of his pursuers, and then drove the main body to flight. At Black Mingo, on the twenty-eighth, he made a successful attack on a guard of sixty militia, and took prisoners those who were under its escort. The British were burning houses on Little Pedee, and he permitted his men of that district to return to protect their wives and families; but he would not suffer retaliation, and wrote with truth: "There is not one house burned by my orders or by any of my people. It is what I detest, to distress poor women and children."

Bancroft, Hist. of the U.S., vol.5, p.402

"I most sincerely hope you will get at Mr. Marion," wrote Cornwallis on the fifth of November, as he despatched Tarleton in pursuit of him. This officer and his corps set fire to all the houses, and destroyed all the corn from Camden down to Nelson's ferry; he beat the widow of a general officer because she could not tell where Marion was encamped, burned her dwelling, laid waste everything about it, and did not leave her a change of raiment. The line of their march could be traced by groups of houseless women and children, once of ample fortune, sitting round fires in the open air.

Bancroft, Hist. of the U.S., vol.5, p.402

As for Marion, after having kept his movements secret and varied his encampment every night, his numbers increased; then selecting a strong post "within the dark morass," he defied an attack. But just at that moment new dangers impended from another quarter.

Bancroft, Hist. of the U.S., vol.5, p.402

Sumter had rallied the patriots in the country above Camden, and in frequent skirmishes kept the field. Mounting his partisans, he intercepted British supplies of all sorts, and sent parties within fourteen miles of Winnsborough. Having ascertained the number and position of his troops, Cornwallis despatched a party under Major Wemyss against him. After a march of twenty-four miles with mounted infantry, Wemyss reached Fishdam on Broad river, the camp of General Sumter, and at the head of his corps charged the picket. The attack was repelled; he himself was wounded and taken prisoner. A memorandum was found upon him of houses burned by his command. He had hanged Adam Cusack, a Carolinian, who had neither given his parole, nor accepted protection, nor served in the patriot army; yet his captors would not harm a man who was their prisoner.

Bancroft, Hist. of the U.S., vol.5, p.402 - p.403

The position of the British in the upper country became precarious. Tarleton was suddenly recalled from the pursuit of Marion and ordered to take the nearest path against Sumter, who had passed the Broad river, formed a junction with Clark and Brennan, and threatened Ninety-Six. One regiment was sent forward to join him on his march; another followed for his support. Apprised of Tarleton's approach, Sumter posted himself strongly on the plantation of Blackstock. At five in the afternoon of the twentieth of November, Tarleton drew near in advance of his light infantry; and with two hundred and fifty mounted men he made a precipitate attack on Sumter's superior force. The hillside in front of the Americans was steep; their rear was protected by the rapid river Tyger; their left was covered by a large barn of logs, between which the riflemen could fire with security. The sixty-third British regiment having lost its commanding officer, two lieutenants, and one third of its privates, Tarleton retreated, leaving his wounded to the mercy of the victor. The loss of Sumter was very small; but, being himself disabled by a severe wound, he crossed the Tyger, taking his wounded men with him.

Bancroft, Hist. of the U.S., vol.5, p.403

By the lavish distribution of presents, the Indian agents obtained promises from the chiefs of twenty-five hundred Cherokees, and a numerous body of Creeks, to lay waste the settlements on the Watauga, Holston, Kentucky and Nolichucky, and even to extend their ravages to the Cumberland and Green rivers, that the attention of the mountaineers might be diverted to their own immediate concerns. Cornwallis gave orders to the reinforcement of three thousand sent by Clinton into the Chesapeake to embark for Cape Fear river. So ended his first attempt to penetrate to Virginia. He was driven back by the spontaneous risings of the southern and south-western people; and the unwholesome exhalations of autumn swept men from every garrison in the low country faster than Great Britian could replace them.

Chapter 27:

The Rise of Free Commonwealths,

1780

Bancroft, Hist. of the U.S., vol.5, p.404

FREEDOM is of all races and of all nationalities. It is older than bondage, and ever rises from the enslavements of violence or custom or abuse of power; for the rights of man spring from eternal law, are kept alive by the persistent energy of constant nature, and by their own indestructibility prove their lineage as the children of omnipotence.

Bancroft, Hist. of the U.S., vol.5, p.404

In an edict of the eighth of August 1779, Louis XVI announced "his regret that many of his subjects were still without personal liberty and the prerogatives of property, attached to the glebe, and, so to say, confounded with it." To all serfs on the estates of the crown he therefore gave back their freedom. He had done away with torture, and he wished to efface every vestige of a rigorous feudalism; but he was restrained by his respect for the laws of property, which he held to be the groundwork of order and justice. While the delivering up of a runaway serf was in all cases forbidden, for emancipation outside of his own domains be did no more than give leave to other proprietors to follow his example, to which even the clergy declined to conform. But the words of the king spoken to all France deeply branded the wrong of keeping Frenchmen in bondage to Frenchmen.

Bancroft, Hist. of the U.S., vol.5, p.404

In Overyssel, a province of the Netherlands, Baron van der Capellen tot den Pol, the friend of America, sorrowed over the survival of the ancient system of villeinage; and, in spite of the resistance and sworn hatred of almost all the nobles, be, in 1782, brought about its complete abolition.

Bancroft, Hist. of the U.S., vol.5, p.405

Here the movement for emancipation during the American revolution ceased for the Old World. "he that says slavery is opposed to Christianity is a liar," wrote Luther, in the sixteenth century. "To condemn slavery is to condemn the Holy Ghost," were the words of Bossuet near the end of the seventeenth. In the last quarter of the eighteenth the ownership of white men by white men still blighted more than the half of Europe. The evil shielded itself under a new plea, where a difference of skin set a visible mark on the victims of commercial avarice, and strengthened the ties of selfishness by the pride of race. In 1780 Edmund Burke tasked himself to find out what laws could check the new form of servitude which wrapt all quarters of the globe in its baleful influences; yet he did not see a glimmering of hope even for an abolition of the trade in slaves, and only aimed at establishing regulations for their safe and comfortable transportation. He was certain that no one of them was ever so beneficial to the master as a freeman who deals with him on equal footing by convention; yet for slave plantations he suggested nothing more than some supervision by the state, and some mitigation of the power of the master to divide families by partial sales. Although for himself he inclined to a gradual emancipation, his code for the negroes was founded on the conviction that slavery was "an incurable evil." He sought no more than to make that evil as small as possible, and to draw out of it some collateral good.

Bancroft, Hist. of the U.S., vol.5, p.405

George III was the firm friend of the slave-trade; and Thurlow, one of his lord chancellors, so late as 1799 insisted that the proposal to terminate it was "altogether miserable and contemptible." Yet the quality of our kind is such that a government cannot degrade a race without marring the nobleness of our nature.

Bancroft, Hist. of the U.S., vol.5, p.405 - p.406

So long as the legislation of the several English colonies in America remained subject to the veto of the king, all hope of forbidding or even limiting the importation of negro slaves was made vain by the mother country. The first American congress formed an association "wholly to discontinue the slave-trade." Jefferson inserted in his draft of the declaration of American independence a denunciation of the slave-trade and of slavery, but it was rejected by the congress of 1776 in deference to South Carolina and Georgia. The antagonism between the northern and southern states, founded on climate, pursuits, and labor, broke out on the first effort to unite them permanently. When members from the North spoke freely of the evil of slavery, a member from South Carolina answered that, "if property in slaves should be questioned, there must be an end of confederation." In the same month the vote on taxing persons claimed as property laid bare the existence of a geographical division of parties, the states north of Mason and Dixon's line voting compactly on the one side, and those south of that line, which were duly represented, on the other.

Bancroft, Hist. of the U.S., vol.5, p.406

The clashing between the two sections fastened the attention of reflecting observers. In August 1778, Gerard, soon after his reception at Philadelphia, reported to Vergennes: "The states of the South and of the North, under existing subjects of division and estrangement, are two distinct parties, which at present count but few deserters. The division is attributed to moral and philosophical causes." He further reported that the cabal against Washington found supporters exclusively in the North.

Bancroft, Hist. of the U.S., vol.5, p.406 - p.407

The French minister desired to repress the ambition of congress for the acquisition of territory, because it might prove an obstacle to connection with Spain; and he found support in northern men. Their hatred of slavery was not an impulse of feeling, but an earnest conviction. No one could declare himself more strongly for the freedom of the negro than Gouverneur Morris of New York, a man of business and a man of pleasure. His hostility to slavery brought him into some agreement with the policy of Gerard, to whom, one day in October, he said that Spain would have no cause to fear the great body of the confederation, for reciprocal jealousy and separate interests would never permit its members to unite against her; that several of the most enlightened of his colleagues were struck with the necessity of establishing a law "de coercendo imperio," setting bounds to the American empire; that the provinces of the South already very much weakened the confederation; that further extension on that side would immeasurably augment this inconvenience; that the South was the seat of wealth and of weakness; that the poverty and vigor of the North would alway be the safeguard of the republic; that on the side of the North lay the necessity to expand and to gain strength; that the navigation of the Mississippi below the mouth of the Ohio should belong exclusively to Spain, as the only means of retaining the numerous population which would be formed between the Ohio and the lakes; that the inhabitants of these new and immense countries, be they English or be they Americans, having the outlet of the river St. Lawrence on the one side and that of the Mississippi on the other, would be in a condition to domineer over the United States and over Spain, or to make themselves independent—that on this point there was, therefore, a common interest. Some dread of the relative increase of the South may have mixed with the impatient earnestness with which two at least of the New England states demanded the acquisition of Nova Scotia as indispensable to their safety, and therefore to be secured at the pacification with England. The leader in this policy was Samuel Adams, whom the French minister always found in his way.

Bancroft, Hist. of the U.S., vol.5, p.407

The several states employed black men as they pleased; it was the rule that the slave who served in the ranks was enfranchised by the service. When, in March 1779, congress recommended Georgia and South Carolina to raise three thousand active, able-bodied negro men, the recommendation was coupled with a promise of "a full compensation to the proprietors of such negroes for the property."

Bancroft, Hist. of the U.S., vol.5, p.407

So long as Jefferson was in congress, he kept Virginia and Massachusetts in a close and unselfish union, of which the unanimous assertion of independence was the fruit. When he withdrew to service in his native commonwealth, their friendship lost something of its disinterestedness. Virginia manifested its discontent by successive changes in its delegation, and the two great states came more and more to represent different classes of culture and ideas and interests.

Bancroft, Hist. of the U.S., vol.5, p.407 - p.408

In 1779, when the prosperity of New England was thought to depend on the fisheries, and when its pathetic appeals, not unmingled with menaces, had been used prodigally and without effect, Samuel Adams said rashly that "it would become more and more necessary for the two empires to separate." On the other hand, when the North offered a preliminary resolution that the country, even if deserted by France and Spain, would continue the war for the sake of the fisheries, four states read the draft of a definitive protest.

Bancroft, Hist. of the U.S., vol.5, p.408

In the assertion of the sovereignty of each separate state there was no distinction between North and South. Massachusetts expressed itself as absolutely as South Carolina. As a consequence, the confederation could contain no interdict of the slave-trade, and the importation of slaves would therefore remain open to any state according to its choice. When, on the seventeenth of June 1779, a renunciation of the power to engage in the slave-trade was proposed as an article to be inserted in the treaty of peace, all the states, Georgia alone being absent, refused the concession by the votes of every member except Jay and Gerry.

Bancroft, Hist. of the U.S., vol.5, p.408

Luzerne, the French envoy who succeeded Gerard, soon came to the conclusion that the confederacy would run the risk of an early dissolution, if it should give itself up to the hatred which began to show itself between the North and South.

Bancroft, Hist. of the U.S., vol.5, p.408

Vermont, whose laws from the first rejected slavery, knocked steadily at the door of congress to be taken in as a state, and Washington befriended its desire. In August 1781 its envoys were present in Philadelphia, entreating admission. New York gave up its opposition; but the states of the South held that the admission of Vermont would destroy "the balance of power" between the two sections of the confederacy and give the preponderance to the North. The idea was then started that the six states south of Mason and Dixon's line should be conciliated by a concession of a seventh vote which they were to exercise in common; but the proposal, though it formed a subject of conversation, was never brought before congress; and Vermont was left to wait till a southern state could simultaneously be received into the union.

Bancroft, Hist. of the U.S., vol.5, p.408

In regard to the foreign relations of the country, congress was divided between what the French envoy named "Gallicans" and "anti-Gallicans: "the southerners were found more among the "Gallicans;" the North was suspected of a partiality for England.

Bancroft, Hist. of the U.S., vol.5, p.409

There was no hope of the delivery of the country from slavery by congress. But man can never override natural law, and in the high court of the Eternal Providence justice forges her weapon long before she strikes. Nowhere was slavery formally established in the organic law as a permanent social relation; the courts of Virginia did not recognise a right of property in the future increase of slaves; in no one state did its constitution abridge the power of its legislature to abolish slavery. In no one constitution did the words "slave" and "slavery" find a place except in that of Delaware, and there only by way of a prohibition of bringing slaves into the state.

Bancroft, Hist. of the U.S., vol.5, p.409

In the North the severity of the climate, the poverty of the soil, and the all-pervading habit of laborious industry among its people, set narrow limits to slavery; in the states nearest the tropics it throve luxuriously, and its influence entered into their inmost political life. Virginia, with soil and temperature and mineral wealth inviting free and skilled labor, yet with lowland where the negro attained his perfect physical development, stood as mediator between the two. Many of her statesmen—George Mason, Patrick Henry, Jefferson, Wythe, Pendleton, Richard Henry Lee—emulated each other in confessing the iniquity and the inexpediency of holding men in bondage. We have seen the legislature of colonial Virginia in 1772, in their fruitless battle with the king respecting the slave-trade, of which he was the great champion, demand its abolition as needful for their happiness and their very existence. In January 1773, Patrick Henry threw ridicule on the clergy of Virginia for their opposition to emancipation. In the same year George Mason foretold the blight that was to avenge negro slavery. When the convention of Virginia adopted their declaration of rights as the foundation of government for themselves and their posterity, they set forth that all men are by nature equally free and have inherent rights to the enjoyment of life and liberty, the means of acquiring property and pursuing happiness; yet this authoritative proclamation of the equal rights of all men brought no relief to the enslaved.

Bancroft, Hist. of the U.S., vol.5, p.409 - p.410

In 1778, Virginia prohibited what under the supremacy of England she could not have prohibited—the introduction of any slave by land or sea, and ordered the emancipation of every slave introduced from abroad. But the bill respecting resident slaves, prepared by the commissioners for codifying the laws, was a mere digest of existing enactments. Its authors agreed in wishing that the assembly might provide by amendment for universal freedom; and it is the testimony of Jefferson that, with the concurrence of himself, Pendleton, and Wythe, an amendatory bill was prepared "to emancipate all slaves born after passing the act;" but the proposal was blended with the idea of their deportation, and nothing came of it. The statute drafted by Jefferson, and in 1779 proposed by Mason, to define who shall be citizens of Virginia, declared the natural right of expatriation in opposition to the English assertion of perpetual allegiance, and favored naturalization; but it confined the right of expatriation and citizenship to white men.

Bancroft, Hist. of the U.S., vol.5, p.410

In 1780, Madison expressed the wish that black men might be set free and then made to serve in the army. This was often done by individuals; but, before the end of the same year, Virginia offered a bounty, not of money and lands only, but of a negro, to each white man who would enlist for the war.

Bancroft, Hist. of the U.S., vol.5, p.410 - p.411

In May 1782, just thirteen years after Jefferson had brought in a bill giving power of unconditional emancipation to the masters of slaves, the measure was adopted by the legislature of Virginia. Under this act more slaves received their freedom than were liberated in Pennsylvania or in Massachusetts. Even had light broken in on Jefferson's mind through the gloom in which the subject was involved for him, Virginia would not have accepted from him a plan for making the state a free commonwealth; but there is no evidence that he ever reconciled himself to the idea of emancipated black men living side by side with white men as equal sharers in political rights and duties and powers. The result of his efforts and reflections he uttered in these ominous forebodings: "Nothing is more certainly written in the book of fate than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government." In the helplessness of despair, Jefferson, so early as 1782, dismissed the problem from his thoughts with these words: "I tremble for my country when I reflect that God is just, that his justice cannot sleep forever. The way, I hope, is preparing, under the auspices of heaven, for a total emancipation." At that time Washington was a kind and considerate master of slaves. By slow degrees the sentiment grew up in his mind that to hold men in bondage was a wrong; that Virginia should proceed to emancipation by general statute of the state; and that, if she refused to do so, each individual should act for his own household.

Bancroft, Hist. of the U.S., vol.5, p.411

Delaware, which, on the twentieth of September 1776, adopted its constitution as an independent state, had, in proportion to its numbers, excelled all in the voluntary emancipation of slaves. Its constitution absolutely prohibited the introduction of any slave from Africa, or any slave for sale from any part of the world, as an article which "ought never to be violated on any pretence whatever."

Bancroft, Hist. of the U.S., vol.5, p.411

In the constituent convention of New York, Gouverneur Morris struggled hard for measures tending to abolish domestic slavery, "so that in future ages every human being who breathed the air of the state might enjoy the privileges of a freeman." The proposition, though strongly supported, especially by the interior and newer counties, was lost by the vote of the counties on the Hudson. Jay lamented the want of a clause against the continuance of domestic slavery. Still, the declaration of independence was incorporated into the constitution of New York; and all its great statesmen were opposed to slavery. All parts of the common law, and all statutes and acts repugnant to the constitution, were abrogated and repealed by the constitution itself.

Bancroft, Hist. of the U.S., vol.5, p.411

It has already been narrated that, in 1777, the people of Vermont, in separating themselves from the jurisdiction of New York, framed a constitution which prohibited slavery.

Bancroft, Hist. of the U.S., vol.5, p.411 - p.412

In July 1778, William Livingston, the governor of New Jersey, invited the assembly to lay the foundation for the manumission of the negroes. At the request of the house, which thought the situation too critical for the immediate discussion of the measure, the message was withdrawn. "But I am determined," wrote the governor, "as far as my influence extends, to push the matter till it is effected, being convinced that the practice is utterly inconsistent with the principles of Christianity and humanity; and in Americans, who have almost idolized liberty, peculiarly odious and disgraceful." Of the two Jerseys, slavery had struck deeper root in the East from the original policy of its proprietaries; the humane spirit of the Society of Friends ruled opinion in West Jersey.

Bancroft, Hist. of the U.S., vol.5, p.412

The name of Pennsylvania was dear throughout the world as the symbol of freedom; her citizens proved her right to her good report by preparing to abolish slavery. The number of their slaves had grown to be about six thousand, differing little from the number in Massachusetts, and being in proportion to the whole population much less than in New York or in New Jersey. The fourteenth of April 1775 was the day of founding the Pennsylvania society for the abolition of slavery, the relief of free negroes unlawfully held in bondage, and the improvement of the condition of the African race. In 1777, in the heads of a bill proposed by the council, a suggestion was made for ridding the state of slavery. The retreat of the British from Philadelphia, and the restoration to Pennsylvania of peace within its borders, called forth in its people a sentiment of devout gratitude. Under its influence, George Bryan, then vice-president, in a message to the assembly of the ninth of November 1778, pressed upon their attention the bill proposed in the former year for manumitting infant negroes born of slaves, and thus in an easy mode abrogating slavery, the opprobrium of America. "In divesting the state of slaves," said Bryan, "you will equally serve she cause of humanity and policy, and offer to God one of the most proper and best returns of gratitude for his great deliverance of us and our posterity from thraldom; you will also set your character for justice and benevolence in the true point of view to all Europe, who are astonished to see a people struggling for liberty holding negroes in bondage."

Bancroft, Hist. of the U.S., vol.5, p.412 - p.413

On becoming president of the executive council of Pennsylvania, Joseph Reed, speaking for himself and the council, renewed the recommendation to abolish slavery gradually and to restore and establish by the law in Pennsylvania the rights of human nature. In the autumn of 1779, George Bryan had been returned as a member of the assembly. In the committee to which on his motion the subject was referred, he pre pared a new preamble and the draft of the law for gradual emancipation; and, on the twenty-ninth of February 1780, it was adopted by a vote of thirty-four to twenty-one. So Pennsylvania led the way toward introducing freedom for all. "Our bill," wrote George Bryan to Samuel Adams, "astonishes and pleases the Quakers. They looked for no such benevolent issue of our new government, exercised by Presbyterians."

Bancroft, Hist. of the U.S., vol.5, p.413

The constitution of South Carolina of 1778 contained no bill of rights, and confined political power exclusively to white men; from the settlement of the state, slavery formed a primary element in its social organization. When Governor Rutledge in 1780 came to Philadelphia, he reported that the negroes offered up their prayers in favor of England, in the hope that she would give them a chance to escape from slavery. But British officers, regarding negroes as valuable spoil, defeated every plan for employing them as soldiers on the side of England. In 1769, George III in council "gave his consent to an act of Georgia whereby slaves may be declared to be chattels;" and the war of the revolution made no change in their condition by law.

Bancroft, Hist. of the U.S., vol.5, p.413 - p.414

The Puritans of Massachusetts permitted slavery by law. Negroes trained with the rest in the ranks, certainly from 1651 to 1656. Cases occurred where laws on marriage, adultery, and divorce were applied to them; and where they were allowed, like others, to give their testimony, even in capital cases. Color was no disqualification to the exercise of suffrage. At the opening of the revolution William Gordon, the Congregationalist minister of Roxbury, though he declined to "unsaint" every man who still yielded to the prevailing prejudice, declared with others against perpetuating slavery, and, in November 1776, published in the "Independent Chronicle," a newspaper in Boston a plan sent from Connecticut for its gradual extermination out of that colony. In the same month and in the same newspaper "a Son of Liberty" demanded the repeal of all laws supporting slavery, because they were "contrary to sound reason and revelation." In January 1777, seven negro slaves joined in petitioning the general court "that they might be restored to that freedom which is the natural right of all men, and that their children might not be held as slaves after they arrive at the age of twenty-one years." This petition was referred to a very able committee, on which are the names of Sergeant and John Lowell, both zealous for the abolition of slavery; and Lowell was then the leading lawyer in the state.

Bancroft, Hist. of the U.S., vol.5, p.414

In May 1777, just before the meeting of the general court at Boston, Gordon, finding in the multiplicity of business its only apology for not having attended to the case of slaves, asked for a final stop to the public and private sale of them by an act of the state. Clothing the argument of Montesquieu in theological language, he said: "If God hath made of one blood all nations of men for to dwell on the face of the earth, I can see no reason why a black rather than a white man should be a slave." A few weeks later the first legislature elected in Massachusetts after the declaration of independence listened to the second reading of a bill which declared slavery "without justification in a government of which the people are asserting their natural rights to freedom," and had for its object "to fix a day on which all persons above twenty-one years of age then held in slavery should be free and entitled to all the rights, privileges, and immunities that belong to any of the subjects of this state." A committee was directed to take the opinion of congress on the subject, but no answer from congress appears on record, nor any further consideration of the bill by the Massachusetts legislature.

Bancroft, Hist. of the U.S., vol.5, p.414 - p.415

Hancock, in his presidency, had shown proclivities to the South. When, on his resignation in October, a motion was made to give him the thanks of congress for his impartiality in office, the three northernmost states of New England voted in the negative, while the South was unanimous in his favor. After his arrival in Boston, the two branches of the general court saw fit to form themselves into a constituent convention, for which some of the towns had given authority to their representatives. In the winter session of 1778 the draft of a plan of government was considered. One of the proposed clauses took from Indians, negroes, and mulattoes the right to vote. Against this disfranchisement was cited the example of Pennsylvania. "Should the clause not be reprobated by the convention," said an orator, "I still hope that there will be found among the people at large virtue enough to trample under foot a form of government which thus saps the foundation of civil liberty and the rights of man."

Bancroft, Hist. of the U.S., vol.5, p.415

On the submission of the constitution to the people, objections were made that it contained no declaration of rights; that it gave the governor and lieutenant-governor seats in the senate; that it disfranchised the free negro, a partiality warmly denounced through the press by the historian, Gordon. There was, moreover, dissatisfaction with the legislature for having assumed constituent powers without authority from the people. Boston, while it recommended a convention for framing a constitution, gave its vote unanimously against the work of the legislature; and the commonwealth rejected it by a vote of five to one.

Bancroft, Hist. of the U.S., vol.5, p.415

The history of the world contained no record of a people which in the institution of its government moved with the caution which marked the next proceedings of Massachusetts. In February 1779, the legislature of the year asked their constituents whether they desired a new form of government; and, a large majority of the inhabitants of the towns voting in the affirmative, a convention of delegates was, in conformity to a law, elected for the sole purpose of forming a constitution. On the first day of September the convention thus chosen came together in the meeting-house of Cambridge. Their forefathers, in their zeal against the Roman superstition, had carried their reverence of the Bible even to idolatry; and some of them, like Luther, found in its letter a sanction for holding slaves. On the other hand, from principle and habit, they honored honest labor in all its forms. The inconsistencies of bondage with the principle of American independence lay in the thoughts of those who led public opinion; voices against it had come from Essex, from Worcester, from Boston, and from the western counties.

Bancroft, Hist. of the U.S., vol.5, p.415 - p.416

The first act of the constituent body was "the consideration of a declaration of rights;" and then they resolved unanimously "that the government to be framed by this convention for the people of Massachusetts Bay shall be a FREE REPUBLIC." This resolution was deemed so important that liberty was reserved for the members of a committee who were absent to record their votes upon it; and on the next morning they declared "their full and free assent." A committee of thirty, composed for the commonwealth at large and for each county excepting the unrepresented counties of Dukes and Nantucket, was appointed to prepare a declaration of rights and the form of a constitution; but the house itself continued its free conversation on these subjects till sunset of the sixth of September. The next day it adjourned for more than seven weeks, that its committee might have time to transact the important business assigned them.

Bancroft, Hist. of the U.S., vol.5, p.416

On the thirteenth of September the committee assembled at the new court-house in Boston. Among them were Bowdoin, who was president of the convention; Samuel Adams; John Lowell; Jonathan Jackson of Newburyport, who thought that the liberty which America achieved for itself should prevail without limitation as to color; Parsons, a young lawyer of the greatest promise, from Newburyport; and Strong of Northampton. John Adams had arrived opportunely from France, to which he did not return till November, and brought together in form and order the separate clauses of the constitution as they came from the convention. There are no means of distributing its parts to their several authors with certainty. No one was more determined for two branches of the legislature with a veto in the governor than John Adams. To him as much as to any other may be ascribed the complete separation of both branches from appointments to office. To Bowdoin was due the form of some of the sections which were most admired.

Bancroft, Hist. of the U.S., vol.5, p.416 - p.417

On the afternoon of the twenty-eighth of October the committee appointed to prepare a form of government reported a draft of a constitution; and on the next day the convention adopted the first article of a declaration of rights, which was couched almost in the words of the constitution of Virginia: "All men are born free and equal, and have certain natural, essential, and unalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness." The lawyers of Virginia had not considered this declaration as of itself working the emancipation of negro slaves; the men of Massachusetts, in deciding how many of their old laws should remain in full force, excepted those parts which were "repugnant to the rights and liberties contained in this constitution."

Bancroft, Hist. of the U.S., vol.5, p.417

As the delegates gave the closest attention to every line and word in the constitution, this clause did not come up for consideration till the last day of January 1780, in an adjourned session. Roads having been made for a time impassable by deep snows, there were still many absentees; and, though a quorum was present, the consideration of this question was from its importance deferred. For a month, therefore, other clauses were discussed and settled; and then in a full convention, after deliberation and amendment, this most momentous article of all was adopted. So calm and effortless was the act by which slavery fell away from Massachusetts. Its people wrought with the power of nature, without violence or toil, achieving its will through the might of overruling law. There is in us and around us a force tending to improvement, which we can work with, but can never destroy. The manner in which Massachusetts left slavery behind was the noblest that could have been devised. The inborn, inalienable right of man to freedom was written in the permanent constitution as the law of all coming legislation. The highest voice of morality speaks to the whole universe of moral being, and utters for all its one inflexible command. When by its all-persuasive force the men of Massachusetts abolished slavery, the decision had the character of primal justice and the seal of undying authority.

Bancroft, Hist. of the U.S., vol.5, p.417

In an able address to their constituents, the delegates explained the grounds on which their decisions rested, and called on them in their several towns and plantations to judge "whether they had raised their superstructure upon the principles of a FREE COMMONWEALTH." Reassembling on the first Wednesday in June, they found that the male inhabitants of twenty-one years and upward had ratified the new constitution, and they chose the last Wednesday in October for the time on which it should take effect.

Bancroft, Hist. of the U.S., vol.5, p.417

At the coming in of the twenty-fifth day of October 1780, Massachusetts became in truth a FREE COMMONWEALTH. Its people shook slavery from its garments as something that had never belonged to it. The colored inhabitants, about six thou sand in number, or one in seventy of the population, became fellow-citizens; and, if any of them possessed the required qualifications of age, residence, and property, their right to vote admitted of no question.

Bancroft, Hist. of the U.S., vol.5, p.418

The law of Massachusetts which established slavery had not enumerated birth as one of its grounds, and many citizens of the state were accustomed to say that hereditary bond age had never existed in the land by law. The question whether the new constitution had surely abrogated slavery came before the courts within less than seven months after the constitution was established. In Barre, a town of Worcester county, Quaco Walker, in April 1781, left the service of Nathaniel Jennison, his old master, and found refuge and employment with John and Seth Caldwell. Jennison reclaimed him as a slave, beating him with a stick and imprisoning him for two hours. Two civil suits ensued. Quaco brought an action against Jennison, his former master, for assault; and Jennison, the master, brought an action against the Caldwells, who had given refuge and employment to the runaway, for depriving him of Quaco's services. The civil suits were brought, in June, before the county court of common pleas, whose members were selected from the justices of peace for the county, and so were the natural exponents of the feeling and judgment of the land. Not one of them was a lawyer. Moses Gill, the chief justice, was brought up to be a shopkeeper, and had been one; Samuel Baker, one of the associates, was a farmer in Berlin; Joseph Dorr, the other, was a farmer in Mendon, and in the late state convention had served on the committee for framing the bill of rights. In the first case the verdict of the jury declared the negro to be a free man, and assessed the damages which he had sustained at fifty pounds. An appeal to the supreme judicial court of the commonwealth was taken. In the suit of Jennison against the Caldwells, Jennison obtained a verdict in his favor, and a judgment for twenty-five pounds. The Caldwells appealed to the supreme judicial court, which was to hold a term at Worcester in the following September. The judges of the supreme court, who were present at Worcester in September 1781, and heard the appeal of the Caldwells, were James Sullivan, Nathaniel Peaslee Sargeant, and David Sewall, every one of whom had been members of the convention which framed the constitution of Massachusetts; and Sullivan, who was a man of superior ability and character, and Sewall, had been on the committee which framed the declaration of rights. The Caldwells had engaged for their counsel Caleb Strong of Northampton and Levi Lincoln of Worcester, of whom both had been members of the state convention, and Strong had been one of the committee for framing the bill of rights. They argued that Jennison could have no claim to the labor of Quaco Walker, because by the new constitution he was certainly a free man, owing compulsory labor to no one; that laws of the state which derogate from the rights recognised by the common law are to be strictly construed; and that a law upholding slavery is contrary to the constitution of Massachusetts as well as to the laws of nature. The decision of the court of common pleas was reversed by the supreme judicial court, and the reversal was founded on the clause of the constitution that "all men are born free and equal." This was the first action involving the right of the master which came before the supreme judicial court of Massachusetts after the establishment of the constitution, and the judges declared, as their successors have uniformly reaffirmed, that, by virtue of the first article of the declaration of rights, slavery in Massachusetts became extinct.

Bancroft, Hist. of the U.S., vol.5, p.419 - p.420

But another danger opened upon the would-be slave-holder at this session of the supreme court in September 1781; on the presentment of the grand jury of the county of Worcester, Jennison was indicted for beating and imprisoning Quaco Walker against the peace and dignity of the commonwealth. Jennison, in June 1782, laid his griefs before the legislature of Massachusetts. He received little comfort at their hands, for the first principle on which the house of representatives, in its later session, ordered a bill to be brought in for the relief of the old slave-holders was a declaration that "there never were legal slaves in this government." A bill on that principle, and yet as a matter of expediency offering some indemnity to those masters who had held slaves, passed the house, but in the senate was only read once.

Bancroft, Hist. of the U.S., vol.5, p.420

In the month of April 1783, the indictment of Jennison, presented by the grand jury of Massachusetts, was brought to trial before the supreme court of the commonwealth. William Cushing, the chief justice, afterwards for many years an associate justice of the supreme court of the United States, presided at the trial, with Sargeant, Sewall, and Increase Sumner as his associates. They all, and Robert Treat Paine, the attorney-general who had prepared the indictment, had been members of the convention which framed the constitution, and Cushing and Sewall and the attorney-general had been of the committee which framed the declaration of rights. In submitting the case to the jury, the charge of the chief justice was: "As to the doctrine of slavery and the right of Christians to hold Africans in perpetual servitude, whatever sentiments have formerly prevailed in this particular, or slid in upon us by the example of others, a different idea has taken place with the people of America more favorable to the natural rights of mankind, and to that natural innate desire of liberty with which heaven, without regard to color, complexion, or shape of features, has inspired all the human race. And upon this ground our constitution of government, by which the people of this commonwealth have solemnly bound themselves, sets out with declaring that all men are born free and equal, and that every subject is entitled to liberty, and to have it guarded by the laws, as well as life and property—and, in short, is totally repugnant to the idea of being born slaves. This being the case, I think the idea of slavery is inconsistent with our own conduct and constitution; and there can be no such thing as perpetual servitude of a rational creature, unless his liberty is forfeited by some criminal conduct or given up by personal consent or contract."

Bancroft, Hist. of the U.S., vol.5, p.420

The jury upon their oath did say that Nathaniel Jennison was guilty, and the court ordered him to pay a fine of forty shillings and cost of prosecution.

Bancroft, Hist. of the U.S., vol.5, p.421

As to the rights of conscience, it was agreed that "religion must at all times be a matter between God and individuals;" yet all were excluded from office who believed that a foreign prelate could have a dispensing power within the commonwealth, and who would not "disclaim those principles of spiritual jurisdiction which are subversive of a free government established by the people." The legislature and magistrates were charged to cherish literature and the sciences, and all seminaries of them, especially the university at Cambridge, public schools, and grammar schools in the towns. The constitution was marked by the effort at a complete separation of the executive, legislative, and judicial powers, that it might be a government of laws and not of men. "For a power without any restraint," said the convention, "is tyranny."

Bancroft, Hist. of the U.S., vol.5, p.421

"The constitution of Massachusetts," wrote Count Matthieu Dumas, one of the French officers who served in America, "is perhaps the code of laws which does most honor to man."

Bancroft, Hist. of the U.S., vol.5, p.421 - p.422

As if to leave to the world a record of the contrast between the contending systems of government for colonists, the British ministry, simultaneously with the people of Massachusetts, engaged in forming its model. The part of Massachusetts between the river Saco and the St. Croix was constituted a province, under the name of New Ireland. The system adopted for Quebec and for East Florida was to receive in the New England province its full development. The marked feature of the constitution was the absolute power of the British parliament; and, to make this power secure for all coming time, every landlord on acquiring land, whether by grant from the crown, or by purchase, or by inheritance, was bound to make a test declaration of allegiance to the king in his parliament, as the supreme legislature of the province. The attorney and solicitor general of Great Britain were to report what of the laws of England would of their own authority take effect in the province, and what acts of parliament the king might introduce by his proclamation. "It has been found," said the state paper, "by sad experience, that the democratic power is predominant in all parts of British America." "To combat the prevailing disposition of the people to republicanism," there was to be by the side of the governor and council no elective assembly until the circumstances of the province should admit of it; but a middle branch of legislature, of which every one of the members was to be named by the crown; to be distinguished by titles or emoluments or both; and, though otherwise appointed for life, to remain ever liable to be suspended or removed by royal authority.

Bancroft, Hist. of the U.S., vol.5, p.422

The lands were to be granted in large tracts, so that there might be great landlords and a tenantry. The church of England was to be the established church; the country to be divided into parishes, each with a glebe land; and the governor, the highest judge in the ecclesiastical court, to present to all benefices. A vicar-general with a power to ordain was to open the way for a bishop. No provision was made for schools or the education of the people. This constitution was approved by the cabinet on the tenth of August 1780, and on the next day by the king.

Bancroft, Hist. of the U.S., vol.5, p.422

Here were the two models side by side. The one would have organized self-government, the other arbitrary rule; the one a people of freeholders, the other of landlords and tenants; the one public worship according to the conscience and faith of individuals, the other a state religion subordinate to temporal power; the one education of all the people, the other indifference to their culture.

Bancroft, Hist. of the U.S., vol.5, p.422

It remains to be related that in April of the year 1780 the Methodists of the United States, at their eighth conference, voted "slave-keeping hurtful to society and contrary to the laws of God, man, and nature."

Chapter 28:

The Complot of Sir Henry Clinton and Arnold,

1780

Bancroft, Hist. of the U.S., vol.5, p.423

DESULTORY movements of the British and American troops in the North during the winter of 1780 were baffled by unwonted cold and deep snows. The Hudson and the East river were covered with solid ice, but Knyphausen provided for the safety of New York by forming battalions of the loyal inhabitants and refugees. In May the continental troops between the Chesapeake and Canada amounted only to seven thousand men; in the first week of June, those under the command of Washington, present and fit for duty, numbered but three thousand seven hundred and sixty, and these congress could neither pay nor supply with food.

Bancroft, Hist. of the U.S., vol.5, p.423

On the twenty-eighth of May the official report of the surrender of Charleston was received. The refugees insisted that the men of New Jersey, weary of compulsory requisitions of supplies, longed to return to their old form of government; and English generals reported so great disaffection among the starved and half-clothed American officers and men that one half of them would desert to the English and the other half disperse. The moment seemed opportune for setting up the royal standard in New Jersey. Strengthening the post at King's Bridge, and leaving only three regiments in New York, Knyphausen formed nineteen regiments into three divisions under Robertson, Tryon, and Stachenberg, with an advanced guard under General Matthews. Of artillery he took eight pieces.

Bancroft, Hist. of the U.S., vol.5, p.423 - p.424

The army of Washington was encamped at Morristown. On the east of the Passaic, the Jersey brigade under General Maxwell was stationed at Connecticut Farms, and three hundred of the Jersey militia occupied Elizabethtown. On the sixth of June the British landed at Elizabethtown Point. The brigadier who commanded the vanguard was early wounded and disabled. Seven hours were lost in bridging a marsh which stopped their way. On the morning of the seventh the American militia, under Colonel Dayton, having had timely warning, retired from Elizabethtown; but, with the aid of the country people who flew to arms, and of small patrolling parties of continental troops, they harassed the British all the way on their march of five or six miles to Connecticut Farms. James Caldwell, the Presbyterian minister of that place, was known to have inspired his people with his own patriotic zeal. A British soldier fired through the window of the room where Caldwell's wife was sitting with her children, one of them a nursling, and shot her fatally through the breast. Scarcely was time allowed to remove the children and the corpse from the house when it was set on fire. The Presbyterian church and the houses and barns of the village were burnt down. In the winter the Presbyterian church of Newark had been destroyed in the same way.

Bancroft, Hist. of the U.S., vol.5, p.424

From Connecticut Farms, Maxwell, with a remnant of a brigade, retreated to strong ground near Springfield, where he awaited and repelled repeated attacks made by Colonel Wurmb with a Hessian regiment which lost more than fifty killed or wounded. An English brigade which arrived found Washington and his army formed in front of them on ground of his own choice. Knyphausen, though his army outnumbered the Americans two to one, declined to attack; and at nine o'clock in the evening he began a retreat to Elizabethtown Point. An American detachment sent at break of day in pursuit, drove the twenty-second English regiment out of Elizabethtown and returned without being molested. The commander-in-chief, in general orders, commended the conduct of all who took part in resisting Knyphausen, and said: "Colonel Dayton merits particular thanks."

Bancroft, Hist. of the U.S., vol.5, p.424 - p.425

At this time a committee from congress was in the American camp, to whom Washington explained the hardships of his condition Congress had accomplished nothing for the relief or reinforcement of his army, and could not tell how far the several states would comply with the requisitions made on them. While awarding liberal praise to the militia of New Jersey, Washington renewed to the committee his constant plea for regular troops: "Perseverance in enduring the rigors of military service is not to be expected from those who are not by profession obliged to it. Our force, from your own observation, is totally inadequate to our safety."

Bancroft, Hist. of the U.S., vol.5, p.425

On the nineteenth of June, two days after his return to New York, Clinton repaired to New Jersey. He had at his disposition nearly four times as many regular troops as were opposed to him; but he fretted at "the move in Jersey as premature," and what he "least expected." With civil words to the German officers, he resolved to give up the expedition; but he chose to mask his retreat under the form of a military manoeuvre.

Bancroft, Hist. of the U.S., vol.5, p.425

Troops sent up the Hudson river, as if to take the Americans in the rear, induced Washington to move his camp to Rockaway bridge, confiding the post at Short Hills to two brigades under the command of Greene. Early on the twenty-third the British advanced in two compact divisions from Elizabethtown Point to Springfield. The column on the right had to ford the river before they could drive Major Lee from one of the bridges over the Passaic. At the other, Colonel Angel with his regiment held the left column in check for about forty minutes. Greene prepared for action; but the British chief, though his army was drawn up and began a heavy cannonade, had no design to give battle; and at four in the afternoon, after burning the houses in Springfield, ordered its return. All the way back to Elizabethtown it was annoyed by an incessant fire from American skirmishers and militia. Its total loss is not known; once more the Hessian yagers lost fifty in killed or wounded, among the latter one colonel, two captains, and a lieutenant. From Elizabethtown Point it crossed to Staten Island by a bridge of boats, which at midnight was taken away. Clinton was never again to have so good an opportunity for offensive operations as that which he then rejected.

Bancroft, Hist. of the U.S., vol.5, p.425 - p.426

On the return of d'Estaing to France, he urged the French ministry to send twelve thousand men to the United States, as the best way of pursuing the war; and Lafayette had given the like advice to Vergennes, with whom he had formed relations of friendship. The cabinet adopted the measure in its principle, but vacillated as to the number of the French contingent. For the command, Count de Rochambeau was selected, not by court favor, but from the esteem in which he was held in the French army. On the tenth of July, Admiral de Ternay with a squadron of ten ships-of-war, three of them ships of the line, convoyed the detachment of about six thousand men with Rochambeau into the harbor of Newport. To an address from the general assembly of Rhode Island, then sitting in Newport, the count answered: "The French troops are restrained by the strictest discipline; and, acting under General Washington, will live with the Americans as their brethren. I assure the general assembly that, as brethren, not only my life, but the lives of the troops under my command, are entirely devoted to their service." Washington in general orders desired the American officers to wear white and black cockades as a symbol of affection for their allies.

Bancroft, Hist. of the U.S., vol.5, p.426

The British fleet at New York having received a large reinforcement, so that it had now a great superiority, Sir Henry Clinton embarked about eight thousand men for an expedition to Rhode Island. Supported by militia from Massachusetts and Connecticut, the French longed for the threatened attack; but the expedition proceeded no farther than Huntington bay in Long Island, where it idled away several days, and then returned to New York. Of the incapacity of Arbuthnot, the admiral, Clinton sent home bitter complaints, which were little heeded, for he was himself thought unequal to his position. The sixth summer during which the British had vainly endeavored to reduce the United States was passing away, and after the arrival of French auxiliaries the British commander-in-chief was more than ever disheartened.

Bancroft, Hist. of the U.S., vol.5, p.426 - p.427

On the twenty-fifth of August, Clinton, knowing well that he had in Cornwallis a favored rival eager to supplant him, reported officially from New York: "At this new epoch in the war, when a foreign force has landed and an addition to it is expected, I owe to my country, and I must in justice to my own fame declare, that I become every day more sensible of the utter impossibility of prosecuting the war in this country without reinforcements. The revolutions fondly looked for by means of friends to the British government I must represent as visionary. The accession of friends, without we occupy the country they inhabit, is but the addition of unhappy exiles to the list of pensioned refugees. A glance at the returns of the army divided into garrisons and reduced by casualties on the one part, with the consideration of the task yet before us on the other, would renew the too just reflection that we are by some thousands too weak to subdue this formidable rebellion." Yet for the moment the only regiments sent to the United States were three to reinforce Lord Cornwallis.

Bancroft, Hist. of the U.S., vol.5, p.427

Hopeless of success in honorable warfare, Clinton stooped to fraud and corruption. While Arnold held the command in Philadelphia, his extravagant mode of living tempted him to peculation and treasonable connections. In the course of the winter of 1778 to 1779 he was taken into the pay of Clinton, to whom he gave intelligence on every occasion; and toward the end of February 1779 he let it be known to the British commander-in-chief that he was desirous of exchanging the American service for that of Great Britain. His open preference for the friends of the English in Pennsylvania disgusted the patriots. The council of that state, after bearing with him for more than half a year, very justly desired his removal from the command; and, having early in 1779 given information of his conduct, against their intention they became his accusers. The court-martial, before which he was arraigned on charges that touched his honor and integrity, dealt with him leniently, and sentenced him only to be reprimanded by the commander-in-chief. The reprimand was marked with the greatest forbearance. The French minister, to whom Arnold applied for money, put aside his request and added wise and friendly advice.

Bancroft, Hist. of the U.S., vol.5, p.427 - p.428

The plot received the warmest encouragement from Lord George Germain, who, toward the end of September 1779, wrote to Clinton: "Next to the destruction of Washington's army, the gaining over officers of influence and reputation among the troops would be the speediest means of subduing the rebellion and restoring the tranquillity of America. Your commission authorizes you to avail yourself of such opportunities and the expense will be cheerfully submitted to."

Bancroft, Hist. of the U.S., vol.5, p.428

In 1780 the command at West Point needed to be changed. Acting in concert with the British general and supported by the New York delegation in congress, Arnold, pleading his wounds as an excuse for declining active service, solicited and obtained orders to that post which included all the American forts in the Highlands. Sir Henry Clinton entered with all his soul into the ignoble plot. A correspondence of two months ensued between him and Arnold, through Major John Andre, adjutant-general of the army in North America. On the thirtieth of August, Arnold, insisting that the advantages which he expected to gain for himself by his surrender were "by no means unreasonable" and requiring that his conditions should "be clearly understood," laid a plan for an interview at which a person "fully authorized" was to "close with" his proposals.

Bancroft, Hist. of the U.S., vol.5, p.428

The rendezvous was given by him within the American lines, where Colonel Sheldon held the command; and that officer was instructed to expect the arrival "at his quarters of a person in New York to open a channel of intelligence." On the same day Andre, disguising his name, wrote to Sheldon from New York, by order of Clinton: "A flag will be sent to Dobb's Ferry on Monday next, the eleventh, at twelve o'clock. Let me entreat you, sir, to favor a matter which is of so private a nature that the public on neither side can be injured by it. I trust I shall not be detained, but I would rather risk that than neglect the business in question, or assume a mysterious character to carry on an innocent affair and get to your lines by stealth." To this degree did the British commander-in-chief prostitute his word and a flag of truce. The letter of Andre being forwarded to Arnold, he "determined to go as far as Dobb's Ferry and meet the flag." As he was approaching the vessel in which Andre came up the river, the British guard-boats, whose officers were not in the secret, fired upon his barge and prevented the interview.

Bancroft, Hist. of the U.S., vol.5, p.428 - p.429

Clinton became more eager in the project, for of a sudden he gained an illustrious assistant. At the breaking out of the war between France and England, Sir George Rodney, a British naval officer, chanced to be detained in Paris by debt; but the aged Marshal de Biron advanced him money to set himself free, and he hastened to England to ask employment of the king. He was devoted to no political party; he reverenced the memory of Chatham, and yet held the war against the United States to be just. A man of action, quick-sighted, great in power of execution, he was the very officer whom a wise government would employ, and whom by luck the British admiralty of that day, tired of the Keppels and the Palisers, the mutinous and the incompetent, put in command of the expedition that was to relieve Gibraltar and rule the seas of the West Indies. One of the king's younger sons served on board his fleet as midshipman. He took his squadron to sea on the twenty-ninth of December 1779. On the eighth of January 1780, he captured seven vessels of war and fifteen sail of merchant-men. On the sixteenth he encountered off Cape St. Vincent the Spanish squadron of Languara, very inferior to his own, and easily took or destroyed a great part of it. Having victualled the garrison of Gibraltar and relieved Minorca, on the thirteenth of February he set sail for the West Indies. At St. Lucia he received letters from his wife, saying: "Everybody is beyond measure delighted as well as astonished at your success;" from his daughter: "Everybody almost adores you, and every mouth is full of your praise; come back when you have done some more things in that part of the world you are in now."

Bancroft, Hist. of the U.S., vol.5, p.429

The thanks of both houses of parliament reached him at Barbados. In April and May, Rodney had twice or thrice encounters with the French fleet of Admiral Guichen, and with such success that in a grateful mood the British parliament thanked him once more. Yet he did not obtain a decided superiority in the West Indian seas, and he reported to the admiralty as the reason, that his flag had not been properly supported by some of his officers.

Bancroft, Hist. of the U.S., vol.5, p.429 - p.430

With indifference to neutral rights, he sent frigates to seize or destroy all American vessels in St. Eustatius. In June he received a check by a junction of the Spanish squadron under Solano with the French. But the two admirals could not agree how their forces should be employed. Contagious fever attacked the Spaniards, and reached the French. Solano returned to Havana; Guichen, whose squadron was anxiously awaited in the North, sailed for France. Rodney alone, passing to the north and recapturing a ship from Charleston, anchored off Sandy Hook, where he vexed the weak Admiral Arbuthnot by taking command of the station of New York during his short stay. To the superiority of the British on land was now added the undisputed dominion of the water. In aid of the enterprise by which Sir Henry Clinton expected to bring the war to an immediate close, Rodney contributed his own rare powers; and harmony prevailed between the two branches of the service.

Bancroft, Hist. of the U.S., vol.5, p.430

On the eighteenth of September, Washington crossed the North river on his way from head-quarters near Tappan to Hartford, where, attended by Lafayette and Hamilton, he was to hold his first interview with General Rochambeau. He was joined on the river by Arnold, who accompanied him as far as Peekskill, and endeavored, though in vain, to obtain his consent for the reception of an agent on pretended business relating to confiscated property.

Bancroft, Hist. of the U.S., vol.5, p.430

Time pressed on. Besides, Sir George Rodney had only looked in upon New York, and would soon return to the West Indies. On the evening of the eighteenth, Arnold, giving information that Washington on the following Saturday night was expected to be his guest at West Point, proposed that Andre' should immediately come up to the Vulture ship-of-war, which rode at anchor just above Teller's Point in Haverstraw bay, promising on Wednesday evening "to send a person on board with a boat and a flag of truce."

Bancroft, Hist. of the U.S., vol.5, p.430

This letter of Arnold reached Clinton on Tuesday evening, and he took his measures without delay. Troops were embarked on the Hudson river under the superintendence of Sir George Rodney, and the embarkation disguised by a rumor of an intended expedition into the Chesapeake.

Bancroft, Hist. of the U.S., vol.5, p.430 - p.431

On the morning of the twentieth the British adjutant-general prepared to carry out his orders. To diminish the dangers to which the service exposed him, "the commander-in-chief, before his departure, cautioned him not to change his dress, and not to take papers." At Dobb's Ferry he embarked on the river, and, as the tide was favorable, reached the Vulture at about an hour after sunset, and declared to its captain "that he was ready to attend General Arnold's summons when and where he pleased."

Bancroft, Hist. of the U.S., vol.5, p.431

"The night the flag was first expected he expressed much anxiety for its arrival," and, as it did not come, on the morning of the twenty-first he found a way to let Arnold know where he was. On the ensuing night Arnold sent Joshua Heth Smith, in a boat with muffled oars, off from the western shore of the Hudson to the Vulture. "The instant Andre' learned that he was wanted, he started out of bed and discovered the greatest impatience to be gone. Nor did he in any instance betray the least doubt of his safety and success." The moons which had just passed into the third quarter, shone in a clear sky when the boat pushed for the landing-place near the upper edge of the Haverstraw Mountains. It was very near the time for day to appear, when Andre, dressed in regimentals which a large blue cloak concealed, landed at the point of the Long Clove, where Arnold was waiting in the bushes to receive him. The general had brought with him a spare horse; and the two rode through the village of Haverstraw within the American lines to the house of Smith, which lay a few miles from the river. At the dawn of day the noise of artillery was heard. An American party had brought field-pieces to bear on the Vulture; and Arnold, as he looked out from the window, saw her compelled to shift her anchorage. The negotiations of the two parties continued for several hours. Clinton was in person to bring his army to the siege of Fort Defiance, which enclosed about seven acres of land. The garrison was to be so distributed as to destroy its efficiency. Arnold was to send immediately to Washington for aid, and to surrender the place in time for Sir Henry Clinton to make arrangements for surprising the reinforcement, which it was believed Washington would conduct in person. The promises to Arnold were indemnities in money and the rank of brigadier in the British service. The American general returned to his quarters. Late in the afternoon Andre, disguising himself by changing his dress for the garb of a citizen, provided with passes from Arnold and attended by Smith, set off by land for New York.

Bancroft, Hist. of the U.S., vol.5, p.432

Four years before, Washington had sailed between the Highlands, and had marked with his eye the positions best adapted to command the passage. Until 1778, West Point was a solitude, nearly inaccessible; now it was covered by fortresses with numerous redoubts, constructed chiefly under the direction of Kosciuszko as engineer, and so connected as to form one system of defence, which was believed to be impregnable. Here were the magazines of ammunition, for the use not of the post only, but of the whole army. The fortifications seemingly represented a vast outlay of money; but the prodigious labor of piling on the steep heights huge trunks of trees and enormous hewn blocks of stone had been executed by the hands of the American soldiers, who received for their toil not the smallest gratification, even when their stated pay remained in arrear. And these works, of which every stone was a monument of nameless disinterested patriots, were to be betrayed to the enemy, with all their garrison.

Bancroft, Hist. of the U.S., vol.5, p.432

On that same evening Washington, free from suspicion, was returning to his army. He had met General Rochambeau and Admiral de Ternay at Hartford. "The interview was a genuine festival for the French, who were impatient to see the hero of liberty. His noble mien, the simplicity of his manners, his mild gravity, surpassed their expectations and gained for him their hearts." All agreed that, for want of a superiority at sea, active operations could not be begun; so that the meeting served only to establish friendship and confidence between the officers of the two nations. Washington on his return was accompanied a day's journey by Count Dumas, one of the aids of Rochambeau. The population of the town where he was to spend the night went out to meet him. A crowd of children, repeating the acclamations of their elders, gathered around him, stopping his way, all wishing to touch him and with loud cries calling him their father. Pressing the hand of Dumas, he said to him: "We may be beaten by the English in the field; it is the lot of arms: but see there the army which they will never overcome."

Bancroft, Hist. of the U.S., vol.5, p.432 - p.433

At that very time Andre, conducted by Smith, crossed the Hudson river at King's ferry. It was already dark before they passed the American post at Verplanck's Point, under the excuse that they were going up the river, and, to keep up that pretence, they turned in for the night near Crompond. Very early on the twenty-third they were in the saddle. Two miles and a half north of Pine's bridge over the Croton, Smith, assuring Andre that the rest of the way he would meet only British parties, or cow-boys as they were called, and having charged him to take the inner route to New York through the galley of the Bronx by way of White Plains, near which the British had an outpost, bade him farewell and rode up to dine with Arnold at his quarters. At a fork in the road about six miles below the Croton, Audre, quitting the road to White Plains, took that which led over the hills, and entered the highway from Albany to New York at a short distance above Tarrytown. He now thought himself beyond all danger. The British troops, embarked by Sir George Rodney, lay waiting for Clinton to give the word and to lead them in person.

Bancroft, Hist. of the U.S., vol.5, p.433 - p.434

It happened that John Paulding, a poor man, then about forty-six years old, a zealous patriot who engaged in the service of his country at the breaking out of the war and was twice made captive, had lately escaped from New York and had formed a little corps of partisans to annoy rovers taking provisions to New York, or otherwise doing service to the British. On that morning, after setting a reserve of four to keep watch in the rear, he and David Williams of Tarrytown and Isaac van Wart of Greenburg seated themselves in the thicket by the wayside just above Tarrytown, and whiled away the time by playing cards. At an hour before noon Andre was rising the hill out of Sleepy Hollow, within fifteen miles of the British post at King's Bridge, when Paulding rose, presented a firelock at his breast, and asked which way he was going. Full of the idea that he could meet none but friends to the English, he answered: "Gentlemen, I hope you belong to our party?" "Which party?" asked Paulding. "The lower party," said Andre. Paulding answered that he did. Then said Audre: "I am a British officer, out on particular business, and I hope you will not detain me a minute." Upon this Paulding ordered him to dismount. Seeing his mistake, Andre showed his pass from Arnold, saying: "By your stopping me, you will detain the general's business." "I hope," answered Paulding, "you will not be offended; we do not mean to take anything from you. There are many bad people going along the road; perhaps you may be one of them;" and he asked if he had any letters about him. Andre answered: "No." They took him into the bushes to search for papers, and at last discovered three parcels under each stocking. Among these were a plan of the fortifications of West Point; a memorial from the engineer on the attack and defence of the place; returns of the garrison, cannon, and stores in the handwriting of Arnold. "This is a spy," said Paulding. Andre offered a hundred guineas, any sum of money, if they would but let him go. "No," cried Paulding, "not for ten thousand guineas." They then led him off, and, arriving in the evening at North Castle, they delivered him with his papers to Lieutenant-Colonel Jameson, who commanded the post, and then went their way, not asking a reward for their services, nor leaving their names.

Bancroft, Hist. of the U.S., vol.5, p.434

What passed between Andre and Jameson is not known. The result of the interview was that on the twenty-fourth the prisoner was ordered by Jameson to be taken to Arnold; but, on the sharp remonstrance of Major Tallmadge, the next in rank, the order was countermanded, and he was confined at Old Salem, yet with permission to inform Arnold by letter of his arrest.

Bancroft, Hist. of the U.S., vol.5, p.434

His letter was received on the twenty-fifth, too late for an order to be given for his release, and only in me for Arnold himself to escape down the river to the Vulture. Washington, who had turned aside to examine the condition of the works at West Point, arrived a few hours after his flight.

Bancroft, Hist. of the U.S., vol.5, p.434 - p.435

The first care of the commander-in-chief was for the safety of the post. The extent of the danger appeared from a letter of the twenty-fourth, in which Andre' avowed himself to be the adjutant-general of the British army, and offered excuses for having been "betrayed into the vile condition of an enemy in disguise" within his posts. He added: "The request I have to make to your excellency, and I am conscious I address myself well, is that, in any rigor policy may dictate, a decency of conduct toward me may mark that, though unfortunate, I am branded with nothing dishonorable, as no motive could be mine but the service of my king, and as I was involuntarily an impostor." This request was granted, and in the whole affair he was treated with the most scrupulous delicacy. Andre further wrote: "Gentlemen at Charleston on parole were engaged in a conspiracy against us; they are objects who may be set in exchange for me, or are persons whom the treatment I receive might affect." The charge of conspiracy against Gadsden and his fellow-sufferers was groundless, and had been brought forward only as an excuse for shipping them away from the city, where their mere presence kept the love of independence alive; to seek security by a threat of retaliation on innocent men was an unworthy act, which received no support from Sir Henry Clinton.

Bancroft, Hist. of the U.S., vol.5, p.435

Andre was without loss of time conducted to the headquarters of the army at Tappan. His offence was so clear that it would have justified the promptest action; but, to prevent all possibility of complaint from any quarter, he was, on the twenty-ninth, brought before a numerous and very able board of officers. On his own confession and without the examination of a witness, the board, on which sat Greene; Saint-Clair, afterward president of congress; Lafayette, of the French army; Steuben, from the staff of Frederic II.; Parsons, Clinton, Glover, Knox, Huntingdon, and others, all well known for their uprightness—made their unanimous report that Major Andre, adjutant-general of the British army, ought to be considered as a spy from the enemy and to suffer death. The court showed him every mark of indulgence, and required him to answer no interrogatory which could even embarrass his feelings. He acknowledged their generosity in the strongest terms of manly gratitude, and afterward remarked to one who visited him that, if there were any remains in his mind of prejudice against the Americans, his present experience must obliterate them.

Bancroft, Hist. of the U.S., vol.5, p.435 - p.436

On the thirtieth the sentence was approved by Washington, and ordered to be carried into effect the next day. Clinton had already, in a note to Washington, asked Andre's release, as of one who had been protected by "a flag of truce and passports granted for his return." Washington replied by enclosing to the British commander-in-chief the report of the board of inquiry, and observed "that Major Andre was employed in the execution of measures very foreign to flags of truce, and such as they were never meant to authorize."

Bancroft, Hist. of the U.S., vol.5, p.436

At the request of Clinton, who promised to present "a true state of facts," the execution was delayed till the second day of October; and General Robertson, attended by two civilians, came up the river for a conference. The civilians were not allowed to land; but Greene was deputed to meet the officer. Instead of presenting facts, Robertson, after compliments to the character of Greene, announced that he had come to treat with him. Greene answered: "The case of an acknowledged spy admits no official discussion." Robertson then proposed to free Andre by an exchange. Greene answered: "If Andre' is set free, Arnold must be given up." Robertson then forgot himself so far as to deliver an open letter from Arnold to Washington, in which, in the event Andre should suffer the penalty of death, he used these threats: "I shall think myself bound by every tie of duty and honor to retaliate on such unhappy persons of your army as may fall within my power. Forty of the principal inhabitants of South Carolina have justly forfeited their lives; Sir Henry Clinton cannot in justice extend his mercy to them any longer if Major Audre suffers."

Bancroft, Hist. of the U.S., vol.5, p.436

Meantime, Andre entreated that he might not die "on the gibbet." Washington and every other officer in the American army were moved to the deepest compassion; and Hamilton, who has left his opinion that no one ever suffered death with more justice and that there was in truth no way of saving him, wished that in the mode of his death his feelings as an officer and a man might be respected. But the English themselves had established the exclusive usage of the gallows. At the beginning of the war their officers in America threatened the highest American officers and statesmen with the cord. It was the only mode of execution authorized by them. Under the orders of Clinton, Lord Cornwallis in South Carolina had set up the gallows for those whom he styled deserters, without regard to rank. The execution took place in the manner that was alone in use on both sides.

Bancroft, Hist. of the U.S., vol.5, p.437

Arrived at the fatal spot, he said: "I am reconciled to my fate, but not to the mode." Being asked at the last moment if he had anything to say, he answered: "Nothing but to request you to witness to the world that I die like a brave man."

Bancroft, Hist. of the U.S., vol.5, p.437

It is a blemish on the character of Andre that he had begun his mission by prostituting a flag, had pledged his word for the innocence and private nature of his design, and had wished to make the lives of faultless prisoners hostages for his own. About these things a man of honor and humanity ought to have had a scruple; "but the temptation was great; let his misfortunes cast a veil over his errors." The last words of Andre' committed to the Americans the care of his reputation; and they faithfully fulfilled his request. The firmness and delicacy observed in his case were exceedingly admired on the continent of Europe. His king did right in offering honorable rank to his brother, and in granting pensions to his mother and sisters; but not in raising a memorial to his name in Westminster Abbey. Such honor belongs to other enterprises and deeds. The tablet has no fit place in a sanctuary, dear from its monuments to every friend to genius and mankind.

Bancroft, Hist. of the U.S., vol.5, p.437

As for Arnold, he had not feeling enough to undergo mental torments, and his coarse nature was not sensitive to shame. Though bankrupt and flying from his creditors, he preferred claims to indemnity, and received between six and seven thousand pounds. He suffered only when he found that baffled treason is paid grudgingly; when employment was refused him; when he could neither stay in England nor get orders for service in America; when, despised and neglected, he was pinched by want. But the king would not suffer his children to starve, and eventually their names were placed on the pension list.

Bancroft, Hist. of the U.S., vol.5, p.437 - p.438

Sir George Rodney returned to the West Indies, and, so far as related to himself, let the unsuccessful conspiracy sink into oblivion. For Clinton, the cup of' humiliation was filled to the brim. "Thus ended," so he wrote in his anguish to Germain, "this proposed plan, from which I had conceived such great hopes and imagined such great consequences." He was, moreover, obliged to introduce into high rank in the British army, and receive at his council table, a man who had shown himself so sordid that British officers of honor hated to serve with him. Arnold had the effrontery to make addresses to the American people respecting their alliance with France; to write insolent letters to Washington; to invite all Americans to desert the colors of their country like himself; to advise the breaking up of the American army by wholesale bribery. Nay, he even turned against his patron as wanting activity, assuring Germain that the American posts in the Highlands might be carried in a few days by a regular attack. No one knew better than Clinton that Andre was punished justly; yet in his private journal he aimed a stab at the fair fame of his humane adversary, whom he had not been able to overcome in the field nor by the practice of base deceit; and attributed an act of public duty to personal "rancor," for which no cause whatever existed. The false accusation proves not so much malignity in its author as feebleness.

Bancroft, Hist. of the U.S., vol.5, p.438

Washington sought out the three men who, "leaning only on their virtue and an honest sense of their duty," could not be tempted by gold; and on his report congress voted them annuities in words of respect and honor.

Chapter 29:

Striving for Union,

1779-1781

Bancroft, Hist. of the U.S., vol.5, p.439

"OUR respective governments which compose the union," so ran the circular of congress to the states in the opening of the year 1779," are settled and in the vigorous exercise of uncontrolled authority." The union itself was without credit and unable to enforce the collection of taxes. About one hundred and six millions of paper money were then in circulation, and in April 1779 stood at five cents. For the service of the year 1779, congress invited the states to pay by instalments their respective quotas of fifteen millions; and, further, to pay six millions annually for eighteen years, as a fund to sink all previous emissions and obligations. After these preliminaries, a new issue of a little more than fifty millions was authorized.

Bancroft, Hist. of the U.S., vol.5, p.439

"The state of the currency was the great impediment to all vigorous measures;" it became a question whether men, if they could be raised, could be subsisted. The Pennsylvania farmers were unwilling to sell their wheat except for hard money. There was no hope of relief but from the central authority. To confederate without Maryland was the opinion of Connecticut; with nine or more states, of Boston; with "so many as shall be willing to do so," allowing to the rest a time during which they might come in, of Virginia.

Bancroft, Hist. of the U.S., vol.5, p.439 - p.440

Late in May congress apportioned among the states fortyfive millions of dollars more, though there was no chance that the former apportionment would be paid. Four times in the course of the year it sent forth addresses to the several states. Newspapers, town-meetings, legislatures, teemed with remedial plans; but the issue of paper constantly increased, and its value fell with accelerated velocity. In the middle of August, when a paper dollar was worth but three or four cents, Washington directed his agents to receive it no longer, for the legal-tender law countenanced dishonesty.

Bancroft, Hist. of the U.S., vol.5, p.440

On the second of September, congress having ascertained that the sum of outstanding emissions was but little short of one hundred and sixty millions, limited paper money to two hundred millions; and the limit was reached before the end of the year. In October it appointed Henry Laurens of South Carolina to negotiate a loan of ten millions in the Netherlands, though they had not yet acknowledged the existence of the United States; and in November it resolved to draw upon him on time for one hundred thousand pounds sterling. It resolved to draw on Jay, their minister at Madrid, for as much more, which he was left to get from the king of Spain, though that king was the most determined foe to the independence of the United States. Laurens and Jay were instructed mutually to support each other, though neither of them had any but imaginary resources. In the midst of these financial straits the year came to an end; and a paper dollar, which, when first buoyed up by the French alliance, was valued at twenty cents, in January 1779 had fallen to twelve and a half, in April to five cents, in December to less than two and a half cents.

Bancroft, Hist. of the U.S., vol.5, p.440 - p.441

The legislature of Virginia had, on the second of June 1779, unanimously ratified the treaties of alliance and commerce between France and the United States; and the governor had, under the seal of the commonwealth, notified the French envoy at Philadelphia of the act. The legislature of Maryland formally approved the act of its delegates in congress in ratifying the treaties. No other state followed these examples. Vergennes, in September, after reflecting on the procedure of Virginia, gave instructions to Gerard in these words: "During the war it is essential, both for the United States and for us, that their union should be as perfect as possible. When they shall be left to themselves, the general confederation will have much difficulty in maintaining itself, and will perhaps be replaced by separate confederations. Should this revolution occur, it will weaken the United States, which have not now, and never will have, real and respectable strength except by their union. But it is for themselves alone to make these reflections. We have no right to present them for their consideration, and we have no interest whatever to see America play the part of a power. The possibility of the dissolution of the general confederation and the consequent suppression of congress leads us to think that nothing can be more conformable to our political interest than separate acts by which each state shall ratify the treaties concluded with France; because in this way every state will be found separately connected with us, whatever may be the fortune of the general confederation."

Bancroft, Hist. of the U.S., vol.5, p.441

The sentiment of congress was strong against the exercise of a separate voice on a subject reserved exclusively for the deliberation of the confederacy. Before the war was ended, both Maryland and Virginia applied directly to France for assistance, which Virginia received.

Bancroft, Hist. of the U.S., vol.5, p.441 - p.442

On the question of a closer union, Virginia hung nearly on the balance. The first of her citizens, at the head of the army, was using all his powers of persuasion to promote an efficient government; and her legislature selected Madison, a friend to union, as one of her representatives. On the other hand, as the chief claimant of north-western lands in opposition to congress, she, above all others, asserted the sovereignty of the separate states. Congress had received petitions from persons, claiming to be companies, holding land north-west of the Ohio. "Should congress assume a jurisdiction," such was the remonstrance of the general assembly of Virginia, "it would be a violation of public faith; introduce a most dangerous precedent, which might hereafter be urged to deprive of territory or subvert the sovereignty and government of any one or more of the United States; and establish in congress a power which, in process of time, must degenerate into an intolerable despotism." "Although the general assembly of Virginia would make great sacrifices to the common interest of America (as they have already done on the subject of representation), and will be ready to listen to any just and reasonable propositions for removing the ostensible causes of delay to the complete ratification of the confederation, they do hereby, in the name and on behalf of the commonwealth of Virginia, expressly protest against any jurisdiction or right of adjudication in congress upon the petitions of the Vandalia or Indiana companies, or on any other matter or thing subversive of the internal policy, civil government, or sovereignty of this or any other of the United American States, or unwarranted by the articles of confederation." Congress, on mature consideration, declined the discussion of the remonstrance.

Bancroft, Hist. of the U.S., vol.5, p.442

To counterbalance the sturdy resistance of Virginia, the legislature of New York took the field. They founded claims to western territory on the discoveries and the capitulation of the Dutch, on the grant from Charles II. to the duke of York, and on the acquisition of the rights of the Five Nations and their tributaries as the native proprietors. Desirous to accelerate the federal alliance, on the nineteenth of April 1780 they authorized congress to restrict their boundaries on the west. This is the first important act of the states in surrendering public lands to the federal union.

Bancroft, Hist. of the U.S., vol.5, p.442

At the opening of the year 1780 congress found itself helpless, and threw everything upon the states. In truth, it could do nothing else. On the ninth of February it fixed the number of men necessary for the service of the year at over thirty-five thousand two hundred and eleven, and required the states to furnish by drafts or otherwise, before the first day of the coming April, the respective deficiencies in their quotas, which were prescribed with exactness. To subsist the troops, congress called on the several states to furnish their respective quotas of supplies for the ensuing season, thus shoving off from itself all care for recruiting the army and all responsibility for its support. To gain money, it directed the states to bring into the continental treasury, by taxes or otherwise, one million two hundred and fifty thousand dollars every month to the month of April 1781, inclusive, in hard money or with forty dollars in the old bills for one dollar of the tax. The bills that should be thus brought in were to be destroyed; and, for every forty dollars actually cancelled, two dollars were permitted of a new issue, bearing five per cent interest, receivable by the continental treasury as specie, and redeemable in specie by the several states on or before the last day of December 1786.

Bancroft, Hist. of the U.S., vol.5, p.442 - p.443

As fast as the new bills should be signed and emitted, the states respectively on whose funds they were to be issued were to receive three fifths of them; the remaining two fifths were to be subject to the order of the United States, and to be duly credited to the several states. All laws on legal tender were to be adapted to the new system. The elaborate plan was generally well received, though by a mere vote it sponged out thirty nine fortieths of the former currency. As the bills were to be issued in the names of the several states, the plan could not go into effect till each one of them should give authority for the use of its name. Meantime, the demands on the confederacy were in part answered by warrants on the several states, and to discharge these warrants the states used the taxes collected for the continental treasury.

Bancroft, Hist. of the U.S., vol.5, p.443

Pennsylvania was the first state that had the opportunity to accept the measure, and it adjourned without acting upon it. The legislature of Virginia rejected it by an overwhelming majority, and at last, after great persuasion, accepted it by a majority of but two. The old currency soon ceased to circulate; the new emission wanted credit from the beginning.

Bancroft, Hist. of the U.S., vol.5, p.443 - p.444

A cry arose, especially in the army, for an efficient government. "While the powers of congress," wrote Greene, "are so incompetent, our affairs will grow worse and worse until ruin overtakes us." In the army, which had been unpaid for five months, every department was without money and without the shadow of credit. To relieve this gloomy state of things, congress, on the tenth of April 1780, promised to make good to the officers and line the depreciation in their pay; but the promise was little worth. For a long time the troops received only from one half to one eighth of a ration of meat, and were several days without a single pound of it. Washington appealed to Reed, the president of the rich state of Pennsylvania, which, except for a few months in 1777 and 1778, had been untouched by the war; but it was in vain. "The great man," wrote Greene secretly to the president of Pennsylvania, "is confounded at his situation, but appears to be reserved and silent. Should there be a want of provisions, we cannot hold together many days in the present temper of the army." On the twenty-fifth of May two regiments of Connecticut, worn out by want of clothes and food and pay, paraded under arms, declaring their resolution to return home, or to obtain subsistence for themselves; and they were brought back to their duty only by being reminded that they were defenders of the rights of mankind, and, as a grave writer who was then with the army relates, by the "influence of the commander-in-chief, whom they almost adored." The enemy appeared against them in the midst of these trials; and they rallied as one man and kept him at bay.

Bancroft, Hist. of the U.S., vol.5, p.444

"Certain I am," wrote Washington, in May, to his friend Joseph Jones of King George, a delegate in congress from Virginia, "unless congress are vested by the several states with powers competent to the great purposes of war, or assume them as matter of right, and they and the states respectively act with more energy than they have hitherto done, our cause is lost. By ill-timing in the adoption of measures, by delays in the execution of them, or by unwarrantable jealousies, we incur enormous expenses and derive no benefit from them. One state will comply with a requisition of congress; another neglects to do it; a third executes it by halves; and all differ either in the manner, the matter, or so much in point of time, that we are always working up-hill. While the present want of system prevails we shall ever be unable to apply our strength or resources to any advantage.

Bancroft, Hist. of the U.S., vol.5, p.444

"This, my dear sir, is plain language to a member of congress, but is the result of long thinking, close application, and strict observation. I see one head gradually changing into thirteen. I see one army branching into thirteen, which, instead of looking up to congress as the supreme controlling power of the United States, are considering themselves as dependent on their respective states. In a word, I see the powers of congress declining too fast for the consideration and respect which are due to them as the great representative body of America, and I am fearful of the consequences."

Bancroft, Hist. of the U.S., vol.5, p.444 - p.445

"Congress," answered his correspondent, "have scarcely a power left but such as concerns foreign transactions; for, as to the army, they are at present little more than the medium through which its wants are conveyed to the states. This body never had, or at least in few instances ever exercised, powers adequate to the purposes of war; and, indeed, such as they possessed have been frittered away to the states, and it will be found very difficult to recover them. Resolutions are now before us, by one of which the states are desired to give express powers for the common defence. Others go to the assumption of them immediately. The first will sleep with the states; the others will die where they are, so cautious are some of offending the states."

Bancroft, Hist. of the U.S., vol.5, p.445

When it became certain that troops from France were on their way to assist the country, congress made not even a semblance of direct action, and could only entreat the states to correspond severally with its committee at headquarters, so that it might explicitly know how far they could be relied on to furnish the men and money and provisions that had been called for. The legislature of Pennsylvania, before its adjournment, vested large discretionary powers in president Reed; but these he declined to use. In June steps were taken at Philadelphia for founding a bank with leave to issue notes. The subscribers proposed, but only on adequate security, to make purchases in advance for the suffering soldiers. Congress accepted the proffer of aid, and further resolved to intrust to the company as much of its paper money as could be spared from other services. Thus began the deposit of funds of the United States in a bank.

Bancroft, Hist. of the U.S., vol.5, p.445

The women of Philadelphia, rallying round the amiable Esther Reed, wife of the president of Pennsylvania, brought together large donations of clothing, and invited the ladies of other states to adopt a like plan. They thus assisted to keep alive the spirit of patriotism in the army, but their gifts could not meet its ever-recurring wants.

Bancroft, Hist. of the U.S., vol.5, p.445

When congress drew supplies in kind directly from each state for its own troops, quotas were sometimes apportioned by the states to their towns, and in towns to individuals. Men of small means in a New England village would club together to buy an ox of a weight equal to their collective quotas, and herds of cattle so gathered were driven to the camp. All this marked an active spirit of patriotism reaching to the humblest and remotest, but it showed the want of organized power.

Bancroft, Hist. of the U.S., vol.5, p.445 - p.446

Toward the end of June Greene wrote: "I have for a long time seen the necessity of some new plan of civil constitution; unless there is some control over the states by the congress, we shall soon be like a broken band." Even with his energy there could be no efficient administration in the quartermaster's department, though it had been placed on a centralized system under his immediate authority, with powers almost independent of congress, and with exorbitant emoluments for himself, his assistants, and subordinates. The system itself in the hands of a bad man would have opened the way to endless abuses; and congress wisely restored its own controlling civil supervision. Dismissing a useless supernumerary, it determined to have but one head of the quartermaster's department at the seat of congress, and one at the camp; and, in paying the officers of the staff, it returned to salaries instead of commissions. The unanimous judgment of the country from that day to this has approved the reform. Greene resigned with petulant abruptness. His successor in the quartermaster's department was Timothy Pickering, who excelled him as a man of business; was content with moderate pay; and was singularly frugal and exact; so that the service suffered nothing by the change.

Bancroft, Hist. of the U.S., vol.5, p.446

The tendency to leave all power in the hands of the separate states was a natural consequence of their historic development, and was confirmed by pressing necessity. "A single assembly," so John Adams long continued to reason, "is every way adequate to the management of all the federal concerns of the people of America; because congress is not a legislative, nor a representative, but a diplomatic assembly."

Bancroft, Hist. of the U.S., vol.5, p.446 - p.447

Congress having requested the eight states north of Maryland to convene at New Haven, in January 1778, all but Delaware appeared; but they strove in vain to regulate prices. The convention of the eastern states, which at the instance of Massachusetts assembled in 1779 at Hartford, is memorable for having advised a convention of all the states at Philadelphia. In consequence, early in 1780, delegates from every state north of Virginia, except New York, met in that city, but accomplished nothing. By the meeting of the eastern states in August 1780, at Boston, the first step was taken toward the formation of a federal constitution. After adopting a series of measures best suited to the campaign, they resolved "that the union of these states be fixed in a more solid and permanent manner; that the powers of congress be more clearly ascertained and defined; that the important national concerns of the United States be under the superintendency and direction of one supreme head; that it be recommended to the states to empower their delegates in congress to confederate with such of the states as will accede to the proposed confederation; and that they invest their delegates in congress with powers competent for the government and direction of all those common and national affairs which do not nor can come within the jurisdiction of the particular states."

Bancroft, Hist. of the U.S., vol.5, p.447

"These resolutions," wrote Washington to Bowdoin, then president of the council of Massachusetts, "if adopted, will be the means most likely to rescue our affairs from the complicated and dreadful embarrassments under which they labor, and will do infinite honor to those with whom they originate. I sincerely wish they may meet with no opposition or delay in their progress."

Bancroft, Hist. of the U.S., vol.5, p.447

The words of the Boston convention sunk deeply into the mind of Hamilton, who for three and a half years had been Washington's most able and confidential secretary; and, under his eye and guidance, had watched the course of affairs from the central point where they could best be overseen. To these opportunities he added the resources of an inventive and fearless mind, the quick impulses of youth, and the habit of steady and severe reflection. Uncontrolled by birth or inherited attachments to any one state, he fastened upon the idea of a stronger union. By disposition and temperament he demanded a strong and well-organized government. From childhood he was unbounded in his admiration of the English constitution, and did not utterly condemn its methods of corruption in the conduct of public affairs; yet in his own nature there was nothing sordid or low; he was always true to the sense of personal integrity and honor. The character of his mind and his leaning to authority, combined with something of a mean opinion of his fellow-men, cut him off from the sympathy of the masses, so that he was in many ways unfit to lead a party: and the years of his life which were most productive of good were those in which he acted under Washington.

Bancroft, Hist. of the U.S., vol.5, p.448

On the third of September 1780, Hamilton took the field in behalf of a national constitution by urging Duane, a member of congress from New York, to hold up to that body the example of the meeting of the New England states, and to call on the first day of the next November a convention of all the states, with full authority to conclude finally upon a general confederation. He traced the causes of the want of power in congress, and censured that body for its timidity in refusing to assume authority to preserve the republic from harm. "Undefined powers," he said, "are discretionary powers, limited only by the object for which they were given," not holding in mind that congress could not have assumed such powers, even if it would. "Already," he continued, "some of the lines of the army, but for the personal influence of the general, would obey their states in opposition to congress, notwithstanding the pains taken to preserve the unity of the army. The sovereign of an empire under one simple form of government has too much power; in an empire composed of confederated states, each with a government completely organized within itself, the danger is directly the reverse."

Bancroft, Hist. of the U.S., vol.5, p.448

"We must, at all events, have a vigorous confederation," he said, "if we mean to succeed in the contest, and be happy thereafter. Internal police should be regulated by the legislatures. Congress should have complete sovereignty in all that relates to war, peace, trade, finance, foreign affairs, armies, fleets, fortifications, coining money, establishing banks, imposing a land-tax, poll-tax, duties on trade, and the unoccupied lands." "The confederation should provide certain perpetual revenues, productive and easy of collection—a land-tax, poll-tax, or the like; which, together with the duties on trade and the unlocated lands, would give congress a substantial existence." "Where the public good is evidently the object, more may be effected in governments like ours than in any other. It has been a constant remark that free countries have ever paid the heaviest taxes. The obedience of a free people to general laws, however hard they bear, is ever more perfect than that of slaves to the arbitrary will of a prince."

Bancroft, Hist. of the U.S., vol.5, p.448 - p.449

"As to the plan of confederation which congress has proposed, it is," he said, "defective, and requires to be altered. It is neither fit for war nor peace. The idea of an uncontrollable sovereignty in each state will defeat the powers given to congress, and make our union feeble and precarious."

Bancroft, Hist. of the U.S., vol.5, p.449

The second step which Hamilton recommended was the appointment of great officers of state—one for the department of foreign affairs, another for war, a third for the navy, a fourth for the treasury. These were to supersede the committees and the boards which had hitherto been usual; but his plan neither went so far as to propose a president with the chief executive power, nor two branches in the national legislature. He would have placed the army exclusively under congress, and valued it as "a solid basis of authority and consequence." The precedent of the bank of England, of which he overestimated the influence on public credit, led him to expect too much from a bank of the United States.

Bancroft, Hist. of the U.S., vol.5, p.449

The advice which Hamilton offered from his tent, in the midst of an unpaid, half-fed, and half-clad army, was the more remarkable from the hopefulness which beamed through his words. No doubt crossed his mind that a republic of united states could embrace a continental territory.

Bancroft, Hist. of the U.S., vol.5, p.449

Two days later Washington, with Duane at his side, gazed from Weehawken Heights on the half-ruined city of New York in her bondage. He never gave himself rest in his efforts to create the system of government which was soon to gather the wealth and commercial representatives of all the nations of the world on that island and the neighboring shores. On the twenty-second of October, intent on inspiring his native commonwealth with zeal to lead the way to the establishment of a true union of the states, he poured out his heart to his early friend George Mason: "Our present distresses are so great and complicated that it is scarcely within the powers of description to give an adequate idea of them. With regard to our future prospects, unless there is a material change both in our civil and military policy, it will be in vain to contend much longer.

Bancroft, Hist. of the U.S., vol.5, p.449 - p.450

"We are without money; without provision and forage, except what is taken by impress; without clothing; and shortly shall be, in a manner, without men. In a word, we have lived upon expedients till we can live no longer. The history of this war is a history of temporary devices instead of system, and economy which results from it.

Bancroft, Hist. of the U.S., vol.5, p.450

"If we mean to continue our struggles (and it is to be hoped we shall not relinquish our claims), we must do it upon an entire new plan. We must have a permanent force; not a force that is constantly fluctuating and sliding from under us, as a pedestal of ice would leave a statue on a summer's day; involving us in expense that baffles all calculation—an expense which no funds are equal to. We must at the same time contrive ways and means to aid our taxes by loans, and put our finances upon a more certain and stable footing than they are at present. Our civil government must likewise undergo a reform; ample powers must be lodged in congress as the head of the federal union, adequate to all the purposes of war. Unless these things are done, our efforts will be in vain."

Bancroft, Hist. of the U.S., vol.5, p.450

"To accelerate the federal alliance and lead to the happy establishment of the federal union," congress urged on the states a liberal surrender of their territorial claims in the West; and it provided "that the western lands which might be ceded to the United States should be settled and formed into distinct republican states, that should become members of that federal union, and have the same rights of sovereignty, freedom, and independence as the other states." On the fifth of October, in words drafted by Robert R. Livingston, it adhered with hearty good-will to the principles of the armed neutrality, as set forth by Russia. By a vote of a majority of the states it sought to quiet the discontent among the officers in the army by promising them half-pay for life. But, to relieve the embarrassments of the moment, it was helpless.

Bancroft, Hist. of the U.S., vol.5, p.450 - p.451

On the fourth of November congress once more distributed among the several states a tax of six millions of silver dollars, to be paid partly in specific articles. "It is now four days," wrote Glover to Massachusetts on the eleventh of December, "since your line of the army has eaten one mouthful of bread. We have no money; nor will anybody trust us. The best of wheat is at this moment selling in the state of New York for three fourths of a dollar per bushel, and your army is starving for want. On the first of January something will turn up, if not speedily prevented, which your officers cannot be answerable for."

Bancroft, Hist. of the U.S., vol.5, p.451

When congress, in September 1776, had transferred the enlistment of troops to the states, the new recruits were to bind themselves to serve for the war; but in some cases the enlistment was made "for three years or for the war;" and three years had passed since that time. In the night of the first of January 1781, a part of the Pennsylvania line, at Morristown, composed in a large degree of new-comers from Ireland, revolted, and, under the lead of their non-commissioned officers, marched with six field-pieces to Princeton. The want of clothes, of food, and of pay for nearly a year, and the compulsion imposed upon some of them to remain in service beyond the three years for which they believed they had engaged, were extremities which they would no longer endure.

Bancroft, Hist. of the U.S., vol.5, p.451

Informed of the mutiny, Sir Henry Clinton passed over to Staten Island with a body of troops for its support; but two emissaries whom he sent to them with tempting offers were given up by the mutineers, and after trial were hanged as spies. Reed, the president of Pennsylvania, repaired to the spot, though it was beyond his jurisdiction; and, without authority and without due examination of each case, he discharged those who professed to have served out their specified term, while measures were taken by the state of Pennsylvania to clothe and pay the rest. They, for the most part, obtained no more than was due them; but it was of evil tendency that they gained it by a revolt.

Bancroft, Hist. of the U.S., vol.5, p.451

In a circular letter to the New England states, of which Knox was made the bearer, Washington laid open the aggravated calamities and distresses of the army. "Without relief, the worst," he said, "that can befall us may be expected. I will continue to exert every means I am possessed of to prevent an extension of the mischief; but I can neither foretell nor be answerable for the issue."

Bancroft, Hist. of the U.S., vol.5, p.451 - p.452

Troops of New Jersey, whose ranks next to the Pennsylvania line included the largest proportion of foreign-born, showed signs of being influenced by the bad example; but Washington interposed. The twenty regiments of New England in the continental service had equal reasons for discontent; but they were almost every one of them native American freeholders, or their sons. A detachment of them, marching through deep snows and over mountainous roads, repressed the incipient revolt. The passions of the army were subdued by their patriotism; and order and discipline returned. "Human patience has its limits," wrote Lafayette to his wife on the occasion; "no European army would suffer the tenth part of what the American troops suffer. It takes citizens to support hunger, nakedness, toil, and the total want of pay, which constitute the condition of our soldiers, the hardiest and most patient that are to be found in the world."

Bancroft, Hist. of the U.S., vol.5, p.452

Knox reported from New England zealous efforts to enlist men for the war. Congress could do nothing, and confessed that it could do nothing. "We have required," thus it wrote to the states on the fifteenth of January 1781," aids of men, provisions, and money;" "the states alone have authority to execute." For the moment, nothing remained for the United States but to appeal to France for rescue, not from a foreign enemy, but from the evils consequent on their own want of government. It was therefore resolved to despatch to Versailles as a special agent some one who had lived in the midst of the ever-increasing distresses of the army, to set them before the government of France in the most striking light. Hamilton, the fittest man for the office, was passed over, and the choice fell on the younger Laurens of South Carolina.

Bancroft, Hist. of the U.S., vol.5, p.452

To him Washington confided a statement of the condition of the country; and with dignity and candor avowed that it had reached a crisis out of which it could not rise by its own unassisted strength. "Without an immediate, ample, and efficacious succor in money," such were his words, "we may make a feeble and expiring effort in our next campaign, in all probability the period of our opposition. Next to a loan of money, a constant naval superiority on these coasts is the object most interesting;" and without exaggeration he explained the rapid advancement of his country in population and prosperity, and the certainty of its redeeming in a short term of years the comparatively inconsiderable debts it might have occasion to contract. To Franklin he wrote in the same strain; and Lafayette addressed a like memorial to Vergennes.

Bancroft, Hist. of the U.S., vol.5, p.453

The people of the United States, in proportion to numbers, were richer than the people to whose king they were obliged to appeal. Can Louis XVI. organize the resources of France, and is republican America incapable of drawing forth its own? Can monarchy alone give to a nation unity? Is freedom necessarily anarchical? Are authority and the hopes of humanity forever at variance Are the United States, who so excel the kingdoms of the Old World in liberty, doomed to hopeless inferiority in respect of administration? For the eye of Robert R. Livingston, then the most influential member from New York, Washington traced to their source the evils under which the country was sinking. "There can be no radical cure," wrote he, "till congress is vested by the several states with full and ample powers to enact laws for general purposes, and till the executive business is placed in the hands of able and responsible men. Requisitions then will be supported by law."

Bancroft, Hist. of the U.S., vol.5, p.453

In congress itself, on the third of February, Witherspoon of New Jersey, seconded by Burke of North Carolina, proposed to clothe that body with authority to regulate commerce and to lay duties upon imported articles. The proposition was so far accepted that it was resolved to be indispensably necessary for the states to vest a power in congress to levy a duty of five per cent on importations of articles of foreign growth and manufacture. Yet, before that measure could become valid, the separate approval of each one of the thirteen states must be gained.

Bancroft, Hist. of the U.S., vol.5, p.453 - p.454

The assent of Virginia was promptly given. That great commonwealth, having Jefferson for its governor, earnestly sought to promote peace and union. To hasten peace, it even instructed its delegates in congress to surrender the right of navigating the Mississippi river below the thirty-first degree of north latitude, provided Spain in return would guarantee the navigation of the river above that parallel. Madison, obeying the instruction, voted for the measure contrary to his private judgment. Massachusetts, Connecticut, and North Carolina alone opposed, New York being divided. Virginia did more. Avowing her regard for a "federal union," and preferring the good of the country to every object of smaller importance, she resolved to yield her title to the lands north-west of the Ohio, on condition that they should be formed into distinct republican states, and be admitted members of the federal union; and Jefferson, who from the first had pledged himself to the measure, announced to congress this great act of his administration in a letter full of hope for the completion of the American union, and the establishment of free republics in the vast country to which Virginia quitted her claim.

Bancroft, Hist. of the U.S., vol.5, p.454

The first day of March 1781 was a great day in the history of the country. Maryland, last of the states, subscribed the articles; and "the United States of America, each and every of the thirteen, adopted, confirmed, and ratified their confederation and perpetual union."

Bancroft, Hist. of the U.S., vol.5, p.454

The states of the United States, in establishing the confederation, established no government. In the draft of Dickinson, the confederation was an alliance of sovereigns: every change in it increased the relative power of the states. The original report permitted each of them to impose duties on imports and exports, provided they did not interfere with stipulations in treaties; this restriction was confined to the treaties already proposed to France and Spain. No power to prohibit the slave-trade was granted. In troops raised for the common defence, the appointment of field and inferior officers was reserved to the several states. Congress was in future to be chosen annually, and on every first Monday of November to organize itself anew. A majority of the states present had thus far decided every question; the confederation, which forthwith took effect, required the presence and assent of seven states, an absolute majority of all, to decide even the most trifling motion, and of nine states—that is, two thirds of all—to carry every important measure of peace or war, of treaties or finance.

Bancroft, Hist. of the U.S., vol.5, p.454

Further, each state retained its sovereignty and every attribute not expressly delegated to the United States; and, by the denial of all incidental powers, the exercise of the granted powers was rendered impracticable. By the articles of confederation, congress alone had the right to treat with foreign nations; but it provided no method for enforcing treaties, so that the engagements on the part of the nation might be violated at the will of any one of its members.

Bancroft, Hist. of the U.S., vol.5, p.455

Congress was to defray expenses for the common defence or general welfare out of a common treasury; but there was no independent treasury; the taxes were to be laid and levied by the legislatures of the several states. Moreover, the quotas of the states were to be assigned in proportion to the value of all real estate within each state, and that value each state was to estimate for itself. Congress, which had no direct power to levy any money whatever, could not even assign to the states their quotas till every one of the thirteen should have completed its valuation. The states might tax imports as much as they pleased; congress could not tax them at all. It could declare war, but had not power to bring a single citizen into the field.

Bancroft, Hist. of the U.S., vol.5, p.455

The states of America had formed not a union but a confederation, which acted not on individuals but only on each separate sovereignty; room for amendment seemed to be provided for; but an amendment could not take place without the simultaneous consent of every member of the league. With every day, men would grow more attached to their separate states; for many of these had the best governments in the world, while the confederation was one of the worst, or was rather no government at all.

Bancroft, Hist. of the U.S., vol.5, p.455

Washington was the first to perceive the defects of the confederation, and the first to urge its reform. On the day before it was adopted he had explained to a young member of the Virginia legislature "the necessity of a controlling power to regulate and direct all matters of general concern. The great business of war," he said, "never can be well conducted, if it can be conducted at all, while the powers of congress are only recommendatory. Our independence, our respectability and consequence in Europe, our greatness as a nation hereafter, depend upon vesting congress with competent powers. That body, after hearing the views of the several states fairly discussed, must dictate, and not merely recommend."

Bancroft, Hist. of the U.S., vol.5, p.455 - p.456

The position of the commander-in-chief required of him unceasing caution. Intrusted with the conduct of the war, no one could see so clearly the absolute necessity of clothing the confederation with coercive powers over its members; but the vigorous recommendation of the change, proceeding from the head of the army that in the last resort would be the instrument of coercion, would have increased and apparently justified congress in its jealousy of the camp. While, therefore, he wished to support his opinion by all the influence which he could wield, he sought to do it so circumspectly as to awaken no fear of military dictation or a baneful employment of force. The office of preparing a code of laws for Virginia, and adapting them to her new relations, had been definitively confided to Pendleton, Wythe, and Jefferson. No sooner had a groundwork for national reform been laid by the acceptance of the confederation, than Washington addressed to these three greatest civilians of his native commonwealth the most earnest arguments and entreaties that the manner of coercing a refractory or delinquent state might be clearly laid down, and the defects of the articles of confederation be seasonably considered and remedied. "Danger," he added, "may spring from delay; good, from a timely application of a remedy. The present temper of the states is friendly to the establishment of a lasting union; the moment should be improved: if suffered to pass away, it may never return; and, after gloriously and successfully contending against the usurpations of Britain, we may fall a prey to our own follies and disputes."

Bancroft, Hist. of the U.S., vol.5, p.456

He was more particularly impelled to express his opinions with freedom, because, in December 1779, the legislature of Virginia seemed to have censured the idea of enforcing obedience to requisitions. "It would give me concern," he added, "should it be thought of me that I am desirous of enlarging the powers of congress unnecessarily, as I declare to God my only aim is the general good. A knowledge that this power was lodged in congress might be the means to prevent its ever being exercised, and the more readily induce obedience; indeed, if congress was unquestionably possessed of the power, nothing should induce the display of it but obstinate disobedience and the urgency of the general welfare."

Bancroft, Hist. of the U.S., vol.5, p.456 - p.457

Of this paper a copy was taken by Joseph Jones of King George, to whom Washington had already expressed himself "in plain language." This copy Jones confided to Madison, his colleague in congress, leaving him to draw his own inference with regard to its author. The confederation was but a month and a half old when a committee of congress presented a report drafted by Madison, exactly in conformity to this advice of Washington, and, as I believe, in consequence of it, proposing by "an amendment to the articles of confederation to give to the United States full authority to employ their force, as well by sea as by land, to compel any delinquent state to fulfil its federal engagements;" and the reason for the measure as assigned in the preamble was "to cement and invigorate the federal union, that it might be established on the most immutable basis." In this manner the idea of granting to the United States power to coerce a delinquent or refractory state entered the hall of congress, strange and as yet unwelcome and dreaded, yet never to die.

Bancroft, Hist. of the U.S., vol.5, p.457

The delicacy and importance of the subject inspired Madison, the author of the report, with the wish to obtain from Jefferson, now governor of Virginia, and one of those to whom Washington had addressed his paper of advice and entreaty, a judgment on the measure, before it should undergo the final decision of congress. He therefore, on the sixteenth of April, represented to Jefferson the arming of congress with coercive powers as a necessity, arising from the shameful deficiency of some of the states most capable of yielding their apportioned supplies, and the military exactions to which others, already exhausted by the enemy and their own troops, were in consequence subjected. "The expediency," he added, "of making the proposed application to the states will depend on the probability of their complying with it. If they should refuse, congress will be in a worse situation than at present; for as the confederation now stands, and according to the nature even of alliances much less intimate, there is an implied right of coercion against the delinquent party, and the exercise of it by congress whenever a palpable necessity occurs will probably be acquiesced in." The instrument of coercion which he preferred was a navy.

Bancroft, Hist. of the U.S., vol.5, p.457 - p.458

No answer of Jefferson to these inquiries has been found; his opinions, as declared at a later period of the confederacy, coincide with those of Madison, who from that time strove without rest to establish an efficient system of government for the states in union. In May he continued to discuss with Pendleton by letters the proper methods of investing congress with new resources; but no reflecting and far-seeing observer of its relative strength dared hope that its members would be able to remodel the confederacy.

Bancroft, Hist. of the U.S., vol.5, p.458

While the American people met obstructions on every side as they slowly sounded their way to an efficient union, Washington on, the first day of May 1781, made a note, that instead of magazines they had but a scanty pittance of provisions, scattered here and there in the different states, and poorly provided arsenals which the workmen were leaving. The articles of field equipage were not ready, nor funds to defray the expenses of regular transportation. Scarce any one of the states had as yet sent an eighth part of its quota into the field; and there was no prospect of an active offensive campaign, unless their generous ally should help them with money and with a fleet strong enough to secure the superiority at sea.

Epoch Fifth: The People of America Take Their Equal Station Among the Powers of the Earth, 1780-1782

EPOCH FIFTH

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America in Alliance with France

From 1780 to December 1782

Chapter 1:

France Has Urgent Need of Peace,

1780-1781

Bancroft, Hist. of the U.S., vol.5, p.461 - p.462

THE consummation of peace between Great Britain and the United States of America was the sublime result of powers which were conspiring together for the renovation of the world. The United States were without a government, without a revenue, with only the remnants of an army which it could not recruit, nor pay, nor properly feed or clothe, and they were constant suitors to the Bourbon kings for aid. They were engaged with Great Britain in a war which, as it proceeded, had involved the interests of two absolute monarchs and the rising republic so closely that no one of them could make a good peace for itself without a general peace. Spain had calculated everything for a single campaign. The covenanted invasion of England having failed, the querulous King Charles, after but seven months of hostilities, complained "that France had brought Spain into the war for its own interests alone, and had caused the first mishaps" to his flag. Florida Blanca, speaking to the French ambassador, called himself a great fool for having induced his king to the declaration against England. He was ready to assent to the division of Turkey between Austria and Russia, if these two powers would but conform as mediators to his plan of peace. Vergennes inflexibly asserted that France was held in honor to sustain the independence of the United States, but that their boundaries were contingent on events. King Charles desired to retain the United States in some kind of vassalage to Great Britain, or give them up to helpless anarchy. He would not receive Jay as their envoy, and even declined a visit from the late minister of France at Philadelphia, who passed through Madrid on his way home from his mission. It was the constant reasoning of Florida Blanca that, if American independence was to be granted, it must be only on such terms as would lead to endless quarrels between America and England; that the northern colonies preserved a strong attachment for their mother country, and, if once possessed of independence, would become her helpful ally; while, if they were compelled to submit to her rule, they would be only turbulent subjects. Tossed by danger and doubt from one expedient to another, Spain, through the government of Portugal, sought to open a secret negotiation with England; and the king of France, in an autograph letter, acquiesced in the attempt.

Bancroft, Hist. of the U.S., vol.5, p.462 - p.463

On the other hand, an unexpected ally offered itself to England. No sooner had Spain declared war against England than by Jesuits in Rome it was privately signified to the British that the natives of Mexico were disaffected toward their government, and universally hated the Spanish; that, since the suppression of the order of the Jesuits, the Spanish government had no medium of control over the natives; that ex-Jesuits, who were conversant with the Mexican and Peruvian languages, were willing to use their superior influence in the Spanish colonies in favor of Great Britain, and to take any hazard if assured of the free exercise of their religion; that well-instructed emissaries could do more than a military force, especially if they might promise to the natives the choice of their governor and magistrates. In the course of the year, Lord North laid before the cabinet a plan for an expedition, by way of India, to the western coast of South America, and it was approved; but peace came before it was undertaken.

Bancroft, Hist. of the U.S., vol.5, p.463

The ultimatum of the United States of America in their eventual negotiation with Britain for peace, unanimously adopted on the fourteenth day of August 1779, set forth their rights to the largest boundaries that had belonged to them during their dependence. The refusal to acknowledge their "equal common rights with Canada and Nova Scotia to the fisheries" was not to stand in the way of peace, but the claim of right to the fisheries was not to be surrendered, and was made a sine qua non in any treaty of commerce with Great Britain. Massachusetts and its friends in congress could therefore see the best chance of securing their interests by the election of John Adams as at once the sole negotiator of the treaty of peace and of the treaty of commerce with Britain. They succeeded, and, in February 1780, John Adams arrived in Paris with his double powers. In "his determination to take no steps of consequence in pursuance of his commissions without consulting the ministers of his most Christian majesty," he asked "the opinion and advice" of Vergennes if it was prudent to acquaint the British ministry with his readiness to treat, and "publish the nature of his mission, or remain on the reserve." The French minister welcomed him to France, but, before a reply, wished to become better acquainted with the nature and extent of his commission. Adams declined the hint to communicate his instructions, but gave a copy of his commissions. Vergennes advised him "to take every precaution that the British ministry may not have a premature knowledge of his full powers to negotiate a treaty of commerce;" his character in regard to the future pacification would be announced in France, after which he might give it greater publicity through the Dutch journals. Adams acquiesced in the advice, but to congress he confessed that if he had followed his own judgment he should, immediately after his arrival in Paris, have communicated to Lord George Germain his full powers to treat both of peace and commerce.

Bancroft, Hist. of the U.S., vol.5, p.464

On the fourteenth of March 1780 the house of commons had carried against the ministry, by a majority of eight votes, a resolution to abolish the board of trade and plantations—the board which for nearly a century had led the way in all the encroachments on colonial freedom. The vote and the statute which followed seemed to imply that Great Britain, even in the opinion of one branch of its own legislature, had lost America; and it certainly put an end to a board of advice which would, in any negotiation for peace, have cavilled at every article promising favor or even moderation to the ancient colonies.

Bancroft, Hist. of the U.S., vol.5, p.464

The British government, supported by parliament, continued the war with relentless energy. Yet in May Adams received an informal expression of a wish in England, that he would make known the propositions for peace which the United States would consent to offer. This vague movement for a separate negotiation Adams reported to Vergennes, who answered: If the views are exact, listen to them and ascertain what overtures it is expected you will make." Adams, still the sole American negotiator with England, rejoined: "I shall make no separate peace. Our alliance with France is near to my heart; it is a natural alliance and a rock of defence."

Bancroft, Hist. of the U.S., vol.5, p.464 - p.465

On the twentieth of June, Adams incidentally acquainted Vergennes that two hundred millions of dollars of the American paper money had been called in by congress at the rate of forty for one, and that the continental certificates were to be paid off according to the value of money at the time when they were respectively issued. The next day Vergennes answered that strangers, and especially the French, ought to be excepted from the reduction. On the twenty-second, Adams, in reply, at very great length and with strange logic, insisted that, not from necessity, but of right, the reduction must affect creditors of all nations. The obligations of France and America he held to be mutual, saying of France: "All the world will allow the flourishing state of her marine and commerce, and the decisive influence of her councils and negotiations, to be owing to her new connections with the United States." Vergennes, in the name of the king of France, required Franklin to transmit this correspondence to congress.

Bancroft, Hist. of the U.S., vol.5, p.465

On the twenty-sixth, and before Adams knew of the appeal, he gave free course to his impulses, and wrote to the president of congress: "Until I shall be forbidden by congress, I am determined to give my sentiments to his majesty's ministers whenever they shall see cause to ask them, although it is not within my department." The next day, impugning Franklin, he added: "If our affairs here had been urged with as much skill and industry as they might have been, we should at this moment have been blessed with peace, or at least with a total expulsion of the English from the United States and the West India islands."

Bancroft, Hist. of the U.S., vol.5, p.465

As Vergennes did not ask for the sentiments of Adams, he, on the thirteenth of July, forced himself upon the attention of the minister as though he had been accredited to the court of France. "I was piqued a little," he wrote at a later day; and he purposely used in his official letters what he describes as "gently tingling expressions." He pleaded for the very measure which Washington and all America most desired, "a clear and indisputable superiority of naval force" on the coast of America; and pointed his request with the words: "I scruple not to give it as my opinion that the not keeping a superiority there through the year will disunite, weaken, and distress us more than we should have been disunited, weakened, or distressed if the alliance had never been made."

Bancroft, Hist. of the U.S., vol.5, p.465

John Adams was persuaded that the British ministry of that day had no serious thought of peace upon terms that America could accept; but the house of commons was about to be dissolved; and, on the seventeenth of July, he pleaded with Vergennes in favor of communicating to England his full powers respecting peace and commerce as a means of influencing the coming election.

Bancroft, Hist. of the U.S., vol.5, p.465 - p.466

Vergennes on the twenty-fifth replied to him point by point, and, referring his letter to congress, insisted that, till he should receive their order, he should suspend all measures having relation to the English ministry. The next day Adams renewed the strife, and to a court where the sanctity of regal power formed the accepted creed he laid it down as certain that "in this intelligent age the principle is well agreed on in the world that the people have a right to a form of government according to their own judgments and inclinations." Nevertheless, he strongly affirmed that the United States had not the most distant thought of departing from their independence or their alliance.

Bancroft, Hist. of the U.S., vol.5, p.466

On the twenty-seventh he denied the statement of Vergennes relating to the character of the measures which the king had taken to sustain the American cause, and added: "I am determined to omit no opportunity to communicate my sentiments to your excellency in person, or by letter, without the intervention of any third person," that is, without the intervention of Franklin, the only accredited minister from the United States. "I shall be very happy, and think myself highly honored, to give my poor opinion and advice to his majesty's ministers upon anything that relates to the United States or the common cause, whenever they shall be asked." On the same day on which he dispatched this letter he left Paris for Amsterdam. His correspondence with Vergennes was communicated by that minister alike through Franklin and through the French envoy at Philadelphia to the congress of the United States, with the plain intimation that it would be agreeable to France if a person of a more conciliatory temper should be employed in the coming negotiations for peace.

Bancroft, Hist. of the U.S., vol.5, p.466 - p.467

In midsummer Maurepas, from eagerness for peace, forgot himself so far as to insinuate his wish in a letter to Forth, formerly secretary of the British embassy at Paris. Nothing came of the overture. "Peace will be a great good," wrote Marie Antoinette to her mother; "but, if our enemies do not demand it, I shall be very much afflicted by a humiliating one." After the capture of Charleston and the rout of the army under Gates, the British parliament, which came together in November, granted all the demands of the ministry for money and for men by vast majorities; and the dread of outbreaks in the cities of England gave new strength to the government. In this state of affairs, Necker, who was ready to take everything upon himself, on the first of December 1780 wrote clandestinely to Lord North, proposing peace on the basis of a truce during which each party should keep possession of all that it had acquired. The terms thus offered were those which Vergennes had always rejected, as inconsistent with the fidelity and honor of France. The British ministry heeded them no further then as a confession of exhaustion and weakness; and it has already been related how at the time they closed every gate to peace by the overbearing spoliation of the Dutch. "England," said Vergennes in the last days of December 1780, "has declared war against the Netherlands from hatred of their accession to the neutrality; the more I reflect, the more I am perplexed to know whether we ought to be glad or sorry." France gained another partner in the war, but one for which it feared to assume the responsibilities of an alliance. It was a new obstacle to the general peace which had become for France a financial necessity.

Bancroft, Hist. of the U.S., vol.5, p.467 - p.468

In January 1781, Vergennes said of Necker: "I will express no opinion on his financial operations; but in all other parts of the administration he is short-sighted and ignorant." Called to the conferences of the ministers, Necker, in his alarm at the rapid approach of financial ruin, continually dinned into their ears "Peace! peace!" "Peace," replied Vergennes "is a good thing, only you should propose the means of attaining it in an honorable manner." All Paris clamored for peace. France was drawing nearer to inevitable bankruptcy, its debt verging upon a fourth milliard. The king, like Maurepas, declared that he was tired of the war, and that it must be finished before the end of the year. For success in negotiating peace, Vergennes needed mediation or great results in the field. Through the queen, Sartine, toward the end of the former year, had been superseded in the ministry of the marine by the Marquis de Castries, and the imbecile Montbarey by the Marquis de Segur.

Bancroft, Hist. of the U.S., vol.5, p.468

Environed by difficulties, Vergennes would have been glad of a compromise with England on the basis of a truce of at least twenty years, during which South Carolina and Georgia might remain with the English in return for the evacuation of New York. He had sounded Washington and others in America on the subject, and they all had repelled the idea. "There are none but the mediators," wrote Vergennes, "who could make to the United States so grievous an offer. It would be hard for France to propose it, because she has guaranteed the independence of the thirteen states." Kaunitz, accordingly, set himself to work to bring on the mediation of Austria.

Bancroft, Hist. of the U.S., vol.5, p.468 - p.469

In the month of April young Laurens arrived at Versailles, preceded by importunate letters from Rochambeau and Lafayette to the ministry. His demand was for a loan of twenty-five million livres to be raised for the United States on the credit of the king of France, and in support of it he communicated to the French ministry his letter of advice from Washington. Franklin had lately written: "If the new government in America is unable to procure the aids that are wanted, its whole system may be shaken." The French minister at Philadelphia had reported these words from Greene: "The states in the southern department may struggle a little while longer; but, without more effectual support, they must fall." Washington represented immediate and efficacious succor from abroad as indispensable to the safety of his country but, combined with maritime superiority and "a decided effort of the allied arms on this continent," so he wrote, "it would bring the contest to a glorious issue." In pressing the demands of congress, its youthful envoy said menacingly that the failure of his mission might drive the Americans back to fight once more against France in the armies of Great Britain. Vergennes complained that an excessive and ever-increasing proportion of the burdens of the war was thrown upon France; yet the cabinet resolved to go far in complying with the request of the United States. Franklin had already obtained the promise of a gift of six millions of livres and a loan of four millions; Necker consented to a loan of ten millions more, to be raised in Holland in the name of the king of France.

Bancroft, Hist. of the U.S., vol.5, p.469

To insure to the United States the command of the sea, de Grasse, who had the naval command in America, received orders to repair from the West Indies to the north in the course of the year, and conform himself to the counsels of Washington and Rochambeau. On the other hand, the great expense of reinforcing Rochambeau by another detachment from the French army was on Washington's recommendation avoided; and America was left to herself to find men for the struggle on land; but Rochambeau received fresh orders to regard himself as the commander of auxiliary troops, and to put them as well as himself under the orders of Washington.

Bancroft, Hist. of the U.S., vol.5, p.469

The French government would have gladly intrusted the disbursement of its gift of six millions to the sole direction of Washington; but such a trust would have roused the jealousy of congress. The first use made of the money was a spendthrift one. Laurens transferred a burdensome contract of South Carolina in Holland to the United States, paid all its arrears out of the French gift and incurred further heavy and, as it proved, useless expenses.

Bancroft, Hist. of the U.S., vol.5, p.469

During these negotiations Necker aspired to assume the control of the administration. The octogenarian Maurepas roused himself from apathy, and quietly let him know that the king expected his resignation. "The king had given his word to support me," said Necker, in recounting his fall, "and I am the victim of having counted upon it."

Bancroft, Hist. of the U.S., vol.5, p.469 - p.470

Just at this time there appeared in Paris a new edition of Raynal's philosophic and political History of the Two Indies, with the name of the author on the title-page. His work abounded in declamations against priestcraft, monarchical power, and negro slavery. He described the United States of America as a country that more than renewed the simple heroism of antiquity. Here at last, especially in New England, was found a land that knew how to be happy "without kings and without priests." "Philosophy," he wrote, "desires to see all governments just and every people happy. If the love of justice had decided the court of Versailles to the alliance of a monarchy with a people defending its liberty, the first article of its treaty with the United States should have been, that all oppressed peoples have the right to rise against their oppressors." The advocate-general Segur having drawn up the most minatory indictment of the volumes, Raynal left them to be burnt by the hangman, and escaped to Holland.

Bancroft, Hist. of the U.S., vol.5, p.470

The book went into many a library, and its proscription found for it new readers. Its principles infiltrated themselves through all classes of the young men of France, even of the nobility. The new minister of the marine had in the army of Rochambeau a son, and sons of the new minister of war and of the Duke de Broglie were soon to follow. But the philosophers, like the statesmen of France, would not have the United States become too great; they rather desired to preserve for England so much strength in North America that the two powers might watch, restrain, and balance each other.

Bancroft, Hist. of the U.S., vol.5, p.470

Prince Kaunitz, in preparing preliminary articles for the peace congress at Vienna, adopted the idea of Vergennes, that the United States should be represented, so that direct negotiations between them and Great Britain might proceed simultaneously with those of the European powers; and his paper was pronounced by Marie Antoinette to be a masterpiece of political wisdom. John Adams was ready to go to Vienna, but only on condition of being received by the mediating powers as the plenipotentiary of an independent state; Spain shunned all mediation, knowing that no mediator would award to her Gibraltar; England as yet would have no negotiation with France till it should give up its connection with America.

Bancroft, Hist. of the U.S., vol.5, p.470

Mortified at his ill success, Kaunitz threw the blame of it upon the unreasonable pretensions of the British ministry; and Austria joined herself to the powers which held that the British government owed concessions to America. He consoled his emperor for the failure of the mediation by saying: "As to us, there is more to gain than to lose by the continuation of the war, which becomes useful to us by the mutual exhaustion of those who carry it on and by the commercial advantages which accrue to us so long as it lasts."

Bancroft, Hist. of the U.S., vol.5, p.470

The British ministry was willing to buy the alliance of Catharine by the cession of Minorca, and to propitiate Joseph by opening the Scheldt; but they scoffed at such meagre concessions, and desired large acquisitions in the East and South. Catharine could not conceive why Europe should be unwilling to see Christianity rise again into life and power on the Bosphorus, and gave the hint to Austria to acquire Rome. Joseph aspired to gain the Danube to Belgrade, and all the coast on the Mediterranean from the southernmost point of the Gulf of Drina to the northernmost coasts of the Adriatic, sparing the possessions neither of Turkey nor of the republic of Venice. So Russia and Austria prepared to divide the Orient and Italy between them, knowing that, so long as the war lasted, neither France nor Great Britain could interfere.

Bancroft, Hist. of the U.S., vol.5, p.471

Spain had just heard of an insurrection begun by ex-Jesuits in Peru, and supported by Tupac Amaru who claimed descent from the ancient royal family of the Incas. But the first reports were not alarming, and she was still disposed to pursue a separate negotiation with Great Britain. The suggestion of Hillsborough to exchange Gibraltar for Porto Rico was rejected by Florida Blanca; and Richard Cumberland, the British agent at Madrid, having nothing to propose which King Charles was willing to accept, returned from his fruitless expedition. It was known to the British cabinet that South America was disposed to revolt; and that Chill and Peru wished to shake off the Spanish yoke.

Bancroft, Hist. of the U.S., vol.5, p.471 - p.472

The results of the campaign outside of the United States were indecisive. The French again made an unsuccessful attempt to recover the isle of Jersey. The garrison of Gibraltar was once more reduced to a state of famine, and, ere the middle of April, was once more relieved. The English and Dutch fleets encountered each other in August near the Dogger Bank, and for three hours and a half fought within musket-shot. Victory belonged to neither party. The Dutch bore away for the Texel; Hyde Parker, the British admiral, returned to the Nore, to receive a visit from his king, and on the plea of age to refuse to serve longer under so feeble an administration. For the moment the name and fame of Hyder Ali spread from the Mysore through Europe and the United States. On the ninth of May, Pensacola, after a most gallant defence, was surrendered to the Spaniards; its garrison, promising not to serve during the war against Spain or her allies, was left free to be employed against the United States.

Bancroft, Hist. of the U.S., vol.5, p.472

The year 1780 had not gone by when congress informed John Adams of their satisfaction at his defence of their reduction of the value of the paper money and loan certificates of the United States. Congress for a long time took no notice of the complaint against him as the sole plenipotentiary for peace; but France and America were uniting in preparations for one great campaign in 1781 that should assist to terminate the war, and France, in June of that year, took advantage of the necessities of her ally to gain a control over the negotiations that might follow. The commission of the United States for peace was empowered to conduct the negotiation under the mediation of the emperor of Austria and the empress of Russia. In case "of the backwardness of Great Britain to make a formal acknowledgment of independence, it was at liberty to agree to a truce, provided that that power be not left in possession of any part of the thirteen United States." Luzerne insisted on making its instructions such as would leave the negotiation of both countries in the hands of the king of France. In repeated interviews with a special committee of congress he sounded the alarm, that a war on the continent of Europe might disable France from continuing the powerful diversions which thus far had been the salvation of the United States, so that England would be left at liberty to fall upon them with her undivided strength; that, while in their ultimatum they should include every concession to which they could ever consent, they should still hope that at the peace France would procure for their complete satisfaction.

Bancroft, Hist. of the U.S., vol.5, p.472

On the eleventh of June the instructions, as amended by Luzerne, were laid before congress for its acceptance. The commission of the United States was to insist on no points but independence and the validity of the treaties with Louis XVI. "As to disputed boundaries "—that is, whether New England should extend to the Penobscot or the St. Croix, whether New York should resign all lands within the watershed of the St. Lawrence, whether the republic should touch the Mississippi or stop at the crest of the Alleghanies—" and as to other particulars "—that is, the fisheries and the compensation of loyalists for their confiscated property—it was left at liberty to act "as the state of the belligerent" France "might require." For this purpose it was charged "to undertake nothing in the negotiations for peace or truce without the knowledge and concurrence of the ministers of France, and ultimately to govern themselves by their advice and opinion."

Bancroft, Hist. of the U.S., vol.5, p.473

These amendments were debated in a body which was conscious of its dependence on France for the chances of victory in the coming campaign; and they were accepted by Georgia, South Carolina, North Carolina, Virginia, and New Jersey, all of which were wholly or in part held by the enemy. Jenifer, who was always disinclined to an extended boundary, was dragged from a sick-bed to assist in casting the vote of Mary land. The seventh vote, which was still needed, was sought in New England. Luzerne had made a personal appeal to Huntington of Connecticut, then president of congress; but though he showed great moderation, and would have sacrificed the western lands of his own commonwealth rather than delay the peace, neither he nor Sherman could brook the thought of the British sweeping down in the rear of the country and occupying as their territory the lands which now form the states of Ohio, Indiana, Illinois, and Michigan. But Sullivan, who had borrowed money from the minister of France, secured the amendments by the vote of his state.

Bancroft, Hist. of the U.S., vol.5, p.473 - p.474

The committee of congress, which had conferred with the minister of France, next reported as their opinion that some persons be joined with John Adams in negotiating the treaty of peace; but, when the question came to be taken, congress proved mindful of the great services that Adams had rendered the country, and New Jersey by the vote of Witherspoon, and Virginia under the lead of Madison, voted with all New England in the negative. The honor of Adams having thus been vindicated, the vote was reconsidered, and, on successive ballots, Jay, Franklin, Henry Laurens, and Jefferson were chosen his colleagues in the commission. In the election of Franklin, Sullivan, acting in concert with Luzerne, rendered service.

Bancroft, Hist. of the U.S., vol.5, p.474

A further important change was made. The ultimatum of America of the fourteenth of August 1779, for peace, covered the boundaries but not the fisheries. The instructions of the fifteenth of June 1781 included neither of the two, but the instruction of August 1779, making the fisheries an ultimatum in the treaty of commerce, remained unrevoked. Madison, therefore, on the twenty-ninth of June 1781, moved that no treaty of commerce should be made with Great Britain unless, in addition to the fisheries, it embraced in the ultimatum the boundaries. This vote was lost by six against five. To restore impartiality, Madison, on the twelfth of July 1781, proposed to revoke the commission given to John Adams for negotiating a treaty of commerce. This proposition was agreed to by eight states against New Hampshire, Massachusetts, and Connecticut.

Bancroft, Hist. of the U.S., vol.5, p.474

"Congress have done very well," wrote John Adams to Franklin, "to join others in the commission for peace who have some faculties for it. My talent, if I have one, lies in making war." "The measure is better calculated to give satisfaction to the people of America in all parts, as the commissioners are chosen from the most considerable places in that country." From the wide dissemination of the principles of the American revolution he already saw clearly that "despotisms, monarchies, and aristocracies must conform to them in some degree in practice, or hazard a total revolution in religion and government throughout all Europe."

Bancroft, Hist. of the U.S., vol.5, p.474

The kingdom of Ireland had been subjected to all the restrictions of the colonial system, and others of its own. It now gained a more complete emancipation of its trade through loyalty than could have been won through insurrection. When the tidings from Lexington and Bunker Hill arrived, its parliament voted that "it heard of the rebellion with abhorrence, and was ready to show to the world its attachment to the sacred person of the king." Lord North obtained its leave to employ four thousand men of the Irish army for service in America. That army should, by law, have consisted of twelve thousand men; but it mustered scarcely more than nine thousand. Out of these, the strongest and best, without regard to the prescribed limitation of numbers, were selected; and eight regiments, all that could be formed, were shipped across the Atlantic. Ireland itself being left defenceless, its parliament offered the national remedy of a militia. This was refused by Lord North; and, in consequence, instead of a force organized and controlled by the government, self-formed bands of volunteers started into being. After reflection, the militia bill was sent over for enactment; but the opportunity had been missed; the Irish parliament had learned to prefer volunteer corps supported by the Irish themselves. When, in 1778, it appeared how much the commissioners sent to America had been willing to concede to insurgents for the sake of reconciliation, the patriots of Ireland awoke to a sense of what they might demand. Their leader was Henry Grattan, who, in a venal age and in a venal house of commons, was incorruptible. No one heard the eloquence of Chatham with more delight; and no one has sketched in more vivid words the character of the greatest Englishman of that age. At the opening of the session of October 1779, Grattan, then but thirty-three years of age, and for hardly four years a member of the house, moved an amendment to the address, that the nation could be saved only by free export and free import, or, according to the terser words that were finally chosen, by free trade. The friends of government dared not resist the amendment, and it was carried unanimously. New taxes were refused. The ordinary supplies, usually granted for two years, were granted for six months. The house was in earnest; the people were in earnest; an inextinguishable sentiment of nationality was aroused; and fifty thousand volunteers stood in arms under officers of their own choosing. Great Britain being already tasked to the uttermost, Lord North gave way, and persuaded the British parliament to concede the claim of Ireland to commercial equality with England and Scotland.

Chapter 2:

The Southern Campaign,

The Separate Command of Morgan,

1780-1781

Bancroft, Hist. of the U.S., vol.5, p.476

CONGRESS, on the sixteenth of June 1780, directed "Daniel Morgan of the Virginia line," with his old rank of colonel, to be "employed in the southern army as Major-General Gates should direct." Morgan had been justly aggrieved at the slight recognition by Gates of his services in the capture of Burgoyne. But, when be heard of the defeat at Camden and the dispersal of the American army, he hastened to the scene of disaster, and before the end of September arrived at Hillsborough. There Gates was doing all that he could to draw together the remains of the regular army. The militia of North Carolina joined him in considerable force. Marion was in the neighborhood of the Santee, and Sumter on the west of that river; Davie of North Carolina, with dragoons and mounted riflemen, had repaired to the Waxhaw settlement; Colonel Clark, at the head of exiles from Georgia and South Carolina, was near Augusta; the mountaineers of the West, under Campbell, Cleaveland, Williams, Sevier, Shelby, MacDowell, and others, were gathering for a descent upon the British posts in South Carolina and Georgia; Cornwallis was planning junction of his forces at Charlotte, with the intention of proceeding into Virginia.

Bancroft, Hist. of the U.S., vol.5, p.476 - p.477

The governor of North Carolina, holding "Colonel Morgan's character as a soldier to be well known in America" and his presence sure to give spirit to his countrymen, requested him to take command of a regiment of the militia of North Carolina. This Morgan declined, for Gates received him with cordiality and destined him for special service. Men enough to fill four companies were chosen out of two battalions and formed into a light infantry battalion, which, with the company of riflemen of Captain Rose, had Lieutenant-Colonel Howard for its chief; the remains of two regiments of cavalry were united under Lieutenant-Colonel William Washington; and the whole were constituted a separate corps in the command of Morgan. Nor was Morgan without powerful friends. Jefferson, the governor of Virginia, who was keen-sighted in discerning all the resources of that extensive commonwealth, and Rutledge, the great chief magistrate of South Carolina, with the approval of Gates, wrote letters to congress that the public service in the southern department would be greatly advanced by his promotion to the rank of brigadier-general. By their joint influence, on the thirteenth of October, six days after the battle of King's Mountain, he was promoted to that rank in the army of the United States. Colonel Otho Williams, then the adjutant-general of the southern army, congratulated him "on the justice" congress had done him.

Bancroft, Hist. of the U.S., vol.5, p.477

On the day following the promotion of Morgan, Washington, acting under a power delegated to him by congress, announced his selection of Major-General Greene to relieve Gates of the chief command in the southern department. On the thirtieth of October, congress, confirming the nomination of Greene, assigned to him all the regular troops raised or to be raised in Delaware and the states south of it; and conferred on him all the powers that had been vested in Gates, but "subject to the control of the commander-in-chief." Thus the conduct of the war obtained, for the first time, the unity essential to success.

Bancroft, Hist. of the U.S., vol.5, p.477 - p.478

Washington was in danger of being shortly without men; yet he detached for the service in the Carolinas Lieutenant-Colonel Henry Lee, his best cavalry officer, with the corps called the legion, consisting of three troops of horse and three companies of infantry: in all, three hundred and fifty men. Hamilton, weary of the silent tasks of a secretary, and impatient to gain a name in the world by the command of troops in the light of day, having for his object "to act a conspicuous part in some enterprise that might raise his character as a soldier above mediocrity," spoke to Washington about going to the southward with Greene; but he could not at the time be spared by the commander-in-chief, and reluctantly yielded. For Greene, Washington prepared a welcome at the South, writing to George Mason: "I introduce this gentleman as a man of abilities, bravery, and coolness. He has a comprehensive knowledge of our affairs, and is a man of fortitude and resources. I have not the smallest doubt, therefore, of his employing all the means which may be put into his hands to the best advantage, nor of his assisting in pointing out the most likely ones to answer the purposes of his command." "General Washington's influence," so Greene wrote to Hamilton," will do more than all the assemblies upon the continent. I always thought him exceedingly popular, but in many places he is little less than adored and universally admired. From being the friend of the general, I found myself exceedingly well received."

Bancroft, Hist. of the U.S., vol.5, p.478 - p.479

At Charlotte, where Greene arrived on the second of December, he received a complaint from Cornwallis respecting the execution of prisoners after the fight at King's Mountain, coupled with a threat of retaliation. Avowing his own respect for the principles of humanity and the law of nations, Greene answered by sending him a list of about fifty men who had been hanged by Lord Cornwallis himself and others high in the British service; and he called on mankind to sit in judgment on the order of Lord Cornwallis to Balfour after the action near Camden, on Lord Rawdon's proclamation, and on the ravages of Tarleton. No American officer in his department, in any one instance, imitated the cruelties systematically practised by the British. Sumter spared all prisoners, though the worst men were among them. Marion was famed for his mercy. Cruelty was never imputed to Williams, Pickens, or any other of the American chiefs. But the British officers continued to ridicule the idea of observing capitulations with Americans, insisting that those who claimed to be members of an independent state could derive no benefit from any solemn engagement, and were but vanquished traitors who owed their lives to British clemency.

Bancroft, Hist. of the U.S., vol.5, p.479

In the course of the winter Colonel William Cunningham, under orders from Colonel Balfour at Charleston, led one hundred and fifty white men and negroes into the interior settlements. On his route he killed about fifty of those whom he suspected of being friends to the United States, and burned their habitations. At length he came to a house which sheltered an American party of thirty-five men under Colonel Hayes. These refusing to surrender at discretion, a fire from both sides was kept up for about three hours, when the British succeeded in setting the house in flames. In this extremity the besieged capitulated under the agreement that they should be treated as prisoners of war until they could be exchanged. The capitulation was formally signed and interchanged; and yet the Americans had no sooner marched out than the British hanged Colonel Hayes to the limb of a tree. The second in command was treated in like manner, after which Cunningham, with his own hands, slew some of the prisoners, and desired his men to follow his example. One of them traversed the ground where his old neighbors and acquaintances lay dead and dying, and ran his sword through those in whom he saw signs of life. These facts were afterward established by a judicial investigation.

Bancroft, Hist. of the U.S., vol.5, p.479

Gates, before his departure, had brought together two thousand three hundred and seven men, of whom a little more than one half were militia. "Eight hundred were properly clothed and equipped." Greene was by nature firm and adventurous and rapid in decision; now, when after four years' service he assumed the chief command in the southern department, he avoided every risk and carried caution almost to irresolution.

Bancroft, Hist. of the U.S., vol.5, p.479 - p.480

The country round Charlotte had been ravaged. Sending Kosciuszko in advance to select a site for an encampment, Greene marched his army to the head of boat navigation on the Pedee. There, in a fertile and unexhausted country, at the falls of the river, he established what he named "a camp of repose" to improve the discipline and spirits of his men, and "to gain for himself an opportunity of looking about," leaving Morgan and the corps which Gates had confided to his separate command as the sole object of attraction to the army of Cornwallis.

Bancroft, Hist. of the U.S., vol.5, p.480

Morgan, with his small detached force, crossed the Catawba just below the mouth of the Little Catawba, and, passing Broad river, on the twenty-fifth of December encamped on the north bank of the Pacolet. Here he was joined by mounted Carolinians under Colonel Pickens, and Georgians under Major McCall. General Davidson of North Carolina on the twenty-ninth brought one hundred and twenty men into his camp, but left immediately to collect more. Morgan was at that time the ablest commander of light troops in the world; in no European army of that day were there troops like those which he trained. Instructed in vigilance by life in the backwoods, he had organized a system for obtaining speedy and exact information as to the designs and movements of his disproportionately powerful enemy. Greene offered him wagons. "Wagons," he answered on the last day of the year 1780, "would be an impediment whether we attempt to annoy the enemy or provide for our own safety. It is incompatible with the nature of light troops to be encumbered with luggage."

Bancroft, Hist. of the U.S., vol.5, p.480

Hearing that a large party of Georgia tories was plundering the neighborhood of Fair Forest, Morgan sent Lieutenant-Colonel William Washington with his own regiment and mounted riflemen under McCall, to attack them. Coming up with them at about twelve o'clock on the thirtieth, William Washington extended his mounted riflemen on their wings, and charged them in front with his own cavalry. The tories fled after great loss in battle, leaving forty as prisoners.

Bancroft, Hist. of the U.S., vol.5, p.480 - p.481

Cornwallis—who, when joined by the reinforcement of two thousand men sent to him from New York by way of Charleston, under Leslie, could advance with thirty-five hundred fighting men—was impatient of the successes of Morgan, and resolved to intercept his retreat. On the second of January 1781 he ordered Tarleton, the officer on whom he most relied, to cross Broad river, writing: "Dear Tarleton—If Morgan is still anywhere within your reach, I shall wish you to push him to the utmost. No time is to be lost." Tarleton answered by promising either to destroy Morgan's corps or push it before him over Broad river toward King's Mountain; and he wished the main army to advance, so as to be ready to capture the fugitives. "I feel bold in offering my opinion," he wrote, "as it flows from well-founded inquiry concerning the enemy's designs." To this Cornwallis replied: "You have understood my intentions perfectly."

Bancroft, Hist. of the U.S., vol.5, p.481

Morgan had reported to Greene: "Forage and provisions are not to be had; here we cannot subsist." In consequence of the exhausted condition of the country in which he was stationed, his whole force could never be kept together. Parties from necessity were always straggling in search of food. He had requested Greene to recall his detachment to the main army, or to suffer him to pass into Georgia; neither of these requests being approved of, he next asked that a diversion might be made in his favor. This request, too, Greene saw reasons for declining. The danger to Morgan was imminent, for the light troops of the British were pursuing him on the one side, and their main army preparing to intercept his retreat on the other. On the fourteenth Tarleton passed the Enoree and Tyger rivers above the Cherokee ford. On the afternoon of the fifteenth Morgan encamped at Burr's Mills on Thickety creek; and wrote to Greene his wish to avoid an action. "But this," he added, "will not be always in my power." His scouts informed him that Tarleton had crossed the Tyger at Musgrove's Mills with a force of eleven or twelve hundred men. On the sixteenth he put himself and his party in full motion toward Broad river, while in the evening his camp of the morning was occupied by Tarleton's party. The same day Cornwallis with his army reached Turkey creek.

Bancroft, Hist. of the U.S., vol.5, p.481 - p.482

In South Carolina, where the grass is springing through every month of winter, cattle in those days grazed all the year round; never housed, nor fed by the hand of man, but driven from time to time into cowpens, where the owners gave salt to the herd and each one marked those which were his own. Two miles from such an enclosure, on a wide plain covered with primeval pines and chestnut and oak, about sixteen miles from Spartanburg, even miles from the Cherokee ford on the Broad river, and a little less than five miles from the line of North Carolina, Morgan encamped his party for the night. His former position subjected him at once to the operations of Cornwallis and Tarleton, and, in case of a defeat, his retreat might have easily been cut off; at the Cowpens he was in a position to improve any advantage he might gain, and to provide better for his own security should he be unfortunate. With a noble confidence in himself, in his officers, and in his men, Morgan resolved to give battle to his pursuers. In the evening he moved among his fellow-soldiers, sustaining their cheerfulness. During the night Pickens returned from a short absence with more than a hundred militia, and another party of fifty came in. The moment was come when it was safest to fight.

Bancroft, Hist. of the U.S., vol.5, p.482

On the seventeenth, at an hour before daylight, Morgan, through his excellent system of spies, knew that Tarleton's troops were approaching his camp. His own men, numbering eighty cavalry and two hundred and thirty-seven infantry of the troops of the United States, and five hundred and fifty-three militia from the states of Virginia, North Carolina, South Carolina, and Georgia, quietly breakfasted and prepared for battle. The ground chosen was an open wood between the springs of two little rivulets, with a slight ridge extending from one of them to the other. The wood was free from Undergrowth; no thicket offered covert, no swamp a refuge from cavalry. The best troops were placed in line on the rising ground. The Maryland light infantry, commanded by Lieutenant-Colonel Howard, formed the centre; two companies of approved Virginia riflemen were on each wing. Lieutenant-Colonel William Washington and his cavalry were placed as a reserve out of sight and out of fire. The volunteers from the Carolinas and Georgia were posted under Pickens in advance, so as to defend the approaches. About sixty sharpshooters of the North Carolina volunteers were to act as skirmishers on the right flank one hundred and fifty yards in front of the line, and as many more of the Georgians at the same distance on the left.

Bancroft, Hist. of the U.S., vol.5, p.482 - p.483

Tarleton's troops, numbering a little more than eleven hundred, having two field-pieces and a great advantage in bayonets and cavalry, after a march of twelve miles, came in sight at eight o'clock, and drew up in a single line of battle. The legion infantry formed their centre with the seventh regiment on the right, the seventy-first on the left, and two light companies of a hundred men each on the flanks. The artillery moved in front. Tarleton, with two hundred and eighty cavalry, was in the rear. No sooner were they formed than their whole line rushed forward with the greatest impetuosity and with shouts. They were received by a heavy and well-directed fire-first from the American skirmishers, and then from the whole of Pickens's command; but their superiority of numbers enabled them to gain the flanks of the Americans, who were thus obliged to change their position. They drew back in good order about fifty paces, formed, advanced on the enemy and gave them a volley which threw them into disorder. The Virginia riflemen, who had kept their places, instinctively formed themselves on the sides of the British, so that they who two or three minutes before had threatened to turn the Americans found themselves as it were within a pair of open pincers, exposed to the converging oblique fire of two companies of sharpshooters on each flank and a direct fire in front. Lieutenant-Colonel Howard perceived the wavering of the British and gave orders for the line to charge with bayonets, which was done with such address that the enemy fled with the utmost precipitation, leaving their field-pieces behind them. The Americans followed up their advantages so effectually that the British had no opportunity of rallying. Lieutenant-Colonel William Washington, having been informed that Tarleton was cutting down the riflemen on the left, pushed forward and charged his party with such firmness that they broke their ranks and fled, while Tarleton made no attempt to recover the day. They were completely routed and were pursued twenty-four miles by the cavalry.

Bancroft, Hist. of the U.S., vol.5, p.483 - p.484

Of the Americans, only twelve were killed and sixty wounded. Of the enemy, ten commissioned officers were killed, and more than a hundred rank and file; two hundred were wounded; twenty-nine commissioned officers and more than five hundred privates were taken prisoners, beside seventy negroes. Two standards, upward of a hundred dragoon horses, thirty-five wagons, eight hundred muskets, and two field-pieces that had been taken from the British at Saratoga and retaken at Camden, fell into the hands of the victors. The immense baggage of Tarleton's party, which had been left in the rear, was destroyed by the British themselves. "Our success," wrote the victor in his modest report, "must be attributed to the justice of our cause and the gallantry of our troops. My wishes would induce me to name every sentinel in the corps."

Bancroft, Hist. of the U.S., vol.5, p.484

The victory came because the officers were excellent; the men, of whom every one was at heart a volunteer, were bent on doing their whole duty, and sure that their general knew how to command them. Every officer and soldier felt himself one with his general in will, council, and action. Congress, attempting to sum up the merit of Morgan in three words, instinctively wrote: "Virus unita valet, United virtue prevails." The army was fashioned by its general into one life, one devotedness, one energy. "It is impossible," so, on the day after the battle, wrote Cornwallis, the nearest and most deeply interested observer, to the British commander-in-chief in America, "it is impossible to foresee all the consequences that this unexpected and extraordinary event may produce." "As the defeat of Ferguson at King's Mountain made" to Lord Cornwallis "the first invasion of North Carolina impossible," so Tarleton foresaw that "the battle of Cowpens would make the second disastrous."

Bancroft, Hist. of the U.S., vol.5, p.484 - p.485

The battle was ended two hours before noon. The prudence of Morgan was equal to his daring. Aware that the camp of Cornwallis at Turkey creek was within about twenty miles of him and nearer the fords of the Catawba through which he must retire, Morgan destroyed the captured baggage-wagons, paroled the British officers, in trusted the wounded to the care of the few residents of the neighborhood, and, leaving his cavalry to follow him on their return from the pursuit, on the day of the battle he crossed the Broad river with his foot soldiers and his prisoners, the captured artillery, muskets, acid ammunition. Proceeding by easy marches of ten miles a day, on the twenty-third he crossed the Catawba at Sherrald's ford. Taking for his troops a week's rest in his camp north of the river, he sent forward his prisoners to Salisbury, under the guard of Virginia militia whose time of service had just expired. They were soon beyond the Yadkin on their way to Virginia.

Bancroft, Hist. of the U.S., vol.5, p.485

The fame of the great victory at the Cowpens spread in every direction. Greene announced it in general orders, and his army saluted the victors as "the finest fellows on earth, more worthy than ever of love." Rutledge of South Carolina repeated their praises, and rewarded Pickens with a commission as brigadier. Davidson of North Carolina wrote that the victory "gladdened every countenance, and paved the way for the salvation of the country." The state of Virginia voted to Morgan a horse and a sword in testimony of "the highest esteem of his country for his military character and abilities so gloriously displayed." The United States in congress placed among their records "the most lively sense of approbation of the conduct of Morgan and the men and officers under his command." To him they voted a gold medal, to Howard and William Washington medals of silver, and swords to Pickens and Triplet.

Bancroft, Hist. of the U.S., vol.5, p.485

Cornwallis had entreated Tarleton to make haste and attack the light troops of Morgan, but had neglected measures to support him. In the condition of affairs he had no good part to take but to remain in South Carolina and recover the mastery there if he could; but all his proud hopes rested on a successful campaign in Virginia. The day after the battle he wrote to Sir Henry Clinton: "Nothing but the most absolute necessity shall induce me to give up the important object of the winter's campaign. Defensive measures would be certain ruin to the affairs of Britain in the southern colonies." On his own responsibility and against the opinion of his superior officer, he persisted in his plan of striking at the heart of North Carolina, establishing there a royal government, and pressing forward to a junction with the British troops on the Chesapeake.

Bancroft, Hist. of the U.S., vol.5, p.486

Leaving Lord Rawdon with a considerable body of troops to defend South Carolina, Cornwallis, with the reinforcement which Leslie had brought him, began his long march, which he meant should have been a hot pursuit of Morgan, by avoiding the lower roads, there being so few fords in the great rivers below their forks. On the twenty-fifth he collected his army at Ramsower's mill, on the south fork of the Catawba. Impatient of being encumbered and delayed there, he resolved to give up his communications with South Carolina and to turn his army into light troops. The measure, if not in every respect absurd, was adopted too late. Two days he devoted to destroying baggage and all wagons except those laden with hospital stores, salt, and ammunition, and four reserved for the sick and wounded, thus depriving his soldiers even of a regular supply of provisions. Then, by forced marches through floods of rain, he approached the river, which, having risen too high to be forded, stopped his march till its waters should subside.

Bancroft, Hist. of the U.S., vol.5, p.486

Morgan from the first had divined the policy of Cornwallis, and, on the twenty-fifth of January, had written to Greene advising a junction of their forces. On the morning of the thirtieth of January, Greene arrived at Morgan's encampment, attended only by a few dragoons. He readily adopted his advice, and on that very day gave orders to the army on the Pedee to prepare to form a junction at Guilford court-house with those under Morgan, with whom he remained.

Bancroft, Hist. of the U.S., vol.5, p.486 - p.487

On the first day of February, Cornwallis, with a part of his army, passed the Catawba at Macgowan's ford. The dark stream was near five hundred yards wide, with a rocky bottom and a strong current, and was perseveringly disputed by General Davidson of North Carolina with three hundred militia, till in resisting the landing a volley of musketry was aimed at him with deadly effect. In him fell one of the bravest and best of those who gave their lives for the in dependence of their country. Forty of the British light infantry and grenadiers were killed or wounded; the horse which Cornwallis rode was struck while in the stream, but reached the shore before falling. The other division passed the Catawba at Beattie's ford, and the united army encamped about five miles from the river on the road to Salisbury. On the second and third of February the American light infantry, continuing their march, with the British at their heels, crossed the Yadkin at the Trading ford, partly on flats, during the latter part of the time in a heavy rain. The river, after the Americans were safe beyond it and Morgan had secured all water craft on its south side, rose too high to be forded. The Americans looked upon Providence as their ally.

Bancroft, Hist. of the U.S., vol.5, p.487

Cornwallis was forced to lose two days in ascending the Yadkin to the so-called Shallow ford, where he crossed on the seventh, and on the night of the ninth encamped near the Moravian settlement of Salem. There, near the edge of the wilderness, in a genial clime and on a bountiful soil, hospitable emigrants, bound by their faith never to take up arms, had chosen their abodes; and for their sole defence had raised the symbol of the triumphant Lamb. Among them equality reigned. No one, then or thereafter, was held in bondage. There were no poor, and none marked from others by their apparel or their dwellings. Everywhere appeared simplicity and neatness. The elders watched over the members of the congregation, and incurable wrong-doers were punished by expulsion. After their hours of toil came the hour for prayer, exhortations, and the singing of psalms and hymns. Under their well-directed labor the wilderness blossomed like the rose.

Bancroft, Hist. of the U.S., vol.5, p.487 - p.488

On the same day, at the distance of five-and-twenty miles from Cornwallis, the two divisions of the American army effected their junction at Guilford court-house. Then General Morgan, emaciated and crippled by combined attacks of fever and rheumatism, took a leave of absence. Never again during the war was he able to resume a command. Wherever he appeared he had heralded the way to daring action, and almost always to success. In 1774, when he was at the mouth of the river Hockhocking on the return from a victorious Indian campaign, he and other triumphant Virginians, hearing that New England was preparing to resist in arms encroachments on their liberty, pledged their support to the people of Boston. In the early summer of 1775 he raised a company of ninety-six riflemen, and in twenty-one days, without the loss of one of them, marched them from West Virginia to Boston. He commanded the van in the struggle through the wilderness to Canada. Thrice he led a forlorn hope before Quebec. To him belongs the chief glory of the first great engagement with Burgoyne's army, and be shared in all that followed till the surrender; and now he had won at the Cowpens the most astonishing victory of the war. He took with him into retirement the praises of all the army and of the chief civil representatives of the country.

Chapter 3:

The Southern Campaign of Greene,

February-September 1781

Bancroft, Hist. of the U.S., vol.5, p.489

MORGAN's success lighted the fire of emulation in the breast of Greene, and he was "loth it should stand alone." To one of his subordinate officers on the Pedee he wrote: "Here is a fine field and great glory ahead." On the day of his meeting Morgan he wrote to "the famous Colonel William Campbell" to "bring without loss of time a thousand good volunteers from over the mountains." A like letter was addressed to Shelby, though without effect. To the officers commanding in the counties of Wilkes and Surry, Greene said: "If you repair to arms, Lord Cornwallis must be inevitably ruined." He called upon Sumter, as soon as his recovery should permit, to take the field at the head of the South Carolina militia; he gave orders to General Pickens to raise troops in the district of Augusta and Ninety-Six, and hang on the rear of the enemy; and he sought out powerful horses and skilful riders to strengthen the cavalry of William Washington.

Bancroft, Hist. of the U.S., vol.5, p.489 - p.490

The two divisions of the American army, after effecting their junction at Guilford court-house, were still too weak to offer battle. Edward Carrington of Virginia, the wise selection of Greene for his quartermaster, advised to cross the Dan at the ferries of Irwin and Boyd, which were seventy miles distant from Guilford court-house and twenty miles below Dix's ferry, and where he knew that boats could be collected. The advice was adopted. Greene placed under Otho Williams the flower of his troops as a light corps, which on the morning of the tenth sallied forth to watch Cornwallis, to prevent his receiving correct information, and to lead him in the direction of Dix's ferry by guarding its approaches. They succeeded for a day or two in perplexing him.

Bancroft, Hist. of the U.S., vol.5, p.490

Meantime, the larger part of the army under Greene, without tents, poorly clothed, and for the most part without shoes, "many hundreds of the soldiers tracking the ground with their bloody feet," retreated at the rate of seventeen miles a day along wilderness roads where the wagon-wheels sunk deep in mire and the creeks were swollen by heavy rains. On the fourteenth of February 1781 they arrived at the ferries. Greene first sent over the wagons, and at half-past five in the afternoon could write "that all his troops were over and the stage clear."

Bancroft, Hist. of the U.S., vol.5, p.490

So soon as Cornwallis gained good information, be pursued the light troops at the rate of thirty miles a day, but he was too late. On the evening of the fourteenth, Otho Williams, marching on that day forty miles, brought his party to the ferries. The next morning Cornwallis arrived, only to learn that the Americans, even to their rear-guard, had crossed the river the night before.

Bancroft, Hist. of the U.S., vol.5, p.490

On the four days' march from Guilford court-house Greene scarcely slept four hours; and his care was so comprehensive that nothing, however trifling, was afterwards found to have been overlooked or neglected. "Your retreat before Cornwallis," wrote Washington, "is highly applauded by all ranks, and reflects much honor on your military abilities." "Every measure of the Americans," so relates a British historian, "during their march from the Catawba to Virginia was judiciously designed and vigorously executed." Special applause was justly awarded to Carrington and to Otho Williams. In the camp of Greene every countenance was lighted up with joy. Soldiers in tattered garments, with but one blanket to four men, without shoes, regular food, or pay, were happy in the thought of having done their duty to their country; they all were ready to recross the Dan and attack.

Bancroft, Hist. of the U.S., vol.5, p.490

After giving his troops a day's rest, Cornwallis moved by easy marches to Hillsborough, where on the twentieth he invited by proclamation all loyal subjects in the province to repair to the royal standard, being ready to concur with them in re-establishing the government of the king.

Bancroft, Hist. of the U.S., vol.5, p.491

No sooner had the British left the banks of the Dan than Lee's legion recrossed the river. They were followed on the twenty-first by the light troops, and on the twenty-second by Greene with the rest of his army, including a reinforcement of six hundred militia-men of Virginia.

Bancroft, Hist. of the U.S., vol.5, p.491

The loyalists of North Carolina, inferring from the proclamation of Cornwallis that be was in peaceable possession of the country, rose in such numbers that seven independent companies were formed in one day; and Tarleton with the British legion was detached across the Haw river for their protection. By the order of Greene, Pickens, who had collected between three and four hundred militia, and Lee formed a junction and moved against both parties. Missing Tarleton, they fell in with three hundred royalists under Colonel Pyle, and routed them with "dreadful carnage." Tarleton, who was refreshing his legion about a mile from the scene of action, hurried back to Hillsborough, and all royalists who were on their way to join the king's standard returned home. Cornwallis describes his friends as timid, "the rebels" as "inveterate."

Bancroft, Hist. of the U.S., vol.5, p.491

To compel Greene to accept battle, Cornwallis on the twenty-seventh moved his whole force across the Haw, and encamped near Allemance creek. For seven days Greene lay within ten miles of the British, but baffled them by taking a new position every night. No fear of censure could hurry his determined mind to hazard an engagement. He waited fill he was joined by the south-west Virginia militia nude William Campbell, by another brigade of militia from Virginia under General Lawson, by two from North Carolina under Butler and Eaton, and by four hundred regulars raised for eighteen months. Then on the fourteenth of March he encamped near the Guilford court-house, within eight miles of the British forces.

Bancroft, Hist. of the U.S., vol.5, p.491 - p.492

At dawn of day on the fifteenth, Cornwallis, having sent off his baggage under escort, set in motion the rest of his army, less than nineteen hundred in number, but all of them veteran troops of the best quality. To oppose them, Greene had sixteen hundred and fifty-one men equal to the best of the British, and more than two thousand militia—in all, twice as many as his antagonist. But he had given himself little rest since he left his camp on the Pedee; and on this most eventful day of his life he found himself worn out with constant watching.

Bancroft, Hist. of the U.S., vol.5, p.492

The ground on which his army was to be drawn up was a large hill, surrounded by other hills and almost everywhere covered with forest-trees and a thick undergrowth. To receive the enemy, he selected three separate positions: the first, admirably chosen; the second, three hundred yards in the rear of the first, was entirely in the woods; between one quarter and one third of a mile in the rear of the second was the third position, where he drew up his best troops obliquely, according to the declivities of a hill on which they were posted, most of them in a forest. The positions were so far apart that they could give each other no immediate support; so that Cornwallis had to engage, as it were, three separate armies, and in each engagement would have a superiority in numbers. Greene persistently differed with the commander-in-chief on the proper manner of using militia; Washington held that they should be used as a reserve to improve an advantage, while Greene insisted that they ought to be placed in front; and he now acted on his own opinion.

Bancroft, Hist. of the U.S., vol.5, p.492

The position selected for the first line is described by Greene as the most advantageous he ever saw. It was on the skirt of the wood, protected on the flanks and rear, having in the centre a fence, with open ground over which the British army was obliged to advance, exposed to a fire that must have torn them in pieces had they encountered troops who would have stood their ground. Here Greene placed the two brigades of North Carolina militia, not quite eleven hundred in number, his poorest troops, suddenly called together, ignorant of war, of each other, and of their general officers. On their right were posted two six-pounders, and Lieutenant-Colonel William Washington with an able corps of observation; on their left a like corps was formed of Lee's command and the van of the transmontane riflemen.

Bancroft, Hist. of the U.S., vol.5, p.492 - p.493

The battle began with cannonading about one in the afternoon. The undivided force of Cornwallis displayed into line, advanced at quick step, gave their fire, shouted, and rushed forward with bayonets. While they were still in the open field, at a distance of one hundred and forty yards, the North Carolina brigade fled, "none of them having fired more than twice, very few more than once, and near one half not at all." Lee's command was separated from the main army, which they did not rejoin till the next day.

Bancroft, Hist. of the U.S., vol.5, p.493

Without pausing to take breath, the British line, which had not escaped without loss, advanced to attack the second position of the Americans, defended by the Virginia brigade. The men were used to forest warfare, and they made a brave and obstinate resistance. They discharged their pieces, drew back behind the brow of the hill to load, and returned to renew their fire. In dislodging some Americans from their post on a woody height, the ranks of the first battalion of the guards were thinned and many of their officers fell. The Virginia brigade did not retreat till the British drew near enough to charge with the bayonet.

Bancroft, Hist. of the U.S., vol.5, p.493

The British army, though suffering from fatigue and weakened by heavy losses, pressed forward to the third American line, where Greene was present. A fierce attack was made on the American right by Colonel Webster with the left of the British. After a long and bloody encounter, the British were beaten back by the continentals, and were forced with great loss to recross a ravine. Webster was mortally wounded.

Bancroft, Hist. of the U.S., vol.5, p.493

The second battalion of the guards, led by Lieutenant-Colonel Stewart, broke through the second Maryland regiment, captured two field-pieces, and pursued their advantage into more open ground. Immediately Lieutenant-Colonel William Washington, who had brought his cavalry once more into the field, made a charge upon them with his mounted men; and the first regiment of Marylanders, led by Gunby and seconded by Howard, engaged with their bayonets. Stewart fell under a blow from Captain Smith; and the British party was driven back with great slaughter and the loss of the cannon which they had taken. The first battalion of the guards, although already crippled, advanced against the Americans. A severe American fire on its front and flanks completely threw them into disorder. At this moment Du Puy's Hessian regiment, which had thus far suffered but little, came up in compact order on the left of the guards, who rallied behind them, renewed the attack, and in turn defeated the Americans.

Bancroft, Hist. of the U.S., vol.5, p.494

The British army appeared to be gaining the American right. The battle had raged for two hours. Greene could still order into the fight two Virginia regiments of continentals, of which one had hardly been engaged, the other had been withheld as a reserve; but he hesitated. After deliberating for some moments, not knowing how much the British had suffered, he left his cannon and the field to the enemy, and used his reserve only to cover the retreat of his army. The last as well as the first in the engagement were the riflemen of Campbell, who continued firing from tree to tree till the cavalry of Tarleton compelled them to fly. After the Americans were encamped in safety, Greene fainted from exhaustion, and, on recovering consciousness, remained far from well.

Bancroft, Hist. of the U.S., vol.5, p.494

Although the battle at Guilford marks the end of the power of the British in North Carolina, no praise is too great for the conduct of their officers and troops throughout the day. On their side, five hundred and seventy were killed or wounded; and their wounded, dispersed over a wide space of country, asked for immediate care. Of the Americans, the loss was, of continentals, three hundred and twenty-six; of the militia, ninety-three. But nearly three hundred of the Virginia militia and six hundred of those of North Carolina, their time of service having almost expired, seized the occasion to return home.

Bancroft, Hist. of the U.S., vol.5, p.494 - p.495

Virginia furnished to the army that fought at Guilford sixteen hundred and ninety-three of her militia and seven hundred and seventy-eight of her continental troops. "The great reinforcements," wrote Cornwallis to Germain, "sent by Virginia to General Greene while General Arnold was in the Chesapeake, are convincing proofs that small expeditions do not frighten that powerful province." Its act of magnanimity was deliberate. "Your state," wrote Washington to Jefferson, its governor, "will experience more molestation; but the evils from predatory incursions are not to be compared to the injury of the common cause. I am persuaded the attention to your immediate safety will not divert you from the measures intended to reinforce the southern army. The late accession of force makes the enemy in Carolina too formidable to be resisted without powerful succors from Virginia." And he gave orders to Steuben: "Make the defence of the state as little as possible interfere with the measures for succoring General Greene. Everything is to be apprehended if he is not powerfully supported from Virginia." Jefferson made the advice of Washington his rule of conduct, though by it he laid himself open to perverse accusations in his own state. On the third day after the battle Greene wrote to Washington:

"Virginia has given me every support I could wish."

Bancroft, Hist. of the U.S., vol.5, p.495

In his report of the day of Guilford, Greene hardly did himself justice; public opinion took no note of his mistakes in the order of battle. What they did observe was the fortitude with which he set about retrieving his defeat.

Bancroft, Hist. of the U.S., vol.5, p.495

On the eighteenth, Cornwallis, committing his wounded to the care of the Americans, with his victorious but ruined army began his flight; and, as he hurried away, distributed by proclamation news of his victory, offers of pardon to repentant rebels, and promises of protection to the loyal. He was pursued by Greene, who was eager to renew the battle. On the morning of the twenty-eighth the Americans arrived at Ramsay's Mills, on Deep river; but Cornwallis had just a few hours before crossed the river on a temporary bridge. No longer in danger of being overtaken, he moved by way of Cross creek, now Fayetteville, toward Wilmington. His rapid march through a country thinly inhabited left no tracks which the quickening of spring did not cover over, except where houses were burnt and settlements broken up. It taught the loyalists of North Carolina that they could find no protection from British generals or the British king. All North Carolina, except Wilmington, was left to the Americans.

Bancroft, Hist. of the U.S., vol.5, p.495 - p.496

"From the report of Cornwallis," said Fox, on the twelfth of June, to the house of commons, "there is the most conclusive evidence that the war is impracticable in its object and ruinous in its progress. In the disproportion between the two armies, a victory was highly to the honor of our troops; but, had our army been vanquished, what course could they have taken? Certainly they would have abandoned the field of action and flown for refuge to the sea-side; precisely the measures the victorious army was obliged to adopt." And he moved the house of commons to recommend to the ministers every possible measure for concluding peace.

Bancroft, Hist. of the U.S., vol.5, p.496

In the course of the very long debate the younger William Pitt, then just twenty-two, avoiding the question of independence and thus unconsciously conciliating the favor of George III, explained to a listening house the principles and conduct of his father on American affairs. Then, referring to Lord Westcote, he said: "A noble lord has called the American war a holy war: I affirm that it is a most accursed war, wicked, barbarous, cruel, and unnatural; conceived in injustice, it was brought forth and nurtured in folly; its footsteps are marked with slaughter and devastation, while it meditates destruction to the miserable people who are the devoted objects of the resentments which produced it. The British nation, in return for its vital resources in men and money, has received ineffective victories and severe defeats, which have filled the land with mourning for the loss of dear relations slain in the impious cause of enforcing unconditional submission, or narratives of the glorious exertions of men struggling under all difficulties in the holy cause of liberty. Where is the Englishman who can refrain from weeping, on whatever side victory may be declared?" The voice was listened to as that of Chatham, "again living in his son with all his virtues and all his talents." "America is lost, irrecoverably lost, to this country," added Fox. "We can lose nothing by a vote declaring America independent." On the division, an increased minority revealed the growing discontent of the house of commons at the continuance of the war.

Bancroft, Hist. of the U.S., vol.5, p.496 - p.497

On the seventh of April, Cornwallis brought the relics of his army to Wilmington, where a parry sent by his orders from Charleston awaited him. He could not move by land toward Camden without exposing his troops to the greatest chances of being lost. He should have returned to Charleston by water, to retain possession of South Carolina; but such a movement would have published to the world that all his long marches and victory had led only to disgrace. A subordinate general, be was sure of the favor and approval of Germain, and forced his plans on his commander-in-chief, to whom he wrote: "I cannot help expressing my wishes that the Chesapeake may become the seat of war, even, if necessary, at the expense of abandoning New York." And without waiting for an answer, in the last days of April, with a force of fourteen hundred and thirty-five men, all told, he left Wilmington for Virginia. Clinton, reasoning justly, afterward in self-defence replied: "Had you intimated the probability of your intention, I should certainly have endeavored to stop you, as I did then consider such a move likely to be dangerous to our interests in the southern colonies." He had in April received from the secretary this message: "Lord George Germain strongly recommends it to Sir Henry Clinton either to remain in good humor, in full confidence to be supported as much as the nature of the service will admit of, or avail himself of the leave of coming home, as no good can arise to the service if there is not full confidence between the general and the minister." It was not Clinton's wish or intention to resign; but he hastened to warn Germain: "Operations in the Chesapeake are attended with great risk, unless we are sure of a permanent superiority at sea. I cannot agree to the opinion given me by Lord Cornwallis. I tremble for the fatal consequences which may ensue." But Cornwallis, the subordinate general, had from Wilmington written directly to the secretary "that a serious attempt upon Virginia would be the most solid plan;" and Germain hastened to write to Clinton: "Lord Cornwallis's opinion entirely coincides with mine of the great importance of pushing the war on the side of Virginia with all the force that can be spared."

Bancroft, Hist. of the U.S., vol.5, p.497

In his march from Wilmington, Cornwallis met little resistance. For the place of junction with the British army in Virginia he fixed upon Petersburg on the Appomattox.

Bancroft, Hist. of the U.S., vol.5, p.497

So soon as Cornwallis was beyond pursuit Greene "determined to carry the war immediately into South Carolina." Dismissing those of the militia whose time was about to expire, he retained nearly eighteen hundred men, with small chances of reinforcements or of sufficient subsistence. He knew the hazards which he was incurring; but, in case of untoward accidents, he believed that Washington and his other friends would do justice to his name.

Bancroft, Hist. of the U.S., vol.5, p.497 - p.498

The safety of the interior of South Carolina depended on the possession of the posts at Camden and Ninety-Six in that state, and at Augusta in Georgia. On the sixth of April, Greene detached a force under Lee, which joined Marion, and threatened the connections between Camden and Charleston; Sumter, with three small regiments of regular troops of the state, had in charge to hold the country between Camden and Ninety-Six; and Pickens with the western militia to intercept supplies on their way to Ninety-Six and Augusta.

Bancroft, Hist. of the U.S., vol.5, p.498

After these preparations, Greene on the seventh began his march from Deep river, and on the twentieth encamped his army a half-mile from the strong and well-garrisoned works of Camden. In the hope of intercepting a party whom Rawdon had sent out, Greene moved to the south of the town; but, finding that he had been misled, his army, on the twenty-fourth, took a well-chosen position on Hobkirk's Hill. The eminence was covered with wood, and flanked on the left by an impassable swamp. The ground toward Camden, which was a mile and a half distant, was protected by a forest and thick shrubbery; but the time given to improve the strength of the position had not been properly used. On the twenty-eighth the men, having been under arms from daylight, were dismissed to receive provisions and prepare their morning repast. The horses were unsaddled and feeding; Greene was at breakfast.

Bancroft, Hist. of the U.S., vol.5, p.498

By keeping close to the swamp, Rawdon, with about nine hundred men, gained the left of the Americans "in some measure by surprise," and opened a fire upon their pickets. The good discipline which Greene had introduced now stood him in stead. About two hundred and fifty North Carolina militia, who had arrived that morning, did nothing during the day; but his cavalry was soon mounted, and his regular troops, about nine hundred and thirty in number, were formed in order of battle in one line without reserves. Of the two Virginia regiments, that under Hawes formed the extreme right, that of Campbell the right centre; of the two Maryland regiments, that of Ford occupied the extreme left, of Gunby the left centre. The artillery was placed in the road between the two brigades. In this disposition he awaited the attack of Rawdon.

Bancroft, Hist. of the U.S., vol.5, p.498 - p.499

Perceiving that the British advanced with a narrow front, Greene ordered Ford's regiment on the left and Campbell's on the right to wheel respectively on their flanks, the regiments of Hawes and Gunby to charge with bayonets without firing, and, with inconsiderate confidence in gaining the victory, weakened himself irretrievably by sending William Washington with his cavalry to double the right flank and attack the enemy in the rear. But Rawdon had time to extend his front by ordering up his reserves. Colonel Ford, in leading on his men, was disabled by a severe wound; and his regiment, without executing their orders, only replied by a loose scattering fire. On the other flank the regiment of Campbell, composed of new troops, could not stand the brunt of the enemy, though they could be rallied and formed anew. Greene led up the regiments several times in person. The regiments under Hawes and Gunby advanced with courage, while the artillery played effectively on the head of the British column. But, on the right of Gunby's regiment, Captain Beatty, an officer of the greatest merit, fell mortally wounded; his company, left without his lead, began to waver, and the wavering affected the next company. Seeing this, Gunby ordered the regiment to retire, that they might form again. The British troops, seizing the opportunity, broke through the American centre, advanced to the summit of the ridge, brought their whole force into action on the best ground, and forced Greene to retreat. The battle was over before William Washington with his cavalry could make the circuit through the forest to attack their rear. Each party lost about three hundred men.

Bancroft, Hist. of the U.S., vol.5, p.499

Rawdon returned to Camden, followed by the congratulations of Cornwallis on "his most glorious victory," which the general, forgetting King's Mountain and the Cowpens, described as "by far the most splendid of this war." "The disgrace," wrote Greene, "is more vexatious than anything else." He lost no more than the British, saved his artillery, and collected all his men. Receiving a reinforcement of five hundred, Rawdon crossed the Wateree in pursuit of him; but he kept his enemy at bay.

Bancroft, Hist. of the U.S., vol.5, p.499 - p.500

No sooner had Marion been reinforced by Lee than they marched against the fort on Wright's bluff below Camden, the principal post of the British on the Santee, garrisoned by one hundred and fourteen men. The Americans were without cannon, and the bluff was forty feet high; but the forest stretched all around them; in the night the troops cut and hauled logs, and erected a tower so tall that the garrison could be picked off by riflemen. Two days before the battle of Hobkirk's Hill it capitulated.

Bancroft, Hist. of the U.S., vol.5, p.500

The connection of Camden with Charleston being thus broken, the post became untenable. On the tenth of May, after destroying all public buildings and stores and many private houses, the British abandoned Camden, never to hold it again. On the eleventh the post at Orangeburg, held by sixty British militia and twelve regulars, gave itself up to Sumter. Rawdon marched down the Santee on the north side, anxious to save the garrison of Fort Motte, to which Marion had laid siege. To hasten its surrender, Rebecca Motte, the owner of the house in which they were quartered, on the twelfth brought into camp a bow and a bundle of Indian arrows; and, when the arrows had carried fire to her own abode, the garrison of a hundred and sixty-five men surrendered. Two days later the British evacuated their post at Nelson's ferry. On the fifteenth Fort Granby, with three hundred and fifty-two men, surrendered by capitulation. General Marion turned his arms against Georgetown; and, on the first night after the Americans had broken ground, the British retreated to Charleston. The troops under Rawdon did not halt until they reached Monk's Corner.

Bancroft, Hist. of the U.S., vol.5, p.500 - p.501

The north-western part of South Carolina was thus recovered, but the British still held Augusta and Ninety-Six. Conforming to the plan which Greene had forwarded from Deep river, General Pickens and Colonel Clarke with militia kept watch over Augusta. On the twentieth of May they were joined by Lieutenant-Colonel Lee. The outposts were taken one after another, and on the fifth of June the main fort with about three hundred men capitulated. One officer, obnoxious for his cruelties, fell after the surrender by an unknown hand. Lieutenant-Colonel Brown, the commander, had himself hanged thirteen American prisoners, and delivered citizens of Georgia to the Cherokees to suffer death with all the exquisite tortures which savage barbarity could contrive; but on his way to Savannah an escort protected him from the inhabitants whose houses he had burnt, whose kindred he had sent to the gallows.

Bancroft, Hist. of the U.S., vol.5, p.501

On the twenty-second of May, Greene, with Kosciuszko for his engineer, and nine hundred and eighty-four men, began the siege of Ninety-Six. The post, though mounting but three pieces of artillery, was strongly fortified; five hundred and fifty men formed its ample garrison; and the commander Lieutenant-Colonel Cruger, was an officer of ability and enterprise. A fleet from Ireland having arrived at Charleston with reinforcements, Rawdon on the seventh of June marched with two thousand men to secure a safe retreat for the garrison. Giving way to an eagerness to gain a victory, Greene on the eighteenth gave to a party of Marylanders and of Virginians the hopeless order to force a lodgment in the fort, in which no justifying breach had been made. Of the brave men whom he so rashly sent into the ditch, one third were killed, and but one in six came out unwounded. The next day the general raised the siege and withdrew to the North, complaining of fortune which had refused him victory at Guilford, at Camden, and at Ninety-Six.

Bancroft, Hist. of the U.S., vol.5, p.501

Greene retreated as far as the Enoree. Rawdon, giving over pursuit and adhering to his purpose, withdrew the garrison from the insulated post of Ninety-Six. Leaving the largest part of his force to assist in removing the loyal inhabitants of the district, he marched with a thousand men to establish a post on the Congaree. Greene followed; and his cavalry, while watching the enemy's motions, made prisoners of forty-eight British dragoons within one mile of their encampment.

Bancroft, Hist. of the U.S., vol.5, p.501 - p.502

Avoiding an encounter, Lord Rawdon retired to Orangeburg, where he was reinforced. On the other side, Greene, after forming a junction with the men of Sumter and Marion, pursued him, and on the twelfth of July offered him battle. The offer was refused. On the thirteenth, Greene detached the cavalry of the legion, the state troops and militia of South Carolina, to compel the evacuation of Orangeburg by striking at the posts around Charleston; the rest of the army was ordered to the high hills of the Santee, famed for pure air and pure water. On the same day the force with Cruger, who had evacuated Ninety-Six, joined Rawdon with his troops. He had called around him the royalists in the district and set before them the option of making their peace with the Americans or fleeing under his escort to Charleston. Once more loyalists who had signalized themselves by devoted service to the king learned from his officer that he could no longer protect them in their own homes. Forced to elect the lot of refugees, they brought into the camp of Cruger their wives, children, and slaves, wagons laden with the little of their property that they could carry away, sure to be pushed aside by the English at Charleston as troublesome guests, and left to wretchedness and despair.

Bancroft, Hist. of the U.S., vol.5, p.502 - p.503

The British, when united, were superior in number; but their detachments were attacked with success. They could not give the protection which they had promised, and the people saw no hope of peace except by driving them out of the land. Weary of ceaseless turmoil, Rawdon repaired to Charleston, and, pretending ill health, sailed for England, but not till after a last act of vengeful inhumanity. Isaac Hayne, a planter in the low country whose affections were always with America, had, after the fall of Charleston, obtained British protection; at the same time he avowed his resolve never to meet a call for military service under the British flag. When the British lost the part of the country in which he resided and could protect him no longer, he resumed his American citizenship and led a regiment of militia against them. Taken prisoner, Balfour hesitated what to do with him; but Rawdon, who was Balfour's superior in command, had no sooner arrived in Charleston than, against the entreaties of the children of Hayne, of the women of Charleston, of the lieutenant-governor of the province, he sent him to the gallows. The execution was illegal; for the loss of power to protect forfeited the right to enforce allegiance. It was most impolitic; for in moderate men it uprooted all remaining attachment to the English government, and roused the women of Charleston to implacable defiance. After the departure of Rawdon there remained in South Carolina no British officer who would have acted in like manner. His first excuse for the execution was the order of Cornwallis which had filled the woods of Carolina with assassins. Feeling the act as a stain upon his name, he attempted, but not till after the death of Balfour, to throw on that officer the blame that belonged to himself. On the voyage to England he was captured by the French.

Bancroft, Hist. of the U.S., vol.5, p.503

After a short rest, Greene moved his army from the hills of Santee in a roundabout way to attack the British at their post near the junction of the Wateree and Congaree. They retreated before him, and halted at Eutaw Springs. He continued the pursuit with so much skill that the British remained ignorant of his advance. At four o'clock on the morning of the eighth of September his army was in motion to attack them. The centre of the front line was composed of two small battalions from North Carolina, and of one from South Carolina on each wing, commanded, respectively, by Marion and Pickens. The second line was formed of three hundred and fifty continentals of North Carolina, led by General Sumner; of an equal number of Virginians, commanded by Lieutenant-Colonel Campbell; and of two hundred and fifty Marylanders, under Otho Williams. Long and gallantly did the militia maintain the action, those with Marion and Pickens proving themselves equal to the best veterans. As they began to be overpowered by numbers, they were sustained by the North Carolina brigade under Sumner, while the Virginians under Campbell and the Marylanders under Williams charged with the bayonet. The British were routed. On a party that prepared to rally, William Washington bore down with his cavalry and a small body of infantry, and drove them from the field. Great numbers of the British fell, or were made prisoners.

Bancroft, Hist. of the U.S., vol.5, p.503 - p.504

Many of the Americans who joined in the shouts of triumph were doomed to bleed. A brick house sheltered the British as they fled. Against the house Greene ordered artillery to play from open ground; the gunners were shot down by riflemen, and the field-pieces abandoned to the enemy. Upon a party in an adjacent wood of barren oaks, of a species whose close, stiff branches by their stubbornness made cavalry helpless, Greene for a slight object ordered William Washington to charge with his horsemen; the order was obeyed, and the excellent officer, to whom belonged so much of the glory of the campaign, was wounded, disabled, and taken prisoner. So there were at Eutaw two successive engagements. In the first, Greene Won a brilliant victory and with little loss; in the second, his own hasty orders brought upon himself a defeat, with the death or capture of many of his bravest men. In the two engagements the Americans lost, in killed, wounded, and missing, five hundred and fifty-four men; they took five hundred prisoners, including the wounded; and the total loss of the British approached one thousand.

Bancroft, Hist. of the U.S., vol.5, p.504

The cause of the United States was the cause of Ireland. Among the fruits of their battles was the recovery for the Irish of her equal rights in trade and legislation. Yet such is the complication in human affairs that the people who of all others should have been found taking part with America sent against them some of their best troops and their ablest men. Irishmen fought in the British ranks at Eutaw. Lord Edward Fitzgerald, who received on this day wounds that were all but mortal, had in later years no consolation for his share in the conflict; "for," said he, "I was then fighting against liberty."

Bancroft, Hist. of the U.S., vol.5, p.504

Occupying the field of battle by a strong picket, Greene drew off to his morning's camp, where his troops could have the refreshment of pure water, and prepare to renew the attack. But the British in the night, after destroying stores and breaking in pieces a thousand muskets, retreated to Charleston, leaving seventy of their wounded. Resting one or two days, Greene with his troops, which were wasted not only by battle, but by the climate, regained his old position on the heights of Santee. From Morris, the financier, he received good words and little else; but his own fortitude never failed him. He says of himself: "We fight, get beaten, and fight again." He had been in command less than ten months; and in that time the three southern states were recovered, excepting only Wilmington which was soon after evacuated, Charleston, and Savannah. The legislature of South Carolina, at its next meeting, in testimony of its approbation and gratitude, voted him an estate in their "country" of the value of ten thousand guineas. To this Georgia added five thousand guineas, and North Carolina four-and-twenty thousand acres of the most fertile land in Tennessee.

Chapter 4:

The Last Campaign of the American War,

1781

Bancroft, Hist. of the U.S., vol.5, p.505

SIR HENRY CLINTON persevered in the purpose of holding a station in the Chesapeake bay; and, on the second of January 1781, Arnold, with sixteen hundred men, appeared by his order in the James river. The generous commonwealth of Virginia having sent its best troops and arms to the more southern states, Governor Jefferson promptly called the whole militia from the adjacent counties; but, in the region of planters with slaves, there were not freemen enough at hand to meet the invaders. Arnold offered to spare Richmond if he might unmolested carry off its stores of tobacco; the proposal being rejected with scorn, on the fifth and sixth its houses and stores, public and private, were set on fire. Washington used his knowledge of the lowlands of Virginia to form for the capture of Arnold a plan of which the success seemed to him certain. From his own army he detached about twelve hundred men of the New England and New Jersey hues under the command of Lafayette, and asked the combined aid of the whole French fleet at Newport and a detachment from the land forces under Rochambeau. But d'Estouches, the French admiral, had already sent out a sixty-four-gun ship and two frigates, and did not think it prudent to put to sea with the residue of the fleet. The ships-of-war, which arrived safely in the Chesapeake, having no land troops, could not reach Arnold; but, on their way back to Rhode Island, they captured a British fifty-gun frigate. Washington, on the sixth of March, met Rochambeau and d'Estouches in council on board the flag-ship of the French admiral at Newport, and the plan of Washington, for a combined expedition of the French fleet and land forces into Virginia, was adopted. But the execution of the plan was too slow; the benefit of a fair wind and of a day were lost, so that Arbuthnot, with the British fleet, overtook them off the capes of Virginia. A partial engagement ensued for an hour. On the next day the French, advised by its council of war not to renew the action, returned to Newport; while the British sailed into the Chesapeake.

Bancroft, Hist. of the U.S., vol.5, p.506

On the twenty-sixth of March, General Phillips, who brought from New York a reinforcement of two thousand picked men, took the command in Virginia. All the stores of produce which its planters in five quiet years had accumulated were carried off or destroyed. Their negroes, so desired in the West Indies, formed the staple article of plunder.

Bancroft, Hist. of the U.S., vol.5, p.506

By a courier from Washington Lafayette received information that Virginia was to become the centre of active operations, and was instructed to defend the state as well as his means would permit. His troops, who were chiefly from New England, dreaded the climate of lower Virginia, and, besides, were destitute of everything; yet when Lafayette, from the south side of the Susquehannah, in an order of the day, offered leave to any of them to return to the North, not one would abandon him. At Baltimore he borrowed two thousand pounds sterling, supplied his men with shoes and hats, and bought linen, which the women of Baltimore made into summer garments. Then, by a forced march of two hundred miles, he arrived at Richmond on the twenty-ninth of April, the evening before Phillips reached the opposite bank of the river. Having in the night been joined by Steuben with militia, Lafayette was able to hold in check the larger British force. The line of Pennsylvania was detained in that state week after week for needful supplies; while Clinton, stimulated by Germain's praises of the activity of Cornwallis, sent another considerable detachment to Virginia.

Bancroft, Hist. of the U.S., vol.5, p.506 - p.507

On the thirteenth of May, General Phillips died of malignant fever. Arnold, on whom the command devolved, though only for seven days, addressed a letter to Lafayette, who returned it, refusing to correspond with a traitor. Arnold rejoined by threatening to send to the Antilles all American prisoners, unless a cartel should be immediately concluded. On the twentieth Cornwallis arrived at Petersburg, and ordered Arnold back to New York.

Bancroft, Hist. of the U.S., vol.5, p.507

Clinton detached him once more, and this time against his native state. On the sixth of September his party landed on each side of New London. The town was plundered and burnt. On the other side of the river Colonel Ledyard and about one hundred and fifty ill-armed militia-men defended Fort Griswold on Groton Hill for forty minutes with the greatest resolution. Lieutenant-Colonel Eyre, who commanded the British assailants, was wounded near the works, and Major Montgomery was killed immediately after. When Ledyard had surrendered, Major Bromfield, on whom the British command had devolved, ran him through with his sword, and refused quarter to the garrison. Seventy-three of them were killed, and more than thirty wounded; about forty were carried off as prisoners. With this expedition, Arnold disappears from history.

Bancroft, Hist. of the U.S., vol.5, p.507

Cornwallis now found himself where he had so persistently desired to be—in Virginia, at the head of seven thousand effective men, with not a third of that number to oppose him by land, and with undisputed command of the water. "Wanting a rudder in the storm," said Richard Henry Lee, "the good ship must inevitably be cast away;" and he proposed to send for General Washington immediately and invest him with "dictatorial powers." But Jefferson reasoned: "The thought alone of creating a dictator is treason against mankind, giving to their oppressors a proof of the imbecility of republican government in times of pressing danger. The government, instead of being braced for greater exertions, would be thrown back." As governor of Virginia, speaking for its people and representing their distresses, he wrote to Washington: "Could you lend us your personal aid? The presence of their beloved countryman would restore full confidence, and render them equal to whatever is not impossible. Should you repair to your native state, the difficulty would then be how to keep men out of the field."

Bancroft, Hist. of the U.S., vol.5, p.507 - p.508

During the summer, congress, against the opinion of Samuel Adams and without aid from Massachusetts, substituted for its own executive committees a single chief in each of the most important departments. Robert Morris was placed in charge of the finances of the confederation; in conformity with the wish of the French minister, which was ably sustained by Sullivan, the conduct of foreign affairs was intrusted to Robert Livingston of New York. Washington would have gladly seen Schuyler at the head of the war department.

Bancroft, Hist. of the U.S., vol.5, p.508

Outside of congress, Hamilton persevered in recommending an efficient government. His views were so identical with those of Robert Morris that it is sometimes hard to say in whose mind they first sprung up. They both laid the greatest stress on the institution of a national bank; the opinion that a national debt is a national blessing was carried by Morris to a most perilous extreme.

Bancroft, Hist. of the U.S., vol.5, p.508

The conduct of the war continued to languish for the want of a central government. In the states from which the most was hoped, Hancock of Massachusetts was neglectful of business; Reed, the president of Pennsylvania, was more ready to recount what the state had done than undertake to do more; so that the army was not wholly free from the danger of being disbanded for want of subsistence. Of the armed vessels of the United States, all but two frigates had been taken or destroyed.

Bancroft, Hist. of the U.S., vol.5, p.508

Madison persevered in the effort to obtain power for congress to collect a revenue, and a committee was named to examine into the changes which needed to be made in the articles of confederation. "The difficulty of continuing the war under them," so wrote Luzerne, on the twenty-seventh of August, "proves the necessity of reforming them; they were produced at an epoch when the mere name of authority inspired terror, and by men who thought to make themselves agreeable to the people. I can Scarcely persuade myself that they will come to an agreement on this matter. Some persons even believe that the existing constitution, all vicious as it is, can be changed only by some violent revolution."

Bancroft, Hist. of the U.S., vol.5, p.508 - p.509

The French government declined to furnish means for the siege of New York. After the arrival of its final instructions, Rochambeau, attended by Chastellux, in a meeting with Washington at Weathersfield on the twenty-first of May, settled the preliminaries of the campaign. The French land force was to march to the Hudson river, and, in conjunction with the American army, be ready to move to the southward. De Grasse was charged anew on his way to the North to enter the Chesapeake. In the direction of the war for the coming season there would be union; for congress had lodged the highest power in the northern and southern departments in the hands of Washington, and France had magnanimously placed her troops under his command.

Bancroft, Hist. of the U.S., vol.5, p.509

Before his return, the American general called upon the governors of the New England states, "in earnest and pointed terms," to complete their continental battalions, to hold bodies of militia ready to march in a week after being called for, and to adopt effective modes of supply. Governor Trumbull of Connecticut cheered him with the opinion that he would obtain all that he needed.

Bancroft, Hist. of the U.S., vol.5, p.509

In June the French contingent, increased by fifteen hundred men newly arrived in ships-of-war, left Newport for the Hudson river. The inhabitants crowded around them on their march, glad to recognise in them allies and defenders. The rights of private property were scrupulously respected, and the petty exigencies of local laws good-naturedly submitted to.

Bancroft, Hist. of the U.S., vol.5, p.509 - p.510

Cornwallis began his career on the James river in Virginia by seizing horses, which were of the best breed, and mounting five or six hundred men. He then started in pursuit of Lafayette, who, with about one thousand continental troops, was posted between Wilton and Richmond, waiting for reinforcements from Pennsylvania. "Lafayette cannot escape him," wrote Clinton to Germain. The youthful major-general warily kept to the north of his pursuer; and on the seventh of June made a junction with Wayne not far from Raccoon ford. Small as was his force, he compared the British in Virginia to the French in the German kingdom of Hanover at the time of the seven years' war, and confidently predicted analogous results. Cornwallis advanced as far as the court-house of the Virginia county of Hanover, then crossed South Anna, and, not encountering Lafayette, encamped on the James river, from the Point of Fork to a little below the mouth of Byrd creek. For the next ten days his head-quarters were at Elk Hill, on a plantation belonging to Jefferson.

Bancroft, Hist. of the U.S., vol.5, p.510

Two expeditions were undertaken. With one hundred and eighty dragoons and forty mounted infantry, Tarleton, destroying public stores on the Way, rode seventy miles in twenty-four hours to Charlottesville, where the Virginia assembly was then in session; but the assembly, having received warning, had adjourned to the valley beyond the Blue Ridge, and Jefferson had gone to the mountains on horseback. The dragoons overtook seven of the legislature; otherwise, the expedition was fruitless.

Bancroft, Hist. of the U.S., vol.5, p.510

Simcoe, with a party of mixed troops, was sent to destroy stores over which Steuben with a few more than five hundred men kept guard. Steuben had transported his magazine across the Fluvanna, and the water was too deep to be forded.

Bancroft, Hist. of the U.S., vol.5, p.510

Tarleton suffered nothing of Jefferson's at Monticello to be injured. At Elk Hill, under the eye of Cornwallis, all his barns and fences were burut; the growing crops destroyed; the fields laid absolutely waste; the throats cut of all horses that were too young for service, and the rest carried off. He took away about thirty slaves, not to receive freedom, but to suffer from a worse form of slavery in the West Indies. The rest of the neighborhood was treated in like manner, but with less of malice.

Bancroft, Hist. of the U.S., vol.5, p.510

In the march of the British army from Elk Hill down the river to Williamsburg, where it arrived on the twenty-fifth of June, all dwelling-houses were plundered. The band of Lafayette hung upon its rear, but could not prevent its depredations. The Americans of that day computed that Cornwallis, in his midsummer marchings up and down Virginia, destroyed property to the value of three million pounds sterling. He nowhere gained a foothold, and his long marches thoroughly taught him that the people were bent on independence.

Bancroft, Hist. of the U.S., vol.5, p.510 - p.511

At Williamsburg, to his amazement and chagrin, he received orders from his chief to send back to New York about three thousand men. Clinton's letter of the eleventh expressed his fear of being attacked in New York by more than twenty thousand; there was, he said, no possibility of re-establishing order in Virginia, so general was the disaffection to Great Britain; Cornwallis should therefore take a defensive situation in any healthy station he might choose, be it at Williamsburg or Yorktown. On the fifteenth he wrote further: "I do not think it advisable to leave more troops in that unhealthy climate at this season of the year than are absolutely wanted for a defensive and a desultory water expedition." "De Grasse," so he continued on the nineteenth, "will visit this coast in the hurricane season, and bring with him troops as well as ships. But, when he hears that your lordship has taken possession of York river before him, I think that their first efforts will be in this quarter. I am, however, under no great apprehensions, as Sir George Rodney seems to have the same suspicions of de Grasse's intention that we have, and will of course follow him hither."

Bancroft, Hist. of the U.S., vol.5, p.511

From this time the hate which had long existed between the lieutenant-general and the commander-in-chief showed itself without much reserve. Cornwallis was eager to step into the chief command; Sir Henry Clinton, though he had threatened to throw up his place, clung to it tenaciously, and relates of himself that he would not be "duped" by his rival into resigning.

Bancroft, Hist. of the U.S., vol.5, p.511

"To your opinions it is my duty implicitly to submit," was the answer of Cornwallis to the orders of Clinton; and on the fourth of July he began his march to Portsmouth. On that day the royal army arrived near James Island, and in the evening the advanced guard reached the opposite bank of the James river. Two or three more days were required to carry over all the stores and the troops. Lafayette with his small army followed at a distance. Beside fifteen hundred regular troops, equal to the best in the royal army, he drew to his side as volunteers gallant young men mounted on their own horses from Maryland and Virginia. Youth and generosity, courage and prudence, were his spells of persuasion. His perceptions were quick, his vigilance never failed, and in his methods of gaining information of the movements of the enemy he excelled every officer in the war except Washington and Morgan. All accounts bear testimony to his caution. Of his self possession in danger he was soon called upon to give proof.

Bancroft, Hist. of the U.S., vol.5, p.512

On the sixth, Lafayette judged correctly that the great body of the British army was still on the north side of the James river; but Wayne, without his knowledge, detached a party under Colonel Galvan to carry off a field-piece of the enemy which was said to lie exposed. The information proved false. The party with Galvan retreated in column before the advancing British line till they met Wayne with the Pennsylvania brigade. It suited the character of that officer to hazard an encounter. The British moved on with loud shouts and incessant fire. Wayne, discovering that he had engaged a greatly superior force, saw his only safety in redoubling his courage; and he kept up the fight till Lafayette, braving the hottest fire in which his horse was killed under him, brought up the light infantry and rescued the Pennsylvanians from their danger. Two of Wayne's field-pieces were left behind. In killed and wounded, each side lost about one hundred and twenty. The action took its name from the Greene Springs farm, about eight miles above Jamestown, where Lafayette encamped for the night.

Bancroft, Hist. of the U.S., vol.5, p.512

After passing the river, Cornwallis, on the eighth, wrote orders to Tarleton with mounted troops to ravage Prince Edward's and Bedford counties, and to destroy all stores, whether public or private. The benefit derived from the destruction of property was not equal to the loss in skirmishes on the route and from the heats of midsummer.

Bancroft, Hist. of the U.S., vol.5, p.512 - p.513

From his camp on Malvern Hill, Lafayette urged Washington to march to Virginia in force; and he predicted in July that, if a French fleet should enter Hampton Roads, the English army must surrender. On the eighth of the same month Cornwallis, in reply to Clinton, reasoned earnestly against a defensive post in the Chesapeake: "It cannot have the smallest influence on the war in Carolina: it only gives us some acres of an unhealthy swamp, and is forever liable to become a prey to a foreign enemy with a temporary superiority at sea." Thoroughly disgusted with the aspect of affairs in Virginia, he asked leave to transfer the command to General Leslie, and go back to Charleston. Meantime, transport ships arrived in the Chesapeake; and, in a letter which he received on the twelfth, he was desired by his chief so to hasten the embarkation of three thousand men that they might sail for New York within forty-eight hours; for, deceived by letters which were written to be intercepted, he believed that the enemy would certainly attack that post.

Bancroft, Hist. of the U.S., vol.5, p.513 - p.514

But the judgment of Clinton was further confused by another cause. The expectation of a brilliant campaign in Virginia had captivated the minds of Lord George Germain and the king; and, now that Cornwallis was thoroughly cured of his own presumptuous delusions, they came back to Clinton in the shape of orders from the British secretary, who dwelt on the vast importance of the occupation of Virginia, and on the wisdom of the present plan of pushing the war in that quarter. It was a great mortification to him that Clinton should think of leaving only a sufficient force to serve for garrisons in the posts that might be established there, and he continued: "Your ideas of the importance of recovering that province appearing to be so different from mine, I thought it proper to ask the advice of his majesty's other servants upon the subject, and, their opinion concurring entirely with mine, it has been submitted to the king; and I am commanded by his majesty to acquaint you that the recovery of the southern provinces and the prosecution of the war from south to north is to be considered as the chief and principal object for the employment of all the forces under your command which can be spared from the defence of the places in his majesty's possession." On Cornwallis he heaped praises, writing to him in June: "The rapidity of your movements is justly matter of astonishment to all Europe." To Clinton he repeated in the same month: "Lord Cornwallis's opinion entirely coincides with mine." So Clinton's peremptory order by which troops in Virginia had been already embarked to sail for New York was countermanded. "As to quitting the Chesapeake entirely," wrote Clinton in a letter received by Cornwallis on the twenty-first of July, "I cannot entertain a thought of such a measure. I flatter myself you will at least hold Old Point Comfort, if it is possible to do it without York." And four days later Clinton urged again: "It ever has been, is, and ever will be, my firm and unalterable opinion that it is of the first consequence to his majesty's affairs on the continent that we take possession of the Chesapeake, and that we do not afterward relinquish it." "Remain in Chesapeake, at least until the stations I have proposed are occupied and established. It never was my intention to continue a post on Elizabeth river." Now the post of Portsmouth on Elizabeth river had, as Lafayette and Washington well understood, the special value that it offered in the last resort the chance of a retreat into the Carolinas.

Bancroft, Hist. of the U.S., vol.5, p.514

The infatuation of Germain was incurable; and on the seventh of July he continued: "The detachments sent to Virginia promise more toward bringing the southern colonists to obedience than any offensive operation of the war;" a week later: "You judiciously sent ample reinforcements to the Chesapeake;,' and on the second of August: "As Sir George Rodney knows the destination of de Grasse, and the French acknowledge his ships sail better than theirs, he will get before him and be in readiness to receive him when he comes upon the coast. I see nothing to prevent the recovery of the whole country to the king's obedience."

Bancroft, Hist. of the U.S., vol.5, p.514

The engineers of Cornwallis, after careful and extensive Surveys, reported unanimously that a work on Point Comfort would not secure ships at anchor in Hampton Roads. To General Phillips, on his embarkation in April, Clinton's words had been: "With regard to a station for the protection of the king's ships, I know of no place so proper as Yorktown." Nothing therefore remained but, in obedience to the spirit of Clinton's orders, to seize and fortify York and Gloucester. Cornwallis accordingly, in the first week of August, embarked his troops successively, and, evacuating Portsmouth, transferred his force to Yorktown and Gloucester. Yorktown was then but a small village on a high bank, where the long peninsula dividing the York from the James river is less than eight miles wide. The water is broad, bold, and deep; so that ships of the line may ride there in safety. On the opposite side lies Gloucester, a point of land projecting into the river and narrowing till it becomes but one mile wide. These were occupied by Cornwallis, and fortified with the utmost diligence; though, in his deliberate judgment, the measure promised no honor to himself and no advantage to Great Britain.

Bancroft, Hist. of the U.S., vol.5, p.515

On the other hand, Lafayette, concentrating his forces in a strong position at a distance of about eight miles, indulged in the happiest prophecies, and on the twenty-fourth of August wrote to Maurepas: "I owe you so much gratitude, and feel for you so much attachment, that I wish sometimes to recall to your recollection the rebel commander of the little Virginia army. Your interest for me will have been alarmed at the dangerous part which has been intrusted to me in my youth. Separated by five hundred miles from every other corps and without any resources, I am to oppose the projects of the court of St. James and the fortunes of Lord Cornwallis. Thus far, we have encountered no disaster." On the same day his words to Vergennes were: "In pursuance of the immense plan of his court, Lord Cornwallis left the two Carolinas exposed, and General Greene has largely profited by it. Lord Cornwallis has left to us Portsmouth, from which place he was In communication with Carolina, and he now is at York, a very advantageous place for one who has the maritime superiority. If by chance that superiority should become ours, our little army will participate in successes which will compensate it for a long and fatiguing campaign. They say that you are about to make peace. I think that you should wait for the events of this campaign."

Bancroft, Hist. of the U.S., vol.5, p.515 - p.516

On the very day on which Cornwallis took possession of York and Gloucester, Washington, assured of the assistance of de Grasse, turned his whole thoughts toward moving with the French troops under Rochambeau and the best part of the American army to the Chesapeake. While hostile divisions and angry jealousies increased between the two chief British officers in the United States, on the American side all things conspired happily together. De Barras, who commanded the French squadron at Newport, wrote as to his intentions: "De Grasse is my junior; yet, as soon as he is within reach, I will go to sea to put myself under his orders." The same spirit insured unanimity in the mixed council of war. The rendezvous was given to de Grasse in Chesapeake bay; and, at the instance of Washington, he was to bring with him as many land troops as could be spared from the West Indies. Clinton was so certain in his own mind that the siege of New York was the great object of Washington that, although the force under his command, including militia, was nearly eighteen thousand, he suffered the Hudson river to be crossed on the twenty-third and twenty-fourth of August without seizing the opportunity to give annoyance. Wurmb, a Hessian colonel, who had command at King's Bridge, again and again reported that the allied armies were obviously preparing to move against Cornwallis; but the general insisted that the appearances were but a stratagem. On the second of September it first broke on his mind that Washington was moving southward.

Bancroft, Hist. of the U.S., vol.5, p.516

In the allied camp all was joy. The enthusiasm for political freedom took possession not of the French officers only, but of the soldiers. Every one of them was proud of being a defender of the young republic. On the fifth of September they encamped at Chester. Never had the French seen a man penetrated with a livelier or more manifest joy than Washington when he there learned that, on the last day but one in August, the Count de Grasse, with twenty-eight ships of the line and nearly four thousand land troops, had entered the Chesapeake, where, without loss of time, he had moored most of the fleet in Lynnhaven bay, blocked up York river, and, without being in the least annoyed by Cornwallis, had disembarked at James Island three thousand men under the command of the Marquis de Saint-Simon. Here, too, prevailed unanimity. Saint-Simon, though older in military service as well as in years, placed himself and his troops as auxiliaries under the orders of Lafayette, because he was a major-general in the service of the United States. The combined army in their encampment could be approached only by two passages, which were in themselves difficult and were carefully guarded, so that Cornwallis could not act on the offensive, and found himself effectually blockaded by land and by sea.

Bancroft, Hist. of the U.S., vol.5, p.516 - p.517

One more disappointment awaited Cornwallis. Lord Sandwich, after the retirement of Howe, gave the naval command at New York to officers without ability; and the aged Arbuthnot was succeeded by Graves, a coarse and vulgar man, of mean ability and without skill in his profession. Rodney should have followed de Grasse to the north; but he had become involved in pecuniary perils by his indiscriminate seizures at St. Eustatius and conduct during the long-continued sale of his prize-goods. Pleading ill-health, he escaped to England, and in his stead sent Sir Samuel Hood, with fourteen sail of the line, frigates, and a fire-ship, into the Chesapeake, where a junction with Graves would have given the English the supremacy. But Graves, who was of higher rank than Hood, was out of the way on a cruise before Boston, to gain wealth by picking up prizes. Meantime, de Barras, with eight ships of the line, sailed from Newport, convoying ten transports which carried ordnance for the siege of Yorktown.

Bancroft, Hist. of the U.S., vol.5, p.517

There was no want of information at New York, yet the British fleet did not leave Sandy Hook until the day after de Grasse had arrived in the Chesapeake. Early on the fifth of September, Graves discovered the French fleet at anchor in the mouth of that bay. De Grasse, though eighteen hundred of his seamen and ninety officers were on duty in James river, ordered his ships to slip their cables, turn out from the anchorage ground, and form the line of battle. The action began at four o'clock in the afternoon, and continued till about sunset. The British sustained so great a loss that, after remaining five days in sight of the French, they returned to New York. On the first day of their return voyage they evacuated and burned The Terrible, a ship of the line, so much had it been damaged in the engagement. De Grasse, now undisturbed master of the Chesapeake, on his way back to his anchoring ground captured two British ships, each of thirty-two guns, and he found de Barras safely at anchor in the bay.

Bancroft, Hist. of the U.S., vol.5, p.517

Leaving the allied troops to descend by water from Elk river and Baltimore, Washington, with Rochambeau and Chastellux, riding sixty miles a day, on the evening of the ninth reached his "own seat at Mount Vernon." It was the first time in more than six years that he had seen his home. From its natural terrace above the Potomac his illustrious guests commanded a noble river, a wide and most pleasing expanse of country, and forest-clad heights, which were soon to become the capital of the united republic.

Bancroft, Hist. of the U.S., vol.5, p.517 - p.518

Two days were given to domestic life. On the fourteenth the party arrived at Williamsburg, where Lafayette, recalling the moment when in France the poor rebels were held in light esteem, and when he nevertheless came to share with them all their perils, had the pleasure of welcoming Washington as generalissimo of the combined armies of the two nations.

Bancroft, Hist. of the U.S., vol.5, p.518

The first act of Washington was to repair to the Ville de Paris to congratulate de Grasse on his victory. The system of co-operation between the land and naval forces was at the same time concerted.

Bancroft, Hist. of the U.S., vol.5, p.518

At this moment Gerry wrote from Massachusetts to Jay: "You will soon have the pleasure of hearing of the capture of Lord Cornwallis and his army." "Nothing can save Cornwallis," said Greene, "but a rapid retreat through North Carolina to Charleston." On the seventeenth, Cornwallis reported to Clinton: "This place is in no state of defence. If you cannot relieve me very soon, you must be prepared to hear the worst." On that same day a council of war, held by Clinton at New York, decided that Cornwallis must be relieved; "at all events before the end of October." The next day Rear-Admiral Graves answered: "I am very happy to find that Lord Cornwallis is in no immediate danger."

Bancroft, Hist. of the U.S., vol.5, p.518

One peril yet menaced Washington. Count de Grasse, hearing of a reinforcement of the fleet at New York, was bent on keeping the sea, leaving only two vessels at the mouth of the York river. Against this Washington, on the twenty-fifth, addressed the plainest and most earnest remonstrance: "I should esteem myself deficient in my duty to the common cause of France and America, if I did not persevere in entreating you to resume the plans that have been so happily arranged." The letter was taken by Lafayette, who joined to it his own explanations and reasonings; and de Grasse, though reluctant, was prevailed upon to remain within the capes. Washington wrote in acknowledgment: "A great mind knows how to make personal sacrifices to secure an important general good."

Bancroft, Hist. of the U.S., vol.5, p.518

The troops from the North having been safely landed at Williamsburg, on the twenty-eighth the united armies marched for the investiture of Yorktown, drove everything on the British side before them, and lay on their arms during the night.

Bancroft, Hist. of the U.S., vol.5, p.518 - p.519

The fortifications of Yorktown, which were nothing but earthworks freshly thrown up, consisted on the right of red doubts and batteries, with a line of stockade in the rear, which supported a high parapet. Over a marshy ravine in front of the right a large redoubt was placed. The morass extended along the centre, which was defended by a stockade and batteries. Two small redoubts were advanced before the left. The ground in front of the left was in some parts level with the works, in others cut by ravines; altogether very convenient for the besiegers. The space within the works was exceedingly narrow, and, except under the cliff, was exposed to enfilade.

Bancroft, Hist. of the U.S., vol.5, p.519

The twenty-ninth was given to reconnoitring and forming a plan of attack and approach. The French entreated Washington for orders to storm the exterior posts of the British; in the course of the night before the thirtieth, Cornwallis ordered them all to be abandoned, and thus prematurely conceded to the allied armies ground which commanded his line of works in a very near advance, and gave great advantages for opening the trenches.

Bancroft, Hist. of the U.S., vol.5, p.519

At Gloucester the enemy was shut in by dragoons under the Duke de Lauzun, Virginia militia under General Weedon, and eight hundred marines. Once, and once only, Tarleton and his legion, who were stationed on the same side of the river, undertook to act offensively; but the Duke de Lauzun and his dragoons, full of gayety and joy at the sight, ran against them and trampled them down. Tarleton barely escaped; his horse was taken.

Bancroft, Hist. of the U.S., vol.5, p.519

In the night before the sixth of October, everything being in readiness, trenches were opened at six hundred yards' distance from the works of Cornwallis—on the right by the Americans, on the left by the French; and the labor was executed in friendly rivalry, with so much secrecy and dispatch that it was first revealed to the enemy by the light of morning. Within three days the first parallel was completed, the redoubts were finished, and batteries were employed in demolishing the embrasures of the enemy's works and their advanced redoubts. On the night before the eleventh the French battery on the left, using red-hot shot, set on fire the frigate Charon, of forty-four guns, and three large transport ships which were entirely consumed.

Bancroft, Hist. of the U.S., vol.5, p.520

On the eleventh, at night, the second parallel was begun within three hundred yards of the lines of the besieged. This was undertaken so much sooner than the British expected, that it could be conducted with the same secrecy as before; and they had no suspicion of the working parties till daylight discovered them to their pickets.

Bancroft, Hist. of the U.S., vol.5, p.520

All day on the fourteenth the American batteries were directed against the abattis and salient angles of two advanced redoubts of the British, both of which needed to be included in the second parallel; and breaches were made in them sufficient to justify an assault. That on the right near York river was garrisoned by forty-five men, that on the left by thrice as many. The storming of the former fell to the Americans under the command of Lieutenant-Colonel Alexander Hamilton; that of the latter to the French, of whom four hundred grenadiers and yagers of the regiments of Gatinois and of Deux Ponts, with a large reserve, were intrusted to Count William de Deux Ponts and to Baron de l'Estrade.

Bancroft, Hist. of the U.S., vol.5, p.520 - p.521

At the concerted signal of six shells consecutively discharged, the corps under Hamilton advanced in two columns without firing a gun—the right composed of his own battalion, led by Major Fish, and of another commanded by Lieutenant-Colonel Gimat; the left, of a detachment under Lieutenant-Colonel Laurens, destined to take the enemy of reverse and intercept their retreat. All the movements were executed with exactness, and the redoubt was at the same moment enveloped and carried in every part. Lieutenant Mansfield conducted the vanguard with coolness and punctuality, and was wounded with a bayonet as he entered the work. Captain Olney led the first platoon of Gimat's battalion over the abattis and palisades, and gained the parapet, receiving two bayonet wounds in the thigh and in the body, but not till he had directed his men to form. Laurens was among the foremost to climb into the redoubt, making prisoner of Major Campbell, its commanding officer. Animated by his example, the battalion of Gimat overcame every obstacle by their order and resolution. The battalion under Major Fish advanced with such celerity as to participate in the assault. Incapable of imitating precedents of barbarity, the Americans spared every man that ceased to resist; so that the killed and wounded of the enemy did not exceed eight. The conduct of the affair brought conspicuous honor to Hamilton.

Bancroft, Hist. of the U.S., vol.5, p.521

Precisely as the signal was given, the French on the left, in like manner, began their march in the deepest silence. At one hundred and twenty paces from the redoubt they were challenged by a German sentry from the parapet; they pressed on at a quick time, exposed to the fire of the enemy. The abattis and palisades, at twenty-five paces from the redoubt, being strong and well preserved, stopped them for some minutes and cost them many lives. So soon as the way was cleared by the brave carpenters, the storming party threw themselves into the ditch, broke through the fraises, and mounted the parapet. Foremost was Charles de Lameth, who had volunteered for this attack, and who was wounded in both knees by two different musket-balls. The order being now given, the French leaped into the redoubt and charged the enemy with the bayonet. At this moment the Count de Deux Ponts raised the cry of "Vive le roi," which was repeated by all of his companions who were able to lift their voices. De Sireuil, a very young captain of yagers who had been wounded twice before, was now wounded for the third time and mortally. Within six minutes the redoubt was mastered and manned; but in that short time nearly one hundred of the assailants were killed or wounded.

Bancroft, Hist. of the U.S., vol.5, p.521

On that night "victory twined double garlands around the banners" of France and America. Washington acknowledged the emulous courage, intrepidity, coolness, and firmness of the attacking troops. Louis XVI. distinguished the regiment of Gatinois by naming it "the Royal Auvergne."

Bancroft, Hist. of the U.S., vol.5, p.521

By the unwearied labor of the French and Americans, both redoubts were included in the second parallel in the night of their capture. Just before the break of day of the sixteenth the British made a sortie upon a part of the second parallel and spiked four French pieces of artillery and two of the Americans; but, on the quick advance of the guards in the trenches, they retreated precipitately. The spikes were easily extracted; and in six hours the cannon again took part in the fire which enfiladed the British works.

Bancroft, Hist. of the U.S., vol.5, p.522

On the seventeenth, Cornwallis, who could neither hold his post nor escape, proposed to surrender. On the eighteenth, Colonel Laurens and the Viscount de Noailles as commissioners on the American side met two high officers of the army of Cornwallis, to draft the capitulation. The articles were the same as those which Clinton had imposed upon Lincoln at Charleston. All the troops were to be prisoners of war; all public property was to be delivered up. Runaway slaves and the plunder taken by officers and soldiers in their marches through the country might be reclaimed; with this limitation, private property was to be respected. All royalists were left to be dealt with according to the laws of their own countrymen; but Cornwallis, in the packet which took his dispatches to Sir Henry Clinton, was suffered silently to send away such persons as were most obnoxious.

Bancroft, Hist. of the U.S., vol.5, p.522

Of prisoners, there were seven thousand two hundred and forty-seven regular soldiers, the flower of the British army in America, beside eight hundred and forty sailors. The British loss during the Siege amounted to more than three hundred and fifty. Two hundred and forty-four pieces of cannon were taken, of which seventy-five were of brass. The land forces and stores were assigned to the Americans, the ships and mariners to the French. At four o'clock in the afternoon of the nineteenth, Cornwallis remaining in his tent, Major-General O'Hara marched the British army past the lines of the combined armies and, not without signs of repugnance, made his surrender to Washington. His troops then stepped forward decently and piled their arms on the ground.

Bancroft, Hist. of the U.S., vol.5, p.522

The English soldiers affected to look at the allied army with scorn; their officers conducted themselves with decorum, yet felt most keenly how decisive was their defeat.

Bancroft, Hist. of the U.S., vol.5, p.522

Nor must impartial history fail to relate that the French provided for the siege of Yorktown thirty-six ships of the line; and that while the Americans supplied nine thousand troops, the contingent of the French consisted of seven thousand.

Bancroft, Hist. of the U.S., vol.5, p.522

There was no day before it or after it like that on which the elder Bourbon king, through his army and navy, assisted to seal the victory of the rights of man and to pass from nation to nation the lighted torch of freedom.

Bancroft, Hist. of the U.S., vol.5, p.523

When the letters of Washington announcing the capitulation reached congress, that body, with the people streaming in their train, went in procession to the Dutch Lutheran church to return thanks to Almighty God. Every breast swelled with joy. In the evening Philadelphia was illuminated with greater splendor than ever before. Congress voted honors to Washington, to Rochambeau, and to de Grasse, with special thanks to the officers and troops. The promise was given of a marble column to be erected at Yorktown, with emblems of the alliance between the United States and his most Christian majesty.

Bancroft, Hist. of the U.S., vol.5, p.523

The Duke de Lauzun, chosen to take the news across the Atlantic, arrived in twenty-two days at Brest, and reached Versailles on the nineteenth of November. The king, who had just been made happy by the birth of a dauphin, received the glad news in the queen's apartment. The very last sands of the life of the Count de Maurepas were running out; but he could still recognise de Lauzun, and the tidings threw a halo round his death-bed. No statesman of his century had a more prosperous old age or such felicity in the circumstances of his death. The joy at court penetrated the people, and the name of Lafayette was pronounced with veneration. "History," said Vergennes, "offers few examples of a success so complete." "All the world agree," wrote Franklin to Washington, "that no expedition was ever better planned or better executed. It brightens the glory that must accompany your name to the latest posterity."

Bancroft, Hist. of the U.S., vol.5, p.523 - p.524

The first tidings of the surrender of Cornwallis reached England from France about noon on the twenty-fifth of November. "It is all over," said Lord North many times, under the deepest agitation and distress. Fox—to whom the defeats of armies of invaders, from Xerxes' time downward, gave the greatest satisfaction—heard of the capitulation of Yorktown with triumphant delight. He hoped it might become the conviction of all mankind that power resting on armed force is invidious, detestable, weak, and tottering. The official report from Sir Henry Clinton was received the same day at midnight. When on the following Tuesday parliament came together, the speech of the king was confused, the debates in the two houses augured an impending change in the opinion of parliament, and the majority of the ministry was reduced to eighty-seven. A fortnight later the motion of Sir James Lowther to give up "all further attempts to reduce the revolted colonies" was well received by the members from the country, and the majority of the ministry, after a very long and animated debate, dwindled to forty-one. The city of London entreated the king to put an end to "this unnatural and unfortunate war." Such, too, was the Wish of public meetings in Westminster, in Southwark, and in the counties of Middlesex and Surrey.

Bancroft, Hist. of the U.S., vol.5, p.524

The chimes of the Christmas bells had hardly died away when the king wrote as stubbornly as ever: "No difficulties can get me to consent to the getting of peace at the expense of a separation from America." Yet Lord George Germain was compelled to retire from the cabinet. It was sought to palliate his disgrace by a peerage; but, when for the first time he repaired to the house of lords, he was met by reproof for cowardice and incapacity.

Chapter 5:

Britain is Weary of War With America,

January-June 1782

Bancroft, Hist. of the U.S., vol.5, p.525

THE campaign in Virginia being finished, Washington and the eastern army were cantoned for the winter in their old positions around New York; Wayne, with the Pennsylvania line, marched to the South to reinforce Greene; the French under Rochambeau encamped in Virginia; and de Grasse took his fleet to the West Indies.

Bancroft, Hist. of the U.S., vol.5, p.525

As the hope of peace gained strength, congress could not repress alarm at the extent of the control over the negotiations for it, which, in the previous month of June, had been granted to France. On the seventh of January 1782, Robert R. Livingston, the first American secretary for foreign affairs, proving himself equal to the supreme responsibility devolved upon him, rose above every local interest or influence, and, clearly representing the spirit of the people and the desires of congress, communicated to the American commissioners for peace new instructions on its conditions. The boundaries on the east, the northeast, and the north were to be the ocean and the well-known line between the United States and Canada; on the west, the Mississippi; for the south, Livingston, foreseeing the dangers of restoring West Florida to Great Britain, with wise forethought declared that the interests of France and of the United States conspired to exclude Great Britain from both the Floridas; but no objection was made to their restoration to Spain.

Bancroft, Hist. of the U.S., vol.5, p.525 - p.526

Livingston asserted the equal common rights of the United States to the fisheries on the banks of Newfoundland; yet not within such distance of the coasts of other powers as the law of nations allows them to appropriate; the sea, by its nature, cannot be appropriated; its common benefits are the right of all mankind.

Bancroft, Hist. of the U.S., vol.5, p.526

The commissioners were further instructed that no stipulation must be made in favor of the American partisans of England who had been banished the country or whose property had been forfeited.

Bancroft, Hist. of the U.S., vol.5, p.526

Should the Floridas be ceded to Spain, it would be essential to fix their limits precisely, for which the directions of congress of 1777 were made the rule.

Bancroft, Hist. of the U.S., vol.5, p.526

These instructions were received by Franklin in March. They carried joy to the old man's heart, and he answered: "Your communications of the sentiments of congress with regard to a treaty of peace give me great pleasure, and the more as they agree so perfectly with my own opinions and furnish me with additional arguments in their support. My ideas on the points to be insisted on in the treaty of peace are, I assure you, full as strong as yours. Be assured I shall not willingly give up any important right or interest of our country, and, unless this campaign should afford our enemies some considerable advantage, I hope more may be obtained than I yet expect. Let us keep not only our courage but our vigilance."

Bancroft, Hist. of the U.S., vol.5, p.526

The action of congress was slower but not less firm. On the seventeenth of November 1781 the delegates for Massachusetts laid before congress the prayer of their state, that the right in the fisheries which had heretofore been enjoyed might be continued and secured.

Bancroft, Hist. of the U.S., vol.5, p.526 - p.527

The subject was referred to Lovell of Massachusetts, Carroll of Maryland, and to Madison. The young Virginia statesman, whose wisdom so often pointed out to his country the way of escape from embarrassment, took the lead in the committee, and the ultimatum of peace which he prepared merged the prayer of a single commonwealth in an ultimatum that included the interests of the nation. His report, which was made on the day after Livingston had written his instructions to the commissioners for peace, argued at large in favor of the same points. It was acceptable to congress; but the decision of that body was long delayed.

Bancroft, Hist. of the U.S., vol.5, p.527

On the west no boundary was to be known but the Mississippi. Congress regretted its instructions of June 1781 as a sacrifice of national dignity; but, listening to the advice of Madison, it refused to reconsider them, choosing rather to proceed by supplementary instructions. After long delays and debates, on the third day of October, congress, by the vote of nine states, declared that the territorial claims of the states as heretofore made, their participation in the fisheries, and the free navigation of the Mississippi, were not only their indubitable rights, but were essential to their prosperity, and they trusted that the efforts of his most Christian majesty would be successfully employed to obtain security for those rights. Nor could they refrain from setting before the king of France, that no compensation could be made to the royalist refugees for property confiscated in the several states, not only on account of the sovereignty of the individual states by which the confiscation had been made, but of the wanton devastation which the citizens of the states had experienced from the enemy, and in many instances from the very persons in whose favor such claims might be urged.

Bancroft, Hist. of the U.S., vol.5, p.527 - p.528

While the conditions of peace were under consideration, America obtained an avowed friend. Henry Laurens, the American plenipotentiary to the Netherlands, having been taken captive and carried to England, John Adams was appointed in his place. The new envoy had waited more than eight months for an audience of reception. Encouraged by the success at Yorktown, on the ninth of January 1782 Adams presented himself to the president of the states-general, renewed his formal request for an opportunity of presenting his credentials, and "demanded a categorical answer which he might transmit to his sovereign." He next went in person to the deputies of the several cities of Holland, and, following the order of their rank in the confederation, repeated his demand to each one of them. The attention of Europe was drawn to the sturdy diplomatist, who dared, alone and unsupported, to initiate so novel and bold a procedure. Not one of the representatives of foreign powers at the Hague believed that it could succeed.

Bancroft, Hist. of the U.S., vol.5, p.528

On the twenty-sixth of February, Friesland, whose people had retained in their own hands the election of their regencies, declared in favor of receiving the American envoy; and its vote was the index of the opinion of the nation. A month later, the states of Holland, yielding to petitions from all the principal towns, followed the example. Zealand adhered on the fourth of April; Overyssel, on the fifth; Groningen, on the ninth; Utrecht, on the tenth; and Guelderland, on the seventeenth. On the day which chanced to be the seventh anniversary of "the battle of Lexington" their high mightinesses, the states-general, reporting the unanimous decision of the seven provinces, resolved that John Adams should be received as the minister of the United States of America.

Bancroft, Hist. of the U.S., vol.5, p.528

The Dutch republic was the second power in the world to recognise their independence; and the act proceeded from heroic sympathy with a people in part descended from its own citizens, and struggling against oppression after the example of its own ancestors. It gave new life to the public hope, especially in New York. On the fifteenth of June John Adams found special pleasure in being formally presented to the family of which the first and the third William accomplished such great things "for the protestant religion and the rights of mankind." "This country," so he wrote to a friend, "appears to be more a home than any other that I have seen. I have often been to that church at Leyden, where the planters of Plymouth worshipped so many years ago, and felt a kind of veneration for the bricks and timbers."

Bancroft, Hist. of the U.S., vol.5, p.528 - p.529

The liberal spirit that was prevailing in the world pleaded for America. The emperor of Austria proclaimed in his dominions freedom of religion. If liberty was spreading through all realms, how much more should it make itself felt by the people of England who regarded their own country as its chosen abode! It might suffer eclipse during the rage to recover their former transatlantic possessions by force; but the old love of freedom, which was confirmed by the struggle of centuries, must reassert its sway. The temper of the British mind was thoroughly changed. In the years which followed the peace of 1763 the profits of agriculture, manufactures, and commerce increased with accelerated speed. The new war, which the aristocracy had kindled in attempting to save a shilling in the pound on their land tax by taxing the colonies through the agency of the British parliament, had doubled the national debt and more than doubled the amount of its yearly interest. Rents were declining. Land had fallen nearly one third in price. The war narrowed the foreign markets for British manufactures. While Great Britain in 1775 was said to have employed in navigation about seven thousand vessels, New England privateers had, before the end of the year 1782, captured nearly one third of that number, of which more than twelve hundred, escaping recapture, arrived in safe ports. The nation had become involved in four wars, and could no longer raise money to carry them on; so that, if they continued, it might be driven to stop payment of the interest money on the funds, and thus ruin their future credit. The king was cast down by the loss of the good wishes of nearly every great power in Europe. The governing class saw that their political influence on the course of events in Europe was gone and could not be recovered till the war should come to an end. Moreover, the difficulties in which Britain was involved had grown out of her departure from the principles, which had made her the most successful colonizing nation of the world. Her colonies had succeeded because they took with them the liberties of the parent country. England was at war with her own traditions, and a ministry was in power which as little represented the liberal colonial policy of England as the Stuarts had represented its constitution. The kingdom was divided against itself: the success of America was needed for the future success of the principles of English liberty in England. The change in the public mind of England was go complete that there was left no party in Great Britain which was willing to assume the conduct of affairs with the condition of continuing the war, and the inability of the ministry of Lord North to renew it was conceded even by themselves. In the calm hours of the winter red cess, members of the house of commons reasoned dispassionately on the strife with their ancient colonists. The estimates carried by the ministry through parliament for America were limited to defensive measures, and the house could no longer deceive itself as to the hopelessness of the contest. Accordingly, on the twenty-second of February, a motion against continuing the American war was made in the house of commons by Conway; was supported by Fox, William Pitt, Barre, Wilberforce, Mahon, Burke, and Cavendish; and was negatived by a majority of but one. Five days later, a resolution by Conway for an address to the king of the same purport obtained a majority of nineteen.

Bancroft, Hist. of the U.S., vol.5, p.530

On the twenty-eighth Edmund Burke wrote to Franklin: "I congratulate you as the friend of America; I trust not as the enemy of England; I am sure as the friend of mankind; the resolution of the house of commons, carried in a very full house, was, I think, the opinion of the whole. I trust it will lead to a speedy peace between the two branches of the English nation."

Bancroft, Hist. of the U.S., vol.5, p.530

The address to the king having been answered in equivocal terms, on the fourth of March Conway brought forward a second address, to declare that the house would consider as enemies to the king and country all those who would further attempt the prosecution of a war on the continent of America for the purpose of reducing the revolted colonies to obedience; and, after a long discussion, it was adopted without a division. With the same unanimity, leave was the next day granted to bring in a bill "enabling"the king to make a peace or a truce with America. The bill for that purpose was accordingly introduced by the ministers; but more than two and a half months passed away before an amended form of it became a law under their successors. A former secretary of legation repaired to France as the agent of the expiring ministry, to parley with Vergennes on conditions of peace, which did not essentially differ from those of Necker in a former year.

Bancroft, Hist. of the U.S., vol.5, p.530 - p.531

Fox, in the debate of the fourth, denounced Lord North and his colleagues as "men void of honor and honesty," a coalition with any one of them as an infamy; but on the seventh he qualified his words so as to except Lord Thurlow. William Pitt, now in the days of his youth, which were his greatest days, stood aloof, saying: "I cannot expect to take any share in a new administration, and I never will accept a subordinate situation." The king toiled to retard the formation of a ministry till he could bring Rockingham to accept conditions, but the house of commons would brook no delay. On the twentieth more members appeared than on any occasion since the accession of the king, and the crowds of spectators were unprecedented. Lord North, having a few days before narrowly escaped a vote of censure, rose at the same moment with a member who was to have moved a want of confidence in the ministers. The two parties in the house shouted wildly the names of their respective champions. The speaker hesitated; when Lord North, gaining the floor on a question of order, with good temper but visible emotion, announced that his administration was at an end.

Bancroft, Hist. of the U.S., vol.5, p.531

The outgoing ministry was the worst which England had known since parliament had been supreme. "Such a bunch of imbecility," said the author of "Taxation no Tyranny," and he might have added, of corruption, "never disgraced the country;" and he "prayed and gave thanks" that it was dissolved. Posterity has been toward Lord North more lenient and less just. America gained, through his mismanagement, independence, and can bear him no grudge. In England, no party claimed him as their representative, or saw fit to bring him to judgment; so that his scholarship, his unruffled temper, the purity of his private life, and good words from Burns, from Gibbon, and more than all from Macaulay, have retained for him among his countrymen a less evil repute as minister than he deserved. English opinion has decided that his administration no more deserves to be recognised as the expression of the British mind on the fit methods of colonial government, than the policy of James II. to be accepted as the exponent of English liberty.

Bancroft, Hist. of the U.S., vol.5, p.531 - p.532 - p.533

The people were not yet known in parliament as a power; and outside of them three groups only could contribute members to an administration. The new tory or conservative party, toward which the whigs represented by Portland and Burke were gravitating, had at that time for its most conspicuous and least scrupulous defender the chancellor, Thurlow. The followers of Chatham, of whom it was the cardinal principle that the British constitution recognises a king and a people no less than a hereditary aristocracy, and that to prevent the overbearing weight of that aristocracy the king should sustain the people, owned Shelburne as their standard-bearer. In point of years, experience, philosophic culture, and superiority to ambition as a passion, he was their fittest leader, though he had never enjoyed the intimate friendship of their departed chief. It was he who reconciled George III to the lessons of Adam Smith, and recommended them to the younger Pitt through whom they passed to Sir Robert Peel; but his habits of study, and his want of skill in parliamentary tactics, had kept him from political connections as well as from political intrigues. His respect for the monarchical element in the British constitution invited the slander that he was only a counterfeit liberal, at heart devoted to the king; but in truth he was very sincere. His reputation has comparatively suffered with posterity, for no party has taken charge of his fame. Moreover, being more liberal than his age, his speeches some times had an air of ambiguity, from his attempt to present his views in a form that might clash as little as possible with the prejudices of his hearers. The third set was that of the old whigs, which had governed England from the revolution till the coming in of George III, and which deemed itself invested with a right to govern forever. Its principle was the paramount power of the aristocracy; its office, as Rockingham expressed it, "to fight up against king and people." They claimed to be liberal, and many of them were so; but they were more willing to act as the trustees of the people than with the people and by the people. Like the great Roman lawyers, the best of them meant to be true to their clients, but never respected them as their equals. An enduring liberal government could at that time be established in England only by a junction of the party then represented by Shelburne and the liberal wing of the supporters of Rockingham. Such a union Chatham for twenty years had striven to bring about.

Bancroft, Hist. of the U.S., vol.5, p.533

The king kept his sorrows, as well as he could, pent up in his own breast, but his mind was "truly torn to pieces" by the inflexible resolve of the house of commons to stop the War in America. He blamed them for having lost the feelings of Englishmen. Moreover, he felt keenly "the cruel usage of all the powers of Europe," of whom every one adhered to the principles of the armed neutrality, and every great one but Spain desired the complete emancipation of the United States. The day after the ministry announced its retirement he proposed to Shelburne to take the administration with Thurlow, Gower, and Weymouth, Camden, Grafton, and Rockingham. This Shelburne declined as "absolutely impracticable," and, from an equal regard to the quiet of the sovereign and the good of the country, he urged the king to send for Rockingham. The king could not prevail with himself to accept the advice, and he spoke discursively of his shattered health, his agitation of mind, his low opinion of Rockingham's understanding, his horror of Charles Fox, his preference of Shelburne as compared with the rest of the opposition. For a day he contemplated calling in a number of principal persons, among whom Rockingham might be included; and, when the many objections to such a measure were pointed out, he still refused to meet Rockingham face to face, and could not bring himself further than to receive him through the intervention of Shelburne.

Bancroft, Hist. of the U.S., vol.5, p.533

In this state of things, Shelburne consented to be the bearer of a message from the king, with authority to procure "the assistance and cooperation of the Rockinghams, cost what it would, more or less." "Necessity," relates the king, "made me yield to the advice of Lord Shelburne." Before accepting the treasury, Rockingham made but one great proposition, that there should be "no veto to the independence of America." The king, though in bitterness of spirit, consented in writing to the demand. "I was thoroughly resolved," he says of himself, "not to open my mouth on any negotiation with America."

Bancroft, Hist. of the U.S., vol.5, p.533 - p.534

In constructing a ministry, Rockingham composed it of members from both branches of the liberal party. His own connection was represented by himself, Fox, Cavendish, Keppel, and Richmond; but as chancellor he retained Thurlow, who bore Shelburne malice and had publicly received the glowing eulogies of Fox. Shelburne took with him into the cabinet Camden; and, as a balance to Thurlow, the great lawyer Dunning, raising him to the peerage as Lord Ashburton. Conway and Grafton might be esteemed as neutral, having both been members alike of the Rockingham and the Chatham administrations. Men of the next generation asked why Burke was offered no seat in the cabinet. The new tory party would give power to any man, however born, that proved himself an able defender of their fortress; the old whig party reserved the highest places for those cradled in the purple. "I have no views to become a minister," Burke said, "nor have I any right to such views. I am a man who have no pretensions to it from fortune;" and he was happy with the rich office of paymaster for himself, and lucrative places for his kin.

Bancroft, Hist. of the U.S., vol.5, p.534

Franklin, in Paris, carefully watched the changes of opinions in the house of commons, and saw clearly that Shelburne must be a member of the new administration. Already, on the twenty-second of March 1782, through a traveller returning to England, he opened a correspondence with his friend of many years, assuring him of the continuance of his own ancient respect for his talents and virtues, and congratulating him on the returning good disposition of his country for America. "I hope," continued he, "it will tend to produce a general peace, which I am sure your lordship, with all good men, desires; which I wish to see before I die; and to which I shall with infinite pleasure contribute everything in my power.

Bancroft, Hist. of the U.S., vol.5, p.534 - p.535

This overture arrived most opportunely. Shelburne, as the elder secretary of state having his choice, elected the home department which then included America; so that he had by right the direction of all measures relating to the United States. On the fourth of April he instructed Sir Guy Carleton to proceed to New York with all possible expedition; and he would not suffer Arnold to return to the land which he had bargained to betray. On the same day he had an interview with Laurens, then in England, as a prisoner on parole; and, having learned of him the powers of the American commissioners, before evening he selected for the diplomatic agent to treat with them Richard Oswald of Scotland. The king, moved by the acceptable part which Shelburne had "acted in the whole negotiation for forming the present administration," deviated from his purpose of total silence and gave his approval, alike to the attempt "to sound Mr. Franklin" and to the employment of Oswald, who had passed many years in America, understood it well, on questions of commerce agreed with Adam Smith, and now engaged in the business disinterestedly. By him, writing as friend to friend, Shelburne answered the overture of Franklin in words which are the key to the treaty that followed.

Bancroft, Hist. of the U.S., vol.5, p.535

"London, 6 April 1782. Dear Sir, I have been favored with your letter, and am much obliged by your remembrance. I find myself returned nearly to the same situation which you remember me to have occupied nineteen years ago; and I should be very glad to talk to you as I did then, and afterward in 1767, upon the means of promoting the happiness of mankind, a subject much more agreeable to my nature than the best concerted plans for spreading misery and devastation. I have had a high opinion of the compass of your mind, and of your foresight. I have often been beholden to both, and shall be glad to be so again, as far as is compatible with your situation. Your letter, discovering the same disposition, has made me send to you Mr. Oswald. I have had a longer acquaintance with him than even with you. I believe him an honorable man, and, after consulting some of our common friends, I have thought him the fittest for the purpose. He is a pacifical man, and conversant in those negotiations which are most interesting to mankind. This has made me prefer him to any of our speculative friends, or to any person of higher rank. He is fully apprised of my mind, and you may give full credit to anything he assures you of. At the same time, if any other channel occurs to you, I am ready to embrace it. I wish to retain the same simplicity and good faith which subsisted between us in transactions of less importance. Shelburne."

Bancroft, Hist. of the U.S., vol.5, p.535 - p.536

With this credential, Oswald repaired to Paris by way of Ostend. Laurens, proceeding to the Hague, found John Adams planning how to obtain a loan of money for the United States, and to negotiate a treaty of commerce and a triple alliance. Besides; believing that Shelburne was not in earnest, he was willing to wait till the British nation should be ripe for peace. In this manner the American negotiation was left in the hands of Franklin alone.

Bancroft, Hist. of the U.S., vol.5, p.536

The dread of the United States of America became every day more intense in Spain from the desperate weakness of her authority in her transatlantic possessions. Her rule was hated in them all; and, as even her allies confessed, with good reason. The seeds of rebellion were already sown in the vice-royalties of Buenos Ayres and Peru; and a union of Creoles and Indians might at any moment prove fatal to metropolitan dominion. French statesmen were of opinion that England, by emancipating Spanish America, might indemnify itself for the independence of a part of its own colonial empire; and they foresaw in such a revolution the greatest benefit to the commerce of their own country. Immense naval preparations had been made by the Bourbons for the conquest of Jamaica; but now, from the fear of spreading the love of change, Florida Blanca suppressed every wish to acquire that hated nest of contraband trade. When the French ambassador in April reported to him the proposal of Vergennes to constitute its inhabitants an independent republic, he seemed to hear the tocsin of insurrection sounding from the La Plata to San Francisco, and from that time had nothing to propose for the employment of the allied fleets in the West Indies. He was perplexed beyond the power of extrication. One hope only remained. Minorca having been wrested from the English, he concentrated all the force of Spain in Europe on the recovery of Gibraltar, and compelled the aid of France through her promise not to make peace until that fortress should be given up.

Bancroft, Hist. of the U.S., vol.5, p.536 - p.537

Measures for a general peace must therefore begin with America. As the pacification of the late British dependencies belonged to the department of Lord Shelburne, the cabinet as a body respected his right to conduct the negotiation with the United States; but Fox, leagued with young men as uncontrollable as himself, resolved to fasten a quarrel upon him, and to get into his own hands every part of the negotiations for peace. At a cabinet meeting on the twelfth of April he told Shelburne and those who sided with him, that he was determined to bring the matter to a crisis; and on the same day he wrote to one of his young friends: "They must yield entirely. If they do not, we must go to war again; that is all: I am sure I am ready." Oswald at that moment was on his way to Paris, where on the sixteenth he went straightway to Franklin. The latter, speaking not his own opinion only, but that of congress and of every one of his associate commissioners, explained that the United States could not treat for peace with Great Britain unless it was likewise intended to treat with France; and, though Oswald desired to keep aloof from European affairs, he allowed himself to be introduced by Franklin to Vergennes, who received with pleasure assurances of the good disposition of the British king, reciprocated them on the part of his own sovereign, and invited an offer of its conditions. He wished America and France to treat directly with British plenipotentiaries, each for itself, the two negotiations to move on with equal step, and the two treaties to be simultaneously signed.

Bancroft, Hist. of the U.S., vol.5, p.537 - p.538

In the instruction to the peace plenipotentiary of the United States in August 1779, congress wrote: "It is of the utmost importance to the peace and commerce of the United States that Canada and Nova Scotia should be ceded, yet a desire of terminating the war has induced us not to make the acquisition an ultimatum." From Amsterdam, John Adams questioned whether, with Canada and Nova Scotia in the hands of the English, the Americans could ever have a real peace. In a like spirit Franklin, taking every' precaution to keep this suggestion from the knowledge of the French government, intrusted to Oswald "Notes for Conversation," in which the voluntary cession of Canada was suggested as the surety "of a durable peace and a sweet reconciliation." At the same time he replied to his old friend Lord Shelburne: "I desire no other channel of communication between us than that of Mr. Oswald, which I think your lordship has chosen with much judgment. He will be witness of my acting with all the sincerity and good faith which you do me the honor to expect from me; and if he is enabled, when he returns hither, to communicate more fully your lordship's mind on the principal points to be settled, I think it may contribute much to the blessed work our hearts are engaged in."

Bancroft, Hist. of the U.S., vol.5, p.538

Another great step was taken by Franklin. He excluded Spain altogether from the American negotiation, and, as Adams was detained in Holland, and Jefferson was not in Europe, and Laurens was a prisoner on parole, in "a pressing letter" he entreated Jay, his only remaining colleague, to come to Paris, writing: "I wish you here as soon as possible; you would be of infinite service. Spain has taken four years to consider whether she should treat with us or not. Give her forty, and let us in the mean time mind our own business. I am, my dear friend, most affectionately yours."

Bancroft, Hist. of the U.S., vol.5, p.538

On the twenty-third, shortly after the return of Oswald to London, the cabinet on his report agreed to send him again to Franklin to acquaint him of their readiness to treat at Paris for a general peace, conceding American independence, but otherwise maintaining the treaties of 1763. On the twenty-eighth, Shelburne, who was in earnest, gave to his agent the verbal instruction: "If America is independent, she must be so of the whole world, with no ostensible, tacit, or secret connection with France." Canada could not be ceded. It was "reasonable to expect a free trade, unencumbered with duties, to every part of America," words which, as used in those days, meant only that British ships should be admitted to every American port of entry without any discriminating duty. "All debts due to British subjects were to be secure, and the loyalists to be restored to a full enjoyment of their rights and privileges." As a compensation for the restoration of New York, Charleston, and Savannah, the river Penobscot might be proposed for the eastern boundary of New England. "Finally," he said, "tell Dr. Franklin candidly and confidentially Lord Shelburne's situation with the king; that his lordship will make no use of it but to keep his word with mankind." With these instructions, Oswald returned immediately to Paris, bearing from Shelburne to Franklin a most friendly letter, to which the king had given his thorough approval.

Bancroft, Hist. of the U.S., vol.5, p.539

With the European belligerents, the communication was necessarily to proceed from the department of state for foreign affairs, of which Fox was the chief. He entered upon the business in a spirit that foreboded no success; for, at the moment of his selection of an emissary, he declared that he did not think it much signified how soon he should break up the cabinet. The person of whom he made choice to treat on the weightiest interests with the most skilful diplomatist of Europe was Thomas Grenville, one of his own partisans, a young man of an active and penetrating mind, but with no experience in public business, and a scant knowledge of the foreign relations of his own country.

Bancroft, Hist. of the U.S., vol.5, p.539

Arriving in Paris on the eighth of May, Grenville delivered to Franklin a most cordial letter of introduction from Fox, and met with the heartiest welcome. On the next morning Franklin, after receiving him at breakfast, took him in his own carriage to Versailles; and there the dismissed postmaster-general for America, at the request of the British secretary of state, introduced the son of the author of the American stamp-act as the British plenipotentiary to the minister for foreign affairs of the Bourbon king. Statesmen at Paris and Vienna were amused on hearing that the envoy of the "rebel" colonies was become "the introductor" of the representatives of Great Britain at the court of Versailles.

Bancroft, Hist. of the U.S., vol.5, p.539 - p.540

Vergennes received Grenville most cordially as the nephew of an old friend, but smiled at his offer to grant to France the independence of the United States; and Franklin refused to accept at second hand that independence which his country had already won. Grenville remarked that the war had been provoked by encouragement from France to the Americans to revolt; to which Vergennes answered with warmth that France had found and not made America independent, and that American independence was not the only cause of the war. On the tenth, Grenville, unaccompanied by Franklin, met Vergennes and Aranda, and offered peace on the basis of the independence of the United States and the treaty of 1763. "That treaty," said Vergennes, "I can never read without a shudder. The king, my master, cannot in any treaty consider the independence of America as ceded to him. To do so would be injurious to the dignity of his Britannic majesty." The Spanish ambassador urged with vehemence that the griefs of the king of Spain were totally distinct from the independence of America.

Bancroft, Hist. of the U.S., vol.5, p.540

With regard to America, the frequent conversations of the young envoy with Franklin, who received him with constant hospitality, cleared up his views. It was explained to him with precision that the United States were free from every sort of engagement with France except those contained in the public treaties of commerce and alliance. Grenville asked if these obligations extended to the recovery of Gibraltar for Spain; and Franklin answered: "It is nothing to America who has Gibraltar." But Franklin saw in Grenville a young statesman ambitious of recommending himself as an able negotiator; in Oswald, a man who, free from interested motives, earnestly sought a final settlement of all differences between Great Britain and America. To the former he made no objection, but he would have been loath to lose the latter; and, before beginning to treat of the conditions of peace, he wrote to Shelburne his belief that the "moderation, prudent counsels, and sound judgment of Oswald might contribute much, not only to the speedy conclusion of a peace, but to the framing of such a peace as may be firm and lasting." The king, as he read the wishes of Franklin, which were seconded by Vergennes, "thought it best to let Oswald remain at Paris," saying that "his correspondence carried marks of coming from a man of sense."

Bancroft, Hist. of the U.S., vol.5, p.540 - p.541

While Oswald came to London to make his second report, news that better reconciled the English to treat for peace arrived from the Caribbean Islands. The fleet of de Grasse in 1781, after leaving the coast of the United States, gave to France the naval ascendency in the West Indies. St. Eustatius was recaptured, and generously restored to the United Provinces. St. Christopher, Nevis, and Montserrat were successively taken. On the nineteenth of February 1782, Rodney reappeared at Barbados with a reinforcement of twelve sail, and in the next week he effected a junction with the squadron of Hood to the leeward of Antigua. To cope with this great adversary, de Grasse, who was closely watched by Rodney from St. Lucia, must unite with the Spanish squadron. For that purpose, on the eighth of April he turned his fleet out of Fort Royal in Martinique; and, with only the advantage of a few hours over the British, he ran for Hispaniola. On the ninth a partial engagement took place near the island of Dominica. At daylight on the twelfth, Rodney, by skilful manoeuvres, drew near the French in the expanse of Waters that lies between the islands of Guadaloupe, the Saintes, and Marie Galante. The sky was clear, the sea quiet; the trade-wind blew lightly, and, having the advantage of its unvarying breeze, Rodney made the signal for attack. The British had thirty-six ships; the French, with a less number, excelled in the weight of metal. The French ships were better built; the British in superior repair. The complement of the French crews was the more full, but the British mariners were better disciplined. The fight began at seven in the morning, and, without a respite of seven minutes, it continued for eleven hours. The French handled their guns well at a distance, but in close fight there was a want of personal exertion and presence of mind. About the time when the sun was at the highest Rodney cut the line of his enemy; and the battle was continued in detail, all the ships on each side being nearly equally engaged. The Ville de Paris, the flag-ship of de Grasse, did not strike its colors till it was near foundering, and only three men were left unhurt on the upper deck. Four other ships of his fleet were captured; one sunk in the action.

Bancroft, Hist. of the U.S., vol.5, p.541

On the side of the victors about one thousand were killed or wounded; of the French, thrice as many, for their ships were crowded with over five thousand land troops, and the fire of the British was rapid and well aimed. The going down of the sun put an end to the battle, and Rodney neglected pursuit. Just at nightfall one of the ships of which the English had taken possession blew up. Of the poor wretches who were cast into the sea, some clung to bits of the wreck; the sharks, of which the fight had rallied shoals from the waters round about, tore them off, and even after the carnage of the day could hardly be glutted.

Bancroft, Hist. of the U.S., vol.5, p.541 - p.542

The feeling of having recovered the superiority at sea reconciled England to the idea of peace. On the eighteenth of May, the day on which tidings of the victory were received, the cabinet agreed to invite proposals from Vergennes. Soon after this came a letter from Grenville, in which he argued that, as America had been the road to war with France, so it offered the most practicable way of getting out of it; and the cabinet agreed to a minute almost in his words, "to propose the independency of America in the first instance, instead of making it a condition of a general treaty." The language of Fox was accepted by Shelburne, was imbodied by him in his instructions to Sir Guy Carleton at New York, and formed the rule of action for Oswald on his return with renewed authority to Paris. Independence was, as the king expressed it, "the dreadful price now offered to America" for peace.

Bancroft, Hist. of the U.S., vol.5, p.542

A commission was forwarded to Grenville by Fox to treat with France, but with no other country; yet he devoted nearly all his letter of instructions to the relations with America, showing that in a negotiation for peace the United States ought not to be encumbered by a power like Spain, "which had never assisted them during the war, and had even refused to acknowledge their independence."

Bancroft, Hist. of the U.S., vol.5, p.542

When Grenville laid before Vergennes his credentials, he received the answer that they were very insufficient, as they did not enable him to treat with Spain and America, the allies of France; or with the Netherlands, her partner in the war. Repulsed at Versailles, Grenville took upon himself to play the plenipotentiary with America; on the fourth of June he confided to Franklin the minute of the cabinet, and hoped to draw from him in return the American conditions for a separate peace. But Franklin would not unfold the American conditions to a person not authorized to receive them. Irritated by this " unlucky check," which "completely annihilated" his hopes of a great diplomatic success, Grenville made bitter and passionate and altogether groundless complaints of Oswald. He would have Fox not lose one moment to fight the battle against Shelburne, and to take to himself the American business by comprehending all the negotiations for peace in one.

Bancroft, Hist. of the U.S., vol.5, p.542 - p.543

Though Fox had given up all present hope of making peace, he enlarged the powers of Grenville so as to include any potentate or state then at war with Great Britain; and he beat about for proofs of Shelburne's "duplicity of conduct," resolved, if he could but get them, to "drive to an open rupture."

Bancroft, Hist. of the U.S., vol.5, p.543

Under his extended powers, Grenville made haste to claim the right to treat with America; but, when questioned by Franklin, he was obliged to own that he was acting without the sanction of parliament. Within twenty-four hours of the passing of the act of parliament enabling the king to treat for peace with America, the powers for Oswald as a negotiator of peace with the United States were begun upon, and were "completely finished in the four days following;" but, on the assertion of Fox that they would prejudice everything then depending in Paris, they were held back. Fox then proposed that America, even without a treaty, should be recognised as an independent power. Had he prevailed, the business of America must have passed from the home department to that for foreign affairs; but, after full reflection, the cabinet decided "that independence should in the first instance be allowed as the basis to treat on." Professing discontent, "Fox declared that his part was taken to quit his office."

Bancroft, Hist. of the U.S., vol.5, p.543 - p.544

The next day Lord Rockingham expired. His ministry left great memorials of its short career. Through the mediation of Shelburne, it forced the king to treat for peace with the United States on the basis of their independence. It emancipated the trade of Ireland. The volunteer army of that kingdom, commanded by officers of its own choice, having increased to nearly fifty thousand well-armed men, united under one general-in-chief, the viceroy reported that, "unless it was determined that the knot which bound the two countries should be severed forever," the points required by the Irish parliament must be conceded. Fox would rather have seen Ireland totally separated than kept in obedience by force. Eden, one of Lord North's commissioners in America and lately his secretary for Ireland, in a moment of ill-humor was the first to propose the repeal of the act of George I, which asserted the right of the parliament of Great Britain to make laws to bind the people and the kingdom of Ireland; and, after reflection, the ministry of Rockingham adopted and carried the measure. Appeals from Irish courts of law to the British house of peers were abolished; and Ireland, owning allegiance to the same king as Great Britain, wrenched from the British parliament the independence of its own. These were the first fruits of the American revolution; but the gratitude of the Irish took the direction of loyalty to their king, and in 1782 their legislature voted one hundred thousand pounds for the levy of twenty thousand seamen.

Bancroft, Hist. of the U.S., vol.5, p.544

During the ministry of Rockingham the British house of commons, for the first time since the days of Cromwell, seriously considered the question of a reform in the representation of Great Britain. The author of the proposition was William Pitt, then without office, but the acknowledged heir of the principles of Chatham. The resolution of inquiry was received with ill-concealed repugnance by Rockingham. Its support by Fox was lukewarm, and bore the mark of his aristocratic connections. Edmund Burke, in his fixed opposition to reform, was almost beside himself with passion, and was with difficulty persuaded to remain away from the debate. The friends of Shelburne, on the contrary, gave to the motion their cordial support; yet, by the absence and opposition of many of the Rockingham connection, the question on this first division in the house of commons upon the state of the representation in the British parliament was lost, though only by a majority of twenty. The freedom of Ireland and the hope of reform in the British parliament itself went hand in hand with the triumph of liberty in America.

Bancroft, Hist. of the U.S., vol.5, p.544

The accession of a liberal ministry revived in Frederic of Prussia his old inclination to friendly relations with England. The empress of Russia included the government in her admiration of the British people; and Fox on his side, with the consent of the ministry, but to the great vexation of the king, accepted her declaration of the maritime rights of neutrals. At the moment no practical result followed; for the cabinet, as the price of their formal adhesion to her code, demanded her alliance.

Chapter 6:

Shelburne Strives Sincerely for Peace,

July-August 1782

Bancroft, Hist. of the U.S., vol.5, p.545

ON the death of Rockingham, the king offered to Shelburne by letter "the employment of first lord of the treasury, and with it the fullest political confidence." Of no British minister had the principles been so liberal. He wished a thorough reform of the representation of the people of Great Britain in parliament. Far from him was the thought that the prosperity of America could be injurious to England. He regarded neighboring nations as associates ministering to each other's welfare, and wished to form with France treaties of commerce as well as of peace. But Fox, who was entreated to remain in the ministry as secretary of state with a colleague of his own choosing and an ample share of power, set up against him the narrow-minded duke of Portland, under whose name the old aristocracy was to rule parliament, king, and people. To gratify the violence of his headstrong pride, he threw away the opportunity of taking a chief part in restoring peace to the world, and struck a blow at liberal government in his own country from which it did not recover in his lifetime.

Bancroft, Hist. of the U.S., vol.5, p.545 - p.546

The old whig aristocracy was on the eve of dissolution. In a few years those of its members who, like Burke and the duke of Portland, were averse to "shaking the smallest particle of the settlement at the revolution of 1688," were to merge themselves in the new tory or conservative party; the rest adopted the watchword of reform; and, when they began to govern, it was with the principles of Chatham and Shelburne. Fox, who was already brooding on a coalition with the ministry so lately overthrown, insisted with his friends that Lord Shelburne was as fully devoted to the court as Lord North in his worst days. But Lord North, in his love of office, had, contrary to his own judgment, persisted in the American war to please the king; Shelburne accepted power only after he had brought the king to consent to peace with independent America.

Bancroft, Hist. of the U.S., vol.5, p.546

For the home department the king preferred William Pitt, who seemed to be in little danger of "becoming too much dipped in the wild measures" of "the leaders of sedition;" but it was assigned to the more experienced Thomas Townshend; and Pitt, at three-and-twenty years old, became chancellor of the exchequer. The seals of the foreign office were intrusted to Lord Grantham.

Bancroft, Hist. of the U.S., vol.5, p.546 - p.547

In the house of commons Fox, on the ninth of July, made his defence, which, in its vagueness and hesitation, betrayed his consciousness that he had no ground to stand upon. In the debate Conway said with truth that eagerness for exclusive power had been the guiding motive of Fox, between whom and Shelburne the difference of policy for America was very immaterial; but Shelburne had been able to convince his royal master that an acquiescence in its independence was, from the situation of the country and the necessity of the case, the wisest and most expedient measure that government could adopt. Burke called heaven and earth to witness the sincerity of his belief that "the ministry of Lord Shelburne would be fifty times worse than that of Lord North," declaring that "his accursed principles were to be found in Machiavel, and that but for want of understanding he would be a Catiline or a Borgia." "Shelburne has been faithful and just to me," wrote William Jones to Burke, deprecating his vehemence: "the principles which he has professed to me are such as my reason approved." "In all my intercourse with him, I never saw any instance of his being insincere," wrote Franklin, long after Shelburne had retired from office. On the tenth, Shelburne said in the house of lords: "I stand firmly upon my consistency. I never will consent that a certain number of great lords should elect a prime minister who is the creature of an aristocracy and is vested with the plenitude of power, while the king is nothing more than a pageant or a puppet. In that case, the monarchical part of the constitution would be absorbed by the aristocracy, and the famed constitution of England would be no more. The members of the cabinet can vouch that the principle laid down relative to peace with America has not in the smallest degree been departed from. Nothing is farther from my intention than to renew the war in America; the sword is sheathed, never to be drawn there again."

Bancroft, Hist. of the U.S., vol.5, p.547

On the day on which Fox withdrew from the ministry, Shelburne wrote to Oswald: "I hope to receive early assurances from you that my confidence in the sincerity and good faith of Doctor Franklin has not been misplaced, and that he will concur with you in endeavoring to render effectual the great work in which our hearts and wishes are so equally interested. We have adopted his idea of the method to come to a general pacification by treating separately with each party. I beg him to believe that I can have no idea or design of acting toward him and his associates but in the most open, liberal, and honorable manner."

Bancroft, Hist. of the U.S., vol.5, p.547 - p.548

Franklin, from his long residence in England, knew thoroughly well the relations of its parties, and the character of its public men, of whom the best were his personal friends. He was aware how precarious was the hold of Shelburne on power; and he made all haste to bring about an immediate pacification. On the tenth of July, in his own house near Paris, and at his own invitation, he had an interview with Oswald, and proposed to him the American conditions of peace. The articles which could not be departed from were: the full and complete independence of the thirteen states, and the withdrawal of all British troops from them; the territorial integrity of each one of them, as they were before the Quebec act of 1774, if not a still more contracted state, on a more ancient footing; the settlement of the boundaries between the American colonies and Canada; a freedom of fishing on the banks of Newfoundland and elsewhere, as well for fishes as whales, and, as Oswald understood him, with the right to dry fish on land. Having already explained that nothing could be done for the loyalists by the United States, as their estates had been confiscated by laws of particular states which congress had no power to repeal, he further demonstrated that Great Britain, by its conduct and example, had forfeited every right to intercede for them. To prove it he read to Oswald the orders of the British in Carolina for confiscating and selling the lands and property of all patriots under the direction of the military; and he declared definitively that, though the separate governments might show compassion where it was deserved, the American commissioners for peace could not make compensation of refugees a part of the treaty. He further directed attention to the persistent, systematic destruction of American property by the British armies, as furnishing a claim to indemnity which might be set off against the demands of British merchants for debts contracted before the war. Franklin recommended, but not as an ultimatum, a perfect reciprocity in regard to ships and trade. He was at that time employed on a treaty of reimbursement to France by the United States for its advances of money; and he explained to Oswald, as he had before explained to Grenville, the exact limit of their obligations to France.

Bancroft, Hist. of the U.S., vol.5, p.548

Franklin intimated that American affairs must be ended by a separate commission, and that he did not from any connection with other states hesitate as to coming to a conclusion, so as to end the American quarrel in a short time. The negotiation was opened and kept up with the knowledge of Vergennes; but Franklin withheld from him everything relating to its conditions. Jay, who had arrived in Paris on the twenty-third of June, from severe illness took no part in this interview.

Bancroft, Hist. of the U.S., vol.5, p.548 - p.549

The moment when England accepted the necessity of conceding independence to the thirteen colonies which she had trained to the love of freedom and by her own inconsistencies had forced to take up arms, was in its importance one of the grandest moments in her history. But the voice of the house of commons was confused by its memories and regrets, the rancor of conflicting parties, and the reserve of statesmen for whom the new morning was about to dawn. The house of commons, as with averted eyes it framed a bill permitting its king to let thirteen colonies go free, did its work awkwardly but thoroughly. They expressed the wish for peace, and authorized the king to treat with the thirteen enumerated colon flies as one power. The officials who drew the commission for Oswald could not but move on the lines prescribed by parliament, and frame the commission of the negotiator for peace with shyness, designating the thirteen "colonies" by name, and clearly and certainly inviting their commissioners as the representatives of one self-existent power to treat for peace. Throughout the paper the greatest care was taken not to question their independence, which by plain implication was taken for granted.

Bancroft, Hist. of the U.S., vol.5, p.549

So soon as Shelburne saw a prospect of a general pacification, Alleyne Fitzherbert, the British minister at Brussels, was transferred to Paris, to be the channel of communication with Spain, France, and Holland. He brought letters to Franklin from Lord Grantham who expressed his desire to merit Franklin's confidence, and from Townshend who declared himself the zealous friend to peace upon the fairest and most liberal terms.

Bancroft, Hist. of the U.S., vol.5, p.549 - p.550

While the commission and instructions of Oswald were preparing, Shelburne accepted the ultimatum of Franklin in all its branches; and on the twenty-seventh he replied to Oswald: "Your several letters give me the greatest satisfaction, as they contain unequivocal proofs of Doctor Franklin's sincerity and confidence in those with whom he treats. It will be the study of his majesty's ministers to return it by every possible cordiality. There never have been two opinions since you were sent to Paris upon the acknowledgment of American independency. But, to put this matter out of all possibility of doubt, a commission will be immediately forwarded to you containing full powers to make the independency of the colonies the basis and preliminary of the treaty now depending. I have never made a secret of the deep concern I feel in the separation of countries united by blood, by principles, habits, and every tie short of territorial proximity. But I have long since given it up, decidedly though reluctantly; and the same motives which made me, perhaps, the last to give up all hope of reunion make me most anxious, if it is given up, that it shall be done so as to avoid all future risk of enmity and lay the foundation of a new connection, better adapted to the temper and interest of both countries. In this view I go further with Dr. Franklin, perhaps, than he is aware of. I consider myself as pledged to the contents of this letter. You will find the ministry united, in full possession of the king's confidence, and thoroughly disposed to peace, if it can be obtained upon reasonable terms."

Bancroft, Hist. of the U.S., vol.5, p.550

The commission to Oswald conformed to the enabling act of parliament. The thirteen "colonies or plantations " in North America were named one by one, and a commissioner appointed, with power, according to the language of the treaty of alliance between France and America, to conclude "a peace or a truce" with any commissioner named by the said colonies and plantations. The worst feature in the commission was that the British commissioner, while he was empowered to treat with the colonies collectively, might also treat with "any part or parts" of them. Every word which could suggest a denial of their independence was avoided. The king pledged his name and word to ratify and confirm whatever might be concluded between the British and the American commissioners; "our earnest wish for peace," such were the simultaneous instructions under the king's own hand, "disposing us to purchase it at the price of acceding to the complete independence of the thirteen states."

Bancroft, Hist. of the U.S., vol.5, p.550

No British statesman was so determined as Shelburne to bring about "not merely peace, but reconciliation with America on the noblest terms and by the noblest means." If the benefit of his good-will is to be secured, the work must be finished before the next meeting of parliament, when his ministry will surely be overthrown. Now is the accepted time: the board of trade no longer exists to interpose its cavils; the ready decision of Shelburne will give no opportunity for interested people to take alarm. Let the nature of the negotiations get abroad, and Canada will exact a southern access to the Atlantic; the Hudson Bay company and the fur-traders of Canada will clamor for keeping Oswego and Niagara; and Detroit and Chicago, and with them the best avenues to the North-west, the West, and the South-west, will certainly be withheld. How, then, can a patriotic American commissioner place needless embarrassments in Shelburne's way?

Bancroft, Hist. of the U.S., vol.5, p.550 - p.551

An advanced copy of the commission reached Oswald on the evening of the sixth of August. Early the next morning he carried a copy of it to Franklin at Passy. Franklin, glad to the heart, repeated what he had said in June: "I hope we shall agree, and not be long about it." He related that the day before at Versailles, Vergennes had expressed impatience for its arrival, that his own negotiations with Fitzherbert might go on hand in hand with those of the Americans and Oswald.

Bancroft, Hist. of the U.S., vol.5, p.551

Returning to Paris, Oswald showed the commission to Jay, whom he describes as "a sensible man of plain yet civil manners, and of a calm, obliging temper." Jay said: "That independence ought to be no part of a treaty; it ought to have been expressly granted by act of parliament. As that was not done, the king ought to do it now by proclamation, and order all garrisons to be evacuated, and then close the American war by a treaty." He surpassed Franklin in enlarging on the obligations and the gratitude due from the United States to France. England, he said, "must not expect to get back all the conquests which the French have made during the war." They of America "must fulfil their treaty; they are a young republic just come into the world, and if they forfeit their character at the first outset they will never be trusted again, and should become a proverb amongst mankind." Oswald's "great expectations from his conversation with Franklin were damped by the unpleasant reception from Jay."

Bancroft, Hist. of the U.S., vol.5, p.551 - p.552

The advanced copy of Oswald's commission Franklin submitted to Vergennes. "I will examine it with the greatest attention," he wrote in answer. From the terms of the treaty of alliance between France and America, he was bound to form, and had a right to express, an opinion, and was most anxious that nothing might delay an early peace. Holding a conference with them on the tenth of August, he declared to them his opinion that they might proceed to treat with Oswald under the commission as soon as the original should arrive. Jay replied: "It would be descending from the ground of independence to treat under the description of colonies." Vergennes persisted in the opinion that the powers given to Oswald were sufficient, saying correctly: "This acceptance of your powers, in which you are styled commissioners from the United States of America, will be a tacit confession of your independence." Franklin, who had made a careful study of the subject, had no doubt that the commission "would do."

Bancroft, Hist. of the U.S., vol.5, p.552

John Adams, the head of the commission, in July of the preceding year, after reflecting on the question, had sent to the American congress his opinion: "I see nothing inconsistent with the character or dignity of the United States in their minister entering into treaty with a British minister without any explicit acknowledgment of our independence before the conclusion of the treaty."

Bancroft, Hist. of the U.S., vol.5, p.552 - p.553

To Franklin, Jay, blinded by suspicion, made the remark: "The count does not wish to see our independence acknowledged by Britain until they have made all their uses of us." If this had been true, Jay should have taken the surest and the shortest way of defeating the plan by proceeding at once to frame the treaty of peace with England; and he himself writes that such a treaty could have been finished "in a few hours." By refusing to do so, he himself was carrying into effect the ill design which he imputed to Vergennes. The enabling act of parliament avowed peace for its object. The king could find no consolation for consenting to the dismemberment of the empire but peace; if war was to continue, Britain could have no motive to publish to neutral nations that the United States waged war as an independent power. America had gone to war, first for its rights and then for independence; at the same moment with independence it needed and sighed for peace. Jay's commission gave him no office but to make peace. But he said: "The commission calls us colonies." He would have no "half-way" mode of acknowledging American "independence." He would not treat at all until the independence of the United States had been irrevocably acknowledged. He cited the case of the Netherlands as having refused to enter into any treaty until they were declared free states; but he was wrong in his allegation. He insinuated that delay on the part of the English would justify suspicion of their designs. Ceasing to insist on independence by an act of parliament or a royal proclamation, he next proposed that the king should make a certification of independence by a separate deed or patent under the great seal; but at last consented to be satisfied if it should find its place in a separate preliminary covenant, to "be ratified or declared as absolutely and irrevocably acknowledged and unconditioned by the event of other or subsequent articles."

Bancroft, Hist. of the U.S., vol.5, p.553

Franklin saw with dismay that the sands of Shelburne's official life were fast running out, and that with his removal the only chance of the favorable peace now so nearly concluded would be lost.

Bancroft, Hist. of the U.S., vol.5, p.553

Oswald, in a letter to Shelburne, bore this just and noble witness to Franklin: "Considering how long he has lived here, and how he has been caressed, it must require a great share of resolution not to feel the effects of it even in matters of business; yet upon the whole I must still say I have neither seen nor heard of anything that can make me doubt of his sincerity nor of his attachment to his friends," meaning by those friends Lord Shelburne and his ministry.

Bancroft, Hist. of the U.S., vol.5, p.553

Unable to prevent the mischief of delay, Franklin was vigilant in observing and prompt in counteracting evil influences as promptly as they arose. On the twelfth of August 1782 he wrote to Secretary Livingston: "My conjecture of the design of Spain to coop us up within the Alleghany Mountains is now manifested. I hope congress will insist on the Mississippi as the boundary, and the free navigation of the river." But he could not dissuade his colleague from arresting the negotiation for peace, and exposing its ultimate success to the greatest and most imminent hazard.

Bancroft, Hist. of the U.S., vol.5, p.553 - p.554

The delay prolonged the sorrows of America. British partisans, under leaders selected from the most brutal of mankind, were scouring the interior of the southern country, robbing, destroying, and taking life at their pleasure. "On the twelfth of March," writes David Fanning, the ruffian leader of one of these bands, "my men, being all properly equipped, assembled together to give the rebels a small scourges which we set out for." They came upon the plantation of Andrew Balfour of Randolph county, who had been a member of the North Carolina assembly, and held a commission in the militia. Breaking into his house, they fired at him in the presence of his sister and daughter, the first ball passing through his body, the second through his neck. They "burned several rebel houses" on their way to the abode of another militia officer, who received three balls through his shirt, and yet made his escape. They destroyed the whole of his plantation. Reaching the house of "another rebel officer," "I told him," writes Fanning, "if he would come out of the house I would give him parole, which he refused. With that I ordered the house to be set on fire. As soon as he saw the flames increasing he called out to me to spare his house for his wife's and children's sake, and he would walk out with his arms in his hands. I answered him that, if he would walk out, his house should be spared for his wife and children. When he came out he said: 'Here I am;' with that he received two balls through his body. I proceeded on to one Major Dugin's plantation, and I destroyed all his property, and all the rebel officers' property in the settlement for the distance of forty miles. On our way I catched a commissary from Salisbury and delivered him up to some of my men whom he had treated ill when prisoners, and they immediately hung him. On the eighteenth of April I set out for Chatham, where I learned that a wedding was to be that day. We surrounded the house and drove all out one by one. I found one concealed upstairs. Having my pistols in my hand, I discharged them both at his breast; he fell, and that night expired." Yet this Fanning held a British commission as colonel of the loyal militia in Randolph and Chatham counties, with authority to grant commissions to others as captains and subalterns; and, after the war, was recommended by the office of American claims as a proper person to be put upon the half-pay list.

Bancroft, Hist. of the U.S., vol.5, p.554 - p.555

At the North, within the immediate precincts of the authority of Clinton, Colonel James Delancy, of West Chester, caused three "rebels"to be publicly executed within the British lines, in retaliation for the pretended murder of some of the refugees. In New York, on the eighth of April, the directors of the associated loyalists ordered Lieutenant Joshua Huddy, a prisoner of war in New York, to be delivered to Captain Lippincot, and, under the pretext of an exchange, taken into New Jersey, where he was hanged by a party of loyalists on the heights of Middleton, in revenge for the death of a loyalist prisoner who had been shot as he was attempting to escape. Congress and Washington demanded the delivery of Lippincot as a murderer. Clinton refused the requisition, but subjected him to a court-martial, which condemned the deed but found in the orders under which he acted a loop-hole for his acquittal. Congress threatened retaliation on a British officer, never intending to execute the threat.

Bancroft, Hist. of the U.S., vol.5, p.555

The spirit of humanity governed the conduct of the British as soon as Shelburne became minister. Those who had been imprisoned in England for treason were from that time treated as prisoners of war. Some of the ministers took part in relieving their distresses; and in the course of the summer six hundred of them or more were sent to America for exchange. Sir Guy Carleton, who, on the fifth of May 1782, superseded Sir Henry Clinton as commander-in-chief, desired an end to hostilities of every kind, treated all captives with gentleness; and set some of them free. When Washington asked that the Carolinians who had been exiled in violation of the capitulation of Charleston might have leave to return to their native state under a flag of truce, Carleton answered that they should be sent back at the cost of the king of England; and that everything should be done to make them forget the hardships which they had endured. Two hundred Iroquois, two hundred Ottawas, and seventy Chippewas came in the summer to St. John's on the Chambly, ready to make a raid into the state of New York. They were told from Carleton to bury their hatchets and their tomahawks.

Bancroft, Hist. of the U.S., vol.5, p.555 - p.556

In Georgia, Wayne drove the British from post after post and redoubt after redoubt, until they were completely shut up in Savannah. In the rest of the state, its own civil government was restored. On the eleventh of July, Savannah was evacuated, the loyalists retreating into Florida, the regulars to Charleston; and Wayne, with his small but trustworthy corps, joined Greene in South Carolina. His successes had been gained by troops who had neither regular food nor clothing nor pay.

Bancroft, Hist. of the U.S., vol.5, p.556

In conformity to writs issued by Rutledge as governor, the assembly of South Carolina met in January at Jacksonborough on the Edisto. The assassinations and ravages committed under the authority of Lord George Germain never once led Greene, or Wayne, or Marion, or any other in high command, to injure the property or take the life of a loyalist, except in battle. Against the advice of Gadsden, who insisted that it was sound policy to forget and forgive, laws were enacted banishing the active friends of the British government and confiscating their estates.

Bancroft, Hist. of the U.S., vol.5, p.556

The summer of 1782 went by with no military events beyond skirmishes. In repelling with an inferior force a party of the British sent to Combahee ferry to collect provisions, Laurens, then but twenty-seven years old, received a mortal wound. "He had not a fault that I could discover," said Washington, "unless it were intrepidity bordering upon rashness." Near the end of the year, Wilmot, a worthy officer of the Maryland line, was killed in an enterprise against James Island. He was the last who fell in the war.

Bancroft, Hist. of the U.S., vol.5, p.556

A vehement impulse toward "the consolidation of the federal union" was given by Robert Morris, the finance minister of the confederation; but he connected the reform of the confederation with boldly speculative financial theories. A native of England, he never gained the sympathy or approbation of the American people. In May 1781, by highly colored promises of a better administration of the national finances and by appeals to patriotism, he succeeded in overcoming the scruples of congress, and obtained from it a charter for a national bank, of which the notes, payable on demand, should be receivable as specie for duties and taxes, and in payment of dues from the respective states. The charter was granted by the votes of New Hampshire, New Jersey, Maryland, Virginia with Madison dissenting, North and South Carolina, and Georgia-seven states; from Rhode Island and Connecticut single delegates answered "ay." Pennsylvania was equally divided; Massachusetts alone voted against the measure.

Bancroft, Hist. of the U.S., vol.5, p.557

Before the end of the year the opinion prevailed that the articles of confederation contained no power to incorporate a bank; but congress had pledged its word. As a compromise, the corporation was forbidden to exercise any powers in any of the United States repugnant to the laws or constitution of such state; and it was recommended to the several states to give to the incorporating ordinance its full operation. These requisitions Madison regarded as an admission of the defect of power, and an antidote against the poisonous tendency of precedents of usurpation. The capital of the bank was four hundred thousand dollars, of which Morris took one half as an investment of the United States, paying for it in full with money, which was due to the army. On the seventh of January 1782 the bank commenced its very lucrative business. Its notes, though payable at Philadelphia in specie, did not command public confidence at a distance, and the corporation was able to buy up its own promises at from ten to fifteen per cent discount.

Bancroft, Hist. of the U.S., vol.5, p.557

His first measure having been carried, he threw his rough energy into the design of initiating a strong central government. He engaged the services of Thomas Paine to recommend to the people a new confederation with competent powers. To the president of congress he wrote: "I disclaim a delicacy which influences some minds to treat the states with tenderness and even adulation, while they are in the habitual inattention to the calls of national interest and honor; nor will I be deterred from waking those who slumber on the brink of ruin. Supported by the voice of the United States in congress, I may perhaps do something; without that support, I must be a useless incumbrance."

Bancroft, Hist. of the U.S., vol.5, p.557

To fund the public debt and provide for the regular payment of the interest on it, he proposed a very moderate land-tax, a poll-tax, and an excise on distilled liquors. Each of these taxes was estimated to produce half a million; a duty of five per cent on imports would produce a million more. The back lands were to be reserved as security for new loans in Europe.

Bancroft, Hist. of the U.S., vol.5, p.557 - p.558

The expenditures of the United States for the war had been at the rate of twenty millions of dollars in specie annually. The estimates for the year 1782 were for eight millions of dollars. Yet, in the first five months of the year, the sums received amounted to less than twenty thousand dollars, which were but the estimated expenses for a single day; and of this sum not a shilling had been received from the East or the South. A vehement circular of Morris to the states was suppressed by the advice of Madison, and one congressional committee was sent to importune the states of the North, another those of the South.

Bancroft, Hist. of the U.S., vol.5, p.558

An aged officer of the army, colonel in rank, unheard of in action, Nicola by name, not an American by birth, clung obstinately to the opinion that republics are unstable, and that a mixed government, of which the head might bear the title of king, would be best able to extricate the United States from their embarrassments. In a private letter to Washington, written, so far as appears, without concert with any one, he set forth his views in favor of monarchy, with an intimation that, after discussion, it would be readily adopted by the people, and that he who had so gloriously conducted the war should conduct the country "in the smoother paths of peace."

Bancroft, Hist. of the U.S., vol.5, p.558

To this communication Washington, on the twenty-second of May, replied: "No occurrence in the course of the war has given me more painful sensations than your information of there being such ideas existing in the army as you have expressed, and I must view with abhorrence and reprehend with severity. If I am not deceived in the knowledge of myself, you could not have found a person to whom your schemes are more disagreeable. Let me conjure you, then, if you have any regard for your country, concern for yourself or posterity, or respect for me, to banish these thoughts from your mind, and never communicate, as from yourself or any one else, a sentiment of the like nature."

Bancroft, Hist. of the U.S., vol.5, p.558 - p.559

The confederation acted only on the states, and not on persons; yet Morris obtained from congress authority to appoint receivers of the revenues of the United States. From the siege of Yorktown, Hamilton had repaired to Albany for the study of the law, that in summer he might be received as attorney, in autumn as counsellor, yet ready, if the war should be renewed, to take part in its dangers and its honors. Him Morris appointed collector of the revenue for the district of the state of New York. The office, which he accepted with hesitation, was almost a sinecure; but he was instructed by Morris to exert his talents with the New York legislature to forward the views of congress. He had meditated on the facility with which the eastern states had met in convention to deliberate jointly on the best methods of supporting the war. On the next meeting of the New York legislature he repaired to Poughkeepsie and explained his views on the only system by which the United States could obtain a constitution. On the nineteenth of July, Schuyler, his father-in-law, invited the senate to take into consideration the state of the nation. The committee into which that body at once resolved itself reported, "that the radical source of most of the public embarrassments was the want of sufficient power in congress to effectuate the ready and perfect co-operation of the states; that the powers of government ought without loss of time to be extended; that the general government ought to have power to provide revenue for itself"; and it was declared "that the foregoing important ends can never be attained by deliberations of the states separately; but that it is essential to the common welfare that there should be as soon as possible a conference of the whole on the subject; and that it would be advisable for this purpose to propose to congress to recommend, and to each state to adopt, the measure of assembling a general convention of the states, specially authorized to revise and amend the confederation, reserving a right to the respective legislatures to ratify their determinations."

Bancroft, Hist. of the U.S., vol.5, p.559

These resolutions, offered by Schuyler in the senate, were accepted unanimously by each branch of the legislature; and Hamilton was elected a delegate to the congress of the United States. Robert Morris saw the transcendent importance of the proceedings of the New York legislature, and welcomed the young statesman to his new career, saying: "A firm, wise, manly system of federal government is what I once wished, what I now hope, what I dare not expect, but what I will not despair of." Under these auspices Hamilton of New York became the colleague in congress of Madison of Virginia.

Bancroft, Hist. of the U.S., vol.5, p.560

On the last day of July, Morris sent to congress his budget for 1783, amounting at the least to nine millions of dollars; and he could think of no way to obtain this sum but by borrowing four millions and raising five millions by quotas. The best hopes of supporting the public credit lay in the proposal to endow congress with the right to levy a duty of five per cent on imports.

Bancroft, Hist. of the U.S., vol.5, p.560

The request of congress, made in February 1781, to the states for this power, encountered hostility in Massachusetts. In a letter from its general court to congress complaint was made that the state was called upon for more than its proper share of contributions; that the duty on imports would be an unequal burden; that the proposition could not be acceded to unless the produce of the tax should be passed to the special credit of the commonwealth. Congress in its reply brought to mind that the interest on the public debt already exceeded a million of dollars; that Massachusetts enjoyed the peculiar blessing of great commercial advantages denied by the fortune of common war to their less happy sister states; that duties levied on imports are paid by the consumer, and ought not to be retained by the state which has the benefit of the importation; and it strongly urged a compliance with the proposition in question, as just and expedient, impartial and easy of execution, and alone offering a prospect of redressing the just complaints of the public creditors. After delays of more than a year, on the fourth of May 1782 the general court gave way by a majority of two in the house and of one in the senate. The exemption from duty of "wool-cards, cotton-cards, and wire for making them," shows the wish of congress to foster incipient manufactures. The act reserved to the general court the election of the collectors of the revenue, which it appropriated exclusively to the payment of the debts of the United States, contracted or to be contracted during the existing war. With their payment it was to expire. Even this meagre concession received the veto of Hancock, the governor, though it was given one day too late to be of force.

Bancroft, Hist. of the U.S., vol.5, p.560 - p.561

As the federal articles required the unanimous assent of the states for the adoption of an amendment, the negative of Rhode Island seemed still to throw in the way of a good government hindrances which could not be overcome. Yet union was rooted in the heart of the American people. The device for its great seal, adopted by congress in the midsummer of 1781, is the American eagle, as the emblem of strength which uses victory only for peace. It holds in its right talon the olive-branch; with the left it clasps thirteen arrows, emblems of the thirteen states. On an azure field over the head of the eagle appears a constellation of thirteen stars breaking gloriously through a cloud. In the eagle's beak is the scroll, "E pluribus unum," many and one, out of diversity unity, freedom of each individual state and unity of all the states, as the expression of conscious nationality, the two ideas that make America great. By further emblems congress showed its faith that the unfinished commonwealth, standing upon the broadest foundation, would be built up in strength, that heaven approved what had been undertaken, that "a new line of ages" was begun.

Bancroft, Hist. of the U.S., vol.5, p.561

The condition of the treasury of the United States was deplorable. Of the quotas for which requisitions had been made on the states, only four hundred and twenty-two thousand dollars were collected. Delaware and the three southernmost states paid nothing. Rhode Island, which paid thirty-eight thousand dollars, or a little more than a sixth of its quota, was proportionately the largest contributor. Only by the payment of usurious rates was the army rescued from being starved or disbanded. "Their patriotism and distress," wrote Washington in October, "have scarcely ever been paralleled, never been surpassed. Their long-sufferance is almost exhausted; it is high time for a peace."

Chapter 7:

Peace Between the United States of America and Great Britain,

September 1-November 30, 1782

Bancroft, Hist. of the U.S., vol.5, p.562

FRANCE needed peace; Vergennes and his king strove to hasten it. The French navy was declining; the peasantry were crushed by their burdens; no one saw a way to meet the cost of another campaign. In Paris the fashionable language was, that France had been the dupe of her allies, the Americans and the Spaniards.

Bancroft, Hist. of the U.S., vol.5, p.562

The French minister pursued peace through the complicated difficulties created by the conflicting interests of the four powers which were at war with England; and he saw no way to success except their pretensions could be brought into harmony by his controlling advice.

Bancroft, Hist. of the U.S., vol.5, p.562

The family alliance of the Bourbons bound the king of France most closely to the king of Spain by a permanent federation. Spanish interests France had pledged itself to treat as its own; and Spain, at the cost of France, impeded peace by the extravagance of her demands.

Bancroft, Hist. of the U.S., vol.5, p.562

The Netherlands consented for the time to lean on France, but neither France nor Holland could look forward to a long continuance of their connection.

Bancroft, Hist. of the U.S., vol.5, p.562

Between France and the United States the mutual obligations by treaty, so far as they related to the continuance of the war, would end when Great Britain should acknowledge, or at least acquiesce in, their independence.

Bancroft, Hist. of the U.S., vol.5, p.562 - p.563

It was the passion of Spain to include within her dominions every part of the Gulf of Mexico and both banks of the Mississippi. To that end she needed at the peace to regain West Florida, and to throw back the United States to the eastern side of the Alleghanies. The French officials secretly laughed at her attempt to resist the advance of the United States to the Mississippi; but France, without disguise, seconded her demands.

Bancroft, Hist. of the U.S., vol.5, p.563

It was not the wish of Vergennes that the republic which he fostered should become a formidable power; he was willing to nurse a rivalry between the British in America and the United States, and his secretary did not scruple to point out to Lord Shelburne where proofs might be found that Canada of old included Oswego and Niagara and all the country on the south to the summit level from which the waters flow to the great lakes. Beyond the Alleghanies, be desired that all which was claimed by the United States to the west and northwest of Pittsburg should remain with Great Britain. But well as it suited his policy to encourage Great Britain in curbing the aspirations of the United States, he would rather see them succeed in all their objects than risk delay in ending the war.

Bancroft, Hist. of the U.S., vol.5, p.563

In England peace was desired by the king and his ministry, by every class of politicians, by the merchants, the manufacturers, and the landholders. A ministry which can lay before parliament a good settlement with all the enemies of England may hope for the support of a safe majority. A meeting of the whole cabinet gave a careful consideration to the attitude of Jay; and by their direction, on the first of September 1782, Thomas Townshend, the secretary of state, who conducted the negotiations with America, wrote to Oswald:

Bancroft, Hist. of the U.S., vol.5, p.563 - p.564

"In order to give the most unequivocal proof of the king's earnest wish to remove every impediment to a speedy termination of the calamities of war, I am commanded to signify to you his majesty's disposition to agree to the plan of pacification proposed by Doctor Franklin himself, including as it does independence, full and complete in every sense, as part of the first article; a settlement of the boundaries; a confinement of the boundaries of Canada at least to what they were before the act of parliament of 1774, if not to a still more contracted state on an ancient footing; a freedom of fishing on the banks of Newfoundland and elsewhere, the privilege of drying not being included. His majesty has authorized you to go to the full extent of" these articles. "His majesty is also pleased, for the salutary purposes of precluding all further delay or embarrassment of negotiation, to waive any stipulation by the treaty for the undoubted rights of the merchants whose debts accrued before the year 1775, and also for the claims of the refugees for compensation for their losses, as Doctor Franklin declares himself unauthorized to conclude upon that subject.

Bancroft, Hist. of the U.S., vol.5, p.564

"But if, after having pressed this plan of treaty, you should find the American commissioners determined not to proceed unless the independence be irrevocably acknowledged without reference to the final settlement of the rest of the treaty, you are then, but in the very last resort, to inform them his majesty is willing, without waiting for the other branches of the negotiation, to recommend to his parliament to enable him forthwith to acknowledge the independence of the thirteen united colonies absolutely and irrevocably, and not depending upon the event of any other part of the treaty."

Bancroft, Hist. of the U.S., vol.5, p.564 - p.565

On the third of September, the day on which this dispatch was received, Oswald visited Franklin and took a letter from him to Jay, with whom he held an interview on that very evening. Jay, who was not familiar with the state of parties in England, nor aware how far he was imperilling the one safe moment for perfect success in the negotiation with England, nor keeping in mind that he was commissioned only to make peace, still refused to "proceed unless independence was previously so acknowledged as to be entirely distinct and unconnected with treaty." Oswald explained to him that, if he persisted in the demand, there could be nothing done until the meeting of parliament, and perhaps for some considerable time thereafter; but Jay would not accept the ample offer of all that the United States asked for, and so forfeited the consent of Britain to dispense with a stipulation by treaty in favor of the refugees and of British creditors for debts contracted before 1775. He was soon awakened to the danger in which delay was involving his country. De Grasse, as he passed through London on parole, brought from Shelburne to Vergennes messages, which left Spain the chief obstacle in the way of peace. To conciliate that power, Jay was invited to Versailles, where, on the fourth of September, Rayneval, the chief assistant of Vergennes, sought to persuade him to resign for his country all pretensions to the eastern valley of the Mississippi, and with it the right to the navigation of that stream. Jay was inflexible. On the sixth, Rayneval, with perfect frankness, sent him a paper containing a long argument against the pretensions of America to touch the Mississippi or the great lakes; and on the next morning, after an interview with the Spanish ambassador, he set off for England to establish a good understanding with Shelburne.

Bancroft, Hist. of the U.S., vol.5, p.565 - p.566

Rayneval passed through London directly to Bow Wood Park, the country seat of Shelburne, in the west of England. "I trust what you My as much as if Mr. de Vergennes himself were speaking to me," were words with which he was made welcome. "Gibraltar," insinuated Rayneval, "is as dear to the king of Spain as his life." Shelburne answered: "Its cession is impossible: I dare not propose it to the British nation." "Spain wishes to become complete mistress of the Gulf of Mexico," continued Rayneval. On this point Shelburne opened the way for concession, saying: "It is not by way of Florida that we carry on our contraband trade, but by way of Jamaica." Shelburne declared his resolve to accept the independence of the United States, and without any reservation. "As to the fisheries," observed Rayneval, agreeing exactly with the instructions of Livingston of the seventh and the report of the committee of congress of the eighth of the preceding January, "there is one sure principle to follow: the fishery on the high seas is res nullius, the property of no one; the fishery on the coast belongs of right to the proprietaries of the coasts, unless there have been derogations founded upon treaties. As to boundaries, the British minister will find in the negotiations of 1751, relative to the Ohio, the boundaries which England, then the sovereign of the thirteen United States, thought proper to assign them." To these insinuations Shelburne, try to his words to Franklin, made no response. Rejecting the mediation offered by Austria and Russia, Shelburne said: "To make peace, there is need of but three persons myself, the Count de Vergennes, and you." "I shall be as pacific in negotiating as I shall be active for war, if war must be continued," he added on the fourteenth. Rayneval replied: "Count de Vergennes will, without ceasing, preach justice and moderation. It is his own code, and it is that of the king." On the fifteenth they both came up to London, where, on the sixteenth, Rayneval met Lord Grantham. Nothing could be more decided than Grantham's refusal to treat about Gibraltar. On the seventeenth, as Shelburne bade farewell to Rayneval, he observed, in the most serious tone and the most courteous manner: "I have been deeply touched by everything you have said to me about the character of the king of France, his principles of justice and moderation, his love of peace. I wish not only to re-establish peace between the two nations and the two sovereigns, but to bring them to a cordiality which will constitute their reciprocal happiness. Not only are they not natural enemies, as men have thought till now, but they have interests which ought to bring them nearer together. We have each lost consideration in our furious desire to do each other harm. Let us change principles that are so erroneous. Let us reunite, and we shall stop all revolutions in Europe." By revolutions he meant the further division of Poland, the encroachments on Turkey, and the attempt of the court of Vienna to bring Italy under its control by seizing the harbors of Dalmatia.

Bancroft, Hist. of the U.S., vol.5, p.566 - p.567

"There is another object," continued Shelburne, "which makes a part of my political views; and that is the destruction of monopoly in commerce. I regard that monopoly as odious, though the English nation, more than any other, is tainted with it. I flatter myself I shall be able to come to an understanding with your court upon this subject, as well as upon our political amalgamation. I have spoken to the king on all these points. I have reason to believe that, when we shall have made peace, the most frank cordiality will be established between the two princes." Rayneval answered: "Your principles on trade accord exactly with those of France; Count de Vergennes thinks that freedom is the soul of commerce;" and he returned to Paris "in raptures" at his reception, and at "the candor, liberality, and frankness" of Lord Shelburne.

Bancroft, Hist. of the U.S., vol.5, p.567

In America Jay had been the favorite of the French minister, and an enthusiast for the triple alliance between France, Spain, and the United States; had been moderate in his desire for territory; and, on fifteen divisions in congress, had given his vote against making the fisheries a condition of peace. In 1778 the influence of France had been used to elect him president of congress. His illusions as to Spain and France being dispelled, he passed from excessive confidence to the general suspiciousness which confuses the judgment. The English increased that mistrust by communicating to him a translation of an intercepted letter from Marbois, the young secretary of the French legation at Philadelphia, in which the claims of the United States to the fisheries were questioned.

Bancroft, Hist. of the U.S., vol.5, p.567

Oswald, who held constant interviews with Jay, reported him as "leaning favorably to England." At the British commissioner's instance, and in part using words of John Adams, he gave in writing, as his only condition, that he and his colleagues should be styled "commissioners or persons vested with equal powers by and on the part of the thirteen United States of America." With that one change he pledged himself to accept the old commission, saying: "That immediately upon" its "coming over they would proceed in the treaty; would not be long about it; and perhaps would not be overhard in the conditions."

Bancroft, Hist. of the U.S., vol.5, p.567

Assuming to speak for the whole commission, and having no personal acquaintance with any one of the British ministry, Jay persuaded Benjamin Vaughan, an inferior and casual agent in the British pay who had the special confidence neither of Shelburne, nor of Franklin, nor of Oswald, to ask Shelburne by letter to await his arrival before taking measures with Rayneval. The envoy of Jay was further to bear from him to Shelburne this verbal message: "It appears to be the obvious interest of Great Britain to cut the cords which tie us to France; by our consenting to the mutual free navigation of our several lakes and rivers, there would be an inland navigation from the Gulf of St. Lawrence to that of Mexico, by means of which the inhabitants west and north of the mountains might with more ease be supplied with foreign commodities than from ports on the Atlantic, and this immense and growing trade would be in a manner monopolized by Great Britain; therefore, the navigation of the Mississippi would in future be no less important to Great Britain than to us." In this unsolicited intercourse with the chief minister of Great Britain, without the consent or knowledge of his colleague, without authority from his government by commission, instructions, or letter, and without any equivalent, unless it were a new commission to Oswald, Jay offered to give away to Great Britain the equal right to the navigation of the Mississippi, coupling the offer with a highly colored promise of unbounded benefits to British commerce.

Bancroft, Hist. of the U.S., vol.5, p.568

His messenger was further enjoined "to impress Lord Shelburne with the necessity and policy of taking a decided and manly part respecting America."

Bancroft, Hist. of the U.S., vol.5, p.568 - p.569

Franklin, using no methods of persuasion but the influence derived from the respect and confidence in which he was held by Shelburne and both the British secretaries of state, at this time interposed. Lord Grantham, the British secretary of state for the foreign department, had assured him by letter that "the establishment of an honorable and lasting peace was the system of the ministers." "I know it to be the sincere desire of the United States," replied Franklin on the eleventh; "and with such dispositions on both sides there is reason to hope that the good work in its progress will meet with little difficulty. A small one has occurred, with which Mr. Oswald will acquaint you. I flatter myself that means will be found on your part for removing it, and my best endeavors in removing subsequent ones (if any should arise) may be relied on;" but Franklin neither criminated France, nor compromised himself, nor his country, nor his colleague.

Bancroft, Hist. of the U.S., vol.5, p.569

On the fourteenth Grantham and Townshend received the letters written them on the tenth and eleventh by Oswald and by Franklin. A meeting of the whole cabinet was called as soon as possible; Dunning, the great lawyer, gave the opinion that it was a matter of indifference whether the title chosen by the American commissioners should be accepted by Oswald under the king's delegated authority, or directly by the king. They then yielded to the representations of Franklin and Oswald. A second commission was drafted for Oswald to conclude a peace or truce with commissioners of the thirteen United States of America, which were enumerated one by one, but the acknowledgment of their independence was still reserved to form the first article of the treaty of peace, and they were called "colonies or plantations" as before. The delay had given time to British creditors and to the refugees to muster their strength and embarrass the negotiation by their importunities. The king said: "I am so much agitated with a fear of sacrificing the interests of my country, by hurrying peace on too fast, that I am unable to add anything on that subject but the most frequent prayers to heaven to guide me so to act, that posterity may not lay the downfall of this once respectable empire to my door; and that, if ruin should attend the measures that may be adopted, I may not long survive them."

Bancroft, Hist. of the U.S., vol.5, p.570

On the twenty-sixth of September, Aranda, in company with Lafayette, encountered Jay at Versailles. Aranda asked: "When shall we proceed to do business?" Jay replied: "When you communicate your powers to treat." "An exchange of commissions," said Aranda, "cannot be expected, for Spain has not acknowledged your independence." "We have declared our independence," said Jay; "and France, Holland, and Britain have acknowledged it." Lafayette came to his aid, and told the ambassador that it was not consistent with the dignity of France that an ally of hers like the United States should treat otherwise than as independent. Vergennes pressed upon Jay a settlement of claims with Spain. Jay answered: "We shall be content with no boundaries short of the Mississippi."

Bancroft, Hist. of the U.S., vol.5, p.570 - p.571

So soon as Oswald received his new commission the negotiation, after the loss of a month, moved forward rapidly. The system which Franklin at the opening of the negotiation had established of making a separate peace without admitting France to a knowledge of its progress was adhered to. Jay, who was a skilful lawyer, and was now resolved "never to set his name to a peace that did not secure the fisheries," drew up its articles. The thirteen United States with every part of their territories were acknowledged to be free, sovereign, and independent; their boundaries were determined according to the unanimous instructions of congress which had reserved the line between Nova Scotia and New England for adjustment by commissioners after the peace. The fishery in the American seas was to be freely exercised by the Americans of right wherever they exercised it while united with Great Britain. A clause provided for reciprocal freedom of commerce. Oswald proposed articles protecting the refugees and English creditors, but did not insist on them, "as Franklin declared that whatever confiscations had been made in America were in virtue of the laws of particular states, which congress had no authority to repeal." Thus far the articles were those which had been agreed upon between Franklin and Shelburne. Jay, on his own authority, added the gratuitous concession to the British of the free navigation of the Mississippi. "He pleaded in favor of the future commerce of England as if he had been of her council and wished to make some reparation for her loss," insisting that she should recover West Florida, "engross the whole of the supplies from Canada to the mouth of the Mississippi, and particularly should embrace the whole of the fur trade."

Bancroft, Hist. of the U.S., vol.5, p.571

On sending the draft of the treaty to the secretary of state, the British plenipotentiary wrote: "I look upon the treaty as now closed." Franklin and Jay agreed that, if it should be approved, they would sign it immediately. Toward the French minister they maintained an absolute reserve, not even communicating to him the new commission of Oswald.

Bancroft, Hist. of the U.S., vol.5, p.571 - p.572

After the capture of Minorca by the Duke de Crillon, the French and Spanish fleets united under his command to reduce Gibraltar; and Count d'Artois, the brother of the king, passed through Madrid to be present at its surrender. But by showers of red-hot shot, and by a most heroic sortie under General Elliot, the batteries which were thought to be fireproof were blown up or consumed, and a fleet under Lord Howe was close at hand to replenish the stores of the fortress. The news increased the clamor of Paris for peace. France, it was said, is engaged in a useless war for thankless allies; she has suffered disgrace in the West Indies while undertaking to conquer Jamaica for Spain, and now shares in the defeat before Gibraltar. Vergennes, to obtain a release from his engagement to Spain, was ready to make great sacrifices on the part of his own country, and to require them of America. Congress was meanwhile instructing Franklin "to use his utmost endeavors to effect the loan of four millions of dollars through the generous exertions of the king of France;" and on the third of October it renewed its resolution to hearken to no propositions for peace except in confidence and in concert with its ally.

Bancroft, Hist. of the U.S., vol.5, p.572 - p.573

On the fourteenth of the same month Vergennes explained to the French envoy at Philadelphia the policy of France: "If we are so happy as to make peace, the king must then cease to subsidize the American army, which will be as useless as it has been habitually inactive. We are astonished at the demands which continue to be made upon us, while the Americans obstinately refuse the payment of taxes. It seems to us much more natural for them to raise upon themselves, rather than upon the subjects of the king, the funds which their defence exacts." "You know," continued Vergennes, "our system with regard to Canada. Everything which shall prevent the conquest of that country will agree essentially with our views. But this way of thinking ought to be an impenetrable secret for the Americans. Moreover, I do not see by what title the Americans can form pretensions to lands on Lake Ontario. Those lands belong to the savages or are a dependency of Canada. In either case, the United States have no right to them whatever. It has been pretty nearly demonstrated that to the south of the Ohio their limits are the mountains following the shed of the waters, and that everything to the north of the mountain range, especially the lakes, formerly made a part of Canada. These notions are for you alone; you will take care not to appear to be informed about them, because we the less wish to intervene in the discussions between the Count de Aranda and Mr. Jay, as both parties claim countries to which neither of them has a right, and as it will be almost impossible to reconcile them."

Bancroft, Hist. of the U.S., vol.5, p.573

When the first draft of the treaty with the United States reached England, the offer of Jay of the free navigation of the Mississippi was gladly accepted; but that for a reciprocity of navigation and commerce was put aside. The cabinet complained of Oswald for yielding everything, and appointed Henry Strachey, Townshend's clear-headed and earnest undersecretary of state, to be his assistant. On the twentieth of October, both of the secretaries of state being present, Shelburne gave Strachey three points specially in charge: no concession of a right to dry fish on Newfoundland; a recognition of the validity of debts to British subjects contracted by citizens of the United States before the war; but, above all, security for loyalists, and adequate indemnity for the confiscated property of the loyal refugees. The allegation of the American commissioners that they had no authority to restore the loyalists to their old possessions was objected to as a confession that, though they claimed to have full powers, they were not plenipotentiaries; that they were acting under thirteen separate sovereignties, which had no common head. Shelburne proposed either an extension of Nova Scotia to the Penobscot or the Kennebec or the Saco, so that a province might be formed for the reception of the loyalists; or that some part of the revenue from sales of the old crown lands within the United States might be set apart for their benefit. To the ministry it was clear that peace, if to be made by them at all, must be made before the meeting of parliament, which had been summoned for the twenty-fifth of November.

Bancroft, Hist. of the U.S., vol.5, p.573 - p.574

The American commission was, on the twenty-sixth of October, recruited by the arrival of John Adams, its chief. It had been the proudest moment of his life when he received from congress the commission of sole plenipotentiary for negotiating peace and commerce between the United States and Great Britain. The year in which he was deprived of it he has himself described as "the most anxious and mortifying year of his whole life." He ascribed the change in part to the French government, in part to Franklin. In his better moments, even at that day, he did justice to France; toward Franklin he never relented. Both Franklin and John Adams had done great deeds which give them a place in the history of mankind. The one best understood his fellow-men and how to deal with them; the other the principles on which free constitutions should be formed. Both sons of Massachusetts, they were stars shining in the same constellation, and now in framing a treaty of peace with the British empire each of the two seemed living not a life of his own, but as if prophetically inspired with all the coming greatness of their country.

Bancroft, Hist. of the U.S., vol.5, p.574

Adams came fresh from the grand achievement of prevailing on the United Provinces to acknowledge the independence of the United States, and to form with them a treaty of commerce; but his first step in the negotiation at Paris was a wrong one. Franklin had hitherto warded off the demand that the treaty of peace should guarantee to English merchants the right to collect debts that had been due to them in the United States, because the British armies had in many cases robbed the merchants of the very goods for which the debts were incurred; and had wantonly destroyed the property of the planters, which would have furnished the means of payment. Moreover, the British themselves had confiscated the debts as well as all other property of the patriots of South Carolina. The day after Strachey's arrival in Paris, Adams, encountering him and Oswald at the house of Jay, to their surprise and delight gave his assent to the proposed stipulation in behalf of British creditors. In the evening of the same day Adams called for the first time on Franklin, who at once put him on his guard as to the British demands relating to debts and the compensation of tories.

Bancroft, Hist. of the U.S., vol.5, p.574

On the thirtieth the American commissioners met Oswald and Strachey, and for four several days they discussed the unsettled points of the treaty.

Bancroft, Hist. of the U.S., vol.5, p.574 - p.575

Massachusetts desired to extend to the St. John; unless that boundary could be obtained, congress unanimously agreed the question should be reserved for settlement by commissioners after the war. The British commission, aided by a veteran clerk from the old board of trade, were just then striving to wrest from Maine at least the duke of York's old province of Sagadahoc. From habitual forethought Adams had brought with him documents which were decisive on the question. He knew exactly the boundary of his native state on the east and north-east; he listened to no suggestion of delay in its adoption; he asked no extension of the true boundary; he scorned to accept less. His colleagues gladly deferred to him. To gain the influence of France he sought an interview with Vergennes, and, by the papers and maps which he submitted, secured his adhesion. The line which Adams vindicated found its place in the treaty without further dispute or cavil.

Bancroft, Hist. of the U.S., vol.5, p.575

The British commissioners denied to the Americans the right of drying fish on Newfoundland. This was, after a great deal of conversation, submitted to upon condition that the American fishermen should be allowed to dry their fish on any unsettled parts of the coast of Nova Scotia. Franklin said further: "I observe as to catching fish you mention only the banks of Newfoundland. Why not all other places, and among others the Gulf of St. Lawrence? Are you afraid there are not fish enough, or that we should catch too many, at the same time that you know that we shall bring the greatest part of the money we get for that fish to Great Britain to pay for your manufactures?" And this enlargement was imbodied in the new article on the fisheries.

Bancroft, Hist. of the U.S., vol.5, p.575 - p.576

On the fourth of November, Adams and Jay definitively overruled the well-grounded objections of Franklin to the recognition by treaty of the validity of debts contracted before the war; thus involving the country in grievous difficulties by inserting in the treaty a clause to which the United States as then constituted had no power to give effect. Strachey wrote to the secretary of state that Jay and Adams would in like manner assent to the indemnification of the refugees rather than break off the treaty. Franklin saw and averted the danger. In reply to a letter from Secretary Townshend, having in his mind the case of the refugees, he deprecated any instructions to the British negotiators that would involve an irreconcilable conflict with those of America. At the same time he persuaded Adams and Jay to join with him in letters to Oswald and to Strachey, expressing in conciliatory language their unanimous sentiments that an amnesty more extensive than what had already been agreed to could not be granted to the refugees.

Bancroft, Hist. of the U.S., vol.5, p.576

Before Strachey reached London with the second set of articles for peace, the friends of Fox had forgotten their zeal for American independence. All parties unanimously demanded amnesty and indemnity for the loyalists. Within the cabinet, Camden and Grafton were restless, while Richmond and Keppell were preparing to renounce their places. The king could not avoid mentioning "how sensibly he felt the dismemberment of America from the empire:" "I should be miserable indeed," he said, "if I did not feel that no blame on that account can be laid at my door; it may not in the end be an evil that its inhabitants will become aliens to this kingdom."

Bancroft, Hist. of the U.S., vol.5, p.576

Townshend and William Pitt remained true to Shelburne; and a third set of articles was prepared, to which these three alone gave their approval in writing.

Bancroft, Hist. of the U.S., vol.5, p.576 - p.577

The Mississippi was accepted by the British as the American boundary on the west; but it remained to the last to settle the point where the United States would touch the northwestern boundary of Canada. In the first set of articles agreed on between the American commissioners and Oswald the line from the Connecticut at the forty-fifth parallel of north latitude was drawn due west on that parallel to the river St. Lawrence, thence to the south end of the lake Nipising, and thence straight to the source of the river Mississippi. This would have given the United States a part of upper Canada, and found no favor in England. In the articles taken to England by Strachey the line proceeded due west from the Connecticut on the forty-fifth parallel till it should strike the river Mississippi. At the last moment the question was determined in England by the British ministry, without any suggestions whatever from the United States. On French maps of 1755, published before the seven years' war, the Lake of the Woods was the limit of Canada on the north-west; the north-westernmost point of that lake was chosen as the northwesternmost point of the United States, and was reached by a line continued through the centre of the water-course of the great lakes to the north. By the article on the fishery, as proposed by the British, the Americans were not to take fish within three leagues of any British coast, and by an arbitrary restriction, copied from former treaties with France, they were not to take fish within fifteen leagues of Cape Breton. Not only indemnity for the estates of the refugees, but for the proprietary rights and properties of the Penns and the heirs of Lord Baltimore, was demanded. "If they insist in the plea of the want of power to treat of these subjects," said Townshend, "you will intimate to them in a proper manner that they are driving us to a necessity of applying directly to those who are allowed to have the power."

Bancroft, Hist. of the U.S., vol.5, p.577

"If the American commissioners think that they will gain by the whole coming before parliament, I do not imagine that the refugees will have any objections," added Shelburne. Fitzherbert was instructed to take part in the American negotiations; and, with his approval and that of Strachey, Oswald was empowered to sign a treaty. Authority was given to Fitzherbert to invoke the influence of France to bend the Americans. Vergennes had especially pleaded with them strongly in favor of the refugees. Parliament was prorogued to the fifth of December, in the hope the terms of the treaty might be settled before that day.

Bancroft, Hist. of the U.S., vol.5, p.577 - p.578

On the same day on which the final instructions to Oswald were written Vergennes declared in a letter to Luzerne: "There exists in our treaties no condition which obliges the king to prolong the war in order to sustain the ambitious pretensions which the United States may form in reference to the fishery or the extent of their boundaries." France would not prolong the war to secure to the Americans their extension to the Mississippi or the fisheries; the Americans were still less bound to continue the war to obtain Gibraltar for Spain.

Bancroft, Hist. of the U.S., vol.5, p.578

Early in the morning of the twenty-fifth the king was urging Shelburne to confide to Vergennes his "ideas concerning America," saying, "France must wish to assist us in keeping the Americans from a concurrent fishery, which the looseness of the article with that people as now drawn up gives but too much room to apprehend." Before Shelburne could have received the admonition, Adams, Franklin, and Jay met Oswald and Strachey at Oswald's lodgings. Strachey opened the parley by an elaborate speech, in which he explained his objections to the article on the fisheries, and that "the restitution of the property of the loyalists was the grand point upon which a final settlement depended. If the treaty should break off, the whole business must go loose and take its chance in parliament." Jay wished to know if Oswald could now conclude the treaty; and Strachey answered that he could, absolutely. Jay desired to know if the propositions he had brought were an ultimatum. Strachey seemed loath to answer, but at last said "no." That day, and the three following ones, the discussion was continued.

Bancroft, Hist. of the U.S., vol.5, p.578

On the twenty-ninth, Oswald, Fitzherbert, and Strachey on the one side, and Adams, Franklin, Jay, and, for the first time, Laurens on the other, came together at the apartments of Jay. "The articles of the boundaries remained exactly the same as in the draft sent over from England." The American commissioners agreed that there should be no future prosecutions of loyalists or confiscations of their property; that all pending prosecutions should be discontinued; and that congress should recommend to the several states and their legislatures, on behalf of the refugees, amnesty and the restitution of their confiscated property. Strachey thought this all which better than any of the modifications proposed in England, and congratulated himself on his success.

Bancroft, Hist. of the U.S., vol.5, p.579

Against the British draft of the article on the fisheries John Adams, with the steady and efficient support of Franklin and of Jay, spoke with the more effect, as it introduced an arbitrary restriction; and he declared he would not set his hand to the treaty unless the limitations were stricken out. After long altercations the article was reduced to the form in which it appears in the treaty, granting to the United States equal rights with British fishermen to take fish on the coast of Newfoundland, and on the coasts, bays, and creeks of all other British dominions in America.

Bancroft, Hist. of the U.S., vol.5, p.579

The influence of Oswald was strongly exerted in favor of signing the treaty immediately. He could do it only with the consent of Fitzherhert and Strachey; and they gave the opinion that it would be necessary to consult the government at home. "We can wait," answered Adams, "till a courier goes to London." The reference would have carried the whole matter into parliament, and so would have been fatal to the negotiation. Franklin saw the danger, and interposed: "If any further delay should be made, the clause insuring to the subjects of Great Britain the right of recovering their debts in the United States must also be reconsidered." But on this article Strachey prided himself as his great achievement; and, rather than expose it to risk, he joined with Oswald. Fitzherbert, now left alone, reflected that peace with the United States would be the best means of forcing France and Spain to declare their ultimatum; and he, too, gave his consent.

Bancroft, Hist. of the U.S., vol.5, p.579 - p.580

Thus far, no word in the convention had directly alluded to the existence of slavery in the United States. On the thirtieth, at the demand of Laurens, in the engrossed copies of the convention a clause was interlined prohibiting, on the British evacuation, the "carrying away any negroes or other property of the inhabitants. So the instrument, which already contained a confession that the United States were not formed into one nation, made known that in their confederacy man could be held as a chattel; but, as interpreted alike in America and England, it included free negroes among their citizens. By a separate article, a line of north boundary between West Florida and the United States was concerted, in ease Great Britain at the conclusion of the war should be in possession of that province. Out of respect to the alliance between the United States and France, the treaty was not to be made definitive until terms of peace should have been agreed upon between Great Britain and France; with this reservation the treaty of peace between the United States of America and Great Britain was signed and sealed by the commissioners of both countries. To prevent future dispute, the boundaries of the new nation were marked interchangeably by a strong line on copies of the map of America by Mitchell.

Bancroft, Hist. of the U.S., vol.5, p.580 - p.581

The treaty which ruled the fate of a hemisphere was largely due to Lord Shelburne and his early and never-failing confidence in "the comprehensive understanding and character of Franklin." Friends of Franklin gathered around him; and as the Duke de la Rochefoucauld kissed him for joy, "My friend," said Franklin, "could I have hoped at such an age to have enjoyed so great happiness?" The treaty in its main features was not a compromise, nor a compact imposed by force, but a free and perfect and perpetual settlement. By doing justice to her former colonies, England rescued her liberties at home and opened the way for their slow but certain development. The selfish policy of taxing colonies by parliament which had led to the cruel and unnatural war with America was cast aside and forever; Great Britain, henceforward as the great colonizing power, was to sow all the oceans with the seed of republics. For the United States, the war, which began by an encounter with a few husbandmen embattled on Lexington green, ended with independence, and the possession of the continent from the St. Croix to the southwestern Mississippi, from the Lake of the Woods to the St. Mary's. In time past, republics had been confined to cities and their dependencies, or to small cantons; the United States of America avowed themselves able to fill a continental territory with commonwealths. They possessed beyond any other portion of the world the great ideas of their age, and every individual was at liberty to apply them in thought and action. They could shape their institutions by the exercise of the right inherent in humanity to free deliberation, choice, and assent. Yet while the constitutions of their separate members, resting on the principle of self-direction, were, in most respects, the best in the world, they had no general government; and, as they went forth upon untried paths, the statesmen of Europe looked to see the confederacy fly into fragments, or lapse into anarchy. But, notwithstanding the want of a government for the collective inhabitants of the thirteen states, their mutual inter-citizenship, their unrestricted free trade among themselves, and their covenant of perpetual union, made them one people, to whom the consciousness of creative power gave the sure promise of a more perfect constitution.

History of the United States

Volume 6, 1782-1789

History of the Formation of the Constitution of the United States of America

HISTORY OF

THE FORMATION OF

THE CONSTITUTION OF

THE UNITED STATES OF AMERICA

IN FIVE BOOKS

Book First: The Confederation to June 1783

BOOK FIRST

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The Confederation to June 1783

Chapter 1:

A Retrospect, Early Movements Toward Union,

1643-1781

Bancroft, Hist. of the U.S., vol.6, p.5

THE order of time brings us to the most cheering act in the political history of mankind, when thirteen republics, of which at least three reached from the sea to the Mississippi, formed themselves into one federal commonwealth. There was no revolt against the past, but a persistent and healthy progress. The sublime achievement was the work of a people led by statesmen of earnestness, perseverance, and public spirit; instructed by the widest experience in the forms of representative government, and warmed by that mutual love which proceeds from ancient connection, harmonious effort in perils, and common aspirations.

Bancroft, Hist. of the U.S., vol.6, p.5

Scarcely one who wished me good speed when I first essayed to trace the history of America remains to greet me with a welcome as I near the goal. Deeply grateful as I am for the friends who rise up to gladden my old age, their encouragement must renew my grief for those who have gone before me.

Bancroft, Hist. of the U.S., vol.6, p.5 - p.6

While so much is changed in the living objects of personal respect and affection, infinitely greater are the transformations in the condition of the world. Power has come to dwell with every people, from the Arctic sea to the Mediterranean, from Portugal to the borders of Russia. From end to end of the United States, the slave has become a freeman; and the various forms of bondage have disappeared from European Christendom. Abounding harvests of scientific discovery have been garnered by numberless inquisitive minds, and the wildest forces of nature have been taught to become the docile helpmates of man. The application of steam to the purposes of travel on land and on water, the employment of a spark of light as the carrier of thought across continents and beneath oceans, have made of all the inhabitants of the earth one society. A journey round the world has become the pastime of a holiday vacation. The morning newspaper gathers up and brings us the noteworthy events of the last four-and-twenty hours in every quarter of the globe. All states are beginning to form parts of one system. The "new nations," which Shakespeare's prophetic eye saw rising on our eastern shore, dwell securely along two oceans, midway between their kin of Great Britain on the one side and the world's oldest surviving empire on the other.

Bancroft, Hist. of the U.S., vol.6, p.6

More than two thousand years ago it was truly said that the nature of justice can be more easily discerned in a state than in one man. It may now be studied in the collective states of all the continents. 'The ignorance and prejudices that come from isolation are worn away in the conflict of the forms of culture. We learn to think the thought, to hope the hope of mankind. Former times spoke of the dawn of civilization in some one land; we live in the morning of the world. Day by day the men who guide public affairs are arraigned before the judgment-seat of the race. A government which adopts a merely selfish policy is pronounced to be the foe of the human family. The statesman who founds and builds up the well-being of his country on justice has all the nations for a cloud of witnesses, and, as one of our own poets has said, "The linked hemispheres attest his deed." He thrills the world with joy; and man becomes of a nobler spirit as he learns to gauge his opinions and his acts by a scale commensurate with his nature.

Bancroft, Hist. of the U.S., vol.6, p.6

History carries forward the study of ethics by following the footsteps of states from the earliest times of which there is a record. The individual who undertakes to capture truth by solitary thought loses his way in the mazes of speculation, or involves himself in mystic visions, so that the arms which he extends to embrace what are but formless shadows return empty to his own breast. To find moral truth, he must study man in action. The laws of which reason is conscious can be tested best by experience; and inductions will be the more sure, the larger the experience from which they are drawn. However great may be the number of those who persuade themselves that there is in man nothing Superior to himself, history interposes with evidence that tyranny and wrong lead inevitably to decay; that freedom and right, however hard may be the struggle, always prove resistless. Through this assurance ancient nations learn to renew their youth; the rising generation is incited to take a generous part in the grand drama of time; and old age, staying itself upon sweet Hope as its companion and cherisher, not bating a jot of courage, nor seeing cause to argue against the hand or the will of a higher power, stands waiting in the tranquil conviction that the path of humanity is still fresh with the dews of morning, that the Redeemer of the nations liveth.

Bancroft, Hist. of the U.S., vol.6, p.7

The colonies, which became one federal republic, were founded by rival powers. That difference of origin and the consequent antagonism of interest were the motives to the first American union. In 1643 three New England colonies joined in a short-lived "confederacy" for mutual protection, especially against the Dutch; each member reserving its peculiar jurisdiction and government, and an equal vote in the general council.

Bancroft, Hist. of the U.S., vol.6, p.7

Common danger gave the next impulse to collective action. Rivers, which were the convenient war-paths of the natives, flowed in every direction from the land of the Five Nations; against whom, in 1684, measures of defence, extending from North Carolina to the northern boundary of New England, were concerted. Later, in 1751, South Carolina joined northern colonies in a treaty with the same tribes.

Bancroft, Hist. of the U.S., vol.6, p.7

On the side of England, James II, using the simple method of the prerogative of an absolute king, began the suppression of colonial legislatures, and the consolidation of colonies under the rule of one governor. After the English revolution of 1688 had gained consistency, the responsible government which it established would gladly have devised one uniform system of colonial administration; and in 1696 the newly created board of trade, of which John Locke was a member, suggested the appointment of a captain-general of all the forces on the continent of North America, with such power as could be exercised through the prerogative of a constitutional king.

Bancroft, Hist. of the U.S., vol.6, p.8

In 1697 William Penn appeared before the board and advised an annual "congress" of two delegates from each one of the American provinces, to determine by plurality of voices the ways and means for supporting their union, providing for their safety, and regulating their commerce.

Bancroft, Hist. of the U.S., vol.6, p.8

In 1721, to ensure the needed co-operation of the colonies in the rivalry of England with France for North American territory, the plan attributed to Lord Stairs provided for a lord-lieutenant or captain-general over them all; and for a general council to which each provincial assembly should send two of its members, electing one of the two in alternate years. The lord-lieutenant of the king, in conjunction with the general council on behalf of the colonies, was then to allot the quotas of men and money which the several assemblies were to raise by laws of their own. All these projects slumbered among heaps of neglected papers.

Bancroft, Hist. of the U.S., vol.6, p.8

On the final struggle between England and France, the zeal of the colonists surpassed that of the mother country. A union, proposed by Franklin in 1754, would have preserved the domestic institutions of the several colonies. For the affairs of the whole, a governor-general was to be appointed from England, and a legislature, in which the representation would have borne some proportion to population, was to be chosen triennially by the colonies. This plan, which foreshadowed the present constitution of the Dominion of Canada and the federation which with hope and applause was lately offered by rival ministries to South Africa, was at that day rejected by the British government with abhorrence and disdain.

Bancroft, Hist. of the U.S., vol.6, p.8 - p.9

The English administration confined itself next to methods for obtaining a colonial revenue. For this end Lord Halifax, in 1754, advised that the commander-in-chief, attended by one commissioner from each colony, whose election should be subject to one negative of the king by the royal council and another by the royal governor, should adjust the quotas of each colony, which were then to be enforced by the authority of parliament. This plan was suppressed by impending war.

Bancroft, Hist. of the U.S., vol.6, p.9

Great Britain having, with the lavish aid of her colonies, driven France from Canada, needed them no more as allies in war. From 1762 to 1765 the problem was how to create a grand system of empire. James Otis, of Boston, would have had all kingdoms and all outlying possessions of the crown wrought into the flesh and blood and membership of one organization; but this advice, which would have required home governments for every kingdom and for every colony, and, for general affairs, one imperial parliament representing the whole, found no favor.

Bancroft, Hist. of the U.S., vol.6, p.9

In those days of aristocratic rule, the forming of a grand plan of union was assigned by the Bedford faction to George Grenville, a statesman bred to the law, the impersonation of idolatry of the protective system as the source of British prosperity, and of faith in the omnipotence of the British parliament as the groundwork of British liberty. He sought to unite the thirteen colonies in their home administration by the prerogative; in their home legislation by a royal veto of acts of their own legislatures; in the establishment of their general revenue and the regulation of their commerce by acts of the British parliament.

Bancroft, Hist. of the U.S., vol.6, p.9

And now came into the view of the world the rare aptitude of the colonies for concert and organization. James Otis, in the general court of Massachusetts, spoke the word for an American congress, and in 1765 nine of the thirteen met at New York: the British parliament aimed at consolidating their administration without their own consent, and did but force them to unite in the denial of its power.

Bancroft, Hist. of the U.S., vol.6, p.9 - p.10

The truest and greatest Englishman of that century breasted the heaving wave and by his own force stayed it, but only for the moment. An aristocratic house of commons, piqued and vexed at its own concession, imposed a tax on the colonies in the least hateful form that it could devise; and in 1773 the sound of tea-chests, falling into Boston harbor, startled the nations with the news of a united and resistant America.

Bancroft, Hist. of the U.S., vol.6, p.10

In 1774 the British parliament thought proper to punish Boston and attempt coercion by arms; "delegates of the in habitants" of twelve American colonies in a continental Congress acted as one in a petition to the king.

Bancroft, Hist. of the U.S., vol.6, p.10

The petition was not received. Six months before the declaration of independence, Thomas Paine, in "Common Sense," had written and published to the world: "Nothing but a continental form of government can keep the peace of the continent. Let a CONTINENTAL CONFERENCE be held, to frame a CONTINENTAL CHARTERS drawing the line of business and jurisdiction between members of congress and members of assembly, always remembering that our strength and happiness are continental, not provincial. The bodies chosen conformably to said charter shall be the legislators and governors of this continent. We have every opportunity and every encouragement to form the noblest, purest constitution on the face of the earth. The continental convention which was to frame the constitution for the union was to represent both the colonies and the people of each colony; its members were to be chosen, two by congress from the delegation of each colony, two by the legislature of each colony out of its own body, and five directly by the people.

Bancroft, Hist. of the U.S., vol.6, p.10

Great Britain offered its transatlantic dominions no unity but under a parliament in which they were not represented; the people of thirteen colonies by special instructions to their delegates in congress, on the fourth of July 1776, declared themselves to be states, independent and united, and began the search for a fitting constitution.

Bancroft, Hist. of the U.S., vol.6, p.10

In their first formative effort they missed the plain road of English and American experience. They had rightly been jealous of extending the supremacy of England, because it was a government outside of themselves; they now applied that jealousy to one another, forgetting that the general power would be in their own hands. Joseph Hawley of Massachusetts had, in November 1775, advised annual parliaments of two houses; the committee for framing the confederation, misled partly by the rooted distrust for which the motive had ceased, and partly by erudition which studied Hellenic councils and leagues as well as later confederacies, took for its pattern the constitution of the United Provinces, with one house and no central power of final decision. These evils were nearly fatal to the United Provinces themselves, although every one of them could be reached by a messenger within a day's journey; and here was a continent of states which could not be consulted without the loss of many months, and would ever tend to anarchy from the want of agreement in their separate deliberations.

Bancroft, Hist. of the U.S., vol.6, p.11

Hopeless of a good result from the deliberations of congress on a confederation, Edward Rutledge, in August 1776, in a letter to Robert R. Livingston, avowed his readiness to "propose that the states should appoint a special congress, to be composed of new members, for this purpose."

Bancroft, Hist. of the U.S., vol.6, p.11

The necessities of the war called into being, north of the Potomac, successive conventions of a cluster of states. In August 1780, a convention of the New England states at Boston declared for a more solid and permanent union with one supreme head, and "a congress competent for the government of all those common and national affairs which do not nor can come within the jurisdiction of the particular states." At the same time it issued an invitation for a convention of the New England states, New York, and "others that shall think proper to join them," to meet at Hartford.

Bancroft, Hist. of the U.S., vol.6, p.11

The legislature of New York approved the measure. "Our embarrassments in the prosecution of the war," such was the message of Governor George Clinton on the fourth of September, at the opening of the session, "are chiefly to the attributed to a defect of power in those who ought to exercise a supreme jurisdiction; for, while congress only recommends and the different states deliberate upon the propriety of the recommendation, we cannot expect a union of force or council." The senate answered in the words of Philip Schuyler: "We perceive the defects of the present system, and the necessity of a supreme and coercive power in the government of these states; and are persuaded that, unless congress are authorized to direct uncontrollably the operations of war and enabled to enforce a compliance with their requisitions, the common force can never be properly united."

Bancroft, Hist. of the U.S., vol.6, p.12

Meantime Alexander Hamilton in swiftness of thought outran all that was possible. Early in September, in a private letter to James Duane, then a member of congress, he took up the proposal, which, nearly five years before, Thomas Paine had made known, and advised that a convention of all the states should meet on the first of the following November, with full authority to conclude finally and set in motion a "vigorous" general confederation. His ardor would have surprised the people into greater happiness without giving them an opportunity to view and reject his project.

Bancroft, Hist. of the U.S., vol.6, p.12

Before the end of the year the author of "Common Sense" himself, publishing in Philadelphia a tract asserting the right of the United States to the vacant western territory, closed his argument for the "Public Good" with these words: "I take the opportunity of renewing a hint which I formerly threw out in the pamphlet 'Common Sense,' and which the several states will, sooner or later, see the convenience, if not the necessity, of adopting; which is, that of electing a continental convention, for the purpose of forming a continental constitution, defining and describing the powers of congress. To have them marked out legally will give additional energy to the whole, and a new confidence to the several parts."

Bancroft, Hist. of the U.S., vol.6, p.12

"Call a convention of the states, and establish a congress upon a constitutional footing," wrote Greene, after taking command of the southern army, to a member of congress.

Bancroft, Hist. of the U.S., vol.6, p.12

On the eleventh of November able representatives from each of the four New England states and New York—John T. Gilman of New Hampshire, Thomas Cushing, Azor Orne, and George Partridge of Massachusetts, William Bradford of Rhode Island, Eliphalet Dyer and William Williams of Connecticut, John Sloss Hobart and Egbert Benson of New York—assembled at Hartford. The lead in the convention was taken by the delegates from New York, Hobart, a judge of its supreme court, and Benson, its attorney-general. At their instance it was proposed, as a foundation for a safe system of finance, to provide by taxes or duties a certain and inalienable revenue, to discharge the interest on any funded part of the public debt, and on future loans. As it had proved impossible to get at the valuation of lands, congress should be empowered to apportion taxes on the states according to their number of inhabitants, black as well as white. They then prepared a circular letter to all the states, in which they said:

"Our embarrassments arise from a defect in the present government of the United States. All government supposes the power of coercion; this power, however, never did exist in the general government of the continent, or has never been exercised. Under these circumstances, the resources and force of the country can never be properly united and drawn forth. The states individually considered, while they endeavor to retain too much of their independence, may finally lose the whole. By the expulsion of the enemy we may be emancipated from the tyranny of Great Britain; we shall, however, be without a solid hope of peace and freedom unless we are properly cemented among ourselves."

Bancroft, Hist. of the U.S., vol.6, p.13

The proceedings of this convention were sent to every state in the union, to Washington, and to congress. They were read in congress on the twelfth of December 1780; and were referred to a committee of five, on which were John Wither spoon and James Madison, the master and his pupil. In the same days Pennsylvania instructed its delegates in congress that imposts on trade were absolutely necessary; and, in order to prevent any state from taking advantage of a neighbor, congress should recommend to the several states in union a system of imposts. Before the end of 1780 the legislative council and general assembly of New Jersey, while they insisted "that the rights of every state in the union should be strictly maintained," declared that "congress represent the federal republic." Thus early was that name applied to the United States. Both branches of the legislature of New York, which at that time was "as well disposed a state as any in the union," approved the proceedings of the convention as promoting the interest of the continent.

Bancroft, Hist. of the U.S., vol.6, p.14

With the year 1781, when the ministry of Great Britain believed themselves in possession of the three southernmost states and were cheering Cornwallis to complete his glory by the conquest of Virginia; when congress was confessedly with out the means to recover the city of New York; when a large contingent from France was at Newport, serious efforts for the creation of a federal republic began, and never ceased until it was established. The people of New York, from motives of the highest patriotism, had already ceded its claims to western lands. The territory north-west of the Ohio, which Virginia had conquered, was on the second of January surrendered to the United States of America. For this renunciation one state and one state only had made delay. On the twenty-ninth, congress received the news so long anxiously waited for, that Maryland by a resolution of both branches of her legislature had acceded to the confederation, seven members only in the house voting in the negative. Duane, who had been taught by Washington that "greater powers to congress were indispensably necessary to the well-being and good government of public affairs," instantly addressed him: "Let us devote this day to joy and congratulation, since by the accomplishment of our federal union we are become a nation. In a political view it is of more real importance than a victory over all our enemies. We shall not fail of taking advantage of the favorable temper of the states and recommending for ratification such additional articles as will give vigor and authority to government." The enthusiasm of the moment could not hide the truth, that without amendments the new system would struggle vainly for life. Washington answered: "Our affairs will not put on a different aspect unless congress is vested with, or will assume, greater powers than they exert at present."

Bancroft, Hist. of the U.S., vol.6, p.15

To John Sullivan of New Hampshire, another member of congress, Washington wrote: "I never expect to see a happy termination of the war, nor great national concerns well conducted in peace, till there is something more than a recommendatory power in congress. The last words, therefore, of my letter and the first wish of my heart concur in favor of it."

Bancroft, Hist. of the U.S., vol.6, p.15

The legislature of Maryland swiftly transformed its resolution into an act. The delegates having full authority, in the presence of congress, on the first day of March, subscribed the articles of confederation, and its complete, formal, and final ratification by all the United States was announced to the public; to the executives of the several states; to the American ministers in Europe, and through them to the courts at which they resided; to the minister plenipotentiary of France in America; to the commander-in-chief, and through him to the army. Clinton communicated "the important event" to the legislature of New York, adding: "This great national compact establishes our union." But the completion of the confederation was the instant revelation of its insufficiency, and the summons to the people of America to form a better constitution.

Bancroft, Hist. of the U.S., vol.6, p.16

Washington rejoiced that Virginia had relinquished her claim to the land south of the great lakes and north-west of the Ohio, which, he said, "for fertility of soil, pleasantness of climate, and other natural advantages, is equal to any known tract of country of the same extent in the universe." He was pleased that Maryland had acceded to the confederation; but he saw no ground to rest satisfied.

Bancroft, Hist. of the U.S., vol.6, p.16

On taking command of the army in Massachusetts in 1775, he at once discriminated between the proper functions of individual colonies and "that power and weight which ought of right to belong only to the whole;" and he applied to Richard Henry Lee, then in congress, for aid in establishing the distinction. In the following years he steadily counselled the formation of one continental army. As a faithful laborer in the cause, as a man injuring his private estate without the smallest personal advantage, as one who wished the prosperity of America most devoutly, he in the last days of 1778 had pleaded with the statesmen of Virginia for that which to him was more than life. He called on Benjamin Harrison, then speaker of the house of delegates, on Mason, Wythe, Jefferson, Nicholas, Pendleton, and Nelson, "not to be satisfied with places in their own state while the common interests of America were mouldering and sinking into irretrievable ruin, but to attend to the momentous concerns of an empire." "Till the great national interest is fixed upon a solid basis," so he wrote, in March 1779, to George Mason, "I lament the fatal policy of the states of employing their ablest men at home. How useless to put in fine order the smallest parts of a clock unless the great spring which is to set the whole in motion is well attended to! Let this voice call forth you, Jefferson, and others to save their country." But now, with deeper emotion, he turns to his own state as he had done in the gloomy winter of 1778. He has no consolation but in the hope of a good federal government. His growing desire has the character of the forces of nature, which from the opening year increase in power till the earth is renewed.

Bancroft, Hist. of the U.S., vol.6, p.17

A constant, close observer of what was done by Virginia, he held in mind that on the twenty-fourth day of December 1779, on occasion of some unwise proceedings of congress, she had resolved "that the legislature of this commonwealth are greatly alarmed at the assumption of power lately exercised by congress. While the right of recommending measures to each state by congress is admitted, we contend for that of judging of their utility and expediency, and of course either to approve or reject. Making any state answerable for not agreeing to any of its recommendations would establish a dangerous precedent against the authority of the legislature and the sovereignty of the separate states."

Bancroft, Hist. of the U.S., vol.6, p.17

This interposition of the Virginia legislature so haunted Washington's mind that he felt himself more particularly impelled to address with freedom men of whose abilities and judgments he wished to avail himself. He thoroughly understood the obstinacy and strength of opinion which he must encounter and overcome. His native state, reaching to the Mississippi and dividing the South from the North, held, from its geographical place, its numbers, and the influence of its statesmen, a power of obstructing union such as belonged to no other state. He must persuade it to renounce some share of its individual sovereignty and forego "the liberty to reject or alter any act of congress which in a full representation of states has been solemnly debated and decided on," or there is no hope of consolidating the union. His position was one of extreme delicacy; for he was at the head of the army which could alone be employed to enforce the requisitions of congress. He therefore selected, as the Virginians to whom he could safely address himself, the three great civilians whom that commonwealth had appointed to codify its laws and adapt them to the new state of society consequent on independence, Jefferson, its governor, Pendleton, the president of its court of appeals, and Wythe, its spotless chancellor.

Bancroft, Hist. of the U.S., vol.6, p.18

"The alliance of the states," he said, "is now complete. If the powers granted to the respective body of the states are inadequate, the defects should be considered and remedied. Danger may spring from delay; good will result from a timely application of a remedy. The present temper of the states is friendly to the establishment of a lasting union; the moment should be improved; if suffered to pass away it may never return, and, after gloriously and successfully contending against the usurpations of Britain, we may fall a prey to our own follies and disputes." He argued for the power of compelling the states to comply with the requisitions for men and money agreeably to their respective quotas; adding: "It would give me concern should it be thought of me that I am desirous of enlarging the powers of congress unnecessarily; I declare to God, my only aim is the general good." And he promised to make his views known to others besides the three.

Bancroft, Hist. of the U.S., vol.6, p.18

His stepson, John Parke Custis, who was just entering into public life, he thus instructed: "The fear of giving sufficient powers to congress is futile. Under its present constitution, each assembly will be annihilated, and we must once more return to the government of Great Britain, and be made to kiss the rod preparing for our correction. A nominal head, which at present is but another name for congress, will no longer do. That honorable body, after hearing the interests and views of the several states fairly discussed and explained by their respective representatives, must dictate, and not merely recommend."

Bancroft, Hist. of the U.S., vol.6, p.18

To another Virginian, Joseph Jones of King George county, whom he regarded with sincere affection and perfect trust, he wrote: "Without a controlling power in congress it will be impossible to carry on the war; and we shall speedily be thirteen distinct states, each pursuing its local interests, till they are annihilated in a general crash. The fable of the bunch of sticks may well be applied to us." In a like strain he addressed other trusty correspondents and friends. His wants as commander-in-chief did not confine his attention to the progress of the war; he aimed at nothing less than an enduring government for all times of war and peace.

Bancroft, Hist. of the U.S., vol.6, p.19

As soon as the new form of union was proclaimed, congress saw its want of real authority, and sought a way to remedy the defect. A report by Madison, from a committee, was completed on the twelfth and read in congress on the sixteenth of March; and this was its reasoning: "The articles of confederation, which declare that every state shall abide by the determinations of congress, imply a general power vested in congress to enforce them and carry them into effect. The United States in congress assembled, being desirous as far as possible to cement and invigorate the federal union, recommend to the legislature of every state to give authority to employ the force of the United States as well by sea as by land to compel the states to fulfil their federal engagements."

Bancroft, Hist. of the U.S., vol.6, p.19

Madison enclosed to Jefferson a copy of his report, and, on account of the delicacy and importance of the subject, expressed a wish for his judgement on it before it should undergo the final decision of congress. No direct reply from him is preserved, but Joseph Jones, who, after a visit to Richmond, was again in Philadelphia about the middle of May, gave to Madison a copy of the letter of Washington to Jefferson and his two associates. There were no chances that the proposal of Madison would be approved by any one state, yet on the second of May it was referred to a grand committee; that is, to a committee of one from each state. On the eighteenth the Chevalier de la Luzerne, then the French minister in America, sent this dispatch to Vergennes: "There is a feeling to reform the constitution of congress; but the articles of confederation, defective as they are, cost a year and a half of labor and of debates; a change will not encounter less difficulty, and it appears to me there is more room for desire than for hope."

Bancroft, Hist. of the U.S., vol.6, p.20

Even while he was writing, the movement for reform received a new impulse. In a pamphlet dated the twenty-fourth, and dedicated to the congress of the United States of America and to the assembly of the state of Pennsylvania, William Barton insisted that congress should "not be left with the mere shadow of sovereign authority, without the right of exacting obedience to their ordinances, and destitute of the means of executing their resolves." To remedy this evil he did not look to congress itself, but "indicated the necessity of their calling a continental convention, for the express purpose of ascertaining, defining, enlarging, and limiting the duties and powers of their constitution." This is the third time that the suggestion of a general constituent convention was brought before the country by the press of Philadelphia.

Bancroft, Hist. of the U.S., vol.6, p.21

The grand committee of thirteen delayed their report till the twentieth of July, and then only expressed a wish to give congress power in time of war to lay an embargo at least for sixty days, and to appoint receivers of the money of the United States as soon as collected by state officers. By their advice the business was then referred to a committee of three.

Bancroft, Hist. of the U.S., vol.6, p.21

Day seemed to break when, on the twentieth of July, Edmund Randolph, who had just brought from Virginia the news of its disposition to strengthen the general government, Oliver Ellsworth of Connecticut, and James M. Varnum of Rhode Island, three of the ablest lawyers in their states, were selected to "prepare an exposition of the confederation, to devise a plan for its complete execution, and to present supplemental articles."

Bancroft, Hist. of the U.S., vol.6, p.21

In support of the proceedings of congress, Hamilton, during July and August, published a series of papers which he called "The Continentalist." "There is hardly a man," said he, "who will not acknowledge the confederation unequal to a vigorous prosecution of the war, or to the preservation of the union in peace. The federal government, too weak at first, will continually grow weaker." "Already some of the states have evaded or refused the demands of congress; the currency is depreciated; public credit is at the lowest ebb; our army deficient in numbers and unprovided with everything; the enemy making an alarming progress in the southern states; Cornwallis still formidable to Virginia. As in explanation of our embarrassments nothing can be alleged to the disaffection of the people, we must have recourse to impolicy and mismanagement in their rulers. We ought, therefore, not only to strain every nerve to render the present campaign as decisive as possible, but we ought, without delay, to enlarge the powers of congress. Every plan of which this is not the foundation will be illusory. The separate exertions of the states will never suffice. Nothing but a well-proportioned exertion of the resources for the whole, under the direction of a common council with power sufficient to give efficacy to their resolutions, can preserve us from being a conquered people now, or can make us a happy one hereafter."

Bancroft, Hist. of the U.S., vol.6, p.22

The committee of three, Randolph, Ellsworth, and Varnum, made their report on the twenty-second of August. They declined to prepare an exposition of the confederation, because such a comment would be voluminous if co-extensive with the subject; and, in the enumeration of powers, omissions would become an argument against their existence. With professional exactness they explained in twenty-one cases the "manner"in which "the confederation required execution." As to delinquent states, they advised, "That—as America became a confederate republic to crush the present and future foes of her independence; as of this republic a general council is a necessary organ; and as, without the extension of its power, war may receive a fatal inclination and peace be exposed to daily convulsions—it be resolved to recommend to the several states to authorize the United States in congress assembled to lay embargoes and prescribe rules for impressing property in time of war; to appoint collectors of taxes required by congress; to admit new states with the consent of any dismembered state; to establish a consular system without reference to the states individually; to distrain the property of a state delinquent in its assigned proportion of men and money; and to vary the rules of suffrage in congress so as to decide the most important questions by the agreement of two thirds of the United States."

Bancroft, Hist. of the U.S., vol.6, p.22

It was further proposed to make a representation to the several states of the necessity for these supplemental powers, and of pursuing in their development one uniform plan.

Bancroft, Hist. of the U.S., vol.6, p.22

At the time when this report was made the country was rousing its energies for a final campaign. New England with its militia assisted to man the lines near New York; the commander-in-chief with his army had gone to meet Cornwallis in Virginia; and Greene was recovering the three southernmost states. Few persons in that moment of suspense cared to read the political essays of Hamilton, and he hastened to take part in the war under the command of Lafayette. The hurry of crowded hours left no opportunity for deliberation on the reform of the constitution. Moreover, the committee of three, while they recognised the duty of obedience on the part of the states to the requisitions of congress, knew no way to force men into the ranks of the army, or distrain the property of a state. There could be no coercion; for every state was a delinquent. Had it been otherwise, the coercion of a state by force of arms is civil war, and, from the weakness of the confederacy and the strength of organization of each separate state, the attempt at coercion would have been disunion.

Bancroft, Hist. of the U.S., vol.6, p.23

Yet it was necessary for the public mind to pass through this process of reasoning. The conviction that the confederacy could propose no remedy for its weakness but the impracticable one of the coercion of sovereign states compelled the search for a really efficient and more humane form of government. Meantime the report of Randolph, Ellsworth, and Varnum, which was the result of the deliberations of nearly eight mouths, fell to the ground. We shall not have to wait long for a word from Washington; and, when he next speaks, he will propose "A NEW CONSTITUTION."

Chapter 2:

The Struggle for Revenue,

1781-1782

Bancroft, Hist. of the U.S., vol.6, p.24

SCHUYLER had been led by his own experience to perceive the necessity for the states to surrender some part of their sovereignty, and "adopt another system of government." On the twenty-first of January 1781 he moved in the senate of New York to request the eastern states to join in an early convention, which should form a perpetual league of incorporation, subservient, however, to the common interest of all the states; invite others to accede to it; erect Vermont into a state; devise a fund for the redemption of the common debts; substitute a permanent and uniform system for temporary expedients; and invest the confederacy with powers of coercion.

Bancroft, Hist. of the U.S., vol.6, p.24

"We stand ready on our part to confer adequate powers on congress," was the message of both houses to that body in a letter of the fifth of February, written in the name of the state by their joint committee, on which were Schuyler and Benson.

Bancroft, Hist. of the U.S., vol.6, p.24

Washington had been taught by his earliest observation as general, and had often declared the indispensable necessity of more responsibility and permanency in the executive bodies. The convention at Boston of August 1780 had recommended "a permanent system for the several departments." Hamilton "was among the first who were convinced that their administration by single men was essential to the proper management of affairs." On the tenth of January 1781, congress initiated a reform by establishing a department of foreign affairs; but more than eight months elapsed before it was filled by Robert R. Livingston.

Bancroft, Hist. of the U.S., vol.6, p.25

There was the most pressing need of a minister of war. After tedious rivalries and delays, Benjamin Lincoln was elected; but he did not enter upon the office till near the end of November, when the attempt of Great Britain to subjugate America had ceased.

Bancroft, Hist. of the U.S., vol.6, p.25

For the treasury, John Sullivan suggested to Washington the name of Hamilton. How far Hamilton had made a study of finance, Washington did not know; but he said: "Few of his age have a more general knowledge, and no one Is more firmly engaged in the cause, or exceeds him in probity and sterling virtue." In February the choice fell on Robert Morris, and unanimously, except that Massachusetts abstained from the ballot, Samuel Adams preferring the old system of committees.

Bancroft, Hist. of the U.S., vol.6, p.25

While Morris delayed his acceptance, Hamilton, who had been the first to present his name for the place, opened a correspondence with him. "A national debt," be wrote, "if it is not excessive, will be a national blessing, a powerful cement of union, a necessity for keeping up taxation, and a spur to industry." He recommended a national bank, with a capital of ten or fifteen millions of dollars, to be paid two sixths in specie, one sixth in bills or securities on good European funds, and three sixths in good landed security. It was to be erected into a legal corporation for thirty years, during which no other bank, public or private, was to be permitted. Its capital and deposits were to be exempt from taxation, and the United States, collectively and particularly, and conjointly with the private proprietors, were to become responsible for all its transactions. Its sources of profit were to be the sole right of issuing a currency for the United States equal in amount to the whole capital of the bank; loans at a rate not exceeding eight per cent; discount of bills of exchange; contracts with the French government for the supply of its fleets and armies in America, with the United States for the supply of their army; dealings in real estates, especially, with its large capital, buying at favorable opportunities the real estates of men who, having rendered themselves odious, would be obliged to leave the country. Another source of immense gain, contingently even of one hundred per cent, was to be a contract with the United States for taking up all their paper emissions. Incidentally, Hamilton expressed his "wish to see a convention of all the states, with full power to alter and amend, finally and irrevocably, the present futile and senseless confederation."

Bancroft, Hist. of the U.S., vol.6, p.26

This communication led to the closest relations between Hamilton and Robert Morris; but, vehement as was the character of the older man, his schemes fell far short of the daring suggestions of his young counsellor. On the fourteenth of May, Morris was installed as the superintendent of finance, and three days later he laid before congress his plan for a national bank. Its capital was to be four hundred thousand dollars in gold and silver, with power of increase at discretion; its notes were to form the currency of the country, and be receivable as specie for duties and taxes by every state and by the United States. Authority to constitute the company a legal body not being granted by the articles of confederation, Morris submitted that congress should apply to the states for the power of incorporating a bank and prohibiting all other banks.

Bancroft, Hist. of the U.S., vol.6, p.26

On the twenty-sixth, congress, without waiting to hear the voices of the states, resolved that the bank should be incorporated so soon as the subscription should be filled and officers chosen. This vote was carried by New Hampshire, New Jersey, and the five southernmost states, Massachusetts being in the negative, Pennsylvania divided, and Madison alone of the four members from Virginia opposing it as not within the powers of the confederation.

Bancroft, Hist. of the U.S., vol.6, p.27

From the want of a valuation of private lands and buildings, congress had not even the right to apportion requisitions. The five states which met at Hartford had suggested for the United States an impost as a source of revenue. New Jersey and North Carolina suffered from the legislation of the neighboring states, which were the natural channels of a part of their foreign trade: on the third of February 1781, Witherspoon and Burke, their representatives in congress, reviving an amendment to the articles of confederation proposed by New Jersey in 1778, moved to vest in the United States the power of regulating commerce according to "the common interest," and, under restrictions calculated to soothe state jealousies, the exclusive right of laying duties upon imported articles. This motion, which was a memorable step toward union, failed of success; and on the same day congress contented itself with asking of the states, as an "indispensable necessity," the power to levy a duty of five per cent ad valorem on all imports, with no permanent exemptions except of wool cards and cotton cards, and wire for making them. This first scheme of duties on foreign commerce sought to foster American industry by the free admission of materials necessary to the manufacturer.

Bancroft, Hist. of the U.S., vol.6, p.27

The letter of the fifth of February from the state of New York was met on its way by the vote of congress of the third. In March, New York granted the duties, to "be collected in such manner and by such officers as congress should direct." Connecticut had acted a month earlier at a special session called by Governor Trumbull, but had limited its grant to the end of the third year after the war. New Hampshire followed in the first week of April. Massachusetts delayed its consent till the next year, and then reserved to itself the appointment of the collectors.

Bancroft, Hist. of the U.S., vol.6, p.28

Outside of the five states which met at Hartford, the first to agree to the new demand were Pennsylvania and New Jersey. The general assembly of Virginia, which was to have met in Richmond on the seventh of May, was chased by the enemy to Charlottesville, where it elected Benjamin Harrison its speaker, and where John Taylor of Caroline, according to order, presented a bill to enable the United States to levy the needed duty. Fleeing beyond the mountains, they completed the act at Staunton. The grant, of which Harrison had been the great promoter, was restricted neither as to time nor as to form. Early in September, North Carolina adopted the measure; Delaware in November; South Carolina in February 1782; and Maryland in its following April session. The consent of Georgia was confidently expected.

Bancroft, Hist. of the U.S., vol.6, p.28

After the surrender of Cornwallis, the legislature of New York once more declared the readiness of their state to comply with any measures to render the union of the United States more intimate, and to contribute their proportion of well-established funds. This alacrity Clinton, on the twenty-fourth of November, reported to congress as the highest "evidence of a sincere disposition in the state to promote the common interest."

Bancroft, Hist. of the U.S., vol.6, p.28

Meantime the subscriptions to the bank languished, and Morris thought fit to apply to John Jay for money from the court of Madrid for its benefit, saying: "I am determined that the bank shall be well supported until it can support itself, and then it will support us." But there was no ray of hope from that quarter. Though so late as October 1781 the subscription amounted to no more than seventy thousand dollars, he was yet able to prevail with congress, on the thirty-first day of December, to incorporate the bank "forever" by the name of the Bank of North America; but it was not to exercise powers in any one of the United States repugnant to the laws or constitution of that state. But for this restriction Madison would have seen in the ordinance "a precedent of usurpation."

Bancroft, Hist. of the U.S., vol.6, p.29

The bank still wanted capital. During the autumn of 1781 a remittance in specie of nearly five hundred thousand dollars had been received from the king of France, and brought to Philadelphia. In January 1782, Morris, with no clear warrant, subscribed all of this sum that remained in the treasury, being about two hundred and fifty-four thousand dollars, to the stock of the bank, which was thus nursed into life by the public moneys. In return, it did very little, and could do very little, for the United States. Its legal establishment was supported by a charter from the state of Massachusetts, in March 1782; by an act of recognition from Pennsylvania in March, and a charter on the first of April; and ten days later by a charter from New York. The final proviso of the New York charter was, "that nothing in this act contained shall be construed to imply any right or power in the United States in congress assembled to create bodies politic, or grant letters of incorporation in any case whatsoever." The acts of Pennsylvania were repealed in 1785. Delaware gave a charter in 1786.

Bancroft, Hist. of the U.S., vol.6, p.29

The confederacy promised itself a solid foundation for a system of finance from a duty on imports. Through the press, Hamilton now pleads for vesting congress with full power of regulating trade; and he contrasts the "prospect of a number of petty states, jarring, jealous, and perverse, fluctuating and unhappy at home, weak by their dissensions in the eyes of other nations," with the "noble and magnificent perspective of a great federal republic."

Bancroft, Hist. of the U.S., vol.6, p.30

It is the glory of New York that its legislature was the first to impart the sanction of a state to the great conception of a federal convention to frame a constitution for the United States. On the report of a committee of which Madison was the head, congress, in May 1782, took into consideration the desperate condition of the finances of the country, and divided between four of its members the office of explaining the common danger to every state. At the request of the delegation which repaired to the North, Clinton convened an extra session of the senate and assembly of New York at Poughkeepsie, where, in July, they received from the committee of congress a full communication "on the necessity of providing for a vigorous prosecution of the war."

Bancroft, Hist. of the U.S., vol.6, p.30

The legislature had been in session for a week when Hamilton, who for a few months filled the office of United States receiver of revenue for his state, repaired to Poughkeepsie "to second the views" of his superior. In obedience to instructions, he strongly represented "the necessity of solid arrangements of finance;" but he went to the work "without very sanguine expectations," for he believed that, "whatever momentary effort the legislature might make, very little would be done till the entire change of the present system;" and, before this could be effected, "mountains of prejudice and particular interest were to be levelled."

Bancroft, Hist. of the U.S., vol.6, p.30

On the nineteenth, three days after his arrival, on the motion of Schuyler, his father-in-law, who was ever constant in support of a national system, the senate resolved itself into "a committee of the whole on the state of the nation." From its deliberations on two successive days a series of resolutions proceeded, which, as all agree, Hamilton drafted, and which, after they had been considered by paragraphs, were unanimously adopted by the senate. The house concurred in them without amendment and with equal unanimity. These resolutions as they went forth from the legislature find in the public experience "the strongest reason to apprehend from a continuance of the present constitution of the continental government a subversion of public credit," and a danger "to the safety and independence of the states." They repeat the words of the Hartford convention and of Clinton, that the radical source of the public embarrassments had been the want of sufficient power in congress, particularly the power of providing for itself a revenue, which could not be obtained by partial deliberations of the separate states. For these reasons the legislature of New York invite congress for the common welfare "to recommend and each state to adopt the measure of assembling a general convention of the states specially authorized to revise and amend the confederation, reserving a right to the respective legislatures to ratify their determinations." These resolutions the governor of New York was requested to transmit to congress and to the executive of every state.

Bancroft, Hist. of the U.S., vol.6, p.31

The legislature held a conference with Hamilton, as the receiver of revenue, but without permanent results; and it included him "pretty unanimously" in its appointment of delegates to congress for the ensuing year. On the fourth of August the resolutions for a federal convention were communicated by Clinton without a word of remark to the congress then in session. There, on the fifteenth, they were referred to a grand committee; but there is no evidence that that congress proceeded to its election.

Bancroft, Hist. of the U.S., vol.6, p.31

In his distress for money, Morris solicited a new French loan of twenty millions of livres. The demand was excessive: the king, however, consented to a loan of six millions for the year 1783, of which Franklin immediately received one tenth part. "You will take care," so Vergennes wrote to Luzerne, "not to leave them any hope that the king can make them further advances or guarantee for them new loans from others;" and he complained that the United States did not give sufficient proofs of their readiness to create the means for meeting their debts.

Bancroft, Hist. of the U.S., vol.6, p.31

On the twenty-fourth of December the French auxiliary forces in the United States, except one regiment which soon followed, embarked at Boston for the West Indies. The affections, the gratitude, the sympathy, the hopes of America followed the French officers as they left her shores. What boundless services they had rendered in the establishment of her independence! What creative ideas they were to carry home! How did they in later wars defy death in all climes, from San Domingo to Moscow and to the Nile, always ready to bleed for their beautiful land, often yielding up their lives for liberty! Rochambeau, who was received with special honor by Louis XVI., through a happy accident escaped the perils of the revolution, and lived to be more than fourscore years of age. Viomenil, his second in command, was mortally wounded while defending his king in the palace of the Tuileries. De Grasse died before a new war broke out. For more than fifty years Lafayette—in the states general, in convention, in legislative assemblies, at the head of armies, in exile, in cruel and illegal imprisonment, in retirement, in his renewed public life, the emancipator of slaves, the apostle of free labor, the dearest guest of America—remained to his latest hour the true and the ever hopeful representative of loyalty to the cause of liberty. The Viscount de Noailles, who so gladly assisted to build in America the home of human freedom for comers from all nations, was destined to make the motion which in one night swept from his own country feudal privilege and personal servitude. The young Count Henri de Saint-Simon, who during his four campaigns in America mused on the never-ending succession of sorrows for the many, devoted himself to the reform of society, government, and industry. Dumas survived long enough to take part in the revolution of July 1830. Charles Lameth, in the states general and constituent assembly, proved one of the wisest and ablest of the popular party, truly loving liberty and hating all excesses in its name. Alexander Lameth, acting with the third estate in the states general, proposed the abolition of all privileges, the enfranchisement of every slave, and freedom of the press; he shared the captivity of Lafayette in Olmutz, and to the end of his life was a defender of constitutional rights. Custine of Metz, whose brilliant services in the United States had won for him very high promotion, represented in the states general the nobility of Lorraine, and insisted on a declaration of the rights of man. Of the Marquis de Chastellux Washington said: "Never have I parted with a man to whom my soul clave more sincerely." His philanthropic zeal for "the greatest good of the greatest number" was interrupted only by an early death.

Bancroft, Hist. of the U.S., vol.6, p.33

Let it not be forgotten that Secondat, a grandson of the great Montesquieu, obtained promotion for good service in America. Nor may an American fail to name the young Prince de Broghe, though he arrived too late to take part in any battle. In the midday of life, just before he was wantonly sent to the guillotine, he said to his Child, then nine years old, afterward the self-sacrificing minister, who kept faith with the United States at the cost of popularity and place: "My son, they may strive to draw you away from the side of liberty, by saying to you that it took the life of your father; never believe them, and remain true to its noble cause."

Bancroft, Hist. of the U.S., vol.6, p.33

At the time when the strength which came from the presence of a wealthy and generous ally was departing, the ground was shaking beneath the feet of congress. Pennsylvania, the great central state, in two memorials offered to congress the dilemma, either to satisfy its creditors in that state, or to suffer them to be paid by the state itself out of its contributions to the general revenue. The first was impossible; the second would dissolve the union. Yet it was with extreme difficulty that Rutledge, Madison, and Hamilton, a committee from congress, prevailed upon the assembly of Pennsylvania to desist for the time from appropriating funds raised for the confederation.

Bancroft, Hist. of the U.S., vol.6, p.33

The system for revenue by duties on importations seemed now to await only the assent of Rhode Island. That commonwealth in 1781 gave a wavering answer; and then instructed its delegates in Congress to uphold state sovereignty and independence. On the first of November 1782 its assembly unanimously rejected the measure for three reasons: the impost would bear hardest on the most commercial states, particularly upon Rhode Island; officers unknown to the constitution would be introduced; a revenue for the expenditure of which congress is not to be accountable to the states would render that body independent of its constituents, and would be repugnant to the liberty of the United States.

Bancroft, Hist. of the U.S., vol.6, p.34

The necessity of the consent of every one of the thirteen states to any amendment of the confederacy gave to Rhode Island a control over the destinies of America. Against its obstinacy the confederation was helpless. The reply to its communication, drafted by Hamilton, declared, first: that the duty would prove a charge not on the importing state, but on the consumer; next, that no government can exist without a right of appointing officers for those purposes which proceed from and centre in itself, though the power may not be expressly known to the constitution; lastly, the impost is a measure of necessity, "and, if not within the letter, is within the spirit of the confederation."

Bancroft, Hist. of the U.S., vol.6, p.34

The growing discontent of the army, the clamor of public creditors, the enormous deficit in the revenue, were invincible arguments for a plan which promised relief. Congress having no resource except persuasion, three of its members would have borne its letter to Rhode Island but for intelligence from Virginia.

Bancroft, Hist. of the U.S., vol.6, p.34

In the legislature of that state, Richard Henry Lee, waiting till the business of the session was nearly over and the house very thin, proposed to the assembly to withdraw its assent to the federal impost; and the repeal was carried in the house on the sixth, in the senate on the seventh of December, without a negative. The reasons for the act, as recited in its preamble, were: "The permitting any power other than the general assembly of this commonwealth to levy duties or taxes upon the citizens of this state within the same is injurious to its sovereignty, may prove destructive of the rights and liberty of the people, and, so far as congress may exercise the same, is contravening the spirit of the confederation."

Bancroft, Hist. of the U.S., vol.6, p.34

Far-sighted members of congress prognosticated the most pernicious effects on the character, interests, and duration of the confederacy. The broad line of party division was clearly drawn. The contest was between the existing league of states and a republic of united states; between "state sovereignty" and a "consolidated union;" between "state politics and continental politics;" between the fear of "the centripetal" and the fear of "the centrifugal force"in the system. Virginia made itself the battle-ground on which for the next six years the warring opinions were to meet. During all that time Washington and Madison led the striving for a more perfect union; Richard Henry Lee, at present sustained by the legislature of Virginia, was the persistent champion of separatism and the sovereignty of each state.

Bancroft, Hist. of the U.S., vol.6, p.35

How beneficent was the authority of the union appeared at this time from a shining example. To quell the wild strife which had grown out of the claim of Connecticut to lands within the charter boundary of Pennsylvania, five commissioners appointed by congress opened their court at Trenton. "The case was well argued by learned counsel on both sides," and, after a session of more than six weeks, the court pronounced their unanimous opinion, that the jurisdiction and pre-emption of the lands in controversy did of right belong to the state of Pennsylvania. The judgment was approved by congress; and the parties in the litigation gave the example of submission to this first settlement of a controversy between states by the decree of a court established by the United States.

Chapter 3:

America and Great Britain,

1782-1783

Bancroft, Hist. of the U.S., vol.6, p.36

THE king of France heard from Vergennes, with surprise and resentment, that the American deputies had signed their treaty of peace; Marie Antoinette was conciliated by the assurance that "they had obtained for their constituents the most advantageous conditions." "The English buy the peace rather than make it," wrote Vergennes to his subaltern in London; their "concessions as to boundaries, the fisheries, and the loyalists, exceed everything that I had thought possible." "The treaty with America," answered Rayneval, "appears to me like a dream." Kaunitz and his emperor mocked at its articles.

Bancroft, Hist. of the U.S., vol.6, p.36

King George of England was mastered by a consuming grief for the loss of America, and knew no ease of mind by day or by night. When, on the fifth of December, in his speech at the opening of parliament, he came to read that he had offered to declare the colonies of America free and independent states, his manner was constrained and his voice fell. To wound him least, Shelburne in the house of lords, confining himself to the language of the speech from the throne, represented the offer of independence to America as contingent on peace with France. To a question from Fox on the following night in the other house, Pitt, with unfaltering courage, answered that the recognition was unqualified and irrevocable.

Bancroft, Hist. of the U.S., vol.6, p.37

During the Christmas holidays the negotiations for a general peace were pursued with equal diligence and moderation by Vergennes and Shelburne; and France made sacrifices of its own to induce Spain to forego the recovery of Gibraltar and assent to terms which in all other respects were most generous. The Netherlands, though their definitive peace was delayed, agreed in the suspension of arms. Franklin shrewdly and truly observed that it would be better for the nations then possessing the West India islands to let them govern themselves as neutral powers, open to the commerce of all, the profits of the present monopolies being by no means equivalent to the expense of maintaining them; but the old system was preserved. Conquests were restored, and England felt it to be no wound to her dignity to give back an unimportant island which she had wrested from the house of Bourbon in a former war. The East Indian allies of France, of whom the foremost was Tippoo Saib, the son and successor of Hyder Ali, were invited to join in the peace. France recovered St. Pierre and Miquelon and her old share in the fisheries of Newfoundland; Spain retained Minorca, and, what was of the greatest moment for the United States, both the Floridas, which she certainly would find a burden. Treaties of commerce between Great Britain and each of the two Bourbon kingdoms were to be made within two years.

Bancroft, Hist. of the U.S., vol.6, p.37

When on the twentieth of January, these preliminaries were signed by the respective plenipotentiaries, John Adams and Benjamin Franklin, on the summons of Vergennes, were present, and in the name of the United States acceded to the declaration of the cessation of hostilities. The provisional treaty between Great Britain and the United States was held to take effect from that day.

Bancroft, Hist. of the U.S., vol.6, p.37

"At last," wrote Vergennes to Rayneval, as soon as the meeting was over, "we are about to breathe under the shadow of peace. Let 'is take care to make it a solid one; may the name of war be forgotten forever." In a letter to Shelburne on that same day he expressed the confident hope that all ancient distrust would be removed; and Shelburne replied: "The liberal spirit and good faith which have governed our negotiations leave no room to fear for the future either distrust or jealousy." King George dwelt with Rayneval on the cordial understanding which he desired to establish with Louis XVI. "I wish," said he, "never again to have a war with France; we have had a first division of Poland; there must not be a second."

Bancroft, Hist. of the U.S., vol.6, p.38

So came the peace which recognised the right of a commonwealth of Europeans outside of Europe, occupying a continental territory within the temperate zone; remote from foreign interference; needing no standing armies; with every augury of a rapid growth; and sure of exercising the most quickening and widest influence on political ideas, "to assume an equal station among the powers of the earth."

Bancroft, Hist. of the U.S., vol.6, p.38

The restoration of intercourse with America pressed for instant consideration. Burke was of opinion that the navigation act should be completely revised; Shelburne and his colleagues, aware that no paltry regulation would now succeed, were indefatigable in digesting a great and extensive system of trade, and sought, by the emancipation of commerce, to bring about with the Americans a family friendship more beneficial to England than their former dependence. To promote this end, on the evening of the eleventh of February, William Pitt, with the permission of the king, repaired to Charles James Fox and invited him to join the ministry of Shelburne. The only good course for Fox was to take the hand which the young statesman offered; but he put aside the overture with coldness, if not with disdain, choosing a desperate alliance with those whose conduct he had pretended to detest, and whose principles it was in later years his redeeming glory to have opposed.

Bancroft, Hist. of the U.S., vol.6, p.39

Pending the negotiations with France and Spain, Fox and Lord North remained quiet, from the desire to throw the undivided responsibility for the peace on Lord Shelburne; but when on the seventeenth of February, in a house of four hundred and fifty members, the treaties with the United States and with both branches of the Bourbons were laid before parliament, and an address of approval, promising a liberal revision of commercial law, was moved, the long-pent-up passions raged without restraint. No sooner had William Wilberforce, with grace and good feeling, seconded the motion and in the warmest language assured to the loyal refugees compensation for their losses, than Lord John Cavendish, the nearest friend of Fox, condemned the peace, though supporting its conditions. Lord North then pronounced against it a most elaborate, uncandid, and factions invective. He would have deprived the United States of access to the upper lakes; he would have retained for Canada the country north and northwest of the Ohio; and, bad as is a possession which gives no advantage but powers of annoyance, he would have kept east Florida as well as the Bahamas, so as to compel the ships of America, in passing through the Florida channel, to run the gauntlet between British posts. He would have had no peace without the reinstatement of the loyalists, nor without securing independence to the savage allies of Great Britain. He enumerated one by one the posts in the West which by the treaty fell to America, dwelt on the cost of their construction and on their importance to the fur-trade, and foreshadowed the policy of delaying their surrender. He not only censured the grant to the Americans of a right to fish on the coast of Nova Scotia, but spoke as if they derived from Great Britain the right to fish on the banks in the sea which are the exclusive property of no one. At the side of Lord North stood Edmund Burke, with hotter zeal as a partisan, though with better intentions toward America. Pitt answered every objection to the treaty; but, after a debate of twelve hours, the ministry on the division found themselves in a minority of sixteen.

Bancroft, Hist. of the U.S., vol.6, p.39 - p.40

On the same evening, to a larger number of peers than had met in their house since the accession of George III., Carlisle, the unsuccessful commissioner of 1778, Keppel, the inglorious admiral, and Stormont, the late headstrong ambassador at Paris, eager to become once more a secretary of state, Lord George Germain, now known as Lord Sackville, Wedderburn, now Lord Loughborough and coveting the office of lord chancellor, poured forth criminations of a treaty for which the necessity was due to their own incapacity. In perfect understanding with Fox and Lord North, they complained that the ministers had given up the banks of the Ohio, "the paradise of America," had surrendered the fur-trade, had broken faith with the Indians, had been false to the loyalists. Thurlow ably defended every article of the treaty that had been impeached, and then asked: "Is there any individual in this house who dares to avow that his wish is for war?" The interest of the debate centred in Shelburne, and the house gave him the closest attention as he spoke: "Noble lords who made a lavish use of these Indians have taken great pains to show their immense value, but those who abhorred their violence will think the ministry have done wisely." Naming a British agent who had been detested for wanton cruelty, he continued: "The descendants of William Penn will manage them better than all the Stuarts, with all the trumpery and jobs that we could contrive.

Bancroft, Hist. of the U.S., vol.6, p.40

"With regard to the loyalists, I have but one answer to give the house. It is the answer I gave my own bleeding heart. A part must be wounded that the whole empire may not perish. If better terms could have been had, think you, my lords, that I would not have embraced them? If it had been possible to put aside the bitter cup which the adversities of this country presented to me, you know I would have done it.

Bancroft, Hist. of the U.S., vol.6, p.40 - p.41

"The fur-trade is not given up; it is only divided, and divided for our benefit. Its best resources lie to the northward. Monopolies, some way or other, are ever justly punished. They forbid rivalry, and rivalry is the very essence of the well-being of trade. This seems to be the era of protestantism in trade. All Europe appears enlightened and eager to throw off the vile shackles of oppressive, ignorant, unmanly monopoly. It is always unwise; but, if there is any nation under heaven who ought to be the first to reject monopoly, it is the English. Situated as we are between the Old World and the New, and between southern and northern Europe, all that we ought to covet is equality and free-trade. With more industry, with more enterprise, with more capital than any trading nation upon earth, it ought to be our constant cry, Let every market be open; let us meet our rivals fairly and ask no more, telling the Americans that we desire to live with them in communion of benefits and in sincerity of friendship."

Bancroft, Hist. of the U.S., vol.6, p.41

At near half-past four in the morning the majority of the lords for the ministry was only thirteen.

Bancroft, Hist. of the U.S., vol.6, p.41

On the twenty-first, resolutions censuring them were offered in the house of commons. In the former debate, Fox had excused the change in his relations to Lord North by the plea that his friendships were perpetual, his enmities placable; keeping out of sight that political principles may not be sacrificed to personal reconciliations, he now proclaimed and justified their coalition. "Their coalition," replied Pitt, "originated rather in an inclination to force the earl of Shelburne from the treasury than in any real conviction that ministers deserve censure for the concessions they have made. Whatever appears dishonorable or inadequate in the peace on your table is strictly chargeable to the noble lord in the blue ribbon," Lord North, "whose profusion of the public money, whose notorious temerity and obstinacy in prosecuting the war which originated in his pernicious and oppressive policy, and whose utter incapacity to fill the station he occupied, rendered peace of any description indispensable to the preservation of the state. The triumph of party shall never induce me to call the abandonment of former principles a forgetting of ancient prejudices, or to pass an amnesty upon measures which have brought my country almost to the verge of ruin. I will never engage in political enmities without a public cause; I will never forego such enmities without the public approbation. High situation and great influence I am solicitous to possess, whenever they can be acquired with dignity. I relinquish them the moment any duty to my country, my character, or my friends, renders such a sacrifice indispensable. I look to the independent part of the house and to the public at large for that acquittal from blame to which my innocence entitles me. My earliest impressions were in favor of the noblest and most disinterested modes of serving the public. These impressions I will cherish as a legacy infinitely more valuable than the greatest inheritance. You may take from me the privileges and emoluments of place, but you cannot, you shall not, take from me those habitual regards for the prosperity of Great Britain which constitute the honor, the happiness, the pride of my life. With this consolation, the loss of power and the loss of fortune, though I affect not to despise, I hope I shall soon be able to forget. I praise Fortune when constant; if she strikes her swift wing, I resign her gifts and seek upright, unportioned poverty."

Bancroft, Hist. of the U.S., vol.6, p.42

The eloquence of Pitt, his wise conduct, and the purity of his morals, gained him the confidence to which Fox vainly aspired.

Bancroft, Hist. of the U.S., vol.6, p.42

A majority of seventeen appearing against Shelburne, he resigned on the twenty-fourth; and by his advice the king on the same day offered to Pitt, though not yet twenty-four years old, the treasury, with power to form an administration and with every assurance of support. But the young statesman, obeying alike the dictates of prudence and the custom of the British constitution, would not accept office without a majority in the house of commons; and on the twenty-seventh, finding that such a majority could not be obtained but by the aid, or at least the neutrality, of Lord North, he refused the splendid offer, unalterably firm alike against the entreaties and the reproaches of the king. This moderation in a young man, panting with ambition and conscious of his powers, added new lustre to his fame.

Bancroft, Hist. of the U.S., vol.6, p.42

While the imperfect agreement between the members of the coalition delayed the formation of a ministry, on the third of March, Pitt, as chancellor of the exchequer, presented a bill framed after the liberal principles of Shelburne. Its preamble, which rightly described the Americans as aliens, declared "it highly expedient that the intercourse between Great Britain and the United States should be established on the most enlarged principles of reciprocal benefit;" and, as a Consequence, not only were the ports of Great Britain to be opened to them on the same terms as to other sovereign states, but, alone of the foreign world, their ships and vessels, laden with the produce or manufactures of their own country, might as of old enter all British ports in America, paying no other duties than those imposed on British vessels.

Bancroft, Hist. of the U.S., vol.6, p.43

On the seventh Eden objected, saying: "The bill will introduce a total revolution in our commercial system. Reciprocity with the United States is nearly impracticable, from their provincial constitutions. The plan is utterly improper, for it completely repeals the navigation act. The American states lie so contiguous to our West Indian islands, they will supply them with provisions to the ruin of the provision trade with Ireland. We shall lose the carrying trade, for the Americans are to be permitted under this bill to bring West Indian commodities to Europe. The Americans on their return from our ports may export our manufacturing tools, and, our artificers emigrating at the same time, we shall see our manufactures transplanted to America. Nothing more should be done than to repeal the prohibitory acts and vest the king in council with powers for six months to suspend such laws as stand in the way of an amicable intercourse."

Bancroft, Hist. of the U.S., vol.6, p.43

Pitt agreed that "the bill was most complicated in its nature and most extensive in its consequences," and, giving it but faint support, he solicited the assistance and the information of every one present to mould it, so that it might prove most useful at home and most acceptable in America. "While there is an immense extent of unoccupied territory to attract the inhabitants to agriculture," said Edmund Burke, "they will not be able to rival us in manufactures. Do not treat them as aliens. Let all prohibitory acts be repealed, and leave the Americans in every respect as they were before in point of trade." The clause authorizing direct intercourse between the United States and the British West India islands was allowed to remain in the report to the house.

Bancroft, Hist. of the U.S., vol.6, p.44

Before the bill was discussed again, the coalition, after long delays caused by almost fatal dissensions among themselves, had been installed. In pursuit of an ascendency in the cabinet, Lord North plumed himself on having ever been a consistent whig; believing that "the appearance of power was all that a king of England could have;" and insisting that during all his ministry "he had never attributed to the crown any other prerogative than it was acknowledged to possess by every sound whig and by all those authors who had written on the side of liberty." But he betrayed his friends by contenting himself with a subordinate office in a cabinet in which there would always be a majority against him, and, while Fox seized on the lead, the nominal chieftainship was left to the duke of Portland, who had neither capacity for business, nor activity, nor power as a speaker, nor knowledge of liberal principles.

Bancroft, Hist. of the U.S., vol.6, p.44

The necessity of accepting a ministry so composed drove the king to the verge of madness. He sorrowed over "the most profligate age;" "the most unnatural coalition; and he was heard to use "strong expressions of personal abhorrence of Lord North, whom he charged with treachery and ingratitude of the blackest nature." "Wait till you see the end," said the king to the representative of France at the next levee; and Fox knew that the chances in the game were against him, as he called to mind that he had sought in vain the support of Pitt; had defied the king; and had joined himself to colleagues whom he had taught liberal Englishmen to despise, and whom he himself could not trust.

Bancroft, Hist. of the U.S., vol.6, p.44

In the slowly advancing changes of the British constitution, the old whig party, as first conceived by Shaftesbury and Locke to resist the democratic revolution in England on the one side, and the claim of arbitrary sovereignty by the Stuarts on the other, was near its end. The time was coming for the people to share in power. For the rest of his life, Fox battled for the reform of the house of commons, so that it became the rallying cry of the liberal party in England. A ministry divided within itself by irreconcilable opinions, detested by the king, confronted by a strong and watchful and cautious opposition, was forced to follow the line of precedents. The settlement of the commercial relations to be established with the United States had belonged to the treasury; it was at once brought by Fox within his department, although, from his ignorance of political economy, he could have neither firm convictions nor a consistent policy. He was not, indeed, without glimpses of the benefit of liberty in trade. To him it was a problem how far the act of navigation had ever been useful, and what ought to be its fate; but the bill in which the late ministry had begun to apply the principle of free commerce with America he utterly condemned, "not," as he said, "from animosity toward Shelburne, but because great injury often came from reducing commercial theories to practice." More over, the house of commons would insist on much deliberation and very much inquiry before it would sacrifice the navigation act to the circumstances of the present crisis.

Bancroft, Hist. of the U.S., vol.6, p.45

In judging his conduct, it must be considered that the changes in the opinion of a people come from the slow evolution of thought in the public mind. One of the poets of England, in the flush of youth, had prophesied:

Bancroft, Hist. of the U.S., vol.6, p.45

"The time shall come when, free as seas or wind,

Unbounded Thames shall flow for all mankind,

Whole nations enter with each swelling tide,

And seas but join the regions they divide."

Bancroft, Hist. of the U.S., vol.6, p.45

More than half a century must pass away before the prophecy will come true by the efforts of statesmen, who, had they lived in the time of Fox, might have shared his indecision.

Bancroft, Hist. of the U.S., vol.6, p.45

The coalition cabinet at its first meeting agreed to yield no part of the navigation act, and, as a matter of policy, to put off the bill before parliament relating to commerce wish America "till some progress should be made in a negotiation with the American commissioners at Paris." Thither without delay Fox sent, as minister on the part of Great Britain, David Hartley, a friend of Franklin and a well-wisher to the United States.

Bancroft, Hist. of the U.S., vol.6, p.46

The avowed liberal opinions of Hartley raising distrust, Lord Sheffield, a supporter of the ministry, and, on trade with America, the master authority of that day for parliament, immediately sounded an alarm. "Let the ministers know," said he on the fifteenth, in the house of lords, "the country is as tenacious of the principle of the navigation act as of the principle of Magna Charta. They must not allow America to take British colonial produce to ports in Europe. They must reserve to our remaining dominions the exclusive trade to the West India islands; otherwise, the only use of them will be lost. If we permit any state to trade with our islands or to carry into this country any produce but its own, we desert the navigation act and sacrifice the marine of England. The peace is in comparison a trifling object." But there was no need of fear lest Fox should yield too much. In his instructions to Hartley, he was for taking the lion's share, as Vergennes truly said. He proposed that the manufactures of the thirteen states should as a matter of course be excluded from Great Britain, but that British manufactures should be admitted everywhere in the United States. While America was dependent, parliament had taxed importations of its produce, but British ships and manufactures entered the colonies free of duty. "The true object of the treaty in this business," so Fox enforced his plan, "is the mutual admission of ships and merchandise free from any new duty or imposition;" that is, the Americans on their side should leave the British navigation act in full force and renounce all right to establish an act of navigation of their own; should continue to pay duties in the British ports on their own produce; and receive in their own ports British produce and manufactures duty free. One subject appealed successfully to the generous side of his nature. To the earnest wish of Jay that British ships should have no right under the convention to carry into the states any slaves from any part of the world, it being the intention of the United States entirely to prohibit their importation, Fox answered promptly: "If that be their policy, it never can be competent to us to dispute with them their own regulations." In like spirit, to formal complaints that Carleton, "in the face of the treaty, persisted in sending off negroes by hundreds," Fox made answer: "To have restored negroes whom we invited, seduced if you will, under a promise of liberty, to the tyranny and possibly to the vengeance of their former masters, would have been such an act as scarce any orders from his employers (and no such orders exist) could have induced a man of honor to execute."

Bancroft, Hist. of the U.S., vol.6, p.47

The dignity and interests of the republic were safe, for they were confided to Adams, Franklin, and Jay. In America there existed as yet no system of restrictions; and congress had not power to protect shipping or establish a custom-house. The states as dependencies had been so severely and so wantonly cramped by British navigation acts, and for more than a century had so steadily resisted them, that the desire of absolute freedom of commerce had become a part of their nature. The American commissioners were very much pleased with the trade-bill of Pitt, and with the principles expressed in its preamble; the debates upon it in parliament awakened their distrust. They were ready for any event, having but the one simple and invariable policy of reciprocity. Their choice and their offer was mutual unconditional free trade; but, however narrow might be the limits which England should impose, they were resolved to insist on like for like. The British commissioner was himself in favor of the largest liberty for commerce, but he was reproved by Fox for transmitting a proposition not authorized by his instructions.

Bancroft, Hist. of the U.S., vol.6, p.47

A debate in the house of lords on the sixth of May revealed the rapidity with which the conviction was spreading that America had no power to adopt measures of defensive legislation. There were many who considered the United States as having no government at all, and there were some who looked for the early dissolution of the governments even of the separate states. Lord Walsingham, accordingly, proposed that the law for admitting American ships should apply not merely to the ships of the United States, but to ships belonging to any one of the states and to any ship or vessel belonging to any of the inhabitants thereof. He was supported by Thurlow, who said: "I have read an account which stated the government of America to be totally unsettled, and that each province seemed intent on establishing a distinct, independent, sovereign state. If this is really the case, the amendment will be highly necessary and proper." The amendment was dropped; and the bill under discussion, in its final shape, repealed prohibitory acts made during the war, removed the formalities which attended the admission of ships from the colonies during their state of dependency, and for a limited time left the power of regulating commerce with America to the king in council.

Bancroft, Hist. of the U.S., vol.6, p.48

Immediately the proclamation of an order in council of the second of July confined the trade between the American states and the British West India islands to British-built ships owned and navigated "by British subjects." "Undoubtedly," wrote the king, "the Americans cannot expect nor ever will receive any favor from me." To an American, Fox said: "For myself, I have no objection to opening the West India trade to the Americans, but there are many parties to please."

Bancroft, Hist. of the U.S., vol.6, p.48

The blow fell heavily on America, and compelled a readjustment of its industry. Ships had been its great manufacture for exportation. For nicety of workmanship, the palm was awarded to Philadelphia, but nowhere could they be built so cheaply as at Boston. More than one third of the tonnage employed in British commerce before the war was of American construction. Britain renounced this resource. The continent and West India islands had prospered by the convenient interchange of their produce; the trade between nearest and friendliest neighbors was forbidden, till England should find out that she was waging war against a higher power than the United States; that her adversary was nature itself. Her statesmen confounded the "navigation act" and "the marine of Britain;" the one the offspring of selfishness, the other the sublime display of the creative power of a free people.

Bancroft, Hist. of the U.S., vol.6, p.49

Such was the issue between the ancient nation which falsely and foolishly and mischievously believed that its superiority in commerce was due to artificial legislation, and a young people which solicited free trade. Yet thrice blessed was this assertion of monopoly by an ignorant parliament, for it went forth as a summons to the commercial and the manufacturing interests of the American states and to the self-respect and patriotism of their citizens to speak an efficient government into being.

Bancroft, Hist. of the U.S., vol.6, p.49

Full of faith in the rising power of America, Jay, on the seventeenth of July, wrote to Gouverneur Morris: "The present ministry are duped by an opinion of our not having union and energy sufficient to retaliate their restrictions. No time is to be lost in raising and maintaining a national spirit in America. Power to govern the confederacy as to all general purposes should be granted and exercised. In a word, everything conducive to union and constitutional energy should be cultivated, cherished, and protected." Two days later he wrote to William Livingston of New Jersey: "A continental, national spirit should pervade our country, and congress should be enabled, by a grant of the necessary powers, to regulate the commerce and general concerns of the confederacy." On the same day, meeting Hartley, the British envoy, Jay said to him: "The British ministry will find us like a globe—not to be overset. They wish to be the only carriers between their islands and other countries; and though they are apprized of our right to regulate our trade as we please, yet I suspect they flatter themselves that the different states possess too little of a national or continental spirit ever to agree in any one national system. I think they will find themselves mistaken." "The British ministers," so Gouverneur Morris in due time replied to Jay, "are deceived, for their conduct itself will give congress a power to retaliate their restrictions. This country has never yet been known in Europe, least of all to England, because they constantly view it through a medium of prejudice or of faction. True it is that the general government wants energy, and equally true it is that this want will eventually be supplied. Do not ask the British to take off their foolish restrictions; the present regulation does us more political good than commercial mischief."

Bancroft, Hist. of the U.S., vol.6, p.50

On the side of those in England who were willing to accept the doctrines of free trade, Josiah Tucker, the dean of Gloucester, remarked: "As to the future grandeur of America, and its being a rising empire, under one head, whether republican or monarchical, it is one of the idlest and most visionary notions that ever was conceived even by writers of romance. The mutual antipathies and clashing interests of the Americans, their difference of governments, habitudes, and manners, indicate that they will have no centre of union and no common interest. They never can be united into one compact empire under any species of government whatever; a disunited people till the end of time, suspicious and distrustful of each other, they will be divided and subdivided into little commonwealths or principalities, according to natural boundaries, by great bays of the sea, and by vast rivers, lakes, and ridges of mountains."

Bancroft, Hist. of the U.S., vol.6, p.50

The principle of trade adopted by the coalition ministry Sheffield set forth with authority in a pamphlet, which was accepted as an oracle. "There should be no treaty with the American states because they will not place England on a better footing than France and Holland, and equal rights will be enjoyed of course without a treaty. The nominal subjects of congress in the distant and boundless regions of the valley of the Mississippi will speedily imitate and multiply the examples of independence. It will not be an easy matter to bring the American states to act as a nation; they are not to be feared as such by us. The confederation does not enable congress to form more than general treaties; when treaties become necessary, they must be made with the states separately. Each state has reserved every power relative to imposts, exports, prohibitions, duties, etc., to itself. If the American states choose to send consuls, receive them and send a consul to each state. Each state will soon enter into all necessary regulations with the consul, and this is the whole that is necessary. The American states will not have a very free trade in the Mediterranean, if the Barbary states know their interests. That the Barbary states are advantageous to the maritime powers is certain; if they were suppressed, little states would have much more of the carrying trade. The armed neutrality would be as hurtful to the great maritime powers as the Barbary states are useful."

Bancroft, Hist. of the U.S., vol.6, p.51

In London it was a maxim among the merchants that, if there were no Algiers, it would be worth England's while to build one.

Bancroft, Hist. of the U.S., vol.6, p.51

Already the navigation act was looked to as a protection to English commerce, because it would require at least three fourths of the crews of American ships to be Americans; and they pretended that during the war three fourths of the crews of the American privateers were Europeans. The exclusion of European seamen from service in the American marine was made a part of British policy from the first establishment of the peace.

Bancroft, Hist. of the U.S., vol.6, p.51

In August, Laurens, by the advice of his associates, came over to England to inquire whether a minister from the United States of America would be properly received. "Most undoubtedly," answered Fox, and Laurens left England in that belief. But the king, when his pleasure was taken, said: "I certainly can never express its being agreeable to me; and, indeed, I should think it wisest for both parties to have only agents who can settle any matters of commerce. That revolted state certainly for years cannot establish a stable government." The plan at court was to divide the United States, and for that end to receive only consuls from each one of the separate states and not a minister for the whole.

Bancroft, Hist. of the U.S., vol.6, p.51

British statesmen had begun to regret that any treaty whatever had been made with the United States collectively; they would have granted independence and peace, but without further stipulations of any kind, so that all other questions might have been left at loose ends. Even Fox was disinclined to impart any new life to the provisional articles agreed upon by the ministry which he supplanted. He repeatedly avowed the opinion that "a definitive treaty with the United States was perfectly superfluous." The American commissioners became uneasy; but Vergennes pledged himself not to proceed without them, and Fox readily yielded. On the third of September, when the minister of France and the ambassadors of Great Britain and Spain concluded their conventions at Versailles, the American provisional articles, shaped into a definitive treaty, were signed by Hartley for Great Britain; by Adams, Franklin, and Jay 'or the United States of America.

Bancroft, Hist. of the U.S., vol.6, p.52

The coalition ministry did not last long enough to exchange ratifications. To save the enormous expense of maintaining the British army in New York, Fox hastened its departure; but while "the speedy and complete evacuation of all the territories of the United States" was authoritatively promised to the American commissioners at Paris in the name of the king, Lord North, acting on the petition of merchants interested in the Canada trade, withheld orders for the evacuation of the western and north-western interior posts, although by the treaty they were as much an integral part of the United States as Albany or Boston; and this policy, like that relating to commerce, was continued by the ministry that succeeded him.

Bancroft, Hist. of the U.S., vol.6, p.52

We may not turn away from England without relating that Pitt for the second time proposed in the house of commons, though in vain, a change in the representation, by introducing one hundred new members from the counties and from the metropolis. Universal suffrage he condemned, and the privilege of the owners of rotten boroughs to name members of parliament had for him the sanctity of private property, to be taken away only after compensation. "Mankind," said Fox, "are made for themselves, not for others. The best government is that in which the people have the greatest share. The present motion will not go far enough; but, as it is an amendment, I give it my hearty support."

Bancroft, Hist. of the U.S., vol.6, p.53

An early and a most beneficent result of the American revolution was a reform of the British colonial system. Taxation of colonies by the parliament of Great Britain, treatment of them as worthless except as drudges for the enrichment of the ruling kingdom, plans of governing them on the maxims of a Hillsborough or a Thurlow, came to an end. It grew to be the rule to give them content by the establishment of liberal constitutions.

Chapter 4:

America and Continental Europe,

1783

Bancroft, Hist. of the U.S., vol.6, p.54

THE governments of continental Europe vied with each other in welcoming the new republic to its place among the powers of the world. In May 1782, as soon as it was known at Stockholm that the negotiations for peace were begun, the adventurous king of Sweden sent messages of his desire, through Franklin above all others, to enter into a treaty with the United States. Franklin promptly accepted the invitation. The ambassador of Gustavus at Paris remarked: "I hope it will be remembered that Sweden was the first power in Europe which, without being solicited, offered its friendship to the United States." Exactly five months before the definitive peace between the United States and Great Britain was signed, the treaty with Sweden was concluded. Each party was put on the footing of the most favored nations. Free ships were to make passengers free as well as goods. Liberty of commerce was to extend to all kinds of merchandise. The number of contraband articles was carefully limited. In case of a maritime war in which both the contracting parties should remain neutral, their ships of war were to protect and assist each other's vessels. The treaty was ratified and proclaimed in the United States before the definitive treaty with Great Britain had arrived.

Bancroft, Hist. of the U.S., vol.6, p.54

The successful termination of the war aroused in Prussia hope for the new birth of Europe, that, by the teachings of America, despotism might be struck down, and the caste of hereditary nobility give place to republican equality. These aspirations were suffered to be printed at Berlin.

Bancroft, Hist. of the U.S., vol.6, p.55

The great Frederick had, late in 1782, declared to the British minister at his court, half in earnest and half cajoling, that "he was persuaded the American union could not long subsist under its present form. The great extent of country would alone be a sufficient obstacle, since a republican government had never been known to exist for any length of time where the territory was not limited and concentred. It would not be more absurd to propose the establishment of a democracy to govern the whole country from Brest to Riga. No inference could be drawn from the states of Venice, Holland, and Switzerland, of which the situation and circumstances were perfectly different from those of the colonies." He did not know the power of the representative system, nor could he foresee that by the wise use of it the fourth of his successors would evoke the German state from the eclipse of centuries, to shine with replenished light as the empire of a people. For the moment he kept close watch of the progress of the convention with Sweden, and, so soon as it was signed, directed his minister in France to make overtures to Franklin, which were most gladly received.

Bancroft, Hist. of the U.S., vol.6, p.55

Full seven months before the peace a member of the government at Brussels intimated to William Lee, a former commissioner of congress at the court of Vienna, that Joseph II, who at that time harbored the hope of restoring to Belgian commerce its rights by opening the Scheldt and so preparing the way for a direct trade with America, was disposed to enter into a treaty with the United States. Soon after the preliminaries of peace between France and Great Britain had been signed, the emperor let it be insinuated to Franklin that he would be well received at Vienna as the minister of a sovereign power. In the following year an agent was sent from Belgium to the United States. The Belgians produced in unsurpassed excellence manufactures which America needed; but they were not enterprising enough to establish houses in America, or to grant its merchants the extended credits which were offered in England. The subject gained less and less attention, for the emperor was compelled, in violation of natural rights, to suffer the Scheldt to be closed.

Bancroft, Hist. of the U.S., vol.6, p.56

On the twenty-second of February 1783, Rosencrone, minister of foreign affairs in Denmark, communicated to Franklin "the satisfaction with which the king's ministry had learned the glorious issue of the war for the United States of America," and their desire to form connections of friendship and commerce. "To overtures for a treaty like that between congress and the states general," he added, "we should eagerly and frankly reply." But a question of indemnity for violations of neutrality by Denmark during the war Impeded the negotiation.

Bancroft, Hist. of the U.S., vol.6, p.56

Before the end of March the burgomaster and senate of the imperial free city of Hamburg, seeing "European powers courting in rivalry the friendship of" the new state, and impressed with "the illustrious event" of the acknowledged independence of America as "the wonder of that age and of remotest ages to come," deputed one of their citizens to bear to congress their letter, offering free trade between the two republics.

Bancroft, Hist. of the U.S., vol.6, p.56

In midsummer, 1783, Portugal made overtures to treat with Franklin, but did not persist in them.

Bancroft, Hist. of the U.S., vol.6, p.56

Russia was at that time too much engrossed by affairs in the East to take thought for opening new channels of commerce with the West; and the United States, recalling their minister, declined to make advances. But the two nations, without any mutual stipulations, had rendered each other the most precious services. Catherine had scornfully refused to lend troops to George III., rejected his entreaties for an alliance, and by the armed neutrality insulated his kingdom; the United States, by giving full employment to the maritime powers, had made for the empress the opportunity of annexing to her dominions the plains of Kuban and the Crimea.

Bancroft, Hist. of the U.S., vol.6, p.57

Of the chief commercial nations of Europe, Holland entertained for America the most friendly sentiments, invited her trade, and readily granted to her congress all the credit which it had any right to expect.

Bancroft, Hist. of the U.S., vol.6, p.57

The independence of the United States gave umbrage to the Spanish court. Galvez, the minister of the colonies, was fiercely and persistently hostile to the extent of the United States in the South-west. Florida Blanca himself wished for amicable rectifications of the boundary; but, on the remonstrances of Lafayette, he, in the presence of the ambassador of France, pledged his word of honor to accept the boundary as laid down in the Anglo-American treaty, and authorized Lab fayette to bind him with congress to that pledge. The Spanish statesmen feared the loss of their own colonies, and the success of the American revolution excited new and never-ceasing alarm. They could have wished that North America might disappear from the face of the earth; but they tried to reconcile themselves to living in good harmony with the United States. The Mississippi was the great source of anxiety.

Bancroft, Hist. of the U.S., vol.6, p.57

Spain thought it not for her interest that the American states should consolidate their union. She had dreaded the neighborhood of English colonies to her own; she dreaded still more to border all the way from the Atlantic to the fountains of the Mississippi on a republic whose colossal growth was distinctly foreseen. Besides this, the suppression of a rebellion in South America had just cost more than a hundred thousand lives; and the difficulty of governing distant and boundless regions was so great that Aranda, the far-sighted statesman who had signed the treaty of peace, in his official dispatches to Florida Blanca, set forth the opinion that Portugal would be worth more to Spain than all the American main-land. Of the islands he never depreciated the value; but he clearly perceived how precarious was the hold of Spain on her continental possessions; and he left on record the advice, which he may never have had an opportunity to offer personally to his king, that Spain should transform all the vice-royalties in America into secundo-genitures, retaining in direct dependence only Cuba and Porto Rico.

Bancroft, Hist. of the U.S., vol.6, p.58

Even Vergennes, while he believed that the attachment of America to the alliance would be safest if the confederation could keep itself alive, held it best for France that the United States should fail to attain the political consistency of which he saw that they were susceptible; and he remained a tranquil spectator of their efforts for a better constitution. Lafayette not only watched over the interests of America in Europe, but to the president of congress and to the secretary for foreign affairs he sent messages Imploring American patriots to strengthen the federal union.

Chapter 5:

A Call on the Army to Interpose,

January-March 1783

Bancroft, Hist. of the U.S., vol.6, p.59

IN the fall of 1782 the main army was moved for winter quarters to the wooded hills in the rear of Newburg. No part of the community had undergone equal hardships or borne injustice with equal patriotism. In the leisure of the camp they brooded over their wrongs and their chances of redress, and at the close of the year the officers sent to Philadelphia as their committee Major-General Macdougall and Colonels Ogden and Brooks, who, in their address of the sixth of January 1783, used these words:

Bancroft, Hist. of the U.S., vol.6, p.59

"To the United States in congress assembled: We, the officers of the army of the United States, in behalf of ourselves and our brethren the soldiers, beg leave freely to state to the supreme power, our head and sovereign, the great distress under which we labor. Our embarrassments thicken so fast that many of us are unable to go farther. Shadows have been offered to us, while the substance has been gleaned by others. The citizens murmur at the greatness of their taxes, and no part reaches the army. We have borne all that men can bear. Our property is expended; our private resources are at an end. We therefore beg that a supply of money may be forwarded to the army as soon as possible.

Bancroft, Hist. of the U.S., vol.6, p.59 - p.60

"The uneasiness of the soldiers for want of pay is great and dangerous; further experiments on their patience may have fatal effects. There is a balance due for retained rations, forage, and arrearages on the score of clothing. Whenever there has been a real want of means, defect in system, or neglect in execution, we have invariably been the sufferers by hunger and nakedness, and by languishing in a hospital. We beg leave to urge an immediate adjustment of all dues.

Bancroft, Hist. of the U.S., vol.6, p.60

"We see with chagrin the odious point of view in which the citizens of too many of the states endeavor to place the men entitled to half-pay. For the honor of human nature we hope that there are none so hardened in the sin of ingratitude as to deny the justice of the reward. To prevent altercations, we are willing to commute the half-pay pledged for full-pay for a certain number of years, or for a sum in gross. And in this we pray that the disabled officers and soldiers, with the widows and orphans of those who have expended, or may expend, their haves in the service of their country, may be fully comprehended.

Bancroft, Hist. of the U.S., vol.6, p.60

"General dissatisfaction is gaining ground in the army, from evils and injuries which, in the course of seven long years, have made their condition in many instances wretched. They therefore entreat that congress, to convince the army and the world that the independence of America shall not be placed on the ruin of any particular class of her citizens, will point out a mode for immediate redress."

Bancroft, Hist. of the U.S., vol.6, p.60

The grand committee to whom the memorial was referred held a conference with the superintendent of finance. He declared peremptorily that it was impossible, in the present state of the finances, to make any payment to the army, and that it would be imprudent to give assurances with regard to future pay until funds that could be relied upon should be established. Not only had he no money in hand, but he had overdrawn his account in Europe to the amount of three and a half millions of livres. He therefore asked a decision on the expediency of staking the public credit on further drafts to be met by the contingent proceeds of a loan from the Dutch and by the friendship of France. On the tenth of January, congress, under an injunction of secrecy, authorized the superintendent to draw bills on the credit of applications for loans in Europe. Dyer of Connecticut alone opposed the measure as unwarranted and dishonorable, but allowed the resolution to be entered as unanimous.

Bancroft, Hist. of the U.S., vol.6, p.61

In an interview with the grand committee on the evening of the thirteenth, the deputies from the army explained that, without an immediate payment of some part of the overdue pay, the discontent alike of officers and soldiers could not be soothed; that a mutiny might ensue; and that it would be hard to punish soldiers for a breach of engagements to the public which the public itself had already flagrantly broken. "The army," said Macdougall, "is verging to that state which, we are told, will make a wise man mad." It was a source of irritation that the members of the legislatures never adjourned till they had paid themselves fully, that all on the civil lists of the United States regularly received their salaries, and that all on the military lists were as regularly left unpaid.

Bancroft, Hist. of the U.S., vol.6, p.61

The deputies animadverted with surprise and even indignation on the repugnance of some of the states to establish a federal revenue for discharging federal engagements, while the affluence of the people indicated adequate resources. Speaking with peculiar emphasis and making a strong Impression by his manner, General Macdougall declared "that the most intelligent part of the army were deeply touched by the debility of the federal government and the unwillingness of the states to invigorate it; in case of its dissolution, the benefits expected from the revolution would be greatly impaired; and the contests which might ensue among the states would be sure to embroil their respective officers."

Bancroft, Hist. of the U.S., vol.6, p.61

Hamilton had for himself renounced the half-pay. The grand committee, in their report which he drafted, advised some payment to the army as soon as possible; for the rest, they were to have no priority over other creditors; all were to wait alike for the funding of the whole debt of the United States by general revenues. The officers were to have the option of preserving their claim to half-pay as it then stood, or accepting a commutation.

Bancroft, Hist. of the U.S., vol.6, p.61

"A great majority of the members of congress," avowed Robert Morris, "will not adopt the necessary measures because they are afraid of offending their states;" and he undertook to drive them to decisive action. Accordingly, on the twenty-fourth, the day on which the report was taken up, he sent to them his resignation of office in these words: "The funding the public debts on solid revenues, I fear, will never be made. If before the end of May effectual measures to make permanent provision for the public debts of every kind are not taken, congress will be pleased to appoint some other man to be the superintendent of their finances: I will never be the minister of injustice." The design of Robert Morris required the immediate publication of his letter, that, by uniting the army with all other creditors, congress and the states might be coerced into an efficient system; but congress reasoned that this authoritative statement of the financial ruin of the country would encourage the enemy, annihilate foreign and domestic credit, and provoke the army to mutiny. They therefore placed the communication under the injunction of secrecy.

Bancroft, Hist. of the U.S., vol.6, p.62

Resuming the consideration of the report of their grand committee on the memorial from the army, they referred a present payment to the discretion of the superintendent of finance; and, on the fifth of February, he issued a warrant, out of which the officers received one month's pay in notes and the private soldiers one month's pay in weekly instalments of half a dollar.

Bancroft, Hist. of the U.S., vol.6, p.62

The annual amount of the half-pay promised to the officers for life was nearly five hundred thousand dollars. The validity of the engagement was questioned. The grant was disliked by the common soldiers; it found no favor in the legislature of Massachusetts; the delegates of Connecticut and Rhode Island were instructed to oppose it altogether. To avoid defeat, this article was laid over till there should be a fuller representation. Delegates from the states in which the domestic debt was chiefly held hoped for efficient cooperation from the army. Pennsylvania was the largest creditor; Massachusetts ranked next; South Carolina, Georgia, and Delaware were the lowest; Virginia was but the ninth, holding less than New Hampshire and not half so much as Rhode Island. The zeal for the equal support of all classes of public creditors culminated in those states whose citizens originally owned nearly four times as much as those of all the six southern states, and by transfers were constantly acquiring more.

Bancroft, Hist. of the U.S., vol.6, p.63

Adopting unanimously a resolution which Hamilton had prepared, congress pledged itself to consider immediately the most likely mode of obtaining revenues adequate to the funding of the whole debt of the United States. Encouraged by this seeming heartiness, Wilson of Pennsylvania, on the twenty-seventh, proposed "the establishment of general funds to be collected by congress." To the dismay of the friends of a general revenue, Theodorick Bland of Virginia interposed and officially presented the act of his state repealing the grant of the impost, and a resolution of both its houses declaring its present inability to pay more than fifty thousand pounds Virginia currency toward the demands of congress for 1782.

Bancroft, Hist. of the U.S., vol.6, p.63

The debate, nevertheless, went on. Gorham of Massachusetts suggested polls and commerce as most proper objects of taxation. Hamilton, discussing the subject in a comprehensive manner, spoke for permanent sources of revenue which should extend uniformly throughout the United States, and be collected by the authority of congress. Dyer strongly disliked the appointment of collectors by congress; the states would never consent to it. Ramsay of South Carolina supported Gorham and Hamilton. Again Bland placed himself in the way, saying: "The states are so averse to a general revenue in the hands of congress that, even if it were proper, it is unattainable." He therefore advised congress to pursue the rule of the confederation and ground requisitions on an actual valuation of houses and lands in the several states.

Bancroft, Hist. of the U.S., vol.6, p.63

At this stage of the discussion, an efficient reply could be made only by one who was of Virginia. To Randolph, then in Richmond, Madison had already written: "Virginia could never have cut off the impost at a more unlucky crisis than when she is protesting her inability to comply with the continental requisitions. Congress cannot abandon the plan as long as there is a spark of hope. Nay, other plans on a like principle must be added. Justice, gratitude, our reputation abroad and our tranquillity at home, require provision for a debt of not less than fifty millions of dollars; and this provision will not be adequately met by separate acts of the states. If there are not revenue laws which operate at the same time through all the states, and are exempt from the control of each, mutual jealousies will assuredly defraud both our foreign and domestic creditors of their just claims."

Bancroft, Hist. of the U.S., vol.6, p.64

Madison, on the twenty-eighth, presented a milder form of the resolution for a general revenue. Arthur Lee lost no time in confronting his colleague: "The states will never consent to a uniform tax, because it will be unequal; is repugnant to the articles of confederation; and, by placing the purse in the same hands with the sword, subverts the fundamental principles of liberty." Wilson explained: The articles of confederation have expressly provided for amendments; there is more of a centrifugal than centripetal force in the states; the funding of a common debt would invigorate the union. Ellsworth despaired of a continental revenue; condemned periodical requisitions from congress as inadequate; and inclined to the trial of permanent state funds. In reply, Hamilton showed that state funds would meet with even greater obstacles than a general revenue; but he lost the sympathy of the house by adding that the influence of federal collectors would assist in giving energy to the federal government. Rutledge thought that the prejudices of the people were opposed to a general tax, and seemed disinclined to it himself. Williamson was of opinion that continental funds, though desirable, were unattainable.

Bancroft, Hist. of the U.S., vol.6, p.64

"The idea," said Madison, "of erecting our national independence on the ruins of public faith and national honor must be horrid to every mind which retains either honesty or pride. Is a continental revenue indispensably necessary for doing complete justice to the public creditors? This is the question.

Bancroft, Hist. of the U.S., vol.6, p.65

"A punctual compliance by thirteen independent governments with periodical demands of money from congress can never be reckoned upon with certainty. The articles of confederation authorize congress to borrow money. To borrow money, permanent and certain provision is necessary; and, as this cannot be made in any other way, a general revenue is within the spirit of the confederation. Congress are already invested by the states with constitutional authority over the purse as well as the sword. A general revenue would only give this authority a more certain and equal efficacy.

Bancroft, Hist. of the U.S., vol.6, p.65

"The necessity and reasonableness of a general revenue have been gaining ground among the states. I am aware that one exception ought to be made. The state of Virginia, as appears by an act yesterday laid before congress, has withdrawn its assent once given to the scheme. This circumstance cannot but embarrass a representative of that state advocating it; one, too, whose principles are extremely unfavorable to a disregard of the sense of constituents. But, though the delegates who compose congress more immediately represent and are amenable to the states from which they come, yet they owe a fidelity to the collective interests of the whole. The part I take is the more fully justified to my own mind by my thorough persuasion that, with the same knowledge of public affairs which my station commands, the legislature of Virginia would not have repealed the law in favor of the impost, and would even now rescind the repeal."

Bancroft, Hist. of the U.S., vol.6, p.65

On the following day the proposition of Wilson and Madison, with slight amendments, passed the committee of the whole without opposition. On the twelfth of February it was adopted in congress by seven states in the affirmative, and without the negative of any state.

Bancroft, Hist. of the U.S., vol.6, p.65 - p.66

For methods of revenue, the choice of Madison was an impost, a poll-tax which should rate blacks somewhat lower than whites, and a moderate land-tax. To these Wilson wished to add a duty on salt and an excise on wine, imported spirits, and coffee. Hamilton, who held the attempt at a land-tax to be futile and impossible, suggested a house-and-window-tax. Wolcott of Connecticut thought requisitions should be in proportion to the population of each state; but was willing to include in the enumeration those only of the blacks who were within sixteen and sixty years of age.

Bancroft, Hist. of the U.S., vol.6, p.66

Just at this time Pelatiah Webster, a graduate of Yale college.', in a dissertation published at Philadelphia, proposed for the legislature of the United States a congress of two houses which should have ample authority for making laws "of general necessity and utility," and enforcing them as well on individuals as on states. He further suggested not only heads of executive departments, but judges of law and chancery. The tract was reprinted in Hartford, and called forth a reply.

Bancroft, Hist. of the U.S., vol.6, p.66

Plans of closer union offered only a remote solution of the difficulties under which the confederation was sinking. How the united demand of all public creditors could wrest immediately from congress and the states the grant of a general revenue and power for its collection employed the thoughts of Robert Morris and his friends. On Christmas eve 1781, Gouverneur Morris, the assistant financier, had written to Greene: "I have no expectation that the government will acquire force; and no hope that our union can subsist, except in the form of an absolute monarchy, and this does not seem to consist with the taste and temper of the people." To Jay, in January 1783, he wrote: "The army have swords in their hands. Good will arise from the situation to which we are hastening; much of convulsion will probably ensue, yet it must terminate in giving to government that power without which government is but a name."

Bancroft, Hist. of the U.S., vol.6, p.66

Hamilton held it as certain that the army had secretly determined not to lay down their arms until due provision and a satisfactory prospect should be afforded on the subject of their pay; that the commander-in-chief was already become extremely unpopular among all ranks from his known dislike to every unlawful proceeding; but, as from his virtue, his patriotism, and firmness, he would sooner suffer himself to be cut in pieces than yield to disloyal plans, Hamilton wished him to be the "conductor of the army in their plans for redress," to the exclusion of a leader like Horatio Gates.

Bancroft, Hist. of the U.S., vol.6, p.67

With these convictions and with exceeding caution, he, on the seventh of February, addressed himself directly to Washington in a letter, of which Brooks, on his return to the camp, was the bearer. "We," so he wrote of congress, "are a body not governed by reason or foresight, but by circumstances. It appears to be a prevailing opinion in the army that, if they once lay down their arms, they part with the means of obtaining justice. Their claims, urged with moderation but with firmness, may operate on those weak minds which are influenced by their apprehensions more than by their judgments, so as to produce a concurrence in the measures which the exigencies of affairs demand. To restore public credit is the object of all men of sense; in this the influence of the army, properly directed, may co-operate." And he invited Washington to make use of General Knox, to whom Gouverneur Morris wrote on the same day and by the same channel.

Bancroft, Hist. of the U.S., vol.6, p.67

To ensure the concerted action of the southern army, Gouverneur Morris wrote privately to Greene: "The main army will not easily forego their expectations. Their murmurs, though not loud, are deep. If the army, in common with all other public creditors, insist on the grant of general, permanent funds for liquidating all the public debts, there can be little doubt that such revenues will be obtained, and will afford to every order of public creditors a solid security. With the due exception of miracles, there is no probability that the states will ever make such grants unless the army be united and determined in the pursuit of it, and unless they be firmly supported by and as firmly support the other creditors. That this may happen must be the entire wish of every intelligently just man and of every real friend to our glorious revolution."

Bancroft, Hist. of the U.S., vol.6, p.67

The letter of Gouverneur Morris to Knox, which was in reality a communication through Knox to Washington, cannot be found. It evidently expressed the opinion that the army might be made to co-operate in bringing about a closer union of the states and a stronger government. The answer of Knox expresses the advice of Washington: "The army are good patriots, and would forward everything that would tend to produce union and a permanent general constitution; but they are yet to be taught how their influence is to effect this matter. A 'hoop to the barrel' is their favorite toast. America will have fought and bled to little purpose if the powers of government shall be insufficient to preserve the peace, and this must be the case without general funds. As the present constitution is so defective, why do not you great men call the people together and tell them so—that is, to have a convention of the skates to form a better constitution? This appears to us, who have a superficial view only, to be the most efficacious remedy."

Bancroft, Hist. of the U.S., vol.6, p.68

On the thirteenth of February the speech of the king of Great Britain, at the opening of parliament in December, was received. His announcement of provisional articles of peace with the United States produced great joy; yet that joy was clouded by apprehensions from the impossibility of meeting the just claims of the army.

Bancroft, Hist. of the U.S., vol.6, p.68

Congress was brought no nearer to decisive action. Hamilton proposed that the doors of congress should be thrown wide open whenever the finances were under discussion, though the proposal, had it been accepted, would have filled the galleries with holders of certificates of the public debt.

Bancroft, Hist. of the U.S., vol.6, p.68

On the other side, John Rutledge again and again moved that the proceeds of the impost should be appropriated exclusively to the army, but was supported only by his own state. Ruffled by his indifference to the civil creditors, Wilson had one day answered with warmth: "Pennsylvania will take her own measures without regard to those of congress, and she ought to do so. She is willing to sink or swim according to the common fate; but she will not suffer herself, with a millstone of six millions of the continental debt, to go to the bottom alone."

Bancroft, Hist. of the U.S., vol.6, p.68

The weakness of the friends of a general revenue appeared from their consenting to leave to the several states the appointment of the collectors of taxes, and to limit the grant of the impost to twenty-five years.

Bancroft, Hist. of the U.S., vol.6, p.69

Once more Mercer and Arthur Lee renewed their war upon Madison, who in reply made a convincing plea for the necessity of a permanent general revenue. "The purse," repeated Arthur Lee, "ought never to be put in the same hand with the sword. I will be explicit; I would rather see congress a rope of sand than a rod of iron. Virginia ought not to concur in granting to congress a permanent revenue." "If the federal compact is such as has been represented," said Mercer, "I will immediately withdraw from congress, and do everything in my power to destroy its existence." Chafed by these expressions, Gorham of Massachusetts cried out: "The sooner this is known the better, that some of the states may form other confederacies adequate to their safety."

Bancroft, Hist. of the U.S., vol.6, p.69

The assiduous labors of congress for two months had failed to devise the means for restoring public credit. In February some of its members thought the time had arrived when order and credit could come, if the army would support its demands by its strength. Robert Morris extorted from congress a removal of the injunction of secrecy on his letter of resignation, and forthwith sent it not only to Washington but to the public press, through which it immediately reached the army.

Chapter 6:

The American Army and Its Chief,

March 1783

Bancroft, Hist. of the U.S., vol.6, p.70

THE commander-in-chief suppressed the wish to visit Mount Vernon during the winter, for the army at Newburg was more unquiet than at any former period The Massachusetts line formed more than half of it, and so many of the remainder were from other eastern states that he could describe them all as New England men. He had made the delicate state of affairs "the object of many contemplative hours," and he was aware of the prevailing sentiment that the prospect of compensation for past services would terminate with the war.

Bancroft, Hist. of the U.S., vol.6, p.70

Now that peace was at hand, his first act was by a letter to Harrison, then governor of Virginia, to entreat his own state to enter upon a movement toward a real union. "From the observations I have made in the course of this war—and my intercourse with the states in their united as well as separate capacities has afforded ample opportunities of judging—I am decided in my opinion," such were his words, "that, if the powers of congress are not enlarged and made competent to all general purposes, the blood which has been spilt, the expense that has been incurred, and the distresses which have been felt, will avail nothing; and that the band which holds us together, already too weak, will soon be broken; when anarchy and confusion will prevail. I shall make no apology for the freedom of these sentiments; they proceed from an honest heart; they will at least prove the sincerity of my friendship, as they are altogether undisguised." The governor received this letter as a public appeal, and placed it among the archives of Virginia.

Bancroft, Hist. of the U.S., vol.6, p.71

Before the officers had taken into consideration the cautious report of their committee to congress, Colonel Walter Stewart, an inspector of troops, coming back from Philadelphia, presented himself at the quarters of Gates as "a kind of agent from the friends of the army in congress;" and rumors were immediately circulated through the camp that it was universally expected the army would not disband until they had obtained justice; that the public creditors looked up to them for aid, and, if necessary, would even join them in the field; that some members of congress wished the measure might take effect, in order to compel the public, particularly the delinquent states, to do justice.

Bancroft, Hist. of the U.S., vol.6, p.71

A plan of action was in the utmost secrecy devised by Gates and those around him. To touch with ability the several chords of feeling which lay slumbering in the army, his aide-de-camp, Major John Armstrong, was selected to draft an address. This was copied, and Colonel Barber, the assistant adjutant-general of the division of Gates, taking care not to be tracked, put it in circulation through the line of every state, with a notice for a meeting of the general and field officers on the next day, to consider what measures should be adopted to obtain that redress of grievances which they seemed to have solicited in vain.

Bancroft, Hist. of the U.S., vol.6, p.71

"My friends!" so ran the anonymous appeal, "after seven long years your suffering courage has conducted the United States of America through a doubtful and a bloody war; and peace returns to bless—whom? A country willing to redress your wrongs, cherish your worth, and reward your services? Or is it rather a country that tramples upon your rights, disdains your cries, and insults your distresses? Have you not lately, in the meek language of humble petitioners, begged from the justice of congress what you could no longer expect from their favor? How have you been answered? Let the letter which you are called to consider to-morrow make reply!

Bancroft, Hist. of the U.S., vol.6, p.72

"If this be your treatment while the swords you wear are necessary for the defence of America, what have you to expect when those very swords, the instruments and companions of your glory, shall be taken from your sides, and no mark of military distinction left but your wants, infirmities, and scars? If you have sense enough to discover and spirit to oppose tyranny, whatever garb it may assume, awake to your situation. If the present moment be lost, your threats hereafter will be as empty as your entreaties now. Appeal from the justice to the fears of government; and suspect the man"—here Washington was pointed at—"who would advise to longer forbearance."

Bancroft, Hist. of the U.S., vol.6, p.72

A copy of the address reached Washington on Tuesday, the eleventh, and the meeting was to take place in the evening of that very day. Resolutions dictated by passion and tending to anarchy, if once adopted, could never be effaced, and might bring ruin on the army and the nation. There was need of instant action, "to arrest the feet that stood wavering on a precipice." To change ill-considered menaces into a legal presentment of grievances, the commander, in general orders, disapproved the anonymous and irregular invitation to a meeting, and at the same time requested all the highest officers and a representation of the rest to assemble at twelve o'clock on the next Saturday to hear the report of the committee which they had sent to congress. "After mature deliberation, they will devise what further measures ought to be adopted to attain the just and Important object in view. The senior officer in rank present will preside and report the result of their deliberations to the commander-in-chief." Gates quailed, and the gathering for that evening was given up; but under his eye Armstrong prepared a second anonymous address, which, while it professed to consider the general orders of Washington "as giving stability to their resolves," recommended "suspicion" as their "sentinel." During the week, Washington employed himself, with Knox and others whom he could trust, in preparing methods to avert every fatal consequence.

Bancroft, Hist. of the U.S., vol.6, p.73

At noon on the fifteenth the officers assembled, with Gates in the chair. They were surprised to find that the commander-in-chief was with them. Every eye was fixed on him; and all were mute, awaiting his words.

Bancroft, Hist. of the U.S., vol.6, p.73

After an apology to his "brother officers" for his presence, he read his analysis of the anonymous addresses. Their author he praised for his rhetorical skill, but denied the rectitude of his heart, and denounced his scheme as fit to proceed from no one but a British emissary. He thus continued:

Bancroft, Hist. of the U.S., vol.6, p.73

"As I was among the first who embarked in the cause of our common country; as I have never left your side one moment, but when called from you on public duty; as I have been the constant companion and witness of your distresses, it can scarcely be supposed that I am indifferent to your interests." He proceeded to demonstrate that any attempt to compel an instant compliance with their demands would certainly remove to a still greater distance the attainment of their ends. They must place their reliance on the plighted faith of their country and the purity of the intentions of congress to render them ample justice, though its deliberations, from the difficulty of reconciling different interests, might be slow.

Bancroft, Hist. of the U.S., vol.6, p.73

"For myself," he said, "so far as may be done consistently with the great duty I owe my country and those powers we are bound to respect, you may command my services to the utmost extent of my abilities.

Bancroft, Hist. of the U.S., vol.6, p.73

"While I give you these assurances, let me entreat you, gentlemen, on your part, not to take any measures which, in the calm light of reason, will lessen the dignity and sully the glory you have hitherto maintained. Let me conjure you in the name of our common country, as you value your own sacred honor, as you respect the rights of humanity, and as you regard the military and national character of America, to express your utmost horror and detestation of the man who wickedly attempts to open the floodgates of civil discord and deluge our rising empire in blood.

Bancroft, Hist. of the U.S., vol.6, p.74

"By thus determining and thus acting, you will pursue the plain and direct road to the attainment of your wishes; you will give one more proof of unexampled patriotism and patient virtue, rising superior to the pressure of the most complicated sufferings; and you will afford occasion for posterity to say: 'Had this day been wanting, the world had never seen the last stage of perfection to which human nature is capable of attaining.'"

Bancroft, Hist. of the U.S., vol.6, p.74

On concluding his address, the general, in further proof of the good disposition of congress, began to read parts of a letter from a member of that body; but, after getting through a single paragraph, he paused, and asked leave of his audience to put on spectacles, which he had so lately received that he had never yet worn them in public, saying: "I have grown gray in your service, and now find myself growing blind." These unaffected words touched every heart. The letter, which was from Joseph Jones of King George county in Virginia, set forth the embarrassments of congress and their resolve that the army should at all events be justly dealt with. Washington then withdrew.

Bancroft, Hist. of the U.S., vol.6, p.74

Officers, who a few hours before had yielded themselves to the anonymous addresses, veered about, and would now follow no counsellor but their own commander. The assembly unanimously thanked him for his communications and assured him of their affection, "with the greatest sincerity of which the human heart is capable." Then, after a reference to Knox, Brooks, and Howard as their committee, they resolved unanimously: "At the commencement of the present war, the officers of the American army engaged in the service of their country from the purest love and attachment to the rights and liberties of human nature, which motives still exist in the highest degree; and no circumstances of distress or danger shall induce a conduct that may tend to sully the reputation and glory which they have acquired at the price of their blood and eight years' faithful services." Making no demands and confining their expectations within the most reasonable limits, they declared their unshaken confidence in the justice of congress and their country, and they asked nothing of their chief but to urge congress to a speedy decision upon their late memorial.

Bancroft, Hist. of the U.S., vol.6, p.75

Another resolution declared "that the officers of the American army view with abhorrence and reject with disdain the infamous propositions contained in a late anonymous address to them." Gates meekly put the question, and was obliged to report that it was carried unanimously.

Bancroft, Hist. of the U.S., vol.6, p.75

No one ever ruled the hearts of his officers like Washington. The army of America had seen him calm and commanding in the rage of battle; patient and persistent under multiplied misfortunes; moderate in victory; but then he had been countenanced by his troops and his friends; here he stood alone, amid injured men of inflamed passions, with swords at their sides, persuaded that forbearance would be their ruin, and, for a fearful moment, looking upon him as their adversary. As he spoke, every cloud was scattered, and the full light of love of country broke forth. Happy for America that she had a patriot army; happy for America and for the world that that army had Washington for its chief!

Bancroft, Hist. of the U.S., vol.6, p.75

The official narrative of these events was received in congress on the twenty-second, and, before the day came to an end, nine states concurred in a resolution commuting the half-pay promised to the officers into a sum equal to five years' full pay, to be discharged by certificates bearing interest at six per cent. Georgia and Rhode Island were not adequately represented; New Hampshire and New Jersey voted in the negative; all the other states irrevocably pledged the United States to redeem their promise made to the officers in the dark hours of their encampment at Valley Forge.

Bancroft, Hist. of the U.S., vol.6, p.75

On the next day a ship dispatched from Cadiz by d'Estaing, at the instance of Lafayette, brought authentic news that the American and British commissioners had signed definitively a provisional treaty, of which an official copy had been received eleven days before, and that peace with Great Britain had already taken effect. The American boundaries on the northwest exceeded alike the demands and the hopes of congress, and it was already believed that a later generation would make its way to the Pacific ocean.

Bancroft, Hist. of the U.S., vol.6, p.76

The glad tidings drew from Washington tears of joy in that "happiest moment of his life." "All the world is touched by his republican virtues," wrote Luzerne. "It will be in vain for him to wish to hide himself and live as a simple, private man; he will always be the first citizen of the United States." All the while no one like him had pursued with single-mindedness and perseverance and constant activity the great object of creating a republican government for the continent. To Hamilton he wrote on the last day of March 1783: "I rejoice most exceedingly that there is an end to our warfare, and that such a field is opening to our view, as will with wisdom to direct the cultivation of it, make us a great, a respectable, and happy people; but it must be improved by other means than state politics, and unreasonable jealousies and prejudices, or it requires not the second sight to see that we shall be instruments in the hands of our enemies and those European powers who may be jealous of our greatness in union, to dissolve the confederation. But to obtain this, although the way seems extremely plain, is not so easy.

Bancroft, Hist. of the U.S., vol.6, p.76

"My wish to see the union of these states established upon liberal and permanent principles, and inclination to contribute my mite in pointing out the defects of the present constitution, are equally great. All my private letters have teemed with these sentiments, and, whenever this topic has been the subject of conversation, I have endeavored to diffuse and enforce them. No man in the United States is or can be more deeply impressed with the necessity of a reform in our present confederation than myself. No man, perhaps, has felt the bad effects of it more sensibly; for to the defects thereof, and want of power in congress, may justly be ascribed the prolongation of the war and consequently the expenses occasioned by it. More than half the perplexities I have experienced in the course of my command, and almost the whole of the difficulties and distress of the army, have had their origin here. But still, the prejudices of some, the designs of others, and the mere machinery of the majority, make address and management necessary to give weight to opinions which are to combat the doctrines of those different classes of men in the field of politics."

Bancroft, Hist. of the U.S., vol.6, p.77

Upon official information from Franklin and Adams, congress on the eleventh of April made proclamation for the cessation of hostilities. In announcing the great event to the army, Washington did especial honor to the men who had enlisted for the war, and added: "Happy, thrice happy shall they be pronounced hereafter who have contributed anything in erecting this stupendous fabric of freedom and empire; who have assisted in protecting the rights of human nature, and establishing an asylum for the poor and oppressed of all nations and religions." The proclamation of congress that war was at an end was published to the army on the nineteenth, exactly eight years from the day when the embattled farmers of Concord "fired the shot heard round the world."

Chapter 7:

Disbanding the Army,

March-July 1783

Bancroft, Hist. of the U.S., vol.6, p.78

WASHINGTON presented the rightful claims of the "patriot army" with a warmth and energy which never but this once appear in his communications to congress; and his words gained intenser power from his disinterestedness. To a committee on which were Bland and Hamilton, he enforced, by every consideration of gratitude, justice, honor, and national pride, the "universal" expectations of the army, that, before their disbanding, they should receive pay for at least one month in hand, with an absolute assurance in a short time of pay for two months more. "The financier will take his own measures, but this sum must be procured. The soldier is willing to risk the hard-earned remainder due him for four, five, perhaps six years upon the same basis of security with the general mass of other public creditors."

Bancroft, Hist. of the U.S., vol.6, p.78

"The expectations of the army," answered Hamilton, "are moderation itself." But, after a week's reflection, Morris, who had already written to congress "our public credit is gone," replied to the committee that the amount of three months' pay was more than all the receipts from all the states since 1781; that there was no resource but the issue of paper notes in anticipation of revenue.

Bancroft, Hist. of the U.S., vol.6, p.79

A sharp admonition from Vergennes to the United States speedily to meet their engagements in France and Holland, and the representations of Washington, quickened the determination of congress. In preparing the plan for a revenue, Madison was assisted by Jefferson, who passed a large part of the winter in Philadelphia.

Bancroft, Hist. of the U.S., vol.6, p.79

The national debt of Great Britain at the beginning of the war with America amounted to one hundred and thirty-six millions of pounds; at the close of it, including deficiencies that were still to be funded, it amounted to twice that sum. The debt of the United States did not much exceed forty-two millions of dollars; the annual interest on that debt was not far from two and a half millions, and to fund it successfully there was need of a yearly revenue of at least that sum. One million was hoped for from specific duties on enumerated imports, and a duty of five per cent on the value of all others. A million and a half dollars more were to be raised by requisitions of congress, apportioned on the states according to population. This more convenient method had hitherto failed from conflicts on the rule for counting slaves. The South had insisted on the ratio of two for one freeman. Williamson of North Carolina said: "I am principled against slavery. I think slaves an incumbrance to society instead of increasing its ability to pay taxes." To effect an agreement, Madison, seconded by John Rutledge, offered that slaves should be rated as five to three, and this compromise, which then affected taxation only and not representation, was accepted almost with unanimity.

Bancroft, Hist. of the U.S., vol.6, p.79

In the beginning of April, Hamilton had declared in congress that he wished to strengthen the federal constitution through a general convention, and should soon, in pursuance of instructions from his constituents, propose a plan for that purpose. In the mean time, he remained inflexible in the opinion that an attempt to obtain revenue by an application to the several states would be futile, because an agreement could never be arrived at through partial deliberations. The vote on the report of the new financial measure, which he opposed as inadequate, was taken on the eighteenth of April. Georgia alone was absent; eleven states were fully represented; New Hampshire by a single delegate. Hamilton and the two representatives of Rhode Island, alone and for the most opposite reasons, gave their votes in the negative. New York being divided, nine states and a half against one, twenty-five delegates against three, recorded their votes for the adoption of the report.

Bancroft, Hist. of the U.S., vol.6, p.80

To the relentless exigencies of the moment the financial proposition of the eighteenth of April offered no relief, nor could it take effect until it should be accepted by every one of the thirteen states. To win this unanimous assent, congress, in the words of Madison, enforced the peculiar nature of their obligations to France, to members of the republic of Holland, and to the army. Moreover, "the citizens of the United States are responsible for the greatest trust ever confided to a political society. If justice, good faith, honor, gratitude, and all the other qualities which ennoble the character of a nation and fulfil the ends of government, be the fruits of our unadulterated forms of republican government, the cause of liberty will acquire a dignity and lustre which it has never yet enjoyed; and an example will be set which cannot but have the most favorable influence on the rights of mankind." New York, North and South Carolina, and Massachusetts were following the example of Virginia, and repealing their revenue acts of former years; when the address went forth, accompanied by the letter of congress to the governor of Rhode Island which Hamilton had drafted, and by various papers showing the amount and the character of the debt of the United States.

Bancroft, Hist. of the U.S., vol.6, p.80

Then, on the twenty-eighth, and so far as the records show never till then, congress appointed a committee on the New York resolutions of the preceding July in favor of a general convention. Its choice fell on Ellsworth, Carroll, Wilson, Gorham, Hamilton, Peters, McHenry, Izard, and Duane.

Bancroft, Hist. of the U.S., vol.6, p.81

In October 1780, congress provided for forming new states out of the north-western territory. A most elaborate report, read in November 1781, recommended that the lands for settlements "should be laid out into townships of about six miles square." Early in 1783 Rufus Putnam, with other officers and soldiers of the army in New England, engaged heartily in a plan to form a state westward of the Ohio, and Timothy Pickering, who had framed a complete plan for settling lands in Ohio, proposed to them that "the total exclusion of slavery from the state should form an essential and irrevocable part of the constitution." To "unite the thirteen states in one great political interest," Bland, a man of culture, who had served with credit as a colonel of dragoons, and had been a member of congress from Virginia since 1780, now, on the fifth of June 1783, brought forward an "ordinance" to accept conditionally the cession of Virginia, divide it into districts of two degrees of latitude by three degrees of longitude, and subdivide each district into townships of a fixed number of miles square; each district to be received into the union as a "sovereign" state, so soon as it could count twenty thousand inhabitants. In these embryo states, every one who had enlisted for the war or had served for three years was to receive the bounty lands promised him, and thirty acres more for each dollar due to him from the United States. One tenth part of the soil was to be reserved for "the payment of the civil list of the United States, the erecting of frontier posts, and the founding of seminaries of learning; the surplus to be appropriated to the building and equipping a navy, and to no other purpose whatever." This pioneer ordinance for colonizing the territory north-west of the Ohio was seconded by Hamilton, and referred to a grand committee.

Bancroft, Hist. of the U.S., vol.6, p.81

From the moment when it became officially known that a preliminary treaty of peace had been concluded, Robert Morris persistently demanded the immediate discharge of the army. The city of New York and the interior posts being still in British hands, his importunity was resisted by Gorham and Hamilton, and disapproved by the secretary of foreign affairs; but the public penury overcame all scruples.

Bancroft, Hist. of the U.S., vol.6, p.82

As the time drew near for the officers to pass from military service to civil life, they recalled the example of the Roman Cincinnatus, and, adopting his name, formed themselves into "one society of friends," to perpetuate "the spirit of brotherly kindness" and to help officers and their families in their times of need. An immutable attachment to the rights and liberties of human nature was made the law of conduct for members, to whatever nation they might belong; and those who were Americans pledged to each other their "unalterable determination to promote and cherish union between the states." By one grave error, which called forth from many sides in America and in Europe the severest censure, membership was made hereditary in their eldest male posterity. The commander-in-chief, who had no offspring, refused to separate himself from his faithful associates in the war; but by his influence the society at its first general meeting in May 1784 proposed to its branches in the states to expunge from its constitution the clauses which had excited alarm and just complaint.

Bancroft, Hist. of the U.S., vol.6, p.82

The general order of the second day of June published the resolve of congress that the men engaged for the war, with a proper proportion of officers, were Immediately to receive furloughs, on the reverse of which was their discharge, to take effect on the definitive treaty of peace. Washington felt the keenest sensibility at their distresses; but he had exhausted all his influence. The army, for three months' pay, received only notes exactly "like other notes issued from the office of finance." These were nominally due in six months to the bearer, with six per cent interest till paid. Their value in the market was two shillings or two and sixpence for twenty shillings. The veterans were enthusiasts for liberty, and therefore, with the consciousness of having done their duty to their native land and to mankind, they, in perfect good order, bearing with them their arms as memorials of their service, retired to their homes "without a settlement of their accounts, and without a farthing of money in their pockets."

Bancroft, Hist. of the U.S., vol.6, p.83

The events of the last four months called into full action the powers and emotions of Washington. "State politics," said he, "interfere too much with the more liberal and extensive plan of government which wisdom and foresight would dictate. The honor, power, and true interest of this country must be measured by a continental scale. To form a new constitution that will give consistency, stability, and dignity to the union and sufficient powers to the great council of the nation for general purposes, is a duty incumbent upon every man who wishes well to his country."

Bancroft, Hist. of the U.S., vol.6, p.83

Lifted above himself, and borne on by the energy of his belief, he in June addressed the whole people through a last circular to the governor of every state, for he was persuaded that immediate and extreme danger overhung the life of the union. "With this conviction of the importance of the present crisis," such are his words, "silence in me would be a crime; I will therefore speak without disguise the language of freedom and of sincerity. Those who differ from me in political sentiment may remark that I am stepping out of the proper line of my duty; but the rectitude of my own heart, the part I have hitherto acted, experience acquired by long and close attention to the business of that country in whose service I have spent the prime of my life and whose happiness will always constitute my own, the ardent desire I feel of enjoying in private life, after all the toils of war, the benefits of a wise and liberal government, will sooner or later convince my countrymen that this address is the result of the purest intention."

Bancroft, Hist. of the U.S., vol.6, p.84

Thoughtful for the defence of the republic, the retiring commander-in-chief recommended "a proper peace establishment," and an absolutely uniform organization of the "militia of the union" throughout "the continent." He pleaded for complete justice to all classes of public creditors. He entreated the legislature of each state to pension its disabled non-commissioned officers and privates. He enforced the duty of the states, without "hesitating a single moment," to give their sanction to the act of congress establishing a revenue for the United States, for the only alternative was a national bankruptcy. "Honesty," he said, "will be found on every experiment to be the best and only true policy. In what part of the continent shall we find any man or body of men who would not blush to propose measures purposely calculated to rob the soldier of his stipend, and the public creditor of his due?"

Bancroft, Hist. of the U.S., vol.6, p.84

He then proceeded to pronounce solemn judgment, and to summon the people of America to fulfil their duty to Providence and to their fellow-men. "If a spirit of disunion, or obstinacy and perverseness, should in any of the states attempt to frustrate all the happy effects that might be expected to flow from the union, that state which puts itself in opposition to the aggregate wisdom of the continent will alone be responsible for all the consequences.

Bancroft, Hist. of the U.S., vol.6, p.84

"The citizens of America, the sole lords and proprietors of a vast tract of continent, are now acknowledged to be possessed of absolute freedom and independency. Here Heaven has crowned all its other blessings by giving a fairer opportunity for political happiness than any other nation has ever been favored with. The rights of mankind are better understood and more clearly defined than at any former period. The collected wisdom acquired through a long succession of years is laid open for our use in the establishment of our forms of government. The free cultivation of letters, the unbounded extension of commerce, the progressive refinement of manners, the growing liberality of sentiment, and, above all, the pure and benign light of revelation, have had a meliorating influence on mankind. At this auspicious period, the United States came into existence as a nation.

Bancroft, Hist. of the U.S., vol.6, p.85

"Happiness is ours if we seize the occasion and make it our own. This is the moment to give such a tone to our federal government as will enable it to answer the ends of its institution. According to the system of policy the states shall adopt at this moment, it is to be decided whether the revolution must ultimately be considered as a blessing or a curse; a blessing or a curse, not to the present age alone, for with our fate will the destiny of unborn millions be involved.

Bancroft, Hist. of the U.S., vol.6, p.85

"Essential to the existence of the United States is the friendly disposition which will forget local prejudices and policies, make mutual concessions to the general prosperity, and, in some instances, sacrifice individual advantages to the interest of the community. Liberty is the basis of the glorious fabric of our independency and national character, and whoever would dare to sap the foundation, or overturn the structure, under whatever specious pretext he may attempt it, will merit the bitterest execration and the severest punishment which can be inflicted by his injured country.

Bancroft, Hist. of the U.S., vol.6, p.85

"It is indispensable to the happiness of the individual states that there should be lodged somewhere a supreme power to regulate and govern the general concerns of the confederated republic, without which the union cannot be of long duration, and everything must very rapidly tend to anarchy and confusion. Whatever measures have a tendency to dissolve the union, or to violate or lessen the sovereign authority, ought to be considered as hostile to the liberty and independence of America. It is only in our united character that we are known as an empire, that our independence is acknowledged, that our power can be regarded, or our credit supported among foreign nations. The treaties of the European powers with the United States of America will have no validity on a dissolution of the union. We shall be left nearly in a state of nature; or we may find by our own unhappy experience that there is a natural and necessary progression from the extreme of anarchy to the extreme of tyranny, and that arbitrary power is most easily established on the ruins of liberty abused to licentiousness."

Bancroft, Hist. of the U.S., vol.6, p.85

This circular letter of Washington the governors of the states, according to his request, communicated to their respective legislatures. In this way it was borne to every home in the United States, and he entreated the people to receive it as "his legacy" on his retirement to private life.

Bancroft, Hist. of the U.S., vol.6, p.86

He avoided the appearance of dictating to congress how the constitution should be formed; but, while he was careful to declare himself "no advocate for their having to do with the particular policy of any state further than it concerns the union at large," he had no reserve in avowing his "wish to see energy given to the federal constitution by a convention of the people."

Bancroft, Hist. of the U.S., vol.6, p.86

The newspapers of the day, as they carried the letter of Washington into every home, caught up the theme, and demanded a revision of the constitution, "not by congress, but by a continental convention, authorized for the purpose."

Book Second: On the Way to a Federal Convention, 1783-1787

BOOK SECOND

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On the Way to a Federal Convention

1783-1787

Chapter 1:

How the Land Received the Legacy of Washington,

June-December 1783

Bancroft, Hist. of the U.S., vol.6, p.89

ALL movements conspired to form for the thirteen states a constitution, sooner than they dared to hope and "better than they knew." "The love of union and the resistance to the claims of Great Britain were the inseparable inmates of the same bosom. Brave men from different states, risking life and everything valuable in a common cause, believed by all to be most precious, were confirmed in the habit of considering America as their country and congress as their government." Acting as one, they had attained independence. Moreover, it was their fixed belief that they had waged battle not for themselves alone, but for the hopes and the rights of mankind; and this faith overleapt the limits of separate commonwealths with the force of a religious conviction. For eighteen years the states had watched together over their liberties; for eight they had borne arms together to preserve them; for more than two they had been confederates under a compact to remain united forever.

Bancroft, Hist. of the U.S., vol.6, p.89

The federation excelled every one that had preceded it. Inter-citizenship and mutual equality of rights between all its members gave to it a new character and an enduring unity. The Hebrew commonwealth was intensely exclusive, both by descent and from religion; every Greek republic grew out of families and tribes; the word nation originally implied a common ancestry. All medieval republics, like the Roman municipalities, rested on privilege. The principle of inter-citizenship infused itself neither into the constitution of the old German empire, nor of Switzerland, nor of Holland. Even when the American people took up arms against Great Britain, congress defined only the membership of each colony; the articles of confederation first brought in the rule that any one might at will transfer his membership from one state to another. Of old a family, a sept, a clan, a tribe, a nation, a race, owed its unity to consanguinity. Inter-citizenship now took the place of consanguinity; the Americans became not only one people, but one nation. They had framed a union of several states in one confederacy, fortified and bound in with a further union of the inhabitants of every one of them by a mutual and reciprocally perfect naturalization. This intercitizenship, though only in its third year, has been so ratified by national affections, by the national acquisition of independence, by national treaties, by national interests, by national history, that the people possessing it cannot but take one step more, and from an indwelling necessity form above the states a common constitution for the whole.

Bancroft, Hist. of the U.S., vol.6, p.90

It was to a nation which had not as yet a self-existent government, and which needed and felt the need of one, that Washington's legacy went forth. The love which was everywhere cherished for him, in itself had become a bond of union. "They are compelled to await the result of his letter," reported Luzerne; "they hope more from the weight of a single citizen than from the authority of the sovereign body." Jonathan Trumbull, the venerable governor of Connecticut, in his prompt reply extolled "this last address which exhibited the foundation principles" of "an indissoluble union of the states under one federal head." When in the next autumn this faithful war governor, after more than fifty years of service, bade farewell to public life, imitating Washington, he set forth to the legislature of Connecticut, and through them to its people, that the grant to the federal constitution of powers clearly defined, ascertained, and understood, and sufficient for all the great purposes of union, could alone lead from the danger of anarchy to national happiness and glory.

Bancroft, Hist. of the U.S., vol.6, p.91

In June the general assembly of Delaware complied with all parts of the recommendation of congress, coupling the impost with the state's quota of the federal requisition. To Washington, Nicholas Van Dyke, the governor, on receiving the circular, reported this proof of their zeal for establishing the credit of the union, adding: "The state which declines a similar conduct must be blind to the united interest with which that of the individual states is inseparably connected."

Bancroft, Hist. of the U.S., vol.6, p.91

Pennsylvania, linking together the North and the South, never hesitated; then and ever after, it made the reasoning and the hopefulness of Washington its own. At a festival in Philadelphia, held near the middle of July, with Dickinson, the president of the state, in the chair, the leading toast was: "New strength to the union;" and, when "Honor and immortality to the principles in Washington's circular letter" was proposed, the company rose twice and manifested their approbation by nine huzzas.

Bancroft, Hist. of the U.S., vol.6, p.91

A month later, Dickinson and the council of Pennsylvania sent to the general assembly the valedictory of the commander-in-chief, quoting and enforcing his words, saying: "We most earnestly recommend that the confederation be strengthened and improved. To advance the dignity of the union is the best way to advance the interest of each state. A federal supremacy, with a competent national revenue, to govern firmly general and relative concerns," can alone "ensure the respect, tranquillity, and safety, that are naturally attached to an extensive and well-established empire. All the authorities before mentioned may be vested in a federal council, not only without the least danger to liberty, but liberty will be thereby better secured." The house on the twenty-fifth, joining together the impost and the quota of the state, unanimously ordered the grant of them both, and at a later session thanked Washington specially for his final "circular letter, the inestimable legacy bequeathed to his country."

Bancroft, Hist. of the U.S., vol.6, p.92

In March, during a session of the legislature of South Carolina, Greene, who had received the suggestions of Gouverneur Morris, addressed a letter to the state through Guerard, the governor, representing the sufferings and mutinous temper of the army, and the need of a revenue for congress, and saying: "Independence can only prove a blessing under congressional influence. More is to be dreaded from the members of congress exercising too little than too much power. The financier says his department is on the brink of ruin. To the northward, to the southward, the eyes of the army are turned upon the states, whose measures will determine their conduct. They will not be satisfied with general promises; nothing short of permanent and certain revenue will keep them subject to authority."

Bancroft, Hist. of the U.S., vol.6, p.92

"No dictation by a Cromwell!" cried impatient members who could scarcely wait to hear the conclusion of the letter. To mark independence of congress and resistance to the requisitions of "its swordsmen," South Carolina revoked its grant to the United States of power to levy a five per cent duty on imports. Greene consoled himself with the thought that "he had done his duty, and would await events;" but he was made wiser by the rebuff. While he perceived that without more effectual support the power of congress must expire, he saw that the movement of soldiers without civil authority is pregnant with danger, and would naturally fall under the "direction of the Clodiuses and Catilines in America." The appeal of congress in April exercised little counteracting influence; but, when the circular of Washington arrived, the force and affection with which it was written produced an alteration of sentiment in more than one quarter of the members. "Washington was admired before; now he was little less than adored." The continental impost act was adopted, though not without a clause reserving the collection of the duties to the officers of the state, and appropriating them to the payment of the federal quota of South Carolina.

Bancroft, Hist. of the U.S., vol.6, p.93

In October, Clinton, the governor of New York, responded to Washington: "Unless the powers of the national council are enlarged, and that body better supported than at present, all its measures will discover such feebleness and want of energy as will stain us with disgrace and expose us to the worst of evils." And in the following January, holding up to the legislature the last circular of the commander-in-chief, he charged them to "be attentive to every measure which has a tendency to cement the union and to give to the national councils that energy which may be necessary for the general welfare."

Bancroft, Hist. of the U.S., vol.6, p.93

The circular reached Massachusetts just when the legislature was complaining of the half-pay and of excessively large salaries to civil officers. The senate and the house dispatched a most affectionate joint address to Washington, attributing to the guidance of an all-wise Providence his selection as commander-in-chief, adding: "While patriots shall not cease to applaud your sacred attachment to the rights of citizens, your military virtue and achievements will make the brightest pages in the history of mankind." To congress the legislature gave assurances that "it could not without horror entertain the most distant idea of the dissolution of the union;" though "the extraordinary grants of congress to civil and military officers had produced in the commonwealth effects of a threatening aspect." John Hancock, the popular governor, commending Washington's circular, looked to him as the statesman "of wisdom and experience," teaching them how to improve to the happiest purposes the advantages gained by arms.

Bancroft, Hist. of the U.S., vol.6, p.93

As president of the senate, Samuel Adams officially signed the remonstrance of Massachusetts against half-pay; as a citizen, he frankly and boldly, in his own state and in Connecticut, defended the advice of Washington: "In resisting encroachments on our rights, an army became necessary. Congress were and ought to be the sole judge of the means of supporting that army; they had an undoubted right in the very nature of their appointment to make the grant of half pay; and, as it was made in behalf of the United States, each state is bound in justice to comply with it, even though it should seem to them to have been an ill-judged measure. States as well as individual persons are equally bound to fulfil their engagements, and it is one part of the description given to us in the sacred scriptures of an honest man, that, though 'he sweareth to his own hurt, he changeth not.'"

Bancroft, Hist. of the U.S., vol.6, p.94

In like spirit congress replied to the protest against half-pay. "The measure was the result of a deliberate judgment framed on a general view of the interests of the union, and pledged the national faith to carry it into effect. If a state every way so important as Massachusetts should withhold her solid support to constitutional measures of the confederacy, the result must be a dissolution of the union; and then she must hold herself as alone responsible for the anarchy and domestic confusion that may succeed."

Bancroft, Hist. of the U.S., vol.6, p.94

At the opening of the autumn session, Hancock, recalling the attention of the legislature to the words of Washington, said: "How to strengthen and improve this union, so as to render it more completely adequate, demands the Immediate attention of these states. Our very existence as a free nation is suspended upon it."

Bancroft, Hist. of the U.S., vol.6, p.94

On the ninth of October he cited to the general court extracts of letters from John Adams confirming the sentiments of Washington. Near forty towns in the state had instructed their representatives against granting the impost recommended by congress. And yet it was carried in the house by seventy-two against sixty-five; a proviso that it should not be used to discharge half-pay or its commutation was rejected by a majority of ten; and the bill passed the senate almost unanimously. Some of the towns still murmured, but Boston in town-meeting answered: "The commutation is wisely blended with the national debt. With respect to the impost, if we ever mean to be a nation, we must give power to congress, and funds, too."

Bancroft, Hist. of the U.S., vol.6, p.95

But Washington's letter achieved its greatest victory in his own state. Mercer had said in congress that, sooner than reinstate the impost, he would "crawl to Richmond on his bare knees." The legislature, which was in session when the communication from congress arrived, ordered a bill to grant the Impost. Jefferson was hoping that Henry would speak for the grant, but he remained mute in his place. Richard Henry Lee and Thurston spoke of congress as "lusting for power." The extent of the implied powers which Hamilton had asserted in the letter of congress to Rhode Island was "reprobated as alarming and of dangerous tendency;" and on the eleventh of June the proposition of congress was pronounced to be inadmissible, because the revenue-officers were not to be amenable to the commonwealth; because the power of collecting a revenue by penal laws could not be delegated without danger; and because the moneys to be raised from citizens of Virginia were to go into the general treasury. So the proposition of congress was left without any support. Virginia, to discharge her continental debt, preferred to establish a customhouse of her own, appropriating its income to congress for five-and-twenty years, and making good the deficiency by taxes on land, negroes, and polls. "The state," said Arthur Lee, "is resolved not to suffer the exercise of any foreign power or influence within it." But, when the words of Washington were read, the house gave leave to the advocates for a continental impost to provide for it by a bill which was to have its first reading at the opening of the next session.

Bancroft, Hist. of the U.S., vol.6, p.95

These events did but render Richard Henry Lee more obdurate. Placing himself directly in the way of Washington and Madison, he wrote to a friend at the North: "The late address of congress to the states on the impost I think a too early and too strong attempt to overleap those fences established by the confederation to secure the liberties of the respective states. Give the purse to an aristocratic assembly, the sword will follow, and liberty become an empty name. As for increasing the power of congress, I would answer as the discerning men of old, with the change of a word only: 'Nolumus leges confederationis mutari—we forbid change in the laws of the confederation.'" But, in the time afforded for reflection, Washington's valedictory letter, which Jefferson describes as "deservedly applauded by the world," gained more and more power; at the adjourned session, the legislature of Virginia, with absolute unanimity, reversed its decision and granted by law the continental impost. "Everything will come right at last," said Washington, as he heard the gladdening news.

Bancroft, Hist. of the U.S., vol.6, p.96

"Never," said George Mason, "have I heard one single man deny the necessity and propriety of the union. No object can be lost when the mind of every man in the country is strongly attached to it." "I do not believe," witnesses Jefferson, "there has ever been a moment when a single whig in any one state would not have shuddered at the very idea of a separation of their state from the confederacy." A proposition had been made in June to revoke the release to the United States of the territory north-west of the river Ohio. Patrick Henry was for bounding the state reasonably enough, but, instead of ceding the parts lopped off, he was for forming them into small republics under the direction of Virginia. Nevertheless, the legislature, guided by the sincerity and perseverance of Joseph Jones of King George county, conformed to the wishes of congress, and, on the nineteenth and twentieth of December, cheerfully amended and confirmed their former cession.

Bancroft, Hist. of the U.S., vol.6, p.96

The last legislature to address Washington in his public character was Maryland, and they said: "By your letter you have taught us how to value, preserve, and Improve that liberty which your services under the smiles of Providence have secured. If the powers given to congress by the confederation should be found incompetent to the purposes of the union, our constituents will readily consent to enlarge them."

Bancroft, Hist. of the U.S., vol.6, p.97

On the part of congress, its president, Elias Boudinot of New Jersey, transmitted to the ministers of America in Europe the circular letter of Washington as the most perfect evidence of "his inimitable character."

Bancroft, Hist. of the U.S., vol.6, p.97

Before the end of June, raw recruits of the Pennsylvania line, in the barracks at Philadelphia, many of them foreign born, joined by others from Lancaster, "soldiers of a day, who could have very few hardships to complain of," with some returning veterans whom they forced into their ranks, encouraged by no officer of note, surrounding congress and the council of Pennsylvania, mutinously presented to them demands for pay. Congress insisted with the state authorities that the militia should be called out to restore order, and, the request being refused, it adjourned to Princeton. On the rumor that the commander-in-chief was sending troops to quell the mutiny, the insurgents, about three hundred in number, made their submission to the president of the state.

Bancroft, Hist. of the U.S., vol.6, p.97

The incident hastened the selection of a place for the permanent residence of congress. The articles of confederation left congress free to meet where it would. With the knowledge of the treaty of peace, the idea naturally arose of a federal town, and for its site there were many competitors. Of the thirteen states which at that time fringed the Atlantic, the central point was in Maryland or Virginia. In March 1783, New York tendered Kingston; in May, Maryland urged the choice of Annapolis; in June, New Jersey offered a district below the falls of the Delaware. Virginia, having Georgetown for its object, invited Maryland to join in a cession of equal portions of territory lying together on the Potomac; leaving congress to fix its residence on either side.

Bancroft, Hist. of the U.S., vol.6, p.98

During the summer, congress appointed a committee to consider what jurisdiction it should exercise in its abiding place. Madison took counsel with Randolph, and especially with Jefferson; and in September the committee of which he was a member reported that the state ceding the territory must give up all jurisdiction over it; the inhabitants were to be assured of a government of laws made by representatives of their own election. In October, congress took up the question of its permanent residence. Gerry struggled hard for the district on the Potomac; but, by the vote of Delaware and all the northern states, "a place on the Delaware near the falls" was selected. Within a few days the fear of an overpowering influence of the middle states led to what was called "the happy coalition;" on the seventeenth Gerry insisted that the alternate residence of congress in two places would secure the mutual confidence and affections of the states and preserve the federal balance of power. After a debate of several days, New England, with Maryland, Virginia, and the two Carolinas, decided that congress should reside for equal periods on the Delaware and near the lower falls of the Potomac. Till buildings for its use should be erected, it was to meet alternately in Annapolis and Trenton. To carry out the engagement, a committee, of which James Monroe was a member, made an excursion from Annapolis in the following May to view the country round Georgetown; and they reported in favor of the position on which the city of Washington now stands.

Bancroft, Hist. of the U.S., vol.6, p.98

The farewell circular letter of Washington addressed to all his countrymen had attracted the attention of congress, and in particular of Hamilton, who roused himself from his own desponding mood when he saw the great chieftain go forth alone to combat "the epidemic phrenzy" of the supreme sovereignty of the separate states. During the time of disturbances in the army, "could force have availed, he had almost wished to see it employed." Knowing nothing beforehand of Washington's intention to address the people, he had favored some combined action of congress and the general to compel the states forthwith to choose between national anarchy and a consolidated union. No sooner had congress established itself in Princeton than the youthful statesman drafted a most elaborate and comprehensive series of resolutions embodying in clear and definite language the defects in the confederation as a form of federal government; and closing with an earnest recommendation to the several states to appoint a convention to meet at a fixed time and place, with full powers to revise the confederation, and adopt and propose such alterations as to them should appear necessary; to be finally approved or rejected by the states respectively.

Bancroft, Hist. of the U.S., vol.6, p.99

But in the congress of that day he found little disposition to second an immediate effort for a new constitution. Of the committee elected on the twenty-eighth of April, which counted among its members the great names of Ellsworth, Wilson, and Hamilton, Wilson and two others had gone home; Ellsworth followed in the first half of July, but not till he had announced to the governor of Connecticut: "It will soon be of very little consequence where congress go, if they are not made respectable as well as responsible; which can never be done without giving them a power to perform engagements as well as make them. There must be a revenue somehow established that can be relied on and applied for national purposes, independent of the will of a single state, or it will be impossible to support national faith, or national existence. The powers of congress must be adequate to the purposes of their constitution. It is possible there may be abuses and misapplications; still it is better to hazard something than to hazard all." Nearly at the same moment Hamilton wrote to Greene: "There is so little disposition, either in or out of congress, to give solidity to our national system, that there is no motive to a man to lose his time in the public service who has no other view than to promote its welfare. Experience must convince us that our present establishments are utopian before we shall be ready to part with them for better." To Jay his words were: "It is to be hoped that, when prejudice and folly have run themselves out of breath, we may return to reason and correct our errors." Confirmed in "his ill forebodings as to the future system of the country," "he abandoned his resolutions for the want of support."

Bancroft, Hist. of the U.S., vol.6, p.100

In congress, which he left near the end of July, three months before the period for which he was chosen expired, we know through an ardent friends that "his homilies were recollected with pleasure;" that his extreme zeal made impressions in favor of his integrity, honor, and republican principles; that he had displayed various knowledge, had been sometimes intemperate and sometimes, though rarely, visionary; that cautious statesmen thought, if he could pursue an object with as much cold perseverance as he could defend it with ardor and argument, he would prove irresistible. From the goodness of his heart, his pride, and his sense of duty, he gave up "future views of public life," to toil for the support of his wife and children in a profession of which to him the labors were alike engrossing and irksome. In four successive years, with few to heed him, he had written and spoken for a constituent federal convention. His last official word to Clinton was: "Strengthen the confederation."

Bancroft, Hist. of the U.S., vol.6, p.100

On the second of September, more than a month after Hamilton had withdrawn, the remnant of the committee of the twenty-eighth of April, increased by Samuel Huntington, of Connecticut, reported that "until the effect of the resolution of congress, of April last, relating to revenue, should be known, it would be proper to postpone the further consideration of the concurrent resolutions of the senate and assembly of New York." In this way the first proposition by a state for reforming the government through a federal convention was put to sleep.

Bancroft, Hist. of the U.S., vol.6, p.101

All this while the British commander was preparing for the evacuation of New York. The malignant cruelty of royalists, especially in New York and South Carolina, who prompted and loved to execute the ruthless orders of Germain, aroused against them, as had been foretold, a just indignation, which unhappily extended to thousands of families in the United States who had taken no part in the excesses. Toward these Washington and Adams, Jay and Hamilton, and Jefferson who was especially called "their protector and support," and many of the best counselled forbearance and forgiveness. Motives of policy urged their absorption into the population of the union now that the sovereign to whom they had continued their allegiance had given them their release. But a dread of their political influence prevailed, and before the end of 1783 thousands of loyalists, families of superior culture, like the original planters of Massachusetts, were driven to seek homes in the wilds of Nova Scotia. In this way the United States out of their own children built up on their border a colony of rivals in navigation and the fishery whose loyalty to the British crown was sanctified by misfortunes. Nor did the British parliament hesitate for a moment to compensate all refugees for the confiscation of their property, and, when the amount was ascertained, it voted them from the British treasury as an indemnity very nearly fifteen and a half millions of dollars.

Bancroft, Hist. of the U.S., vol.6, p.101

The American army being nearly disbanded, Washington, on the eighteenth of July, with Governor Clinton as his companion, made an excursion into the interior, during which he personally examined the lines of water communication between branches of the Hudson and the Saint Lawrence, the lakes and the Susquehanna. By these observations, he comprehended more clearly "the immense extent and importance of the inland navigation of the United States. I shall not rest contented," said he, "till I have explored the western country and traversed great part of those lines which give bounds to a new empire."

Bancroft, Hist. of the U.S., vol.6, p.102

He wished at that time to visit the Niagara; but over the fort on the American side of that river the British flag still waved. Thrice Washington had invited the attention of congress to the western posts; and he was now instructed to demand them. He accordingly accredited Steuben to Haldimand, the British commander-in-chief in Canada, with power to receive them. At Sorel, on the eighth of August, Steuben explained his mission to Haldimand, who answered that he had not received any orders for making the least arrangements for the evacuation of a single post; and without positive orders he would not evacuate one inch of ground. Nor would he permit Steuben to communicate with the inhabitants of any place occupied by the British.

Bancroft, Hist. of the U.S., vol.6, p.102

On the seventh of August, just as Washington had returned from his northern tour, congress, ten states being present, unanimously voted him a statue of bronze, to be executed by the best artist of Europe. On the marble pedestal were to be represented, in low relief, the evacuation of Boston, the capture of Hessians at Trenton, the victory at Princeton, the action at Monmouth, and the surrender of Cornwallis at Yorktown. "The statue," wrote Luzerne, "is the only mark of public gratitude which Washington can accept, and the only one which the government in its poverty can offer."

Bancroft, Hist. of the U.S., vol.6, p.102

But a greater honor awaited him. At the request of congress, he removed his quarters to the neighborhood of Princeton; and on the twenty-sixth, in a public audience, Boudinot, the president, said to him: "In other nations many have deserved and received the thanks of the public; but to you, sir, peculiar praise is due; your services have been essential in acquiring and establishing the freedom and independence of your country. It still needs your services in forming arrangements for the time of peace." A committee was charged to receive his assistance in preparing and directing the necessary plans.

Bancroft, Hist. of the U.S., vol.6, p.103

The choice of Washington for a counsellor proved the sincerity of congress in favor of union, and a series of national measures was inaugurated. For a peace establishment, he matured a system which was capable of a gradual development. He would have a regular and standing force of twenty-six hundred and thirty-one men, to be employed chiefly in garrisoning the frontier posts. Light troops he specially recommended as suited to the genius of the people. The people in all the states were to be organized and trained in arms as one grand national militia. He proposed a military academy like the Prussian schools, of which he had learned the character from Steuben. Vacancies in the class of officers were to be filled from its graduates; but promotions were not to depend on seniority alone. For the materials essential to war, there were to be not only national arsenals but national manufactories. The protection of foreign commerce would require a navy. All branches in the service were to look exclusively to congress for their orders and their pay. A penniless treasury, which congress knew not how to fill, made the scheme for the moment an ideal one.

Bancroft, Hist. of the U.S., vol.6, p.103

To regulate intercourse with the tribes of Indians, Washington laid down the outlines of a system. Outside of the limits of the states no purchase of their lands was to be made, but by the United States as "the sovereign power." All traders with them were to be under strict control. He penetrated the sinister design of the British government to hold the western posts, and recommended friendly attention to the French and other settlers at Detroit and elsewhere in the western territory. Looking to "the formation of new states," he sketched the boundaries of Ohio and of Michigan, and, on his advice, congress in October resolved on appointing a committee to report a plan of a temporary government for the western territory whose inhabitants were one day to be received into the union under republican constitutions of their own choice. Here the greatness of the intention was not impaired by the public penury, for the work was to be executed by the emigrants themselves. In anticipation of an acceptable cession of the north-western lands by all the claimant states, officers and soldiers who had a right to bounty lands began to gain the West by way of the lakes or across the mountains. This was the movement toward union which nothing could repress or weaken. Especially Maryland insisted that "the sovereignty over the western territory was vested in the United States as one undivided and independent nation."

Bancroft, Hist. of the U.S., vol.6, p.104

Among his latest official acts, Washington interceded with congress on behalf of Kosciuszko, pleading for him "his merit and services from the concurrent testimony of all who knew him;" and congress accordingly granted the Polish exile who was to become dear to many nations the brevet commission of brigadier-general.

Bancroft, Hist. of the U.S., vol.6, p.104

The last days of this congress were cheered by the arrival of Van Berckel as envoy from the Dutch republic, the first minister accredited to America since the peace. An escort was sent out to meet him, and on the thirty-first of October, in a public audience, congress gave him a national welcome.

Bancroft, Hist. of the U.S., vol.6, p.104

On the first of November the third congress under the confederation came together for the last time. It made persistent attempts to invigorate the union; declared the inviolable sanctity of the national debt; asked of the states a general revenue; prepared for planting new states in the continental domain; and extended diplomatic relations. Its demand of powers of government did not reach far enough, but it kept alive the desire of reform. It appointed a day of public thanksgiving, that "all the people might assemble to give praise to their Supreme Benefactor for the freedom, sovereignty, and independence of the United States;" and, as the day came, the pulpit echoed the prayer: "May all the states be one."

Bancroft, Hist. of the U.S., vol.6, p.105

The principle of rotation drove Madison from the national councils. He was unmarried and above care; and, until he should again be eligible to congress, he devoted himself to the study of federal government and to public service in the legislature of his own state, where with strong convictions and unselfish patriotism he wrought with single-mindedness to bring about an efficient form of republican government. He was calm, wakeful, and cautious, pursuing with patience his one great object, never missing an opportunity to advance it, caring not overmuch for conspicuousness or fame, and ever ready to efface himself if he could but accomplish his design.

Bancroft, Hist. of the U.S., vol.6, p.105

On Sunday, the second of November, the day before the discharge of all persons enlisted for the war, the commander-in-chief addressed the armies of the United States, however widely their members might be dispersed. Mingling affectionate thanks with praise, he described their unparalleled perseverance for eight long years as little short of a standing miracle, and for their solace bade them call to recollection the astonishing events in which they had taken part, the enlarged prospects of happiness which they had assisted to open for the human race. He encouraged them as citizens to renew their old occupations; and, to those hardy soldiers who were fond of domestic enjoyment and personal independence, he pointed to the fertile regions beyond the Alleghanies as the most happy asylum. In the moment of parting, he held up as an example to the country the harmony which had prevailed in the camp, where men from different parts of the continent and of the most violent local prejudices instantly became but one patriotic band of brothers. "Although the general," these are the words of his last order, "has so frequently given it as his opinion in the most public and explicit manner, that, unless the principles of the federal government were properly supported, and the powers of the union increased, the honor, dignity, and justice of the nation would be lost forever, yet he cannot help leaving it as his last injunction to every officer and every soldier to add his best endeavors toward effecting these great purposes." Washington sent forth every one of his fellow-soldiers as an apostle of union under a new constitution.

Bancroft, Hist. of the U.S., vol.6, p.106

Almost all the Germans who had been prisoners preferred to abide in the United States, where they soon became useful citizens. The remnant of the British army had crossed to Staten Island and Long Island for embarkation, when, on the twenty-fifth of November, Washington and the governor and other officers of the state and city of New York were met at the Bowery by Knox and citizens, and in orderly procession made their glad progress into the heart of the town. Rejoicings followed. The emblem chosen to introduce the evening display of fireworks was a dove descending with the olive branch.

Bancroft, Hist. of the U.S., vol.6, p.106

For their farewell to Washington, the officers of the army, on the fourth of December, met at a public-house near the Battery, and were soon joined by their commander. Then thoughts of the eight years which they had passed together, their common distresses, their victories, and now their parting from the public service, the future of themselves and of their country, came thronging to every mind. No relation of friendship is stronger or more tender than that between men who have shared together the perils of war in a noble and upright cause. The officers could attest that the courage which is the most perfect and the most rare, the courage which determines the man, without the least hesitation, to hold his life of less account than the success of the cause for which he contends, was the habit of Washington. Pledging them in a glass of wine, he thus addressed them: "With a heart full of love and gratitude, I now take leave of you. May your latter days be as prosperous and happy as your former ones have been glorious. I shall be obliged to you if each of you will come and take me by the hand." With tears on his cheeks, he grasped the hand of Knox, who stood nearest, and embraced him. In the same manner he took leave of every officer. Followed by the company in a silent procession, he passed through a corps of light infantry to the ferry at Whitehall. Entering his barge, he waved his hat to them; with the same silence they returned that last voiceless farewell, and the boat pushed across the Hudson. A father parting from his children could not excite more regret nor draw more tears.

Bancroft, Hist. of the U.S., vol.6, p.107

On his way through New Jersey the chief was received with the tenderest respect and affection by all classes of men. The roads were covered with people who came from all quarters to see him, to get near to him, to speak to him. Alone and ready to lay down in the hands of congress the command which had been confided to him, he appeared even greater than when he was at the head of the armies of the United States. The inhabitants of Philadelphia knew that he was drawing near, and, without other notice, an innumerable crowd placed themselves along the road where he was to pass. Women, aged men, left their houses to see him. Children passed among the horses to touch his garments. Acclamations of joy and gratitude accompanied him in all the streets. Never was homage more spontaneous or more pure. The general enjoyed the scene, and owned himself by this moment repaid for eight years of toils and wants and tribulations.

Bancroft, Hist. of the U.S., vol.6, p.107

At Philadelphia he put into the hands of the comptroller his accounts to the thirteenth of December 1783, all written with minute exactness by his own hand, and accompanied by vouchers conveniently arranged. Every debit against him was credited; but, as he had not always made an entry of moneys of his own expended in the public service, he was, and chose to remain, a considerable loser. To the last he refused all compensation and all indemnity, though his resources had been greatly diminished by the war.

Bancroft, Hist. of the U.S., vol.6, p.107

On the twenty-third of December, at noon, congress in Annapolis received the commander-in-chief. Its members, when seated, wore their hats, as a sign that they represented the sovereignty of the union. Places were assigned to the governor, council, and legislature of Maryland, to general officers, and to the representative of France. Spectators filled the gallery and crowded upon the floor. Hope gladdened all as they forecast the coming greatness of their land.

Bancroft, Hist. of the U.S., vol.6, p.108

Rising with dignity, Washington spoke of the rectitude of the common cause; the support of congress; of his countrymen; of Providence; and he commended the interests of "our dearest country to the care of Almighty God." Then saying that he had finished the work assigned him to do, he bade an affectionate farewell to the august body under whose orders he had so long acted, resigned with satisfaction the commission which he had accepted with diffidence, and took leave of public life. His emotion was so great that, as he advanced and delivered up his commission, he seemed unable to have uttered more.

Bancroft, Hist. of the U.S., vol.6, p.108

The hand that wrote the declaration of independence prepared the words which, in the name of congress, its president, turning pale from excess of feeling, then addressed to Washington, who stood, filling and commanding every eye:

Bancroft, Hist. of the U.S., vol.6, p.108

"Sir: The United States in congress assembled receive with emotions too affecting for utterance the solemn resignation of the authorities under which you have led their troops with success through a perilous and a doubtful war. Called upon by your country to defend its invaded rights, you accepted the sacred charge before it had formed alliances, and whilst it was without funds or a government to support you. You have conducted the great military contest with wisdom and fortitude, invariably regarding the rights of the civil power through all disasters and changes. You have persevered till these United States, aided by a magnanimous king and nation, have been enabled under a just Providence to close the war in freedom, safety, and independence. Having taught a lesson useful to those who inflict and to those who feel oppression, with the blessings of your fellow-citizens, you retire from the great theatre of action; but the glory of your virtues will continue to animate remotest ages. We join you in commending the interests of our dearest country to the protection of Almighty God, beseeching him to dispose the hearts and minds of its citizens to improve the opportunity afforded them of becoming a happy and respectable nation."

Bancroft, Hist. of the U.S., vol.6, p.108 - p.109

No more pleasing words could have reached Washington than those which pledged congress to the reform of the national government. The allusion to the alliance with France was right, for otherwise the achievement of independence would seem to have been attributed to the United States alone. But France and England were now at peace; and after their reconciliation Washington, the happiest of warriors, as he ungirded the sword, would not recall that they had been at war.

Bancroft, Hist. of the U.S., vol.6, p.109

The business of the day being over, Washington set out for Mount Vernon, and on Christmas eve, after an absence of nearly nine years, he crossed the threshold of his own home; but not to find rest there, for the doom of greatness was upon him.

Chapter 2:

Virginia Statesmen Lead Toward a Better Union,

1784

Bancroft, Hist. of the U.S., vol.6, p.110

OF many causes promoting union, four above others exercised a steady and commanding influence. The new republic as one nation must have power to regulate its foreign commerce; to colonize its large domain; to provide an adequate revenue; and to establish justice in domestic trade by prohibiting the separate states from impairing the obligation of contracts. Each of these four causes was of vital importance; but the necessity for regulating commerce gave the immediate impulse to a more perfect constitution. Happily, the British order in council of the second of July 1783 restricted to British subjects and ships the carrying of American produce from American ports to any British West India island, and the carrying of the produce of those islands to any port in America. "This proclamation," wrote John Adams to Secretary Livingston, "is issued in full confidence that the United States cannot agree to act as one nation. They will soon see the necessity of measures to counteract their enemies. If there is not sufficient authority to draw together the minds, affections, and forces of the states in their common foreign concerns, we shall be the sport of transatlantic politicians, who hate liberty and every country that enjoys it."

Bancroft, Hist. of the U.S., vol.6, p.110

Letters of Adams and one of like tenor from Franklin having been fully considered, congress, on the twenty-ninth of September 1783, agreed that the United States could become respectable only by more energy in government; but, as usual, they only referred "the important subject under deliberation" to a special committee, which, having Arthur Lee for one of its members, in due time reported that "as the several states are sovereign and independent, and possess the power of acting as may to them seem best, congress will not attempt to point out the path. The mode for joint efforts will suggest itself to the good sense of America."

Bancroft, Hist. of the U.S., vol.6, p.111

The states could not successfully defend themselves against the policy of Great Britain by separate legislation, because it was not the interest of any one of them to exclude British vessels from their harbors unless the like measure should be adopted by every other; and a union of thirteen distinct powers would encounter the very difficulty which had so often proved insuperable. But, while every increase of the power of congress in domestic affairs roused jealousies between the states, the selfish design of a foreign government to repress their industry drew them together against a common adversary.

Bancroft, Hist. of the U.S., vol.6, p.111

The complete cession of the North-west and the grant of the desired impost were the offerings of Virginia to the general welfare. Simultaneously her legislature, on the fourth of December, took cognizance of the aggressions on equal commerce. The Virginians owned not much shipping, and had no special interest in the West India trade; but the British prohibitory policy offended their pride and their sense of honor, and, as in the war they had looked upon "union as the rock of their political salvation," so they again "rang the bell" to call the other states to council. They complained of "a disposition in Great Britain to gain partial advantages, injurious to the rights of free commerce and repugnant to the principles of reciprocal interest and convenience which form the only permanent foundation of friendly intercourse;" and on the ninth unanimously consented to empower congress to adopt the most effectual mode of counteracting restrictions on American navigation so long as they should be continued. The governor, by direction, communicated the act to the executive authority of the other states, requesting their immediate adoption of similar measures;" and he sent to the delegates of his own state in congress a report of what had been done. This is the first in the series of measures through which Virginia marshalled the United States on their way to a better union.

Bancroft, Hist. of the U.S., vol.6, p.112

In the fourth congress Jefferson carried forward the work of Madison with alacrity. The two cherished for each other the closest and the most honorable friendship, agreeing in efforts to bind the states more closely in all that related to the common welfare. In their copious correspondence they opened their minds to each other with frankness and independence.

Bancroft, Hist. of the U.S., vol.6, p.112

The delegates of Rhode Island insisted that the counteraction of the British navigation acts must be intrusted to each separate state; but they stood alone, Roger Sherman voting against them, and so dividing Connecticut. Then the proposal of the committee of which Jefferson was a member and of which all but Gerry were from the South, that congress, with the assent of nine states, might exercise prohibitory powers over foreign commerce for the term of fifteen years, was adopted without opposition.

Bancroft, Hist. of the U.S., vol.6, p.112

Keeping in mind that, while the articles of confederation did not directly confer on congress the regulation of commerce by enactments, they granted the amplest authority to frame commercial treaties, Jefferson prepared a plan for intercourse with powers of Europe from Britain to the Ottoman Porte, and with the Barbary states. His draft of instructions; described "the United States as one nation upon the principles of the federal constitution." In a document of the preceding congress mention had been made of "the federal government," and Rhode Island had forthwith moved to substitute the word union, conceding that there was a union of the states, but not a government; but the motion had been supported by no other state, and by no individuals outside of Rhode Island except Holten and Arthur Lee. This time Sherman and his colleague, James Wadsworth, placed Connecticut by the side of Rhode Island. They were joined only by Arthur Lee, and congress, on the twenty-sixth of March, adopting the words of Jefferson, by the vote of eight states to two, of nine teen individuals to five, decided that in treaties and all cases arising under them the United States form "one nation."

Bancroft, Hist. of the U.S., vol.6, p.113

On the principles according to which commercial treaties should be framed America was unanimous. In October 1783 congress had proposed the most perfect equality and reciprocity. Jefferson, while he would accept a system of reciprocity, reported as the choice of America that there should be no navigation laws; no distinction between metropolitan and colonial ports; an equal right for each party to carry its own products in its own ships into all ports of the other and to take away its products, freely if possible, if not, paying no other duties than are paid by the most favored nation. In time of war there should be an abandonment of privateering; the least possible interference with industry on land; the inviolability of fishermen; the strictest limitation of contraband; free commerce between neutrals and belligerents in articles not contraband; no paper blockades; in short, free trade and a humane international code. These instructions congress accepted, and, to give them effect, Adams, Franklin, and Jefferson were, on the seventh of May, commissioned for two years, with the consent of any two of them, to negotiate treaties of ten or fifteen years' duration.

Bancroft, Hist. of the U.S., vol.6, p.113

The foreign commercial system of the nation was to be blended with the domestic intercourse of the states. Highways by water and land from Virginia to the West would advance its welfare and strengthen the union. Jefferson opened the subject to Madison, who, in reply, explained the necessity of a mutual appointment of commissioners by Maryland and Virginia for regulating the navigation of the Potomac. "The good humor into which the cession of the back lands must have put Maryland forms an apt crisis for negotiations."

Bancroft, Hist. of the U.S., vol.6, p.114

In March 1784 Jefferson cautiously introduced the subject to Washington, and then wrote more urgently: "Your future time and wishes are sacred in my eye; but, if the superintendence of this work would be only a dignified amusement to you, what a monument of your retirement would follow that of your public life!"

Bancroft, Hist. of the U.S., vol.6, p.114

Washington "was very happy that a man of discernment and liberality like Jefferson thought as he did." More than ten years before he had been a principal mover of a bill for the extension of navigation from tide-water to Will's creek. "To get the business in motion," he writes, "I was obliged to comprehend James river. The plan was in a tolerably good train when I set out for Cambridge in 1775, and would have been in an excellent way had it not met with difficulties in the Maryland assembly. Not a moment ought to be lost in recommencing this business."

Bancroft, Hist. of the U.S., vol.6, p.114

He too, like Madison, advised concert with the men of Maryland. Conforming to their advice, Jefferson conferred with Thomas Stone, then one of the Maryland delegates in congress, and undertook by letters to originate the subject in the legislature of Virginia.

Bancroft, Hist. of the U.S., vol.6, p.114

Before the end of June the two houses unanimously requested the executive to procure a statue of Washington, to be of the finest marble and best workmanship, with this inscription on its pedestal:

Bancroft, Hist. of the U.S., vol.6, p.114

"The general assembly of the commonwealth of Virginia have caused this statue to be erected as a monument of affection and gratitude to George Washington, who, to the endowments of the hero uniting the virtues of the patriot, and exerting both in establishing the liberties of his country, has rendered his name dear to his fellow-citizens, and given the world an immortal example of true glory."

Bancroft, Hist. of the U.S., vol.6, p.115

The vote, emanating from the affections of the people of Virginia, marks his mastery over the heart of his native state. That mastery he always used to promote the formation of a national constitution. He had hardly reached home from the war when he poured out his inmost thoughts to Harrison, the doubting governor of his commonwealth:

Bancroft, Hist. of the U.S., vol.6, p.115

"The prospect before us is fair; I believe all things will come right at last; but the disinclination of the states to yield competent powers to congress for the federal government will, if there is not a change in the system, be our downfall as a nation. This is as clear to me as A, B, C. We have arrived at peace and independency to very little purpose, if we cannot conquer our own prejudices. The powers of Europe begin to see this, and our newly acquired friends, the British, are already and professedly acting upon this ground; and wisely too, if we are determined to persevere in our folly. They know that individual opposition to their measures is futile, and boast that we are not sufficiently united as a nation to give a general one. Is not the indignity of this declaration, in the very act of peacemaking and conciliation, sufficient to stimulate us to vest adequate powers in the sovereign of these United States?

Bancroft, Hist. of the U.S., vol.6, p.115

"An extension of federal powers would make us one of the most wealthy, happy, respectable and powerful nations that ever inhabited the terrestrial globe. Without them, we shall soon be everything which is the direct reverse. I predict the worst consequences from a half-starved, limping government, always moving upon crutches and tottering at every step."

Bancroft, Hist. of the U.S., vol.6, p.115

The immensity of the ungranted public domain which had passed from the English crown to the American people invited them to establish a continental empire of republics. Lines of communication with the western country implied its colonization. In the war, Jefferson, as a member of the legislature, had promoted the expedition by which Virginia conquered the region north-west of the Ohio; as governor he had taken part in its cession to the United States. The cession had included the demand of a guarantee to Virginia of the remainder of its territory. This the United States had refused, and Virginia receded from the demand. On the first day of March 1784, Jefferson, in congress, with his colleagues, Hardy, Arthur Lee, and James Monroe, in conformity with full powers from their commonwealth, signed, sealed, and delivered a deed by which, with some reservation of land, they ceded to the United States all claim to the territory north-west of the Ohio. On that same day, before the deed could be recorded and enrolled among the acts of the United States, Jefferson, as chairman of a committee, presented a plan for the temporary government of the western territory from the southern boundary of the United States in the latitude of thirty-one degrees to the Lake of the Woods. It is still preserved in the national archives in his own handwriting, and is as completely his own work as the declaration of independence.

Bancroft, Hist. of the U.S., vol.6, p.116

He pressed upon Virginia to establish the meridian of the mouth of the Kanawha as its western boundary, and to cede all beyond to the United States. To Madison he wrote: "For God's sake, push this at the next session of assembly. We hope North Carolina will cede all beyond the same meridian," his object being to obtain cessions to the United States of all southern territory west of the meridian of the Kanawha.

Bancroft, Hist. of the U.S., vol.6, p.116

In dividing all the country north-west of the Ohio into ten states, Jefferson was controlled by an act of congress of 1780 which was incorporated into the cession of Virginia. No land was to be taken up till it should have been purchased from the Indian proprietors and offered for sale by the United States. In each incipient state no property qualification was required either of the electors or the elected; it was enough for them to be free men, resident, and of full age. Under the authority of congress, and following the precedent of any one of the states, the settlers were to establish a temporary government; when they should have increased to twenty thousand, they might institute a permanent government, with a member in congress, having a right to debate but not to vote; and, when they should be equal in number to the inhabitants of the least populous state, their delegates, with the consent of nine states, as required by the confederation, were to be admitted into the congress of the United States on an equal footing.

Bancroft, Hist. of the U.S., vol.6, p.116

The ordinance contained five other articles: The new states shall remain forever a part of the United States of America; they shall bear the same relation to the confederation as the original states; they shall pay their apportionment of the federal debts; they shall in their governments uphold republican forms; and after the year 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of them.

Bancroft, Hist. of the U.S., vol.6, p.117

At that time slavery prevailed throughout much more than half the lands of Europe. Jefferson, following an impulse from his own mind, designed by his ordinance to establish from end to end of the whole country a north and south line, at which the westward extension of slavery should be stayed by an impassable bound. Of the men held in bondage beyond that line he did not propose the instant emancipation; but slavery was to be rung out with the departing century, so that in all the western territory, whether held in 1784 by Georgia, North Carolina, Virginia, or the United States, the sun of the new century might dawn on no slave.

Bancroft, Hist. of the U.S., vol.6, p.117

To make the decree irrevocable, he further proposed that all the articles should form a charter of compact, to be executed in congress under the seal of the United States, and to stand as fundamental constitutions between the thirteen original states and the new states to be erected under the ordinance.

Bancroft, Hist. of the U.S., vol.6, p.117

The design of Jefferson marks an era in the history of universal freedom. For the moment more was attempted than could be accomplished. North Carolina, in the following June, made a cession of all her western lands, but soon revoked it; and Virginia did not release Kentucky till it became a state of the union. Moreover, the sixteen years during which slavery was to have a respite might nurse it into such strength that at their end it would be able to defy or reverse the ordinance.

Bancroft, Hist. of the U.S., vol.6, p.117 - p.118

Exactly on the ninth anniversary of the fight at Concord and Lexington, Richard Dobbs Spaight of North Carolina, seconded by Jacob Read of South Carolina, moved "to strike out " the fifth article. The presiding officer, following the rule of the time, put the question: "Shall the words stand?" Seven states, and seven only, were needed to carry the affirmative. Let Jefferson, who did not refrain from describing Spaight as "a young fool," relate what followed. "The clause was lost by an individual vote only. Ten states were present The four eastern states, New York, and Pennsylvania were for the clause; Jersey would have been for it, but there were but two members, one of whom was sick in his chambers. South Carolina, Maryland, and! Virginia! voted against it. North Carolina was divided, as would have been Virginia, had not one of its delegates been sick in bed." The absent Virginian was Monroe, who for himself has left no evidence of such an intention, and who was again absent when in the following year the question was revived. For North Carolina, the vote of Spaight was neutralized by Williamson.

Bancroft, Hist. of the U.S., vol.6, p.118

Six states against three, sixteen men against seven, proscribed slavery. Jefferson bore witness against it all his life long. Wythe and himself, as commissioners to codify the laws of Virginia, had provided for gradual emancipation. When, in 1785, the legislature refused to consider the proposal, Jefferson wrote: "We must hope that an overruling Providence is preparing the deliverance of these our suffering brethren." In 1786, narrating the loss of the clause against slavery in the ordinance of 1784, he said: "The voice of a single individual would have prevented this abominable crime; heaven will not always be silent; the friends to the rights of human nature will in the end prevail."

Bancroft, Hist. of the U.S., vol.6, p.118

To friends who visited him in the last period of his life he delighted to renew these aspirations of his earlier years. In a letter written just forty-five days before his death he refers to the ordinance of 1784, saying: "My sentiments have been forty years before the public; although I shall not live to see them consummated, they will not die with me; but, living or dying, they will ever be in my most fervent prayer."

Bancroft, Hist. of the U.S., vol.6, p.118

On the twenty-third of April the ordinance for the government of the north-western territory, shorn of its proscription of slavery, was adopted, and remained in force for three years. On the 7th of May, Jefferson reported an ordinance for ascertaining the mode of locating and disposing of the public lands. The continental domain, when purchased of the Indians, was to be divided by the surveyors into townships of ten geographical miles square, the townships into hundreds of one mile square, and with such precautions that the wilderness could be mapped out into ranges of lots so exactly as to preclude uncertainty of title. As to inheritance, the words of the ordinance were: "The lands therein shall pass in descent and dower according to the customs known in the common law by the name of gavelkind." Upon this ordinance of Jefferson, most thoughtfully prepared and written wholly by his own hand, no final vote was taken.

Bancroft, Hist. of the U.S., vol.6, p.119

Congress had already decided to establish a mint. For the American coinage, Robert and Gouverneur Morris proposed the decimal system of computation, with silver as the only metallic money, and the fourteen hundred and fortieth part of a Spanish piece of eight reals, or, as the Americans called it, the dollar, as the unit of the currency. Jefferson chose the dollar, which circulated freely in every part of the American continent, as the money unit for computation; and the subdivision of the dollar into a tenth, a hundredth, and a thousandth part. For coinage, he proposed a gold coin of ten dollars; silver coins of one dollar and of one tenth of a dollar; and copper coins of one hundredth part of a dollar. This system steadily grew in favor; and, in 1786, was established by congress without a negative vote.

Bancroft, Hist. of the U.S., vol.6, p.119

The total cost of the war, from the first blood shed at Lexington to the general orders of Washington in April 1783, proclaiming peace, was reckoned by Jefferson at one hundred and forty millions of dollars. Congress, before the formation of the confederacy, had emitted paper money to the amount of two hundred millions of dollars, which at the time of its emission might, as he thought, have had the value of thirty-six millions of silver dollars; the value of the masses of paper emitted by the several states at various stages of the war he estimated at thirty-six millions more. This estimate of the values of the paper money rests in part upon conjecture, and the materials for correcting it with accuracy, especially as it regards the issues of the states, are wanting. The remaining cost of the war, or sixty-eight millions of dollars, with the exception of about one and a half million paid on requisition by the several states, existed on the first of January 1784, in the form of debts in Europe to the amount of nearly eight millions of dollars; of debts due to the several classes of domestic creditors; and of debts due to states for advances on the common account. The value of the paper money issued by congress had perished as it passed from hand to hand, and its circulation had ceased.

Bancroft, Hist. of the U.S., vol.6, p.120

In preparing the appropriations for the coming year, congress was met at the threshold by an unforeseen difficulty. Bills of Morris on Holland, that were protested for non-acceptance, would amount, with damages on protest for non-acceptance, to six hundred and thirty-six thousand dollars. To save the honor of the country, this sum was demanded of the separate states in a circular letter drawn by Jefferson. But, meantime, John Adams, in Amsterdam, manfully struggled to meet the drafts, and, by combining the allurement of a lottery with that of a very profitable loan, he succeeded.

Bancroft, Hist. of the U.S., vol.6, p.120

The court of France, with delicacy and generosity, of its own motion released the United States from the payment of interest on their obligations during the war and for the first period of peace; and they on their part by formal treaty bound themselves to the payment of interest as it should accrue from the beginning of the year 1784.

Bancroft, Hist. of the U.S., vol.6, p.120 - p.121

For that year the sum required for the several branches of the public service was estimated at about four hundred and fifty thousand dollars; for the interest on the foreign debt, nearly four hundred thousand dollars; the balance of interest and the interest on the domestic debt, about six hundred and eighty thousand dollars; the deficit of the last two years, one million; other arrears connected with the debt, nearly one million three hundred thousand dollars: in all, about four millions. This was a greater sum than could be asked for. Instead of making new requisitions, Jefferson credited all federal payments of the states to the requisition of eight millions of dollars in the first year of the confederacy. One half of that requisition was remitted; of the other, three states had paid nothing, the rest had paid less than a million and a half; a balance would remain of nearly two millions seven hundred thousand dollars; and of this balance a requisition was made on each of the states for its just proportion. The apportionment, if collected within the year, would defray the expenses of all the departments of the general government and the interest on the foreign and domestic loans, leaving only some part of domestic arrears to be provided for at a later day. Could this system be carried into effect, the credit of the government would be established.

Bancroft, Hist. of the U.S., vol.6, p.121

Madison had acceded to the wishes of his county, that he should be one of its representatives in the legislature, believing that he might there best awaken Virginia to the glory of taking the lead in the rescue of the union and the blessings staked on union from an impending catastrophe. Jefferson had kept him thoroughly informed of the movement for bringing order into the public finances. At the instigation of Madison, Philip Mazzei, an Italian, then in quest of a consular appointment in Europe, paid a visit to Patrick Henry, "the great leader who had been violently opposed to every idea of increasing the power of congress." On his return, Mazzei reported that the present politics of Henry comprehended very friendly views toward the confederacy, and a support of the payment of British debts.

Bancroft, Hist. of the U.S., vol.6, p.121

At Richmond, on the fourteenth of May, before the assembly proceeded to active business, Henry sought a conference with Madison and Jones, and declared to them that "a bold example set by Virginia would have influence on the other states;" "he saw ruin inevitable unless something was done to give congress a compulsory process on delinquent states." This conviction, he said, was his only inducement for coming into the present assembly. It was agreed that Jones and Madison should sketch some plan for giving greater power to the federal government, and Henry promised to sustain it on the floor. A majority of the assembly were new members, composed of young men and officers of the late army, so that new measures were expected. Great hopes were formed of Madison, and those who knew him best were sure that he would not disappoint the most sanguine expectations.

Bancroft, Hist. of the U.S., vol.6, p.122

Virginia passed an act empowering congress, for any term not exceeding fifteen years, to prohibit the importation or exportation of goods to or from that state in vessels belonging to subjects of powers with whom the United States had no commercial treaty. They consented that the contributions of the state to the general treasury should be in proportion to the population, counting three fifths of the slaves. All apprehension of danger from conceding a revenue to the confederacy seemed to have passed away; and it was agreed that, pending the acceptance of the amendment to the constitution, any apportionment of the requisitions directed by congress for the purpose of discharging the national debt and the expenses of the national government ought to be complied with. It was further resolved that the accounts subsisting between the United States and individual states should be settled, and that then the balance due ought to be enforced, if necessary, by distress on the property of defaulting states or of their citizens. These resolutions passed the legislature without a division. It remained to see what effect the measures of Virginia would have on the other twelve states and on herself.

Bancroft, Hist. of the U.S., vol.6, p.122

Experience had proved the impossibility of keeping together a sufficient representation of the states in congress. It began to be thought better to hold but a short and active annual session of the national congress with compulsory attendance of its members, and appoint commissioners of the states to conduct executive business for the rest of the year. This proposition was one of the last which Jefferson assisted to carry through. He had wished to visit Washington before his voyage; but, armed with at least one-and-twenty commissions for himself and his two associates to negotiate treaties with foreign powers, he was obliged to repair to Boston, where, after "experiencing in the highest degree its hospitality and civilities," he embarked for France on the fifth of July, full of hope that the attempt to negotiate a treaty of commerce with Great Britain would meet with success. Before leaving the country he wrote to Madison: "The best effects are produced by sending Our young statesmen to congress. Here they see the affairs of the confederacy from a high ground; they learn the importance of the union, and befriend federal measures when they return."

Bancroft, Hist. of the U.S., vol.6, p.123

The committee of states came together on the fourth of June. Four states never attended; and, as the assent of nine was required to carry any proposition except adjournment, the absence or the negative of one state stopped all proceedings. A difference occurring on the eleventh of August, the members from three New England states went home; the remaining six states met irregularly till the nineteenth of that month; and then, from inability to do any manner of business, they withdrew. The United States of America were left without any visible representation whatever. The chief benefit from the experiment was to establish in the minds of Americans the necessity of vesting the executive power, not in a body of men, but, as Jefferson phrased it, in a single arbiter.

Bancroft, Hist. of the U.S., vol.6, p.123

This was the state of the government when, on the first of November, Robert Morris retired from his office as superintendent of the finances of the United States. He had conciliated the support of the moneyed men at home. His bank of North America, necessarily of little advantage to the United States, proved highly remunerative to its stockholders; the bankruptcy of the nation could have been prevented only by the nation itself. Congress passed an act that for the future no person, appointed a commissioner of the treasury of the United States, should be permitted to be engaged, either directly or indirectly, in any trade or commerce whatsoever. Before retiring, Morris announced to the representative of France in America that he could not pay the interest on the Dutch loan of ten million livres for which France was the guarantee, a default which deeply injured the reputation of the United States in Paris. He could still less provide for paying the interest for 1784 on the direct debt to France.

Bancroft, Hist. of the U.S., vol.6, p.124

The members of the fifth congress arrived so slowly at Trenton that Marbois, who was charged with French affairs, on the twentieth of November reported what at the moment was true: "There is in America no general government, neither congress, nor president, nor head of any one administrative department." Six days later, while there was still no quorum in congress, Richard Henry Lee, a delegate from Virginia, wrote to Madison: "It is by many here suggested, as a very necessary step for congress to take, the calling on the states to form a convention for the sole purpose of revising the confederation, so far as to enable congress to execute with more energy, effect, and vigor the powers assigned to it than it appears by experience that they can do under the present state of things." In a letter of the same date Mercer said: "There will be a motion made early in the ensuing congress for such a convention." Madison, who knew the heart of his correspondents, answered Lee firmly and yet warily: "The union of the states is essential to their safety against foreign danger and internal contention; the perpetuity and efficacy of the present system cannot be confided in; the question, therefore, is, in what mode and at what moment the experiment for supplying the defects ought to be made."

Bancroft, Hist. of the U.S., vol.6, p.124

"The American confederation," so thought the French minister at Versailles, "has a strong tendency to dissolution; it is well that on this point we have neither obligations to fulfil nor any interest to care for."

Chapter 3:

The West,

1784-1785

Bancroft, Hist. of the U.S., vol.6, p.125

THE desire to hold and to people the great western domain mingled with every effort for imparting greater energy to the union. In that happy region each state saw the means of granting lands to its soldiers of the revolution and a possession of inestimable promise. Washington took up the office of securing the national allegiance of the transmontane woodsmen by improving the channels of communication with the states on the Atlantic. For that purpose, more than to look after lands of his own, he, on the first day of September, began a tour to the westward to make an examination of the portages between the nearest navigable branches of the Potomac and James river on the one side and of the Ohio and the Kanawha on the other. Wherever he came, he sought and closely questioned the men famed for personal observation of the streams and paths on each side of the Alleghanies.

Bancroft, Hist. of the U.S., vol.6, p.125

From Fort Cumberland he took the usual road over the mountains to the valley of the Yohogany, and studied closely the branches of that stream. The country between the Little Kanawha and the branches of the James river being at that moment infested with hostile Indians, he returned through the houseless solitude between affluents of the Cheat river and of the Potomac. As he traced the way for commerce over that wild region he was compelled to pass a night on a rough mountainside in a pouring rain, with no companion but a servant and no protection but his cloak; one day he was without food; sometimes he could find no path except the track of buffaloes; and in unceasing showers his ride through the close bushes seemed to him little better than the swimming of rivulets.

Bancroft, Hist. of the U.S., vol.6, p.126

Reaching home after an absence of thirty-three days, he declared himself pleased with the results of his tour. Combining his observations with the reminiscences of his youthful mission to the French in the heart of Ohio, he sketched in his mind a system of internal communication of the Potomac with the Ohio; of an affluent of the Ohio with the Cuyahoga; and so from the site of Cleveland to Detroit, and onward to the Lake of the Woods.

Bancroft, Hist. of the U.S., vol.6, p.126

Six days after his return he sent a most able report to Harrison, then governor of Virginia. "We should do our part toward opening the communication for the fur and peltry trade of the lakes," such were his words, "and for the produce of the country, which will be settled faster than any other ever was, or ally one would imagine. But there is a political consideration for so doing which is of still greater importance.

Bancroft, Hist. of the U.S., vol.6, p.126

"I need not remark to you, sir, that the flanks and rear of the United States are possessed by other powers, and formidable ones too; nor how necessary it is to apply interest to bind all parts of the union together by indissoluble bonds. The western states, I speak now from my own observation, stand as it were upon a pivot; the touch of a feather would turn them any way. They have looked down the Mississippi until the Spaniards threw difficulties in their way. The untoward disposition of the Spaniards on the one hand and the policy of Great Britain on the other to retain as long as possible the posts of Detroit, Niagara, and Oswego, may be improved to the greatest advantage by this state if she would open the avenues to the trade of that country."

Bancroft, Hist. of the U.S., vol.6, p.126

Harrison heartily approved the views of Washington, and laid his letter before the assembly of Virginia, whose members gladly accepted its large views and stood ready to give them legislative support.

Bancroft, Hist. of the U.S., vol.6, p.127

Meantime Lafayette, who was making a tour through the United States and receiving everywhere a grateful and joyous welcome, was expected in Virginia. For the Occasion, Washington repaired to Richmond; and there, on the fifteenth of November, the assembly, to mark their reverence and affection, sent Patrick Henry, Madison, and others to assure him that they retained the most lasting impressions of the transcendent services rendered in his late public character, and had proofs that no change of situation could turn his thoughts from the welfare of his country.

Bancroft, Hist. of the U.S., vol.6, p.127

Three days later the house, by the same committee, addressed Lafayette, recalling "his cool intrepidity and wise conduct during his command in the campaign of 1781, and, as the wish most suitable to his character, desired that those who might emulate his glory would equally pursue the interests of humanity."

Bancroft, Hist. of the U.S., vol.6, p.127

From Richmond Lafayette accompanied Washington to Mount Vernon, and, after a short visit, was attended by his host as far as Annapolis, where he received the congratulations of Maryland. On the thirteenth of December congress, in a public session, took leave of him with every mark of honor. In his answer he repeated the great injunctions of Washington's farewell letter, and, having travelled widely in the country, bore witness to "the prevailing disposition of the people to strengthen the confederation." For America his three "hobbies," as he called them, were the closer federal union, the alliance with France, and the abolition of slavery. He embarked for his native land "fraught with affection to America, and disposed to render it every possible service." To Washington he announced from Europe that he was about to attempt the relief of the protestants in France.

Bancroft, Hist. of the U.S., vol.6, p.127

The conversation of Washington during his stay in Richmond had still further impressed members of the legislature with the magnitude of his designs. Shortly after his departure a joint memorial from inhabitants of Maryland and of Virginia, representing the advantages which would flow from establishing under the authority of the two states a company for improving the navigation of the Potomac, was presented to the general assembly of each of them. But the proposed plan had defects, and, moreover, previous communication between the two states could alone secure uniformity of action. It was decided to consult with Maryland, and the negotiation was committed to Washington himself. Leaving Mount Vernon on the fourteenth of December 1784 at a few hours' notice, the general hastened to Annapolis. Amendments of the plan were thoughtfully digested, rapidly carried through both houses, and dispatched to Richmond. There a law of the same tenor was immediately passed without opposition, "to the mutual satisfaction of both states," and, as Washington hoped, "to the advantage of the union."

Bancroft, Hist. of the U.S., vol.6, p.128

At the same time the two governments made appropriations for opening a road from the highest practicable navigation of the Potomac to that of the river Cheat or Monongahela, and they concurred in an application to Pennsylvania for permission to open another road from Fort Cumberland to the Yohogany. Like measures were initiated by Virginia for connecting James river with some affluent of the Great Kanawba. Moreover, the executive was authorized to appoint commissioners to examine the most convenient course for a canal between Elizabeth river and the waters of the Roanoke, and contingently to make application to the legislature of North Carolina for its concurrence.

Bancroft, Hist. of the U.S., vol.6, p.128

Early in 1785 the legislature of Virginia, repeating, in words written by Madison, "their sense of the unexampled merits of George Washington toward his country," vested in him shares in both the companies alike of the Potomac and of James river. But, conscious of the weight of his counsels, he never suffered his influence to be impaired by any suspicion of interested motives, and, not able to undo an act of the Legislature, held the shares, but only as a trustee for the public.

Bancroft, Hist. of the U.S., vol.6, p.129

Another question between Maryland and Virginia remained for solution. The charter to Lord Baltimore, which Virginia had resisted as a severance of her territory, bounded his jurisdiction by the "further bank" of the Potomac. When both states assumed independence, Virginia welcomed her northern neighbor to the common war for liberty by releasing every claim to its territory, but she reserved the navigation of the border stream. To define with exactness their respective rights on its waters, the Virginia legislature, in June 1784, led the way by naming George Mason, Edmund Randolph, Madison, and Alexander Henderson as their commissioners to frame, "in concert with commissioners of Maryland, liberal, equitable, and mutually advantageous regulations touching the jurisdiction and navigation of the river." Maryland gladly accepted the invitation, and in the following March the joint commission was to meet at Alexandria, hard by Mount Vernon. In this manner, through the acts and appropriations of the legislature of Virginia, Washington connected the interests and hopes of her people with the largest and noblest conceptions, and to the states alike on her southern and her northern border and to the rising empire in the West, where she would surely meet New York and New England, she gave the weightiest pledges of inviolable attachment to the union. To carry forward these designs, the next step must be taken by congress, which should have met at Trenton on the first day of November 1784, but, from the tardy arrival of its members, was not organized until the thirtieth. It was the rule of congress that its president should be chosen in succession from each one of the different states. Beginning with Virginia, it had proceeded through them all except New Hampshire, Rhode Island, North Carolina, and Georgia. But now the nile, which in itself was a bad one, was broken, and Richard Henry Lee was elected president. The rule of rotation was never again followed; but this want of fidelity to a custom that had long been respected tended to increase the jealousy of the small states. Before Christmas and before finishing any important business, congress, not finding sufficient accommodations in Trenton, adjourned to the eleventh of January 1785, and to New York as its abode.

Bancroft, Hist. of the U.S., vol.6, p.130

Congress had put at its head the most determined and the most restlessly indefatigable opponent of any change whatever in the articles of confederation. Lee renewed intimate relations with Gerry, the leading member of congress from Massachusetts. He sought to revive his earlier influence in Boston through Samuel Adams. The venerable patriot shared his jealousy of conferring too great powers on a body far removed from its constituents, but had always supported a strict enforcement of the just authority of government, and he replied: "Better it would have been for us to have fallen in our highly famed struggle for our rights than now to become a contemptible nation."

Bancroft, Hist. of the U.S., vol.6, p.130

The harbor at the mouth of the Hudson was at that time the most convenient port of entry for New Jersey and Connecticut, and the State of New York, through its custom-house, levied on their inhabitants as well as on its own an ever increasing revenue by imposts. The collector was a stubborn partisan. The last legislature had elected to the fifth congress Jay, Robert R. Livingston, Egbert Benson, and Lansing, of whom, even after Jay became the minister for foreign affairs, a majority favored the founding of a nation. But the opinions of the president of congress, who was respected as one of the most illustrious statesmen of Virginia, assisted to bring about a revolution in the politics of New York. On the nineteenth of March 1785 its legislature appointed three "additional delegates" to congress, of whom Haring and Melancton Smith, like Lansing, opposed federal measures; and for the next four years the state of New York obstinately resisted a thorough revision of the constitution. Of the city of New York, the aspirations for a national union could not be repressed.

Bancroft, Hist. of the U.S., vol.6, p.130

On the fourteenth of December 1784, soon after the organization of congress, Washington, with a careful discrimination between the office of that body and the functions of the states, urged through its president that congress should have the western waters well explored, their capacities for navigation ascertained as far as the communications between Lake Erie and the Wabash, and between Lake Michigan and the Mississippi, and a complete and perfect map made of the country at least as far west as the Miamis, which run into the Ohio and Lake Erie. And he pointed out the Miami village as the place for a very important post for the union. The expense attending such an undertaking could not be great; the advantages would be unbounded. "Nature," he said, "has made such a display of her bounty in those regions that the more the country is explored the more it will rise in estimation. The spirit of emigration is great; people have got impatient; and, though you cannot stop the road, it is yet in your power to mark the way. A little while and you will not be able to do either."

Bancroft, Hist. of the U.S., vol.6, p.131

In the same week in which the legislature of New York reversed its position on national policy, Washington renewed his admonitions to Lee on planting the western territory. "The mission of congress will now be to fix a medium price on these lands and to point out the most advantageous mode of seating them, so that law and good government may be administered, and the union strengthened and supported. Progressive seating is the only means by which this can be effected;" and, resisting the politicians who might wish to balance northern states by southern, he insisted that to mark out but one new state would better advance the public welfare than to mark out ten.

Bancroft, Hist. of the U.S., vol.6, p.131

On the eleventh of March William Grayson took his seat for the first time as a member of congress. He had been educated in England at Oxford, and had resided at the Temple in London. His short career furnishes only glimpses of his character. In 1776 he had been an aide-de-camp to Washington, with whom he kept up affectionate relations; in 1777 he commanded a Virginia regiment and gained honors at Monmouth. His private life appears to have been faultless; his public acts show independence, courage, and a humane and noble nature. In the state legislature of the previous winter he was chairman of the committee to which Washington's report on the negotiations with Maryland had been referred. The first evidence of his arrival in New York is a letter of the tenth of March 1785, to his former chief, announcing that Jefferson's ordinance for disposing of western lands, which had had its first reading in May 1784, had been brought once more before congress.

Bancroft, Hist. of the U.S., vol.6, p.132

Not Washington alone had reminded congress of its duties to the West. Informed by Gerry of the course of public business, Timothy Pickering, from Philadelphia, addressed most earnest letters to Rufus King. He complained that no reservation of land was made for the support of ministers of the gospel, nor even for schools and academies, and he further wrote: "Congress once made this important declaration, 'that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness'; and these truths were held to be self-evident. To suffer the continuance of slaves till they can gradually be emancipated, in states already overrun with them, may be pardonable because unavoidable without hazarding greater evils; but to introduce them into countries where none now exist can never be forgiven. For God's sake, then, let one more effort be made to prevent so terrible a calamity! The fundamental constitutions for those states are yet liable to alterations, and this is probably the only time when the evil can certainly be prevented." Nor would Pickering harbor the thought of delay in the exclusion of slavery. "It will be infinitely easier," he said, "to prevent the evil at first than to eradicate it or check it in any future time."

Bancroft, Hist. of the U.S., vol.6, p.132

The sixteenth of March was fixed for the discussion of the affairs of the West. The report that was before congress was Jefferson's scheme for "locating and disposing of land in the western territory;" and it was readily referred to a committee of one from each state, Grayson being the member from Virginia and King from Massachusetts. King, seconded by Ellery of Rhode Island, proposed that a part of the rejected antislavery clause in Jefferson's ordinance for the government of the western territory should be referred to a committee; all that related to the western territory of the three southern states was omitted; and so, too, was the clause postponing the prohibition of slavery.

Bancroft, Hist. of the U.S., vol.6, p.133

On the question for committing this proposition, the four New England states, New York, New Jersey, and Pennsylvania, voted unanimously in the affirmative; Maryland by a majority, McHenry going with the South, John Henry and William Hindman with the North. For Virginia, Grayson voted aye, but was overpowered by Hardy and Richard Henry Lee. The two Carolinas were unanimous for the negative. Houston of Georgia answered no, but being on that day the sole representative of Georgia, his vote was not counted. So the vote stood eight states against three; eighteen members against eight; and the motion was forthwith committed to King, Howell, and Ellery.

Bancroft, Hist. of the U.S., vol.6, p.133

On the sixth of April, King from his committee reported his resolution, which is entirely in his own handwriting, and which consists of two clauses: it allowed slavery in the Northwest until the first day of the year 1801, but no longer; and it "provided that always, upon the escape of any person into any of the states described in the resolve of congress of the twenty-third day of April 1784, from whom labor or service is lawfully claimed in any one of the thirteen original states, such fugitive might be lawfully reclaimed and carried back to the person claiming his labor or service, this resolve notwithstanding." King reserved his resolution to be brought forward as a separate measure, after the land ordinance should be passed. "I expect," wrote Grayson to Madison, "seven states may be found liberal enough to adopt it;" but there is no evidence that it was ever again called up in that congress.

Bancroft, Hist. of the U.S., vol.6, p.134

On the twelfth of April the committee for framing an ordinance for the disposal of the western lands made their report. It was written by Grayson, who formed it out of a conflict of opinions, and took the chief part in conducting it through the house. As an inducement for neighborhoods of the same religious sentiments to confederate for the purpose of purchasing and settling together, it was a land law for a people going forth to take possession of a seemingly endless domain. Its division was to be into townships, with a perpetual reservation of one mile square in every township for the support of religion, and another for education. The house refused its assent to the reservation for the support of religion, as connecting the church with the state; but the reservation for the support of schools received a general welcome. Jefferson had proposed townships of ten miles square; the committee, of seven; but the motion of Grayson, that they should be of six miles square, was finally accepted. The South, accustomed to the mode of indiscriminate locations and settlements, insisted on the rule which would give the most free scope to the roving emigrant; and, as the bill required the vote of nine states for adoption, and during the debates on the subject more than ten were never present, the eastern people, though "amazingly attached to their own custom of planting by townships," yielded to the compromise that every other township should be sold by sections. The surveys were to be confined to one state and to five ranges, extending from the Ohio to Lake Erie, and were to be made under the direction of the geographer of the United States. The bounds of every parcel that was sold were fixed beyond a question; the mode of registry was simple, convenient, and almost without cost; the form of conveyance most concise and clear. Never was land offered to a poor man at less cost or with a safer title. For one bad provision, which, however, was three years after repealed, the consent of congress was for the moment extorted; the lands, as surveyed, were to be drawn for by lot by the several states in proportion to the requisitions made upon them, and were to be sold publicly within the states. But it was carefully provided that they should be paid for in the obligations of the United States, at the rate of a dollar an acre. To secure the promises made to Virginia, chiefly on behalf of the officers and soldiers who took part in conquering the Northwest from British authority, it was agreed, after a discussion of four days, to reserve the district between the Little Miami and the Scioto.

Bancroft, Hist. of the U.S., vol.6, p.135

The land ordinance of Jefferson, as amended from 1784 to 1788, definitively settled the character of the national land laws, which are still treasured up as one of the most precious heritages from the founders of the republic.

Bancroft, Hist. of the U.S., vol.6, p.135

The frontier settlements at the west needed the protection of a military force. In 1784, soon after the exchange of the ratifications of peace, Gerry at Annapolis protested against the right of congress on its own authority to raise standing armies or even a few armed men in time of peace. His conduct was approved by his state, whose delegation was instructed to oppose and protest on all occasions against the exercise of the power. From that time congress had done no more than recommend the states to raise troops. It was now thought necessary to raise seven hundred men to protect the West. The recommendation should have been apportioned among all the states; but congress ventured to call only on Connecticut, New York, New Jersey, and Pennsylvania as the states most conveniently situated to furnish troops who were to be formed into one regiment and for three years guard the north-western frontiers and the public stores.

Chapter 4:

The Regulation of Commerce,

The Fifth Congress,

1784-1785

Bancroft, Hist. of the U.S., vol.6, p.136

THE legislature of Connecticut in 1783, angry at the grant of half pay to the officers of the army, insisted that the requisitions of congress had no validity until they received the approval of the state. But the vote was only "a fire among the brambles;" and the people at the next election chose a legislature which accepted the general impost on commerce, even though it should be assented to by no more than twelve states. The Virginia assembly of that year discountenanced the deviation from the rule of unanimity as a dangerous precedent; but it was adopted by Maryland.

Bancroft, Hist. of the U.S., vol.6, p.136

In the following winter Noah Webster of Hartford busied himself in the search for a form of a continental government which should act as efficaciously on its members as a local government. "So long as any individual state has power to defeat the measures of the other twelve, our pretended union," so he expressed the opinion which began to prevail, "is but a name, and our confederation a cobweb. The sovereignty of each state ought not to be abridged in any article relating to its own government; in a matter that equally respects all the states, a majority of the states must decide. We cannot and ought not to divest ourselves of provincial attachments, but we should subordinate them to the general interest of the continent; as a citizen of the American empire, every individual has a national interest far superior to all others."

Bancroft, Hist. of the U.S., vol.6, p.137

The outlays in America of the British in the last year of their Occupation of New York, and the previous expenditures for the French army, had supplied the northern states with specie; so that purchasers were found for the bills of Robert Morris on Europe, which were sold at a discount of twenty or even forty per cent. The prospect of enormous gains tempted American merchants to import in one year more than their exports could pay for in three; while factors of English houses, bringing over British goods on British account, jostled the American merchants in their own streets. Fires which still burn were then lighted. He that will trace the American policy of that day to its cause must look to British restrictions and British protective duties suddenly applied to Americans as aliens.

Bancroft, Hist. of the U.S., vol.6, p.137

The people had looked for peace and prosperity to come hand in hand, and, when hostilities ceased, they ran into debt for English goods, never doubting that their wonted industries would yield them the means of payment as of old. But excessive importations at low prices crushed domestic manufactures; trade with the British West Indies was obstructed; neither rice, tobacco, pitch, turpentine, nor ships could be remitted as heretofore. The whale fishery of Massachusetts had brought to its mariners in a year more than eight hundred thousand dollars in specie, the clear gain of perilous labor. The export of their oil was now obstructed by a duty in England of ninety dollars the ton. Importations from England must be paid for chiefly by cash and bills of exchange. The Americans had chosen to be aliens to England; they could not complain of being taxed like aliens, but they awoke to demand powers of retaliation.

Bancroft, Hist. of the U.S., vol.6, p.137

The country began to be in earnest as it summoned congress to change its barren discussions for efficient remedies. The ever increasing voice of complaint broke out from the impatient commercial towns of the northern and central states. On the eleventh of January 1785, the day on which congress established itself in New York, the artificers, tradesmen, and mechanics of that city, as they gave it a welcome, added these brave words: "We hope our representatives will coincide with the other states in augmenting your power to every exigency of the union." The New York chamber of commerce in like manner entreated it to make the commerce of the United States one of the first objects of its care, and to counteract the injurious restrictions of foreign nations. The New York legislature, then in session, imposed a double duty on all goods imported in British bottoms.

Bancroft, Hist. of the U.S., vol.6, p.138

On the twenty-second of March 1785 a bill to "protect the manufactures" of Pennsylvania by specific or ad valorem duties on more than seventy articles, among them on manufactures of iron and steel, was read in its assembly for the second time, debated by paragraphs, and then ordered to be printed for public consideration. The citizens of Philadelphia, recalling the usages of the revolution, on the second of June held a town-meeting; and, after the deliberations of their committee for eighteen days, they declared that relief from the oppressions under which the American trade and manufactures languished could spring only from the grant to congress of full constitutional powers over the commerce of the United States; that foreign manufactures interfering with domestic industry ought to be discouraged by prohibitions or protective duties. They raised a committee to lay their resolutions in the form of a petition before their own assembly, and to correspond with committees appointed elsewhere for similar purposes. On the twentieth of September, after the bill of the Pennsylvania legislature had been nearly six months under consideration by the people, and after it had been amended by an increase of duties, especially on manufactures of iron, and by a discriminating tonnage duty on ships of nations having no treaty of commerce with congress, it became a law with general acclamation.

Bancroft, Hist. of the U.S., vol.6, p.139

Pennsylvania had been cheered on its way by voices from Boston. On the eighteenth of April the merchants and tradesmen of that town, meeting in Faneuil Hall, established a committee of correspondence with merchants of other towns, bound themselves not to buy British goods of resident British factors, and prayed congress for the needed immediate relief. Their petition was reserved by congress for consideration when the report of its committee on commerce should be taken up. The movement in Boston penetrated every class of its citizens; its artisans and mechanics joined the merchants and tradesmen in condemning the ruinous excess of British importations. To these proceedings Grayson directed the attention of Madison.

Bancroft, Hist. of the U.S., vol.6, p.139

On the tenth of May the town of Boston elected its representatives to the general court, among them Hancock, whose health had not permitted him to be a candidate for the place of governor. Two years before, Boston, in its mandate to the men of its choice, had, in extreme language, vindicated the absolute sovereignty of the state; the town, no longer wedded to the pride of independence, instructed its representatives in this wise: Peace has not brought back prosperity; foreigners monopolize our commerce; the American carrying trade and the American finances are threatened with annihilation; the government should encourage agriculture, protect manufactures, and establish a public revenue; the confederacy is inadequate to its purposes; congress should be invested with power competent to the wants of the country; the legislature of Massachusetts should request the executive to open a correspondence with the governors of all the states; from national unanimity and national exertion we have derived our freedom; the joint action of the several parts of the union can alone restore happiness and security.

Bancroft, Hist. of the U.S., vol.6, p.139

No candidate for the office of governor of Massachusetts having for that year received a majority of the votes of the people, the general court, in May 1785, made choice of James Bowdoin, a veteran statesman who thirty years before had distinguished himself in the legislature by a speech in favor of the union of the colonies. He had led one branch of the government in its resistance to British usurpations; and, when hostilities broke out, he served his native state as president of its supreme executive council till the British were driven from the commonwealth. His long years of public service had established his fame for moderation, courage, consistency, and uprightness. A republican at heart, he had had an important share in framing the constitution of Massachusetts. In his inaugural address he scorned to complain of the restrictive policy of England, saying rather: Britain and other nations have an undoubted right to regulate their trade with us; and the United States have an equal right to regulate ours with them. Congress should be vested with all the powers necessary to preserve the union, manage its general concerns, and promote the common interest. For the commercial intercourse with foreign nations the confederation does not sufficiently provide. "This matter," these were his words, "merits your particular attention; if you think that congress should be vested with ampler powers, and that special delegates should be convened to settle and define them, you will take measures for such a convention, whose agreement, when confirmed by the states, would ascertain those powers."

Bancroft, Hist. of the U.S., vol.6, p.140

In reply, the two branches of the legislature jointly pledged "their most earnest endeavor" to establish "the federal government on a firm basis, and to perfect the union;" and on the first day of July the general court united in the following resolve: "The present powers of the congress of the United States, as contained in the articles of confederation, are not fully adequate to the great purposes they were originally designed to effect."

Bancroft, Hist. of the U.S., vol.6, p.140

That the want of adequate powers in the federal government might find a remedy as soon as possible, they sent to the president of congress, through their own delegation, the resolution which they had adopted, with a circular letter to be forwarded by him to the supreme executive of each state; and they further "directed the delegates of the state to take the earliest opportunity of laying them before congress, and making every exertion to carry the object of them into effect."

Bancroft, Hist. of the U.S., vol.6, p.141

In concert with New Hampshire, and followed by Rhode Island, they passed a navigation act forbidding exports from their harbors in British bottoms, and establishing a discriminating tonnage duty on foreign vessels; but only as "a temporary expedient, until a well-guarded power to regulate trade shall be intrusted to congress." Domestic manufactures were protected by more than a fourfold increase of duties; and "congress was requested to recommend a convention of delegates from all the states to revise the confederation and report how far it may be necessary to alter or enlarge the same, in order to secure and perpetuate the primary objects of the union."

Bancroft, Hist. of the U.S., vol.6, p.141

In August, the council of Pennsylvania and Dickinson, its president, in a message to the general assembly, renewed the recommendation adopted in that state two years before, saying: "We again declare that further authorities ought to be vested in the federal council; may the present dispositions lead to as perfect an establishment as can be devised."

Bancroft, Hist. of the U.S., vol.6, p.141

To his friend Bowdoin John Adams wrote: "The Massachusetts has often been wise and able; but she never took a deeper measure than her late navigation act. I hope she will persist in it even though she should be alone."

Bancroft, Hist. of the U.S., vol.6, p.141

The nation looked to congress for relief. In 1776 James Monroe left the college of William and Mary to enter the army; when but nineteen he gained an honorable wound and promotion; and rapidly rose to the rank of colonel. Jefferson in 1781 described him as a Virginian "of abilities, merit, and fortune," and as "his own particular friend." In 1782 he was of the assembly of Virginia; and was chosen at three-and-twenty a member of the executive council. In 1783 he was elected to the fourth congress, and at Annapolis saw Washington resign his commission. When Jefferson embarked for France, he remained, not the ablest, but the most conspicuous representative of Virginia on the floor of congress. He sought the friendship of nearly every leading statesman of his commonwealth; and every one seemed glad to call him a friend. It was hard to say whether he was addressed with most affection by Jefferson or by John Marshall. His ambition made him jealous of Randolph; the precedence of Madison he acknowledged, yet not so but that he might consent to become his rival. To Richard Henry Lee he turned as to one from whose zeal for liberty he might seek the confirmation of his own.

Bancroft, Hist. of the U.S., vol.6, p.142

Everybody in Virginia resented the restrictive policy of England. Monroe, elected to the fifth congress, embarked on the tide of the rising popular feeling. He was willing to invest the confederation with a perpetual grant of power to regulate commerce; but on condition that it should not be exercised without the consent of nine states. He favored a revenue to be derived from imports, provided that the revenue should be collected under the authority and pass into the treasury of the state in which it should accrue.

Bancroft, Hist. of the U.S., vol.6, p.142

He from the first applauded the good temper and propriety of the new congress, the comprehensiveness of mind with which they attended to the public interests, and their inclination to the most general and liberal principles, which seemed to him "really to promise great good to the union." They showed the like good-will for him. On bringing forward the all-important motion on commerce, they readily referred it to himself as the chief of the committee, with four associates, of whom Spaight from North Carolina, and Houston from Georgia, represented the South; King of Massachusetts, and Johnson of Connecticut, the North.

Bancroft, Hist. of the U.S., vol.6, p.142

The complaisant committee lent their names to the proposal of Monroe, whose report was read in congress on the twenty-eighth of March. It was to be accompanied by a letter to be addressed to the legislatures of the several states explaining and recommending it; and the fifth day of April was assigned for its consideration.

Bancroft, Hist. of the U.S., vol.6, p.143

But it was no part of Monroe's plan to press the matter for a decision. "It will be best," so he wrote to Jefferson, "to postpone this for the present; its adoption must depend on the several legislatures. It hath been brought so far without a prejudice against it. If carried farther here, I fear prejudices will take place. It proposes a radical change in the whole system of our government. It can be carried only by thorough investigation and a conviction of every citizen that it is right. The slower it moves on, therefore, in my opinion, the better."

Bancroft, Hist. of the U.S., vol.6, p.143

Jefferson, as he was passing through Boston on his way to France, had shown pleasure at finding "the conviction growing strongly that nothing could preserve the confederacy unless the bond of union, their common council, should be strengthened." He now made answer to the urgent inquiries of Monroe: "The interests of the states ought to be made joint in every possible instance, in order to cultivate the idea of our being one nation, and to multiply the instances in which the people shall look up to congress as their head." He approved Monroe's report without reservation; but wished it adopted at once, "before the admission of western states."

Bancroft, Hist. of the U.S., vol.6, p.143

Months passed away, but still the subject was not called up in congress; and the mind of Monroe as a southern statesman became shaken. The confederation seemed to him at present but little more than an offensive and defensive alliance, and if the right to raise troops at pleasure was denied, merely a defensive one. His report would put the commercial economy of every state entirely and permanently into the hands of the union; which might then protect the carrying trade, and encourage domestic industry by a tax on foreign industry. He asked himself if the carrying trade would increase the wealth of the South; and he cited "a Mr. Smith on the Wealth of Nations," as having written "that the doctrine of the balance of trade is a chimera."

Bancroft, Hist. of the U.S., vol.6, p.144

The southernmost states began to reason that Maryland had a great commercial port, and, like Delaware, excelled in naval architecture; and these, joining the seven northern states, might vote to themselves the monopoly of the transport of southern products. Besides, Virginia, more than any other state in the union, was opposed to the slave-trade; and Virginia and all north of her might join in its absolute prohibition. The three more southern states were, therefore, unwilling to trust a navigation act to the voice even of ten; and in his report Monroe substituted eleven states for his first proposal of nine.

Bancroft, Hist. of the U.S., vol.6, p.144

At last, on the thirteenth and fourteenth of July, the report was considered in a committee of the whole. It was held that the regulation of trade by the union was desirable, because it would open a way to encourage domestic industry by imposing a tax upon foreign manufactures; because it was needed in order to secure reciprocity in commercial intercourse with foreign nations; because it would counteract external commercial influence by establishing a commercial interest at home; and because it would prepare the way for a navy. These ends could never be obtained unless the states should act in concert, for their separate regulations would impede and defeat each other.

Bancroft, Hist. of the U.S., vol.6, p.144

The opponents of the measure left their cause in the hands of Richard Henry Lee, as their only spokesman; and his mature age, courteous manner, skill as an orator and debater, and his rank as president of congress, gave him great authority. He insisted that the new grant of power would endanger public liberty; that it would be made subservient to further attempts to enlarge the authority of the government; that the concentration of the control of commerce would put the country more in the power of other nations; that the interests of the North were different from the interests of the South; that the regulation of trade which suited the one would not suit the other; that eight states were interested in the carrying trade, and would combine together to shackle and fetter the five southern states, which, without having shipping of their own, raised the chief staples for exportation; and, finally, that any attempt whatever at a change in the articles of confederation had a tendency to weaken the union.

Bancroft, Hist. of the U.S., vol.6, p.145

In these objections Lee was consistent. He pressed upon Madison, with earnest frankness, that power in congress to legislate over the trade of the union would expose the five staple states, from their want of ships and seamen, to a most pernicious and destructive monopoly; that even the purchase, as well as the carrying, of their produce, might be at the mercy of the East and the North; and that the spirit of commerce throughout the world is a spirit of avarice.

Bancroft, Hist. of the U.S., vol.6, p.145

A plan of a navigation act originated with McHenry of Maryland; but it came before congress only as a subject of conversation. Nothing was done with the report of Monroe, who said of it: "The longer it is delayed, the more certain is its passage through the several states ultimately;" and his committee only asked leave to sit again. "We have nothing pleasing in prospect," wrote Jacob Read to Madison; "and, if in a short time the states do not enable congress to act with vigor and put the power of compulsion into the hand of the union, I think it almost time to give over the form of what I cannot consider as an efficient government. We want, greatly want, the assistance of your abilities and experience in congress; one cannot help drawing comparisons between the language of 1783 and 1785."

Bancroft, Hist. of the U.S., vol.6, p.145

From the delegation of Virginia no hope could spring; but the state which exceeded all others in the number of its freemen and in age was second only to the Old Dominion, had directed its delegates to present to congress, and through congress to the states, an invitation to meet in a convention and revise the confederation. And now Gerry, Holten, and Rufus King saw fit to disobey their instructions, and suppressed the acts and resolves of Massachusetts, writing: "Any alteration of the confederation is premature; the grant of commercial power should be temporary, like the proposed treaties with European powers; and for its adoption should depend on an experience of its beneficial results. Power over commerce, once delegated to the confederation, can never be revoked but by the unanimous consent of the states. To seek a reform through a convention is a violation of the rights of congress, and, as a manifestation of a want of confidence in them, must meet their disapprobation. A further question arises whether the convention should revise the constitution generally or only for express purposes. Each of the states in forming its own, as well as the federal constitution, has adopted republican principles; yet plans have been laid which would have changed our republican government into baleful aristocracies. The same spirit remains in their abettors. The institution of the Cincinnati will have the same tendency. The rotation of members is the best check to corruption. The requirement of the unanimous consent of the legislatures of the states for altering the confederation effectually prevents innovations by intrigue or surprise. The cry for more power in congress comes especially from those whose views are extended to an aristocracy that will afford lucrative employments, civil and military, and require a standing army, pensioners, and placemen. The present confederation is preferable to the risk of general dissensions and animosities."

Bancroft, Hist. of the U.S., vol.6, p.146

Bowdoin replied: "If in the union discordant principles make it hazardous to intrust congress with powers necessary to its well-being, the union cannot long subsist." Gerry and King rejoined: "The best and surest mode of obtaining an addition to the powers of congress is to make the powers temporary in the first instance. If a convention of the states is necessary, its members should be confined to the revision of such parts of the confederation as are supposed defective; and not intrusted with a general revision of the articles and the right to report a plan of federal government essentially different from the republican form now administered."

Bancroft, Hist. of the U.S., vol.6, p.147

These letters of Gerry and King met with the concurrence of Samuel Adams, and had so much weight with the general court as to stay its further action. Nor did the evil end there. All the arguments and insinuations against a new constitution as sure to supersede republican government by a corrupt and wasteful aristocracy, were carried into every village in Massachusetts, as the persistent judgment of their representatives in congress with the assent of the home legislature.

Bancroft, Hist. of the U.S., vol.6, p.147

It remained to see if anything could come from negotiations in Europe. A treaty with England was in importance paramount to all others. In 1783 Adams with Jay had crossed the channel to England, but had been received with coldness. The assent of the United States to the definitive treaty of peace was long delayed by the difficulty of assembling in congress nine states for its confirmation. At length, on the twelfth of May 1784, the exchange of ratifications took place at Paris The way being thus opened, the three American commissioners for negotiating treaties—Franklin, John Adams, and Jefferson—informed the duke of Dorset, then British ambassador at Paris, that they had full powers to negotiate a commercial treaty with Great Britain, and for that end were ready to repair to London. The British government consulted the English merchants trading with North America; and near the end of March of the following year the duke answered: "I have been instructed to learn from you, gentlemen, what is the real nature of the powers with which you are invested; whether you are merely commissioned by congress, or have received separate powers from the separate states. The apparent determination of the respective states to regulate their own separate interests renders it absolutely necessary, toward forming a permanent system of commerce, that my court should be informed how far the commissioners can be duly authorized to enter into any engagements with Great Britain, which it may not be in the power of any one of the states to render totally fruitless and ineffectual."

Bancroft, Hist. of the U.S., vol.6, p.148

When Franklin, taking with him the love of France, prepared to sail for America, congress, breaking up their triumviral commission in Europe, appointed Jefferson to be minister to France, John Adams to Great Britain. Adams gave the heartiest welcome to his "old friend and coadjutor," in whom he found undiminished "industry, intelligence, and talents," and, full of courage if not of hope, hastened to London. On the first day of June Lord Carmarthen, the secretary of state, presented him to the king. Delivering his credentials, he in perfect sincerity declared: "I shall esteem myself the happiest of men if I can be instrumental in recommending my country more and more to your Majesty's royal benevolence, and of restoring the old good nature and the old good humor between people who, though separated by an ocean and under different governments, have the same language, a similar religion, and kindred blood."

Bancroft, Hist. of the U.S., vol.6, p.148

The king answered with more tremor than the bold republican had shown: "I wish it understood in America that I have done nothing in the late contest but what I thought myself indispensably bound to do by the duty which I owed to my people. I will be very frank with you. I was the last to consent to the separation; but, the separation having been made, I have always said, as I say now, that I would be the first to meet the friendship of the United States as an independent power. The moment I see such sentiments and language as yours prevail, and a disposition to give to this country the preference, that moment I shall say, let the circumstances of language, religion, and blood have their natural and full effect."

Bancroft, Hist. of the U.S., vol.6, p.148

The suggestion of a preference by treaty was out of place. The English had it without a treaty by their skill, the reciprocal confidence of the merchants of the two nations, and the habits of the Americans who were accustomed only to the consumption of British goods. But a change had come over the spirit of England. Before the end of three years of peace, all respect and regard for America were changed into bitter discontent at its independence, and a disbelief in its capacity to establish a firm government. The national judgment and popular voice, as expressed in pamphlets, newspapers, coffeehouses, the streets, and in both houses of parliament, had grown into an unchangeable determination to maintain against them the navigation acts and protective duties, and neither the administration nor the opposition had a thought of relaxing them. Great Britain was sure of its power of attracting American commerce, and believed that the American states were not, and never could be, united. All this had been so often affirmed by the refugees, and Englishmen had so often repeated them to one another, that to argue against it was like breathing against a trade-wind. "I may reason till I die to no purpose," wrote Adams; "it is unanimity in America which will produce a fair treaty of commerce." Yet he presented to Carmarthen a draft of one, though without hope of success. It rested on principles of freedom and reciprocity, and the principles of the armed neutrality with regard to neutral vessels.

Bancroft, Hist. of the U.S., vol.6, p.149

Like Franklin, like Jefferson, like Madison, he was at heart for free trade. "I should be sorry," said he to his friend Jefferson, "to adopt a monopoly, but, driven to the necessity of it, I would not do things by halves." "If monopolies and exclusions are the only arms of defence against monopolies and exclusions, I would venture upon them without fear of offending Dean Tucker or the ghost of Doctor Quesnay." "But means of preserving ourselves can never be secured until congress shall be made supreme in foreign commerce."

Bancroft, Hist. of the U.S., vol.6, p.149

On the twenty-fourth of August, when the adjournment of parliament brought leisure, Adams, then fifty years of age, met the youthful prime minister of Britain. Pitt, as any one may see in his portrait at Kensington, had in his nature far more of his mother than of the great Englishman who was his father. He had pride, but suffered from a feebleness of will which left him the prey of inferior men. His own chosen measures were noble ones—peace, commercial relations with France, the improvement of the public finances, the payment of the national debt. In the ministry of Shelburne, he had brought in a bill to promote commerce with America by modifying the navigation act; in his own he abandoned the hopeless attempt.

Bancroft, Hist. of the U.S., vol.6, p.150

Reverting to the treaty of commerce which Adams had proposed, Pitt asked: "What are the lowest terms which will content America?" Adams replied that the project he had communicated would secure the friendship of the United States and all the best part of their trade; the public mind of America is balancing between free trade and a navigation act; and the question will be decided now by England; but if the Americans are driven to a navigation act, they will become attached to the system. "The United States," answered Pitt, "are forever become a foreign nation; our navigation act would not answer its end if we should dispense with it toward you." "The end of the navigation act," replied Adams, "was to confine the commerce of the colonies to the mother country; if carried into execution against us, now that we are become independent, instead of confining our trade to Great Britain, it will drive it to other countries." "You allow we have a right to impose on you our navigation act," said Pitt. "Certainly," answered Adams, "and you will allow we have a corresponding right." "You cannot blame Englishmen," said Pitt, "for being attached to their ships and seamen." "Indeed, I do not," answered Adams; "nor can you blame Americans for being attached to theirs." Pitt then asked plainly: "Can you grant by treaty to England advantages which would not become immediately the right of Franc?" "We cannot," answered Adams; "to the advantage granted to England without a compensation France would be entitled without a compensation; if an equivalent is stipulated for, France, to claim it, must allow us the same equivalent." Pitt then put the question: "What do you think that Great Britain ought to do?" And Adams answered: "This country ought to prescribe to herself no other rule than to receive from America everything she can send as a remittance; in which case America will take as much of British productions as she can pay for."

Bancroft, Hist. of the U.S., vol.6, p.151

There were mutual complaints of failure in observing the conditions of the peace. Pitt frankly declared "the carrying off of negroes to be so clearly against the treaty that England must satisfy that demand;" but he took no step toward satisfying it. The British government, yielding to the importunity of merchants, and especially of fur-traders, kept possession of the American posts at the West. This was a continuance of war; but Pitt excused it on the ground that, in Virginia and at least two other states, hindrances still remained in the way of British creditors. Congress was sincere in its efforts to obtain for them relief in the courts of the states; but it wanted power to enforce its requisitions. Moreover, the Virginia legislature, not without a ground of equity, delayed judgment against the Virginia debtors until an offset could be made of the indemnity which Pitt himself had owned to be due to them for property carried away by the British in disregard of the treaty of peace. The holding of the western posts had no connection with this debt and no proportion to it; for the profits of the fur trade, thus secured to Great Britain, in each single year very far exceeded the whole debt of which the collection was postponed.

Bancroft, Hist. of the U.S., vol.6, p.151

The end of the interview was, that Pitt enforced the navigation acts of England against America with unmitigated severity. For the western posts, Haldimand, as his last act, had strengthened the garrison at Oswego, and charged his successor to exclude the Americans from the enormously remunerative commerce in furs by restricting transportation on the lakes to British vessels alone. In February of the next year, the British secretary of state announced that the posts would be retained till justice should be done to British creditors.

Bancroft, Hist. of the U.S., vol.6, p.151

"They mean," wrote Adams, "that Americans should have no ships, nor sailors, to annoy their trade." "Patience will do no good; nothing but reciprocal prohibitions and imposts will have any effect." He counselled the United States as their only resource to confine their exports to their own ships and encourage their own manufactures, though he foresaw that these measures would so annoy England as in a few years to bring on the danger of war.

Bancroft, Hist. of the U.S., vol.6, p.152

The French government could not be induced to change its commercial system for the sake of pleasing the United States; it granted free ports; but the Americans wanted not places of deposit for their staples, but an open market. On one point only did Vergennes bestow anxious attention. He feared the United States might grant favors to England; and, at the request of France, congress, when preparing to treat with the nations of Europe, gave assurance that it would "place no people on more advantageous ground than the subjects of his most Christian Majesty." Through the French envoy in America, Vergennes answered: "This declaration, founded on the treaty of the sixth of February 1778, is very agreeable to the king; and you can assure congress that the United States shall constantly experience a perfect reciprocity in France."

Bancroft, Hist. of the U.S., vol.6, p.152

Jefferson, as minister, obtained a great reduction of the duty on American oil manufactured from fish; but he was compelled to hear thrice over complaints that the trade of the United States had not learned the way to France; and thrice over that the French government could not depend on engagements taken with the United States. Complaints, too, were made of the navigation acts of Massachusetts and New Hampshire, not without hints at retaliation.

Bancroft, Hist. of the U.S., vol.6, p.152

While some of the states of Europe forgot their early zeal to form commercial relations with the United States, the convention for ten years with Frederic of Prussia, to whose dispatch, intelligence, and decision Adams bore witness, was completed in May 1785, and in the following May was unanimously ratified by congress. Free vessels made free goods. Arms, ammunition, and military stores were taken out of the class of contraband. In case of war between these two parties, merchant vessels were still to pass unmolested. Privateering was pronounced a form of piracy. Citizens of the one country domiciled in the other were to enjoy freedom of conscience and worship, and, in case of war between the two parties, might still continue their respective employments.

Bancroft, Hist. of the U.S., vol.6, p.153

Spain had anxieties with respect to its future relations with America, and thought proper to accredit an agent to congress; but neither' with Spain, nor with France, nor with England was there the least hope of forming liberal commercial relations. American diplomacy had failed; the attempt of the fifth congress to take charge of commerce had failed; the movement for a federal convention, which was desired by the mercantile class throughout the union, had failed; but encouragement came from South Carolina. William Moultrie, its governor, gave support to Bowdoin of Massachusetts, saying: "The existence of this state with every other as a nation depends on the strength of the union. Cemented together in one common interest, they are invincible; divided, they must fall a sacrifice to internal dissensions and foreign usurpations." The heart of American statesmen beat high with hope and resolution. "It is my first wish," wrote Jay, the American secretary for foreign affairs, in 1785," to see the United States assume and merit the character of ONE GREAT NATION." "It has ever been my hobbyhorse," wrote John Adams early in 1786, while minister of the United States in England, "to see rising in America an empire of liberty, and a prospect of two or three hundred millions of freemen, without one noble or one king among them."

Bancroft, Hist. of the U.S., vol.6, p.153

The confederation framed a treaty with the emperor of Morocco; it was not rich enough to buy immunity for its ships from the corsair powers of Barbary.

Bancroft, Hist. of the U.S., vol.6, p.153

Through congress no hope for the regeneration of the union could be cherished. Before we look for the light that may rise outside of that body, it will be well to narrate what real or seeming obstacles to union were removed or quieted, and what motives compelling the forming of a new constitution sprung from the impairment of the obligation of contracts by the states.

Chapter 5:

Obstacles to Union Removed or Quieted,

1783-1787

Bancroft, Hist. of the U.S., vol.6, p.154

THE early confederacy of New England, though all its colonies were non-conformists, refused fellowship to Rhode Island on account of its variance in dissent. Virginia and Maryland were settled in connection with the church of England, which at the period of the revolution was still the established church of them both. In the constitution of the Carolinas the philosopher Locke introduced a clause for the disfranchisement of the atheist, not considering that the power in the magistrate to inflict a penalty on atheism implied the power which doomed Socrates to drink poison and filled the catacombs of Rome with the graves of martyrs. On the other hand, the Baptists, nurslings of adversity, driven by persecution to find resources within their own souls, when they came to found a state in America, rested it on the truth that the spirit and the mind are not subordinate to the temporal power. For the great central state, the people called Quakers in like manner affirmed the right to spiritual and intellectual liberty, and denied to the magistrate all control over the support of religion. To form a perfect political union it was necessary, in all that relates to religion, that state should not be in conflict with state, and that every citizen, in the exercise of his rights of intercitizenship, should be at his ease in any state in which he might sojourn or abide. In a republican country of wide extent, ideas rule legislation; and the history of reform is the history of thought, gaining strength as it passes from mind to mind, till it finds a place in a statute. We have now to see how it came to pass that the oldest state in the union, first in territory and in numbers, and, from its origin, the upholder of an established church, renounced the support of religious worship by law, and established the largest liberty of conscience.

Bancroft, Hist. of the U.S., vol.6, p.155

The legislature of Virginia, within a half year after the declaration of independence, while it presented for public consideration the idea of a general assessment for the support of the Christian religion, exempted dissenters from contributions to the established church. In 1779 this exemption was extended to churchmen, so that the church was disestablished. But the law for religious freedom, which Jefferson prepared as a part of the revised code, was submitted to the deliberate reflection of the people before the vote should be taken for its adoption.

Bancroft, Hist. of the U.S., vol.6, p.155

The Massachusetts constitution of 1780 compelled every member of its legislature on taking his seat to subscribe a declaration that he believed the Christian religion. This regulation Joseph Hawley, who had been elected to the first senate of Massachusetts, in a letter to that body, sternly condemned. A member of the Congregational church of Northampton; severe in his morality, and of unquestioned orthodoxy, he called to mind that the founders of Massachusetts while church membership was their condition for granting the privilege of an elector, never suffered a profession of the Christian religion to be made before a temporal court. Moreover, he held the new requirement to be against common right and the natural franchises of every member of the commonwealth. In this way, from the heart of rigid Calvinism a protest was heard against any right in the temporal power to demand or to receive a profession of faith in the Christian religion. The church member was subject to no supervision but of those with whom he had entered into covenant. The temporal power might punish the evil deed, but not punish or even search after the thought of the mind.

Bancroft, Hist. of the U.S., vol.6, p.155

The inherent perverseness of a religious establishment, of which a king residing in another part of the world and enforcing hostile political interests was the head, showed itself in Virginia. The majority of the legislators were still churchmen; but gradually a decided majority of the people had become dissenters, of whom the foremost were Baptists and Presbyterians. When the struggle for independence was ended, of ninety-one clergymen of the Anglican church in Virginia, twenty-eight only remained. One fourth of the parishes had become extinct.

Bancroft, Hist. of the U.S., vol.6, p.156

Churchmen began to fear the enfeeblement of religion from its want of compulsory support and from the excesses of fanaticism among dissenters. These last had made their way, not only without aid from the state, but under the burden of supporting a church which was not their own. The church which had leaned on the state was alone in a decline. The system of an impartial support by the state of all branches of Christians was revived by members of "the Protestant Episcopal church," as it now began to be called. Their petitions favored by Patrick Henry, Harrison, then governor, Pendleton, the chancellor, Richard Henry Lee, and many others of the foremost men, alleged a decay of public morals; and the remedy asked for was a general assessment, analogous to the clause in the constitution of Massachusetts which enjoined upon its towns "the maintenance of public Protestant teachers of piety, religion, and morality."

Bancroft, Hist. of the U.S., vol.6, p.156

The Presbyterians at first were divided. Their clergy, even while they held that human legislation should concern human affairs alone, that conscience and religious worship lie beyond its reach, accepted the measure, provided it should respect every human belief, even "of the Mussulman and the Gentoo." The Presbyterian laity, accustomed to support their own ministry, chose rather to continue to do so. Of the Baptists, alike ministers and people rejected any alliance with the state.

Bancroft, Hist. of the U.S., vol.6, p.156

Early in the autumnal session of the legislature of 1785, Patrick Henry proposed a resolution for a legal provision for the teachers of the Christian religion. In the absence of Jefferson, the opponents of the measure were led by Madison, whom Witherspoon had imbued with theological lore. The assessment bill, he said, exceeds the functions of civil authority. The question has been stated as if it were, is religion necessary. The true question is, are establishments necessary for religion. And the answer is, they corrupt religion. The difficulty of providing for the support of religion is the result of the war, to be remedied by voluntary association for religious purposes. In the event of a statute for the support of the Christian religion, are the courts of law to decide what is Christianity and, as a consequence, to decide what is orthodoxy and what is heresy? The enforced support of the Christian religion dishonors Christianity. Yet, in spite of all the opposition that could be mustered, leave to bring in the bill was granted by forty-seven votes against thirty-two. The bill, when reported, prescribed a general assessment on all taxable property for the support of teachers of the Christian religion. Each person, as he paid his tax, was to say to which society he dedicated it; in case he refused to do so, his payment was to be applied toward the maintenance of a county school. On the third reading the bill received a check, and was ordered by a small majority to be printed and distributed for the consideration of the people. Thus the people of Virginia had before them for their choice the bill of the revised code for establishing religious freedom, and the plan of desponding churchmen for supporting religion by a general assessment.

Bancroft, Hist. of the U.S., vol.6, p.157

All the state, from the sea to the mountains and beyond them, was alive with the discussion. Madison, in a remonstrance addressed to the legislature, imbodied all that could be said against the compulsory maintenance of Christianity and in behalf of religious freedom as a natural right, the glory of Christianity itself, the surest method of supporting religion, and the only way to produce moderation and harmony among its several sects. George Mason, who was an enthusiast for entire freedom, asked of Washington his opinion, and received for answer that "no man's sentiments were more opposed to any kind of restraint upon religious principles." While he was not among those who were so much alarmed at the thought of making people of the denominations of Christians pay toward the support of that denomination which they professed, provided Jews, Mahometans, and others who were not Christians, might obtain proper relief, his advice was given in these words: "As the matter now stands, I wish an assessment had never been agitated; and, as it has gone so far, that the bill could die an easy death."

Bancroft, Hist. of the U.S., vol.6, p.158

The general committee of the Baptists unanimously ape pointed a delegate to remonstrate with the general assembly against the assessment, and they resolved that no human laws ought to be established for that purpose; that every free person ought to be free in matters of religion. The general convention of the Presbyterian church prayed the legislature expressly that the bill concerning religious freedom might be passed into a law as the best safeguard then attainable for their religious rights.

Bancroft, Hist. of the U.S., vol.6, p.158

When the legislature of Virginia assembled, no one was willing to bring forward the assessment bill, and it was never heard of more. Out of one hundred and seventeen articles of the revised code which were then reported, Madison selected for immediate consideration the one which related to religious freedom. The people of Virginia had held it under deliberation for six years; in December 1785 it passed the house by a vote of nearly four to one. Attempts in the senate for amendment produced only insignificant changes in the preamble, and on the sixteenth of January 1786 Virginia placed among its statutes the very words of the original draft by Jefferson with the hope that they would endure forever: "No man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall suffer on account of his religious Opinions or belief; opinion in matters of religion shall in no wise diminish, enlarge, or affect civil capacities. The rights hereby asserted are of the natural rights of mankind."

Bancroft, Hist. of the U.S., vol.6, p.158

"Thus," says Madison, "in Virginia was extinguished for ever the ambitious hope of making laws for the human mind." The principle on which religious liberty was settled in Virginia prevailed at once in Maryland. In every other American state oppressive statutes concerning religion fell into disuse and were gradually repealed. Survivals may still be found, as in nature we in this day meet with survivals of an earlier geological period. It had been foreseen that "the happy consequences of the grand experiment on the advantages which accompany tolerance and liberty would not be limited to America." The statute of Virginia, translated into French and into Italian, was widely circulated through Europe. A part of the work of "the noble army of martyrs" was done.

Bancroft, Hist. of the U.S., vol.6, p.159

Luring the colonial period the Anglican establishment was feared, because its head was an external temporal power engaged in the suppression of colonial liberties, and was favored by the officers of that power even to the disregard of justice. National independence and religions freedom dispelled the last remnant of jealousy. The American branch at first thought it possible to perfect their organization by themselves; but they soon preferred as their starting-point a final fraternal act of the church of England. No part of the country, no sect, no person showed a disposition to thwart them in their purpose; and no one complained of the unofficial agency of Jay, the American minister of foreign affairs at home, and of John Adams, the American minister in London, in aid of their desire, which required the consent of the British parliament and a consecration by the Anglican hierarchy. Their wish having been fulfilled in the form to which all of them gave assent and which many of them regarded as indispensable, the Protestant Episcopal church of the United States moved onward with a life of its own to the position which it could never have gained but by independence. For America no bishop was to be chosen at the dictation of a temporal power to electors under the penalty of high treason for disobedience; no advowson of church livings could be tolerated; no room was left for simony; no tenure of a ministry as a life estate was endured where a sufficient reason required a change; the laity was not represented by the highest officer of state and the legislature, but stood for itself; no alteration of prayer, or creed, or government could be introduced by the temporal chief, or by that chief and the legislature. The rule of the church proceeded from its own living power representing all its members. The Protestant Episcopal congregations in the several United States of America, including the clergy of Connecticut who at first went a way of their own, soon fell into the custom of meeting in convention as one church, and gave a new bond to union. Since the year 1785 they have never asked of any American government a share in any general assessment, and have grown into greatness by self-reliance.

Bancroft, Hist. of the U.S., vol.6, p.160

The acknowledged independence of the United States called suddenly into a like independence a new and self-created rival Episcopal church, destined to spread its branches far and wide over the land with astonishing rapidity. Out of a society of devout and studious scholars in the University of Oxford, within less than sixty years, grew the society of Methodists. As some of the little republics of ancient time selected one man as their law-giver, as all men on board a ship trust implicitly to one commander during the period of the voyage, so the Methodist connection in its beginning left to John Wesley to rule them as he would. Its oldest society in the states was at New York, and of the year 1766. In 1772 Wesley appointed, as his "general assistant" in America, Francis Asbury, a missionary from England, a man from the people, who had "much wisdom and meekness; and under all this, though hardly to be perceived, much command and authority."

Bancroft, Hist. of the U.S., vol.6, p.160

Wesley never yielded to the temptation to found a separate church within British dominions, and during the war of American independence used his influence to keep the societies which he governed from renouncing their old allegiance. But no sooner had the people of the United States been recognised as a nation by the king of England himself, and the movement to found an American episcopacy had begun, than he burst the bonds that in England held him from schism, and resolved to get the start of the English hierarchy. In October 1783, in a general epistle, he peremptorily directed his American brethren to receive "Francis Asbury as the general assistant."

Bancroft, Hist. of the U.S., vol.6, p.160

For nearly forty years Wesley had been persuaded that the apostolical succession is a "fable"; that "bishops and presbyters are the same order, and have the same right to ordain." He looked upon himself to be as much a bishop "as any man in Europe," though he never allowed any one to call him by that name. In his service for the Methodists he substituted the word elders for priests, and superintendents for bishops. He, therefore, did not scruple, on the second day of September 1784, himself, in his own private room at Bristol, in England, assisted by Coke and another English presbyter, to ordain two persons as ministers, and then he, with the assistance of other ministers ordained by himself, equal at least in number to the requisition of the canon, did, "by the imposition of his hands and prayer, set apart Thomas Coke, a presbyter of the church of England, as a superintendent, and, under his hand and seal, recommended him to whom it might concern as a fit person to preside over the flock of Christ." It is Coke himself who writes of Wesley: "He did, indeed, solemnly invest me, as far as he had a right so to do, with episcopal authority." Eight days later, in a general epistle, he thus addressed Thomas Coke, Francis Asbury, and the brethren in North America: "By a very uncommon train of providences, provinces in North America are erected into independent states. The English government has no authority over them, either civil or ecclesiastical. Bishops and presbyters are the same order, and consequently of the same right to ordain. In America there are no bishops who have a legal jurisdiction. Here, therefore, my scruples are at an end. I have accordingly appointed Dr. Coke and Mr. Francis Asbury to be joint superintendents over our brethren in North America. I cannot see a more rational and scriptural way of feeding and guiding those poor sheep in the wilderness. As our American brethren are now totally disentangled both from the state and from the English hierarchy, we dare not entangle them again either with the one or the other. They are now at full liberty simply to follow the Scriptures and the primitive church, and we judge it best that they should stand fast in that liberty wherewith God has so strangely made them free."

Bancroft, Hist. of the U.S., vol.6, p.161

Nor did Wesley neglect to frame from the Anglican Book of Common Prayer a revised liturgy for the new church, and a creed from which the article on predestination was left out.

Bancroft, Hist. of the U.S., vol.6, p.162

On the eighteenth of September, about two months before the nonjuring bishops of Scotland consecrated a bishop for Connecticut, Coke, the first Methodist "superintendent" for America, was on the water, emulous of the glory of Francis Xavier. "Oh, for a soul like his!" he cried. "I seem to want the wings of an eagle or the voice of a trumpet, that I may proclaim the gospel through the east and the west, and the north and the south." Arriving in New York, he explained to the preacher stationed at that place the new regulation, and received for answer: "Mr. Wesley has determined the point; and therefore it is not to be investigated, but complied with."

Bancroft, Hist. of the U.S., vol.6, p.162

Coke journeyed at once toward Baltimore, where Asbury had his station. At Dover, in Delaware, "he met with Freeborn Garretson, an excellent young man, all meekness and love, and yet all activity." On Sunday, the fourteenth of November, the day on which a bishop for Connecticut was consecrated at Aberdeen, he preached in a chapel in the midst of a forest to a noble congregation. After the service, a plain, robust man came up to him in the pulpit and kissed him. He was not deceived when he thought it could be no other than Francis Asbury, who had collected there a considerable number of preachers in council. The plan of Wesley pleased them all. At the instance of Asbury it was resolved to hold a general conference; and "they sent off Freeborn Garretson like an arrow from north to south, directing him to dispatch messengers right and left and gather all the preachers together at Baltimore on Christmas eve."

Bancroft, Hist. of the U.S., vol.6, p.162

Thence Coke moved onward, baptizing adults and infants, preaching sometimes in a church, though it would not hold half the persons who wished to hear; sometimes at the door of a cottage when the church-door was locked against him.

Bancroft, Hist. of the U.S., vol.6, p.162

On Christmas eve, at Baltimore, began the great conference which organized the Methodists of America as a separate fold in the one "flock of Christ." Of the eighty-one American preachers, nearly sixty were present, most of them young. Here Coke took his seat as superintendent; and here, joining to himself two elders, he set apart Francis Asbury as a deacon and on the next day as an elder. Here eleven or more persons were elected elders, and all of them who were present were consecrated; here Asbury, who refused to receive the office of superintendent at the will of Wesley alone, was unanimously "elected bishop or superintendent by the suffrages of the whole body of Methodist ministers through the continent, assembled in general conference;" and here Coke, obeying the directions of Wesley, took to himself at least the canonical number of presbyters, and ordained him, Francis Asbury, as "a superintendent of the Methodist Episcopal Church in America." In the ordination sermon delivered on that day and published at the time, Coke asserts his own "right to exercise the episcopal office," and defines the title of superintendent as the equivalent of "bishop."

Bancroft, Hist. of the U.S., vol.6, p.163

In April 1785 Coke began to exhort the Methodist societies in Virginia to emancipate their slaves, and bore public testimony against slavery and against slave-holding. It provoked the unawakened to combine against him; but one of the brethren gave liberty to his eight slaves. In North Carolina, where the laws of the state forbade any to emancipate their negroes, the Methodist conference drew up a petition to the assembly, entreating them to authorize those who were so disposed to set them free. Asbury visited the governor and gained him over. At the Virginia conference in May they formed a petition, of which a copy was given to every preacher, inviting the general assembly of Virginia to pass a law for the immediate or gradual emancipation of all slaves. For this they sought the signature of freeholders. And yet in June the conference thought it prudent to suspend the minute concerning slavery on account of the great opposition given it, "our work," they said, "being in too infantile a state to push things to extremity."

Bancroft, Hist. of the U.S., vol.6, p.163

The Methodist itinerant ministers learned to love more and more "a romantic way of life," "the preaching to large congregations in the midst of great forests with scores of horses tied to the trees." They had delight in the beauties of Nature, and knew how to extract "from them all the sweetness they are capable of yielding." The Methodists did not come to rend an empire in twain, nor to begin a long series of wars which should shatter the civil and the religious hierarchies of former centuries, nor to tumble down ancient orders by some new aristocracy of the elect. Avoiding metaphysical controversy and wars of revolution, they came in an age of tranquillity when the feeling for that which is higher than man had grown dull; and they claimed it as their mission to awaken conscience, to revive religion, to substitute glowing affections for the calm of indifference. They stood in the mountain forests of the Alleghanies and in the plains beyond them, ready to kindle in emigrants, who might come without hymn-book or bible, their own vivid sense of religion; and their leaders received from all parts, especially from Kentucky, most cheering letters concerning the progress of the cause in the "new western world." At peace with the institutions of the country in which they prospered, they were the ready friends to union.

Bancroft, Hist. of the U.S., vol.6, p.164

America was most thoroughly a Protestant country. The whole number of Catholics within the thirteen states, as reported by themselves, about the year 1784, was thirty-two thousand five hundred. Twenty thousand, of whom eight thousand were slaves, dwelt in Maryland. The four southernmost states had but two thousand five hundred; New England but six hundred; New York and New Jersey, collectively, only seventeen hundred. Pennsylvania and Delaware, lands of tolerance, had seven thousand seven hundred. The French Catholics settled between the western boundary of the states and the Mississippi were estimated at twelve thousand more.

Bancroft, Hist. of the U.S., vol.6, p.164

The rancor of the Jesuits against the house of Bourbon for exiling them from France and Spain was relentless. The Roman Catholic clergy in the insurgent British colonies had been superintended by a person who resided in London; and during the war they were directed by Jesuits who favored the British. The influences which in South America led to most disastrous results for Spain were of little consequence in the United States. It was Franklin's desire to do away with this influence unfriendly to France. The Roman see proceeded with caution; and a letter from its nuncio at Paris, on the appointment of a bishop in the United States, was communicated to congress. In May 1784 they, in reply, expressed a readiness to testify respect to the sovereign and the state represented by the nuncio, but, disavowing jurisdiction over a purely spiritual subject, referred him to the several states individually.

Bancroft, Hist. of the U.S., vol.6, p.165

The British crown, and, at a later period, British legislation, had arbitrarily changed the grants of territory held under the several colonial charters. Nearly three years before the preliminary treaty of peace, New York, to facilitate union among the United States of America, led the way of relinquishing pretensions to any part of the lands acquired by the treaty of peace. Virginia, which had a better claim to western territory, resigned it for the like purpose, reserving only a tract between the Scioto and the Miami as an indemnity for the expenses of its conquest. Massachusetts persisted in no claim except to the ownership of lands in New York. The charter of Connecticut carried its line all the way to the Pacific ocean; with great wariness Roger Sherman, so Grayson relates, connected the cession of the claims of his state with the reserve of a district in the north-east of Ohio. The right of Connecticut to a reservation was denied by Grayson, and, in Sherman's absence from congress, stoutly and successfully defended by Johnson. A small piece of land between the line of New York and the eastern line of the Connecticut reserve remained to the United States. Pennsylvania purchased the land and obtained of congress a willing cession of the jurisdiction, thus gaining access to the lake and the harbor of Erie. South Carolina had certain undefined rights to territory in the West; she ceded them without qualification to the United States. The rights of Virginia, North Carolina, and Georgia to extend to the Mississippi, like the right of Massachusetts to the lands in Maine, were unquestioned. In this manner the public domain, instead of exciting animosities and conflicting claims between rival states or between individual states and the general interest, served only to bind the members of the confederacy more closely together by securing one vast territory in the West extending from the Ohio to the Lake of the Woods, to be filled, under the laws of the United States, alike by emigrants from them all.

Bancroft, Hist. of the U.S., vol.6, p.166

A more serious matter was that of the customs. New cork had yielded to the temptation to establish a custom-house for the sole benefit of its own treasury. Richard Henry Lee taught the authors of the measure that they were defending the rights of the states, and preserving congress from the corrupting influence of an independent revenue. Comforted by these opinions of an eminent statesman whom congress had raised to its presidency, New York persisted in treating the revenue levied on the commerce of its port as its own; and here was a real impediment to union.

Bancroft, Hist. of the U.S., vol.6, p.166

Sadder was the institution of slavery; for the conflicting Opinions and interests involved in its permanence could never be reconciled.

Chapter 6:

State Laws Impairing the Obligation of Contracts

Prove the Need of an Overruling Union,

Before May 1787

Bancroft, Hist. of the U.S., vol.6, p.167

A BRILLIANT artist has painted Fortune as a beautiful woman enthroned on a globe, which for the moment is at rest, but is ready to roll at the slightest touch. A country whose people are marked by inventive genius, industry, and skill, whose immense domain is exuberantly fertile, whose abounding products the rest of the world cannot dispense with, may hold her fast, and seat her immovably on a pedestal of four square sides.

Bancroft, Hist. of the U.S., vol.6, p.167

The thirteen American states had a larger experience of the baleful consequences of paper money than all the world besides. As each of them had a legislation of its own, the laws were as variant as they were inconvenient and unjust. The shilling had differing rates from its sterling value to an eighth of a dollar. The confusion in computing the worth of the currency of one state in that of another was hopelessly increased by the laws, which discriminated between different kinds of paper issued by the same state; so that a volume could hardly hold the tables of the reciprocal rates of exchange. Moreover, any man loaning money or making a contract in his own state or in another, was liable at any time to loss by some fitful act of separate legislation. The necessity of providing effectually for the security of private rights and the steady dispensation of justice, more, perhaps, than anything else, brought about the new constitution.

Bancroft, Hist. of the U.S., vol.6, p.168

No sooner had the cry of the martyrs of Lexington reached Connecticut than its legislature put forth paper money for war expenses, and continued to do so till October 1777. These were not made legal tender in private transactions, and there were no other issues till 1780.

Bancroft, Hist. of the U.S., vol.6, p.168

In October of that year the legislature of the state, once for all, interposed itself between the creditor and debtor. It discriminated between contracts that were rightly to be paid in gold and silver and contracts understood to be made in paper currency, whether of the continent or of the state. A pay-table for settling the progressive rate of depreciation was constructed; and, to avoid the injustice which might come from a strict application of the laws, it gave to the court authority through referees, or, if either party refused a reference, by itself, to take all circumstances into consideration, and to determine the case according to the rules of equity.

Bancroft, Hist. of the U.S., vol.6, p.168

In this wise the relations between debtor and creditor in Connecticut were settled summarily and finally, and no room left for rankling discontent. The first of the New England states to issue paper money on the sudden call to arms was the first to return to the use of coin. The wide-spread movements of 1786 for the issue of paper money never prevailed within its borders. Its people, as they were frugal, industrious, and honest, dwelt together in peace, while other states were rent by faction.

Bancroft, Hist. of the U.S., vol.6, p.168

Massachusetts, after the downfall of the continental paper, returned to the sole use of gold and silver in contracts; but its statesmen had before them a most difficult task, for the people had been tempted by the low prices of foreign goods to run into debt, and their resources, from the interruption of their sale of ships and fish-oil in England, of fish and lumber in the British West Indies, and from the ruin of home manufacturers by the cheapness of foreign goods, were exhausted. While it established its scale of depreciation, it did not, like Connecticut, order an impartial and definitive settlement between the creditor and debtor, but dallied with danger. In July 1782 it allowed, for one year, judgments to be satisfied by the tender of neat cattle or other enumerated articles at an appraisement; but the creditor had only to wait till the year should expire. Repeated temporary stay-laws gave no real relief; they flattered and deceived the hope of the debtor, exasperating alike him and his creditor. But when, in May 1786, a petition was presented from towns in Bristol county for an emission of paper money, out of one hundred and eighteen members in the house of representatives, it received only nineteen votes, and only thirty-five out of one hundred and twenty-four supported the plan of making real and personal estate a tender on an appraisement in discharge of an execution.

Bancroft, Hist. of the U.S., vol.6, p.169

In like manner New Hampshire, after the peace, shunned the emission of paper money. Its people suffered less than Massachusetts, because they were far less in debt.

Bancroft, Hist. of the U.S., vol.6, p.169

Alone of the New England states, Rhode Island, after the peace, resumed the attempt to legislate value into paper. The question had divided the electors of the state into political parties; the farmers in the villages were arrayed against the merchants and traders of the larger towns; and in May 1786, after a hard contest, the party in favor of paper money, with John Collins for governor, came into power.

Bancroft, Hist. of the U.S., vol.6, p.169

In all haste the legislature authorized the issue of one hundred thousand pounds to be loaned out to any man of Rhode Island at four per cent for seven years, after which one seventh was to be repaid annually. These bills were made a legal tender except for debts due to charitable corporations. A large part of the debt of the state was paid in them.

Bancroft, Hist. of the U.S., vol.6, p.169

To escape the very heavy fine for refusing to sell goods for paper as the full equivalent of specie, the merchants of Newport closed their shops. The act speedily provoked litigation. In September a complaint was made against a butcher for refusing to receive paper at par in payment for meat. The case was tried before a full bench of the five judges. Varnum in an elaborate argument set forth the unconstitutionality of the law and its danger as a precedent. Goodwin answered that it conflicted with nothing in the charter, which was the fundamental law of Rhode Island. Judge Howell the next morning, delivering the unanimous opinion of the court, declared the acts unconstitutional and void, and dismissed the case as not within the jurisdiction of the court. At the decision, one universal shout of joy rang through the court-house. The assembly of Rhode Island summoned the judges to assign the reasons for their judgment. Three of the five obeyed the summons. At the next session of the legislature Howell, with two associates, defended the opinion of the bench and denied the accountability of the supreme judiciary to the general assembly. The assembly resolved that no satisfactory reasons had been rendered by the bench for its judgment, and discharged them from further attendance.

Bancroft, Hist. of the U.S., vol.6, p.170

New York successfully extricated itself from the confusion of continental and state paper money; but in April of the fatal year 1786 its legislature, after long debates, made remarkable by the remonstrances of Duer, voted to emit two hundred thousand pounds in bills of credit. The money so emitted was receivable for duties, and was made a legal tender in all suits.

Bancroft, Hist. of the U.S., vol.6, p.170

In the council of revision strong but not successful objections were raised. Livingston, the chancellor, set forth that a scarcity of money can be remedied only by industry and economy, not by laws that foster idleness and dissipation; that the bill, under the appearance of relief, would add to the distress of the debtor; that it at the same instant solicited and destroyed credit; that it would cause the taxes and debts of the state to the United States to be paid in paper. Hobart, one of the justices, reported that it would prove an unwarrantable interference in private contracts, and to this objection Livingston gave his adhesion. Morris, the chief justice, objected to receiving the bills in the custom-house treasury as money, and held that the enactment would be working iniquity by the aid of law; but a veto was not agreed upon.

Bancroft, Hist. of the U.S., vol.6, p.170

Livingston, the governor of New Jersey, communicating to its legislature, in May 1783, the tidings of peace, said: "Let us show ourselves worthy of freedom by an inflexible attachment to public faith and national honor; let us establish our character as a sovereign state on the only durable basis of impartial and universal justice. "The legislature responded to his words by authoring the United States to levy the duty on commerce which had been required, and by making a provision for raising ninety thousand pounds by taxation for the exigencies of the year. In settling debts it gave legal power to the court and jury to decide the case to the best of their knowledge, agreeably to equity and good conscience. But in the following December it returned to paper money, and sanctioned the issue of more than thirty-one thousand pounds to supply the quota of the state for the year.

Bancroft, Hist. of the U.S., vol.6, p.171

In the conflict, the arguments against paper money were stated so fully and so strongly, that later writers on political economy have added nothing to the practical wisdom of the thoughtful men of that day; and yet in 1786 a bill for the emission of one hundred thousand pounds marched in triumph through its assembly, which sat with closed doors. The money was a tender; if it was refused, the debt was suspended for twelve years. In the mean time the act of limitation continued in force, and in effect destroyed it. In the council the bill was lost by eight voices to five. In consequence of this check, the effigy of Livingston, the aged governor, was drawn up to the stake near Elizabethtown, but not consigned to the flames from reverence for the first magistrate of the commonwealth; that of a member of the council was burned. In May the governor and council thought proper to yield, and the bill for paper money became a law. A law for paying debts in lands or chattels was repealed within eight months of its enactment.

Bancroft, Hist. of the U.S., vol.6, p.171

The opulent state of Pennsylvania by a series of laws emerged from the paper currency of the war. But, in December 1784, debts contracted before 1777 were made payable in three annual instalments. In 1785 one hundred and fifty thousand pounds were issued in bills of credit, to be received as gold and silver in payments to the state; and fifty thousand pounds were emitted in bills of credit on loan. The bank of the United States refusing to receive these bills as of equal value with its own, its act of incorporation by the state was repealed.

Bancroft, Hist. of the U.S., vol.6, p.172

In February 1785 Delaware called in all its outstanding bills of credit, whether emitted before or since the declaration of independence, with orders for redeeming them at the rate of one pound for seventy-five. After six months they would cease to be redeemable.

Bancroft, Hist. of the U.S., vol.6, p.172

Maryland, in its June session of 1780, emitted thirty thousand pounds sterling to be a legal tender for all debts and contracts. In the same session it was enacted that all contracts expressed in writing to be in specie were to be paid in specie. In 1782 it enacted a stay-law extending to January 1784, and during that time the debtor might make a tender of slaves, or land, or almost anything that land produced; but the great attempt in 1786 to renew paper money, though pursued with the utmost violence and passion, and carried in the assembly, was successfully held in check by the senate.

Bancroft, Hist. of the U.S., vol.6, p.172

Georgia, in August 1782, stayed execution for two years from and after the passing of the act. In February 1785 its bills of credit were ordered to be redeemed in specie certificates, at the rate of one thousand for one. This having been done, in August of the next year fifty thousand pounds were emitted in bills of credit, which were secured "by the guaranteed honor and faith" of the state, and by a mortgage on a vast and most fertile tract of public land.

Bancroft, Hist. of the U.S., vol.6, p.172

South Carolina attracted special attention. In February 1782 that state repealed its laws making paper money a legal tender. Twenty days later the commencement of suits was suspended till ten days after the sitting of the next general assembly. The new legislature, in March 1783, established, as in other states, a table of depreciation, so that debts might be discharged according to their real value at the time of the original contract. On the twenty-sixth day of March 1784 came the great ordinance for the payment of debts in four annual instalments, beginning on the first day of January 1786; but before the arrival of the first epoch a law of October 1785, which soon became known as the "barren land law," authorized the debtor to tender to the plaintiff such part of his property, real or personal, as he should think proper, even though it were the very poorest of his estate, and the creditor must accept it at three fourths of its appraised value. Simultaneously with this act South Carolina issued one hundred thousand pounds in bills of credit, to be loaned at seven per cent. The period for the instalments was renewed and prolonged.

Bancroft, Hist. of the U.S., vol.6, p.173

During the war, North Carolina made lavish use of paper money. In April 1783, after the return of peace, it still, under various pretences, put into circulation one hundred thousand pounds—the pound in that state being equal to two and one half Spanish milled dollars; and in the same session, but after much debate, suits were suspended for twelve months. The town of Edenton, using the words of James Iredell, instructed their representatives and senator in these words: "We earnestly entreat, for the sake of our officers and soldiers, as well as our own and that of the public at large, that no more paper money under any circumstances may be made, and that, as far as possible, the present emission may be redeemed and burned. But the protest availed nothing. In November 1785, one hundred thousand pounds paper currency were again ordered to be emitted, and to be a lawful tender in all payments whatever. So, while the confederation was gasping for life, the finances of North Carolina, both public and private, were threatened with ruin by an irredeemable currency.

Bancroft, Hist. of the U.S., vol.6, p.173

The redemption of the country from the blight of paper money depended largely on Virginia. The greatest state in the union, resisting the British governor and forces at the outbreak of the revolution, conquering the North-west, the chief reliance of the army of Greene at the South, the scene of the war in its last active year, Virginia far exceeded any other state in its emission of millions in paper money. After the victory at Yorktown, it ceased to vote new paper money. The old was declared to be no longer receivable, except for the taxes of the year, and it was made redeemable in loan office certificates at the rate of one thousand for one. In retaliation for the most wanton destruction of property, British debts were not recoverable in the courts. For others it constructed a scale of depreciation in the settlement of contracts made in the six years following the first of January 1777. It had stay-laws. For a short time it allowed executions to be satisfied by the tender of tobacco, flour, and hemp at a price to be settled every month by county courts. For a year or two lands and negroes might be tendered on judgments, but every contract made since the first of January 1782 was to be discharged in the manner specified by the contract. So Virginia returned to the use of coin. But in 1785 rumors went abroad that the assembly was resolved to issue a paper currency. George Mason, then in private life, scoffed at solemnly pledging the public credit which had so often been disregarded, and declared that, though they might pass a law to issue paper money, twenty laws would not make the people receive it. At the end of the session Madison could write to Jefferson that, though the desire of paper money had discovered itself, "no overt attempt was made!"

Bancroft, Hist. of the U.S., vol.6, p.174

It became known that Meriwether Smith and others, aided by an unfavorable balance of trade and the burden of heavy taxation, would at the next session move for a paper medium. Aware of the danger, Washington insisted that George Mason should be a candidate for the assembly; and his election proved a counterpoise to the popular cry. Again, quoting from his own circular of June 1783, that "honesty will be found, on every experiment, the best policy," he encouraged Bland to firmness. The subject of paper money was introduced in October 1786 by petitions from two counties, was faintly supported by "a few obscure patrons," was resisted as an encouragement to "fraud in states against each other," and "as a disgrace to republican governments in the eyes of mankind;" then, by eighty-five against seventeen, it was voted to be "unjust, impolitic, destructive of public and private confidence, and of that virtue which is the basis of republican government." The words show the mind and hand of Madison.

Bancroft, Hist. of the U.S., vol.6, p.175

There was need of a new bill on the district courts, but it was clogged with the proposal for the payment of private debts in three annual instalments. Madison held that "no legislative principle could vindicate such an interposition of the law in private contracts," and the bill was lost, though but by one vote. The taxes of the year were allowed to be paid in tobacco as "a commutable." "These, and such like things," such was the unbending criticism of Washington, "are extremely hurtful, and may be reckoned among the principal sources of the evils and the corruption of the present day; and this, too, without accomplishing the object in view, for, if we mean to be honest, debts and taxes must be paid with the substance and not the shadow."

Bancroft, Hist. of the U.S., vol.6, p.175

Excusing the Legislature, Madison answered: "The original object was paper money; petitions for graduated certificates succeeded; next came instalments, and lastly a project for making property a tender for debts at four fifths of its value; all these have been happily got rid of by very large majorities."

Bancroft, Hist. of the U.S., vol.6, p.175

The mind of the country bent itself with all its energy to root out the evils of paper money, and establish among the states one common rule by which the obligation of contracts might be preserved unimpaired. No remedy would avail that did not reach them all. They found that for the scarcity of money there were but two remedies: frugality to diminish the need of it, and increased industry to produce more of it. They found that paper money drives specie away; that every new issue hastens its disappearance, destroying credit and creating a famine of money; that every penalty for the refusal to accept paper money at par lowers its worth, and that the heavier the penalty the more sure is the decline. They saw the death-blow that is given to credit, when confidence, which must be voluntary, is commanded by force. They saw that the use of paper money robs industry, frugality, and honesty of their natural rights in behalf of spendthrifts and adventurers. Grayson held that paper money with a tender annexed to it is in conflict with that degree of security to property which is fundamental in every state in the union. He further thought that "congress should have the power of preventing states from cheating one another, as well as their own citizens, by means of paper money."

Bancroft, Hist. of the U.S., vol.6, p.176

Madison classified the evils to be remedied under the four heads of depreciated paper as a legal tender, of property substituted for money in payment of debts, of laws for paying debts by instalments, and "of the occlusion of the courts of justice." To root out the dishonest system effectually, he held it necessary to give the general government not only the right to regulate coin as in the confederation, but to prevent interference with state, inter-state, and foreign contracts by separate legislation of any state. The evil was everywhere the subject of reprobation; the citizens of Massachusetts, as we learn from one of its historians, complained of "retrospective laws;" Pelatiah Webster of Philadelphia set forth that "these acts alter the value of contracts," and William Paterson of New Jersey, one of the best writers of that day on the subject, pointed out that "the legislature should leave the parties to the law under which they contracted."

Bancroft, Hist. of the U.S., vol.6, p.176

For resisting reform, Rhode Island and North Carolina were likely to be the foremost; for demanding it, and for persisting in the demand, Connecticut had the most hopeful record. Among the statesmen to whom the country might look in the emergency, no one had been more conspicuous or more efficient than Madison; but Roger Sherman had all the while been a member of the superior court of his own state, and so by near observation under great responsibility had thoroughly studied every aspect of the obligation of contracts.

Chapter 7:

Congress Confesses Its Helplessness,

1783-1786

Bancroft, Hist. of the U.S., vol.6, p.177

"AT length," so wrote Washington to Lafayette in 1783, "I am become a private citizen on the banks of the Potomac, solacing myself with tranquil enjoyments, retiring within myself, able to tread the paths of private life with heartfelt satisfaction, envious of none, determined to be pleased with all; and, this being the order for my march, I will move gently down the stream of life till I sleep with my fathers." The French minister, Luzerne, who visited Washington a few weeks after his return to private life, "found him attired in a plain gray suit like a Virginia farmer." "To secure the happiness of those around him appeared to be his chief occupation." His country with one voice acknowledged that but for him its war of revolution must have failed. His glory pervaded the world, and the proofs of it followed him to his retirement.

Bancroft, Hist. of the U.S., vol.6, p.177

Houdon, the great French sculptor of his day, moved more by enthusiasm for him than by the expected compensation for making his statue, came over with his assistants to Mount Vernon to take a mould of his person, to study his countenance, to watch his step as he walked over his fields, his attitude as he paused; and so he has preserved for posterity the features and the form of Washington.

Bancroft, Hist. of the U.S., vol.6, p.177

Marie Antoinette added words of her own to those of the king of France, who invited him to visit them. Luzerne pressed the invitation as the heartfelt desire of the French people. "Come to France," wrote Rochambeau, speaking the wish of all the French officers who had served in America; "come, and, in a country which honors you, be assured of a reception without example, after a revolution which has not its like in history." But his presence was needed at home to retrieve his affairs from the confusion consequent on his long service in the war, during which he not only refused all pay, but subscribed what he could to the public loans. Of these the amount of the principal had been reduced, and the interest, proportionately reduced, was paid in paper almost worthless. Moreover, persons indebted to him had seized their Opportunity to pay him in depreciated continental bills.

Bancroft, Hist. of the U.S., vol.6, p.178

His estate, than which "no one in United America" seemed to him "more pleasantly situated," consisted of over nine thousand acres, for the most part of a grayish clay soil, lying on the south bank of the Potomac, and having, on the east and west, rivulets which rose and fell with the tides, and which, like the main stream, abounded in fish. He would gladly have found a tenant for two thirds of it at an annual rent of three thousand dollars; but was obliged to retain the management of the whole.

Bancroft, Hist. of the U.S., vol.6, p.178

His unpretending mansion, with rooms of low ceilings, and neither many nor large, was well placed on a high bank of the river. For beautifying the grounds around it, he would ride in the fine season into the forests and select great numbers of well-shaped trees and shrubs, elms and live-oaks, the pines and the hemlock, holly-trees and magnolias, the red-bud, the thorn, and many others, and would transplant them in the proper season. His orchard he filled with the best cherries and pears and apples.

Bancroft, Hist. of the U.S., vol.6, p.178

At the end of a year and a half he had not been able "to rescue his private concerns from the disorder into which they had been thrown by the war," though success in the effort was become absolutely necessary for his support." After he had been at home for two seasons, his inventory showed of horses one hundred and thirty, of cattle three hundred and thirty-six, of sheep two hundred and eighty-three; the hogs were untold, but on one winter's day a hundred and twenty-eight were killed, weighing more than seventeen thousand pounds. His "negroes," in February 1786, numbered two hundred and sixteen. No one of them was willing to leave him for another master. As it was his fixed rule never either to buy or to sell a slave, they had the institution of marriage and secure relations of family. The sick were provided with the best medical attendance; children, the infirm, and the aged were well cared for. Washington was but the director of his community of black people in their labor, mainly for their own subsistence. For the market they produced scarcely anything but "a little wheat;" and after a season of drought even their own support had to be eked out from other resources; so that, with all his method and good judgment, he, like Madison of a later day, and in accord with common experience in Virginia, found that where negroes continued on the same land and they and all their increase were maintained upon it, their owner would gradually become more and more embarrassed or impoverished. As to bounty lands received for service in the seven years' war and his other domains beyond the Alleghany, he "found distant property in lands more pregnant of perplexities than profit." His income, uncertain in its amount, was not sufficient to meet his unavoidable expenses, and he became more straitened for money than he had ever been since his boyhood; so that he was even obliged to delay paying the annual bill of his physician, to put off the tax-gatherer once and again, and, what was harder, to defer his charities; for, while it was his habit to conceal his gifts, he loved to give, and to give liberally.

Bancroft, Hist. of the U.S., vol.6, p.179

Toward the runaway slave Washington was severe. He wished that the northern states would permit men of the South to travel in them with their attendants, though they might be slaves; and he earnestly disapproved of the interposition of the philanthropist between the slave and his holder; but, while expressing these opinions, he took care to write, most emphatically, that no one more desired universal emancipation than himself. He pressed his conviction upon the leading politicians in Virginia that the gradual abolition of slavery " certainly might, and assuredly ought to, be effected and that, too, by legislative authority." When Coke and Asbury, the first superintendents of the Methodists, asked him to aid their petition to the Virginia legislature for an act of universal emancipation, he told them frankly that "he was of their sentiments, and, should this petition be taken into consideration, he would signify it to the assembly in a letter." Finding that the legislature of the state would not entertain a motion to do away with slavery, he sought to devise practicable plans for emancipating his own negroes and providing for himself and them; not succeeding, he secured their enfranchisement by his will.

Bancroft, Hist. of the U.S., vol.6, p.180

The hardships of the camp had worn upon his constitution, and he was persuaded that he would not live to great age. The price of health to him from day to day was to pass much of the time in the open air, especially on horseback. Receiving from Europe gifts of the best fox-hounds, he would join in the chase, sometimes came in first, but delighted most in a good run when every one was present at the death.

Bancroft, Hist. of the U.S., vol.6, p.180

It was his earliest care at Mount Vernon to arrange his papers relating to the war for the use of the historian. Being asked to write his commentaries, he answered: "If I had talents for it, the consciousness of a defective education, and a certainty of a want of time, unfit me for such an undertaking."

Bancroft, Hist. of the U.S., vol.6, p.180

Every one agreed that Washington's "character was perfectly amiable." In his retirement he so practiced all the virtues of private life that the synod of the Presbyterians held him up to the world as the example of purity. To use the words of one who knew him well, "The breath of slander never breathed upon him in his life nor upon his ashes." He was generous to the extent of his means and beyond them. Young persons who came under his control or his guardianship he taught method in their expenses, and above all he inculcated on them the duty of husbanding their means so as to be always able and ready to give.

Bancroft, Hist. of the U.S., vol.6, p.181

Washington was from his heart truly and deeply religious. His convictions became more intense from the influence of the great events of his life on his character. As he looked back upon the thick-set dangers through which he had steered, we know from himself that he could not but feel that he had been sustained by "the all-powerful guide and dispenser of human things." Of the Protestant Episcopal Church, he belonged decidedly to the party of moderation, and "had no desire to open a correspondence with the newly ordained bishop" of Connecticut. Not a metaphysician nor an analyzer of creeds, his religious faith came from his experience in action. No man more thoroughly believed in the overruling Providence of a just and almighty power; and as a chemist knows that the leaf for its greenness and beauty and health needs the help of an effluence from beyond this planet, so Washington beheld in the movements of nations a marshalling intelligence which is above them all, and which gives order and unity to the universe.

Bancroft, Hist. of the U.S., vol.6, p.181

Like almost every great warrior, he hated war, and wished to see that plague to mankind banished from the earth. "I never expect to draw my sword again," he said in 1785 to one of the French officers who had served in America. "I can scarcely conceive the cause that would induce me to do it. My first wish is to see the whole world in peace, and its inhabitants one band of brothers striving who should contribute most to the happiness of mankind." "As a citizen of the great republic of humanity," such are his words, "I indulge the idea that the period is not remote when the benefits of free commerce will succeed the devastations and horrors of war." He loved to contemplate human nature in the state of progressive amelioration. His faith in Providence led him to found that hope on the belief that justice has a strength of its own which will by degrees command respect as the rule for all nations.

Bancroft, Hist. of the U.S., vol.6, p.182

He wished success to every people that were struggling for better days. Afflicted by the abject penury of the mass of the Irish, he gave them his sympathies. A hope dawned of renewed national life for the Greeks. He could scarcely conceive that the Turks would be permitted to hold any of their possessions in Europe.

Bancroft, Hist. of the U.S., vol.6, p.182

He welcomed with enthusiasm the approach of the French revolution, and at an early day pointed out the danger that menaced the king and his only avenue of safety; saying: "His Most Christian Majesty speaks and acts in a style not very pleasing to republican ears or to republican forms, nor to the temper of his own subjects at this day. Liberty, where it begins to take root, is a plant of rapid growth; the checks he endeavors to give it, however warranted by ancient usage, will more than probably kindle a flame which may not be easily extinguished, though it may be smothered for awhile by the armies at his command and the nobility in his interest. When a people are oppressed with taxes, and have cause to believe that there has been a misapplication of the money, they ill brook the language of despotism."

Bancroft, Hist. of the U.S., vol.6, p.182

To Lafayette, whose desire to signalize himself he well understood, he said: "Great moderation should be used on both sides; I caution you against running into extremes and prejudicing your cause."

Bancroft, Hist. of the U.S., vol.6, p.182

In foreign affairs Washington inclined neither to France nor to England; his system of politics was impartially American. At home he was devoted to no state, to no party. His mind, though he was of Virginia, was free from any bias, northern or southern, the allegiance of his heart being given to United America.

Bancroft, Hist. of the U.S., vol.6, p.182 - p.183

At Mount Vernon, on the twenty-eighth of March 1785, the joint commissioners of the two states divided by the Potomac, George Mason and Alexander Henderson of Virginia, Daniel of St. Thomas Jenifer, Thomas Stone, and Samuel Chase of Maryland, met under the auspices of Washington. As his near neighbor, intimate friend, and old political associate, Mason submitted to his influence and entered with zeal and a strong sense of duty into the movements that led to union.

Bancroft, Hist. of the U.S., vol.6, p.183

The commissioners prepared the terms of a compact between the two states for the jurisdiction over the waters of the Chesapeake bay and the rivers that were common to both states; and, conforming to the wishes of Washington, they requested Pennsylvania to grant the free use of the branches of the Ohio within its limits, for establishing the connection between that river and the Potomac.

Bancroft, Hist. of the U.S., vol.6, p.183

The primary object of their commission being fulfilled, they took up matters of general policy, and recommended to the two states a uniformity of duties on imports, a uniformity of commercial regulations, and a uniformity of currency. George Mason was charged with the report of their doings to the legislature of his state.

Bancroft, Hist. of the U.S., vol.6, p.183

When the assembly of Virginia came together, congress and the country were rent by the question of investing congress with an adequate power over trade. The eastern and middle states were zealous for the measure; the southern were divided; Pennsylvania had established duties of its own, with the avowed object of encouraging domestic manufactures; South Carolina was deliberating on the distresses of her commerce. In the assembly of Virginia, in which there was a great conflict of opinion, Madison spoke for the grant of power as fraught with no danger to the liberties of the states, and as needful in order to conduct the foreign relations, to arrest contention between the states, to prevent enactments of one state to the injury of another, to establish a system intelligible to foreigners trading with the United States, to counteract the evident design of Great Britain to weaken the confederacy, and to preserve the federal constitution, which, like all other institutions, could not remain long after it should cease to be useful. The dissolution of the union would be the signal for standing armies in the several states, burdensome and perpetual taxes, clashing systems of foreign politics, and an appeal to the sword in every petty squabble. Washington being invited to offer suggestions, answered: "The proposition is self-evident. We are either a united people or we are not so. If the former, let us in all matters of general concern act as a nation which has a national character to support." "If the states individually attempt to regulate commerce, an abortion or a many-headed monster would be the issue. If we consider ourselves or wish to be considered by others as a united people, why not adopt the measures which are characteristic of it, and support the honor and dignity of one. If we are afraid to trust one another under qualified powers, there is an end of the union."

Bancroft, Hist. of the U.S., vol.6, p.184

The house was disposed to confide to congress a power over trade; but, by the stratagem of the adversaries of the resolutions, the duration of the grant was limited to thirteen years. This limitation, which was reported on the last day of November, took from the movement all its value. "It is better," so wrote Madison to Washington, "to trust to further experience, and even distress, for an adequate remedy than to try a temporary measure which may stand in the way of a permanent one. The difficulty now found in obtaining a unanimous concurrence of the states in any measure must increase with every increase of their numbers."

Bancroft, Hist. of the U.S., vol.6, p.184

All was at a stand, when suddenly a ray of light was thrown upon the assembly by Maryland. On the fifth of December the adhesion of that state to the compact relating to the jurisdiction of the waters of Chesapeake bay and the Potomac was laid before Virginia, which without delay enacted a corresponding law of equal liberality and precision. The desire of Maryland was likewise announced to invite the concurrence of Delaware and Pennsylvania in a plan for a canal between the Chesapeake and the Delaware; "and if that is done," said Madison, "Delaware and Pennsylvania will wish the same compliment paid to their neighbors." But the immediate measure of Maryland was communicated in a letter from its legislature to the legislature of Virginia, proposing that commissioners from all the states should be invited to meet and regulate the restrictions on commerce for the whole. Madison instantly saw the advantage of "a politico-commercial commission" for the continent.

Bancroft, Hist. of the U.S., vol.6, p.185

Tyler, the late speaker of the house, "wished congress to have the" entire "regulation of trade." In concert with him, a resolution was drafted by Madison for the appointment of commissioners from Virginia and all the other states to digest a report for the requisite augmentation of the powers of congress over trade, their report to be of no force until it should be unanimously ratified by the several states. Madison kept in reserve. Tyler, who, having never served in the federal council, was free from every suspicion of inclining to grant it too much power, presented the resolution. It was suffered to lie on the table till the last day in the session; then, on the twenty-first of January 1786, it went through both branches of the legislature by a large majority. Among the commissioners who were chosen, Madison was the first selection on the part of the house. The commissioners named the first Monday of September for the day of their meeting, and Annapolis as the place, on account of its remoteness from the influences of congress and the centres of trade. The invitations to the states were made through the executive of Virginia.

Bancroft, Hist. of the U.S., vol.6, p.185

On the twenty-second Madison wrote to Monroe: "The expedient is better than nothing; and, as a recommendation of additional powers to congress is within the purview of the commission, it may possibly lead to better consequences than at first occur."

Bancroft, Hist. of the U.S., vol.6, p.185

The sixth congress could not be organized until the twenty-third of November 1785, when, seven states being present, David Ramsay of South Carolina was elected president. For the half of December not states enough were present to do business. So soon as there was a permanent quorum, it was agreed that the confederation had its vices, and the question of policy was: Shall these vices be corrected gradually through congress, or at once and completely through a convention? Just seventeen days after Virginia had invited the states to a common consultation at Annapolis, Charles Pinckney of South Carolina, in a motion of very great length, ascribed the extension of the commerce and the security of the liberties of the states to the joint efforts of the whole: "They have, therefore," he insisted, "wisely determined to make the welfare of the union their first object, reflecting that in all federal regulations something must be yielded to aid the whole, and that those who expect support must be ready to afford it." The motion, after being under discussion for two days, was referred to a committee of five. On the fifteenth, King, Pinckney, Kean, Monroe, and Pettit, representatives of South Carolina and the three great states, reported: "The requisitions of congress, for eight years past, have been so irregular in their operation, so uncertain in their collection, and so evidently unproductive, that a reliance on their in future as a source from whence moneys are to be drawn to discharge the engagements of the confederacy would be not less dishonorable to the understandings of those who entertain such confidence than dangerous to the welfare and peace of the union. The committee are, therefore, seriously impressed with the indispensable obligation that congress are under of representing to the immediate and impartial consideration of the several states the utter impossibility of maintaining and preserving the faith of the federal government by temporary requisitions on the states, and the consequent necessity of an early and complete accession of all the states to the revenue system of the eighteenth of April 1783." "After the most solemn deliberation, and under the fullest conviction that the public embarrassments are such as above represented, and that they are daily increasing, the committee are of opinion that it has become the duty of congress to declare most explicitly that the crisis has arrived when the people of these United States, by whose will and for whose benefit the federal government was instituted, must decide whether they will support their rank as a nation by maintaining the public faith at home and abroad; or whether, for want of a timely exertion in establishing a general revenue and thereby giving strength to the confederacy, they will hazard not only the existence of the union, but of those great and invaluable privileges for which they have so arduously and so honorably contended."

Bancroft, Hist. of the U.S., vol.6, p.187

This congress put itself on trial before the country, and the result of the year was to decide on their competency to be the guardians of the union and the upholders of its good faith. They must either exercise negation of self and invite the states to call a general convention, or they must themselves present to the country for its approval an amended constitution, or they must find out how to make their own powers under the confederation work efficiently. Should they fail in all the three, they will have given an irreversible verdict against themselves. The course of events relating to the welfare of the whole was watched by the country more carefully than ever before. Far and wide a general convention was become the subject of thought; and "a plan for it was forming, though it was as yet immature."

Bancroft, Hist. of the U.S., vol.6, p.187

New Jersey, which had all along vainly sought the protection of the general government against the taxation of her people by a local duty levied on all their importations from abroad for their own consumption through the port of New York, at last kindled with a sense of her wrongs, and in a resentful mood, on the twentieth of October voted by a very large majority that she would pay no part of the last requisition of congress until all the states should have accepted the measure of an impost for the benefit of the general treasury. Alarmed at this movement, congress deputed Charles Pinckney, Gorham, and Grayson to represent to the legislature of New Jersey the fatal consequences that must inevitably result to that state and to the union from their refusal to comply with the requisition of the last congress. Grayson looked upon their vote as little else than a declaration of independence. Again Pinckney of South Carolina took the lead, and, in an address to the New Jersey legislature of the thirteenth of March, this was part of his language: "When these states united, convinced of she inability of each to support a separate system and that their protection and existence depended on their union, policy as well as prudence dictated the necessity of forming one general and efficient government, which, while it protected and secured the whole, left to the several states those rights of internal sovereignty which it was not necessary to delegate and which could be exercised without injury to the federal authority. If New Jersey conceives herself oppressed under the present confederation, let her, through her delegates in congress, state to them the oppression she complains of, and urge the calling of a general convention of the states for the purpose of increasing the powers of the federal government and rendering it more adequate for the ends for which it was instituted; in this constitutional mode of application there can be no doubt of her meeting with all the support and attention she can wish. I have long been of opinion that it is the only true and radical remedy for our public defects, and shall with pleasure assent to and support any measure of that kind which may be introduced while I continue a member of that body."

Bancroft, Hist. of the U.S., vol.6, p.188

Pleased with the idea of a general convention, New Jersey recalled its vote, accepted within a week the invitation of Virginia to a convention at Annapolis, elected its commissioners, and empowered them "to consider how far a uniform system in their commercial regulations and OTHER IMPORTANT MATTERS might be necessary to the common interest and permanent harmony of the several states; and to report such an act on the subject as, when ratified by them, would enable the United States in congress assembled effectually to provide for the exigencies of the union."

Bancroft, Hist. of the U.S., vol.6, p.188

"If it should be determined that the reform of the confederation is to be made by a convention," so wrote Monroe at this time to Madison, "the powers of the Virginia commissioners who are to go to Annapolis are inadequate." Explaining why more extended powers had not been given, Madison answered: "The assembly would have revolted against a plenipotentiary commission to their deputies for the convention; the option lay between doing what was done and doing nothing."

Bancroft, Hist. of the U.S., vol.6, p.189

"There have been serious thoughts in the minds of members of congress," wrote Grayson to Madison, "to recommend to the states the meeting of a general convention to consider of an alteration of the confederation, and there is a motion to that effect under consideration. I have not made up my mind whether it is not 'better to bear the ills we have than fly to others we know not of.' I am, however, in no doubt about the weakness of the federal government. If it remains much longer in its present state of imbecility, we shall be one of the most contemptible nations on the face of the earth."

Bancroft, Hist. of the U.S., vol.6, p.189

The subject lingered in congress till the third of May. Then South Carolina for a third time raised her voice, and Charles Pinckney moved that a grand committee be appointed on the affairs of the nation. "It is necessary," he said, "to inform the states of our condition. Congress must be invested with greater powers, or the federal government must fall. It is, therefore, necessary for congress either to appoint a convention for that purpose, or by requisition to call on the states for such powers as are necessary to enable it to administer the federal government." Among some of the defects in the confederation which he enumerated were, the want of powers for regulating commerce, for raising troops, and for executing those powers that were given. Monroe replied: "Congress has full power to raise troops, and has a right to compel compliance with every requisition which does not go beyond the powers with which it is invested by the confederation. All the states but New York have invested congress with commercial powers, and New York is at this time framing an act on the subject. I, therefore, see no occasion for a convention." The discussion was continued at great length, and the matter referred to a committee of the whole. But the discussion brought congress no nearer to the recommendation of a general convention; its self-love refused to surrender any of its functions, least of all on the ground of its own incapacity to discharge them.

Bancroft, Hist. of the U.S., vol.6, p.189

Should congress then of itself lay a revision of the articles of confederation before the states for their acceptance? Here Grayson, surveying his colleagues with a discerning eye, at once convinced himself that congress could never agree on amendments, even among themselves. For himself, he held it essential that the general government should have power to regulate commerce; to prohibit the states from issuing paper money; to prohibit the slave-trade; to fix the site of the government in the centre of the union, that is to say, near Georgetown; and to change the method of voting by states to a vote according to population. Of effecting these reforms he had no hope. He was sure if the question of commerce should be settled, Massachusetts would be satisfied and refuse to go further. "Pinckney, the champion of powers over commerce," he said, "will be astounded when he meets with a proposition to prevent the states from importing any more of the seed of Cain." New York and Pennsylvania would feel themselves aggrieved if, by a national compact, the sessions of congress should always be held in the centre of the empire. Neither Maryland, nor Rhode Island, nor New Jersey, would like to surrender its equal vote for one proportioned to its real importance in the Union. Grayson, therefore, did not "think it would be for the advantage of the union that the convention at Annapolis should produce anything decisive," since it was restricted in its scope to commerce, and the question which he proposed to Madison was: "The state of Virginia having gone thus far, had she not better go further and propose to the other states to augment the powers of the delegates so as to comprehend all the grievances of the union?"

Bancroft, Hist. of the U.S., vol.6, p.190

But Pinckney of South Carolina was not daunted. Failing to secure the vote of congress for a general convention, he next obtained the appointment of a grand committee "to report such amendments to the confederation as it may be necessary to recommend to the several states for the purpose of obtaining from them such powers as will render the federal government adequate to the ends for which it was instituted." Congress, in a committee of the whole, devoted seven days of July and six of August to the solution of the great question, and before the end of August the report, which was made by a sub-committee consisting of Pinckney, Dane, and Johnson, and accepted by a grand committee, received its final amended form.

Bancroft, Hist. of the U.S., vol.6, p.191

To the original thirteen articles of confederation seven new ones were added.

Bancroft, Hist. of the U.S., vol.6, p.191

The United States were to regulate foreign and domestic trade and collect duties on imports, but without violating the constitutions of the states. The revenue collected was to be paid to the state in which it should accrue.

Bancroft, Hist. of the U.S., vol.6, p.191

Congress, on making requisitions on the states, was to fix "the proper periods when the states shall pass legislative acts giving full and complete effect to the same." In case of neglect, the state was to be charged at the rate of ten per cent per annum on its quota in money, and twelve per cent on the ascertained average expenses on its quota of land forces.

Bancroft, Hist. of the U.S., vol.6, p.191

If a state should, for ten months, neglect to pass laws in compliance with the requisition, and if a majority of the states should have passed such laws, then, but not till then, the revenue required by congress was to be apportioned on towns or counties and collected by the collectors of the last state tax. Should they refuse to act, congress might appoint others with similar rights and powers, and with full power and authority to enforce the collections. Should a state, or citizens without the disapproval of the state, offer opposition, the conduct of the state was to be considered "as an open violation of the federal compact."

Bancroft, Hist. of the U.S., vol.6, p.191

Interest was to be allowed on advances by states and charged on arrears.

Bancroft, Hist. of the U.S., vol.6, p.191

A new system of revenue could be established by eleven states out of the thirteen; and so in proportion as the number of states might increase.

Bancroft, Hist. of the U.S., vol.6, p.191

The United States were to have the sole and exclusive power to define and punish treason against them, misprision of treason, piracy or felonies on the high seas, and to institute, by appointments from the different parts of the union, a federal court of seven judges, of whom four would constitute a quorum, to hear appeals from the state courts on matters concerning treaties with foreign powers, or the law of nations, or commerce, or the federal revenues, or important questions wherein the United States should be a party.

Bancroft, Hist. of the U.S., vol.6, p.192

To enforce the attendance of members of congress, a state might punish its faulty delegate by a disqualification to hold office under the United States or any state.

Bancroft, Hist. of the U.S., vol.6, p.192

These resolutions, though most earnestly discussed in congress, were left to repose among its countless reports. They did not offer one effective remedy for existing evils; they never could win a majority in congress; no one fancied that they could obtain the unanimous assent of the states; and, could they have gained it, the articles of confederation would have remained as feeble as before. Still less was it possible for congress to raise an annual revenue. The country was in arrears for the interest on its funded debt, and in the last two years had received not more than half a million dollars in specie from all the states—a sum not sufficient for the annual ordinary charges of the federal government. Pennsylvania had complied with the late requisitions almost with exactitude; Maryland and Virginia had furnished liberal supplies; New York exerted herself, and successfully, by the aid of her custom-house; but Massachusetts and all the other New England states were in arrears, and the three southernmost states had paid little money since the conclusion of the late war. Congress confessed that it could not raise a revenue unless measures were adopted for funding the foreign and domestic debts, and they went back to the system framed by Madison in April 1783; but the success of that measure depended on a unanimous grant of new power to the general government. All the states except New York had assented to the principle of deriving a federal revenue from imports, though the assenting acts of a majority of them still required modifications. Congress saw fit to assume that nothing remained but to obtain the consent of that one state.

Bancroft, Hist. of the U.S., vol.6, p.192 - p.193

In March a meeting of inhabitants of the city of New York unanimously petitioned the legislature to consent to the system which alone could give energy to the union or prosperity to commerce. On the other hand, it was contended that the confederation and the constitution of each state are the foundations which neither congress nor the legislatures of the states can alter, and on which it is the duty of both to build; that the surrender to congress of an independent authority to levy duties would be the surrender of an authority that inheres necessarily in the respective legislatures of each state; that deviation from the fundamental principles of the American constitutions would be ruinous, first, to the liberty of the states, and then to their existence; that congress, already holding in one hand the sword, would hold in the other the purse, and concentrate in itself the sovereignty of the thirteen states; that it is the division of the great republic into different republics of a middling size and confederated laws which save it from despotism.

Bancroft, Hist. of the U.S., vol.6, p.193

The legislature of New York conformed to these opinions, and, while on the fourth of May it imposed the duty of five per cent, it reserved to itself the revenue with the sole right of its collection. Nor was it long before Pennsylvania, which held a large part of the public debt, suspended its adhesion to the revenue plan of congress unless it should include supplementary funds. In August, King and Monroe were dispatched by congress to confer with its legislature. It is on record that the speech of King was adapted to insure applause even from an Attic audience; but the subject was referred to the next assembly.

Bancroft, Hist. of the U.S., vol.6, p.193

Congress joined battle more earnestly with New York. They recommended the executive to convene its legislature immediately for the purpose of granting the impost. The governor made reply: "I have not power to convene the legislature except on extraordinary occasions, and, as the present business has repeatedly been laid before them, and has so recently received their determination, it cannot come within that description." Congress repeated its demand, and it only served to call from Clinton a firm renewal of his refusal. The strife had degenerated into an altercation which only established before the country that congress, though it would not call a convention and could not of itself frame fit amendments to the confederation, had not power to raise an annual revenue for the wants of the government at home, or to rescue the honor of the nation from default in payments of interest on moneys borrowed to secure their independence.

Bancroft, Hist. of the U.S., vol.6, p.194

The need of reform extended equally to the relation of the republic to foreign powers. Congress had no other means of fulfilling its treaty obligations than through the good-will and concurrence of every one of the states; though in theory the articles of confederation presented the United States to all other states as one nation.

Bancroft, Hist. of the U.S., vol.6, p.194

The difficulty which caused these perpetual failures was inherent and incurable. Congress undertook to enact requisitions, and then direct the legislatures of thirteen independent states to pass laws to give them effect, itself remaining helpless till they should do so. A deliberative body ordering another independent deliberative body what laws to make is an anomaly; and, in the case of congress, the hopelessness of harmony was heightened by the immense extent of the United States, by the differences of time when the legislatures of the several states convened, and by a conflict of the interests, passions, hesitancies, and wills of thirteen legislatures, independent of each other and uncontrolled by a common head. No ray of hope remained but from the convention which Virginia had invited to assemble on the first Monday in September at Annapolis.

Chapter 8:

Virginia Invites Deputies of the Several

Legislatures of the States to Meet in Convention,

September 1786-May 1787

Bancroft, Hist. of the U.S., vol.6, p.195

CONGRESS having confessedly failed to find ways and means for carrying on the government, the convention which had been called to Annapolis became the ground of hope for the nation. The house of delegates of Maryland promptly accepted the invitation of Virginia, but the senate, in its zeal to strengthen the appeal which congress was then addressing to the states for a revenue, refused its concurrence. Neither Connecticut, nor South Carolina, nor Georgia sent delegates to the meeting. In Massachusetts two sets of nominees, among whom appears the name of George Cabot, declined the service; the third were, like the Rhode Island delegates, arrested on the way by tidings that the convention was over.

Bancroft, Hist. of the U.S., vol.6, p.195 - p.196

Every one of the commissioners chosen for New York, among whom were Egbert Benson and Hamilton, was engrossed by pressing duties. Egbert Benson, the guiding statesman in the Hartford convention of 1780, was engaged as attorney-general in the courts at Albany. With Schloss Hobart, the upright judge, he agreed that the present opportunity for obtaining a revision of the system of general government ought not to be neglected. He therefore consigned his public business to a friend, reported the conversation with Schloss Hobart to Hamilton in New York, and repaired with him to Annapolis. There, on the eleventh of September, they found Madison with the commissioners of Virginia aiming at a plenipotentiary general convention, and commissioners from New Jersey instructed by their legislature to be content with nothing less than a new federal government. No state north of New York was represented, and no one south of Delaware save Virginia. It was a meeting of central states. One thought animated the assembly. Dickinson, a principal author of the articles of confederation, was unanimously elected chairman; and, with the same unanimity, a committee was raised to prepare a report. Hamilton, though not of the committee, made a draft; this the convention employed two days in considering and amending, when the resulting form was unanimously adopted. In clear and passionless language they expressed their conviction that it would advance the interests of the union if the states which they represented would agree, and use their endeavors to procure the concurrence of the other states to agree, "to meet at Philadelphia on the second Monday of the next May to consider the situation of the United States, and devise such further provisions as should appear necessary to render the constitution of the federal government adequate to the exigencies of the union; and to report to congress such an act as, when agreed to by them and confirmed by the legislatures of every state, would effectually provide for the same." The proposition was explicit; the place for meeting wisely chosen; and the time within which congress and the thirteen states must decide and the convention meet for its work was limited to less than eight months.

Bancroft, Hist. of the U.S., vol.6, p.196

In a few days the report, signed by the venerated name of Dickinson, was received by congress; but the delegation from Massachusetts, led by King, prevented the recommendation of the measure which the deputations at Annapolis had asked for. The governor of New York was of opinion that the confederation as it stood was equal to the purposes of the union, or, with little alteration, could be made so; and that the commissioners from New York should have confined themselves to the purposes of their errand.

Bancroft, Hist. of the U.S., vol.6, p.196

On the tenth of October Rufus King appeared before the house of representatives of Massachusetts, and, in the presence of an audience which crowded the galleries, insisted that the confederation was the act of the people; that no part could be altered but on the initiation of congress and the confirmation of all the several legislatures; if the work should be done by a convention, no legislature could have a right to confirm it; congress, and congress only, was the proper body to propose alterations. In these views he was, a few days later, supported by Nathan Dane. The house of representatives, conforming to this advice, refused to adopt the suggestions that came from Annapolis; and there was not to be another session before the time proposed for the general convention at Philadelphia.

Bancroft, Hist. of the U.S., vol.6, p.197

From this state of despair the country was lifted by Madison and Virginia. The recommendation of a plenipotentiary convention was well received by the assembly of Virginia. The utter failure of congress alike in administration and in reform, the rapid advances of the confederation toward ruin, at length proselyted the most obstinate adversaries to a political renovation. On the motion of Madison, the assembly, showing the revolution of sentiment which the experience of one year had effected, gave its unanimous sanction to the recommendation from Annapolis. We come now upon the week glorious for Virginia beyond any event in its annals, or in the history of any former republic. Madison had been calm and prudent and indefatigable, always acting with moderation, and always persistent of purpose. The hour was come for frank and bold words, and decisive action. Madison, giving effect to his own long-cherished wishes and the still earlier wishes of Washington, addressing as it were the whole country and marshalling all the states, recorded the motives to the action of his own commonwealth in these words:

Bancroft, Hist. of the U.S., vol.6, p.197

"The commissioners who assembled at Annapolis, on the fourteenth day of September last, for the purpose of devising and reporting the means of enabling congress to provide effectually for the commercial interests of the United States, have represented the necessity of extending the revision of the federal system to all its defects, and have recommended that deputies for that purpose be appointed by the several legislatures, to meet in convention in the city of Philadelphia on the second day of May next—a provision preferable to a discussion of the subject in congress, where it might be too much interrupted by ordinary business, and where it would, besides, be deprived of the counsels of individuals who are restrained from a seat in that assembly. The general assembly of this commonwealth, taking into view the situation of the confederacy, as well as reflecting on the alarming representations made from time to time by the United States in congress, particularly in their act of the fifteenth day of February last, can no longer doubt that the crisis is arrived at which the people of America are to decide the solemn question whether they will, by wise and magnanimous efforts, reap the fruits of independence and of union, or whether, by giving way to unmanly jealousies and prejudices, or to partial and transitory interests, they will renounce the blessings prepared for them by the revolution. The same noble and extended policy, and the same fraternal and affectionate sentiments which originally determined the citizens of this commonwealth to unite with their brethren of the other states in establishing a federal government, cannot but be felt with equal force now as motives to lay aside every inferior consideration, and to concur in such further concessions and provisions as may be necessary to secure the objects for which that government was instituted, and render the United States as happy in peace as they have been glorious in war."

Bancroft, Hist. of the U.S., vol.6, p.198

Such is the preamble adopted without a dissenting voice by the general assembly of the commonwealth of Virginia, as they acceded to the proposal from Annapolis with this one variation, that the new federal constitution, after it should be agreed to by congress, was to be established, not by the legislatures of the states, but by the states themselves, thus opening the way for special conventions of the several states.

Bancroft, Hist. of the U.S., vol.6, p.198

In selecting her own delegates, Virginia placed Washington at their head, surrounded by Madison, Randolph, and Mason. Randolph, the newly elected governor of the state, adopting words of Washington, sent the act of his state to congress, and to the executive of each one of the states in the union, asking their concurrence.

Bancroft, Hist. of the U.S., vol.6, p.198 - p.199

Hardly had the tardy post of that day brought the gladdening news to New Jersey, when that state, first of the twelve, on the twenty-third of November, took its place at the side of Virginia. Pennsylvania did not let the year go by without joining them. North Carolina acceded in January 1787, and Delaware in the following February.

Bancroft, Hist. of the U.S., vol.6, p.199

The solemn words of Virginia, the example of the three central states, the inspiring influence of Hamilton, the return to congress of Madison who was preparing himself for the convention and professed great expectations of good effects from the measure, caused the scales to fall from the eyes of King. The year was but six weeks old when he wrote to Gerry, who had thus far been his ally: "Although my sentiments are the same as to the legality of the measure, I think we ought not to oppose, but to coincide with this project. Events are hurrying us to a crisis. Prudent and sagacious men should be ready to seize the most favorable circumstances to establish a more perfect and vigorous government."

Bancroft, Hist. of the U.S., vol.6, p.199

A grand committee of the seventh congress reported in February, by a bare majority of one, that, "entirely coinciding with the proceedings of the commissioners, they did strongly recommend to the different legislatures to send forward delegates to the proposed convention at Philadelphia;" but they never ventured to ask for a vote upon their report. Meantime, the legislature of New York, in an instruction to their delegates in congress, taking no notice of the meeting at Annapolis, recommended a general convention to be initiated by congress itself. The proposition, as brought forward by the New York delegates, named no place or time for the convention, and knew nothing of any acts which had not proceeded from congress. It failed by a large majority. King of Massachusetts, seizing the opportunity to reconcile his present coalition with Madison and Hamilton with his old opinion that congress alone could initiate a reform of the constitution, substituted a motion which carefully ignored the act of the meeting at Annapolis, and recommended a convention as an original measure of congress, but identical in time and place with the appointment of the Annapolis commissioners. This motion, which was so framed as not to invalidate elections already made, was accepted without opposition. In this way the self-love of congress was appeased, and its authority arrayed in favor of a general convention.

Bancroft, Hist. of the U.S., vol.6, p.200

All parties in the legislature of New York then took up the subject of representation in the convention. Yates, in the senate, proposed that "the new provisions in the articles of confederation should not be repugnant to or inconsistent with the constitution of the state." The motion was rejected by the casting vote of the president. The house would have appointed five delegates to the convention, but the inflexible senate limited the number to three, and named Yates, Lansing, and Hamilton, who were elected in both branches without opposition.

Bancroft, Hist. of the U.S., vol.6, p.200

In 1786, the sufferings of the debtors in Massachusetts, especially in its central and western counties, embittered by the devices of attorneys to increase their own emoluments, and aggrieved by the barbarous laws of that day which doomed the debtor, however innocent, to imprisonment at the caprice of his creditor, had driven them to interrupt the courts in Worcester. In the three western counties measures were taken to close the courts; and once, for a moment, the national armory at Springfield was menaced. The movement assumed the aspect of an insurrection, almost of a rebellion, which received support even from husbandmen otherwise firm supporters of the law. The measures of Bowdoin, in which he was throughout supported by Samuel Adams, were marked by decision, celerity, and lenity. The real cause of the distress was, in part, the failure of the state of Massachusetts itself to meet its obligations; and, still more, the bankruptcy of the general government, which owed large sums of money to inhabitants of almost every town for service in achieving the independence of their country. Wherever the insurgents gathered in numbers, Bowdoin sent a larger force than they could muster. In this way he gave authority to every branch of the government and peace to every town. He maintained the majesty of the law by opening the courts for the conviction of the worst offenders; but, interposing with his prerogative of mercy, he did not suffer the life of any one of them to be taken. For the restoration of the public and private finances, he called together the legislature of the commonwealth, which applauded his conduct, and fulfilled the long desire of his heart. On the twenty-second of February 1787, six days in advance of New York, and as yet in ignorance of what had been done in congress, they acceded to the invitation from Annapolis. Before its delegates were chosen, the recommendation of a convention by that body was known; and Bowdoin, in their commissions, wisely made use of the words of congress.

Bancroft, Hist. of the U.S., vol.6, p.201

The two southern states chose their delegates to the convention in April. Connecticut waited for its day of election in May. Then Elizur Goodrich, the preacher of the election sermon, proved from one of the prophets of Israel the duty of strengthening the national union and restoring the national honor, or they would be obliged themselves to repeat the lamentation that "from the daughter of Zion all her beauty was departed." "Gentlemen," he broke out to those to whom he was preaching, "Heaven unite the wisdom and patriotism of America in the proposed convention of the states in some equal system of federal subordination and sovereignty of the states." On the twelfth, Samuel Huntington, the governor, addressing the legislature, recommended a superintending power that should secure peace and justice between the states, and between all the states and foreign nations. "I am," he said, "an advocate for an efficient general government, and for a revenue adequate to its nature and its exigencies. Should the imposts be carried to excess, it will promote the growth of manufacture among yourselves of the articles affected by them, and proportionally increase our wealth and independence. Manufactures more than any other employment will increase our numbers, in which consists the strength and glory of a people." The assembly then chose to the convention three men who were all closely united, and so able that scarce any delegation stood before them.

Bancroft, Hist. of the U.S., vol.6, p.201

Maryland, rent by a faction eager for the issue of paper money, did not elect delegates till near the end of May. New Hampshire, from the poverty of her treasury, delayed its choice till dune. Rhode Island alone, under the sway of a perverse party spirit which was fast ebbing, refused to be represented in the convention.

Bancroft, Hist. of the U.S., vol.6, p.202

The people of the United States watched the result of the convention with trembling hope. "Shall we have a king?" asked Jay, and himself answered: "Not, in my opinion, while other expedients remain untried." It was foreseen that a failure would be followed by the establishment of three separate confederacies. The ministry of England harbored the thought of a constitutional monarchy, with a son of George III as king; and they were not without alarm lest gratitude to France should place on an American throne a prince of the house of Bourbon.

Bancroft, Hist. of the U.S., vol.6, p.202

The task of preparing the outlines of a constitution as the basis for the deliberations of the convention was undertaken by Madison. His experience and his studies fitted him for the office. He had been a member of the convention which formed the first constitution for Virginia; of its first legislature as a state; of its executive council when Patrick Henry and Jefferson were governors; for three years a delegate in congress; then a member of the Virginia legislature; a commissioner at Annapolis; and, so soon as the rule of rotation permitted, once more a member of congress. From the declaration of independence he had devoted himself to the study of republican and of federal government. On the failure at Annapolis, Jefferson cheered him on to a broader reformation: to make the states one nation as to foreign concerns, and keep them distinct in domestic ones; to organize "the federal head into legislative, executive, and judiciary;" to control the interference of states in general affairs by an appeal to a federal court. With Edmund Randolph, Madison insisted that from him, as governor of Virginia, the convention would expect some leading proposition, and dwelt on the necessity of his bending his thoughts seriously to the great work of preparation; but Randolph declined, pleading his want of the necessary leisure. Madison proceeded without dismay. He held as a fixed principle that the new system should be ratified by the people of the several states, so that it might be clearly paramount to their individual legislative authority. He would make no material sacrifices to local or transient prejudices. To him the independence of each separate state was utterly irreconcilable with the idea of an aggregate sovereignty, while a consolidation of the states into one simple republic was neither expedient nor attainable. In the endeavor to reconcile the due supremacy of the nation with the preservation of the local authorities in their subordinate usefulness, he did not escape mistakes; but he saw clearly that a widely extended territory was the true domain for a republic, and in advance of the federal convention he sketched for his own use and that of his friends, and ultimately of the convention, a thoroughly comprehensive constitutional government for the union.

Bancroft, Hist. of the U.S., vol.6, p.203

Washington at Mount Vernon was equally studious. He made himself familiar with the reasonings of Montesquieu; and he obtained the opinions, not of Madison only, but of Knox and of Jay. From their letters and his own experience he drew three separate outlines of a new constitution, differing in manifold ways, and yet each of the three designed to restore and consolidate the union.

Book Third: The Federal Convention, 1787

BOOK THIRD

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The Federal Convention

May-September 1787

Chapter 1:

The Constitution in Outline,

May 14-June 13, 1787

Bancroft, Hist. of the U.S., vol.6, p.207

Do nations float darkling down the stream of the ages without hope or consolation, swaying with every wind and ignorant whither they are drifting? or, is there a superior power of intelligence and love, which is moved by justice and shapes their course?

Bancroft, Hist. of the U.S., vol.6, p.207 - p.208

From the ocean to the American outposts nearest the Mississippi, one desire prevailed for a closer connection, one belief that the only opportunity for its creation was come. Men who, from their greater attachment to the states, feared its hazards, neither coveted nor accepted an election to the convention, and in uneasy watchfulness awaited the course of events. Willie Jones of North Carolina, declining to serve, was replaced by Hugh Williamson, who had voted with Jefferson for excluding slavery from the territories. Patrick Henry, Thomas Nelson, and Richard Henry Lee refusing to be delegates, Edmund Randolph, then governor of Virginia and himself a delegate to the convention, named to one vacancy James McClurg, a professor in the college of William and Mary whom Madison had urged upon congress for the office of secretary of foreign affairs. No state except dew York sent a delegation insensible to the necessity of a vigorous union. Discordant passions were repressed by the solemnity of the moment; and, as the statesmen who were to create a new constitution, veterans in the war and in the halls of legislation, journeyed for the most part on horseback to their place of meeting, the high-wrought hopes of the nation went along with them. Nor did they deserve the interest of the people of the United States alone; they felt the ennobling love for their fellow-men, and knew themselves to be forerunners of reform for the civilized world.

Bancroft, Hist. of the U.S., vol.6, p.208

George Washington was met at Chester by public honors. From the Schuylkill the city light horse escorted him into Philadelphia, the bells chiming all the while. His first act was to wait upon Franklin, the president of Pennsylvania.

Bancroft, Hist. of the U.S., vol.6, p.208

On the fourteenth of May, at the hour appointed for opening the federal convention, Virginia and Pennsylvania, the only states which were sufficiently represented, repaired to the state-house, and, with others as they gathered in, continued to do so, adjourning from day to day. Of deputies, the credentials of Connecticut and Maryland required but one to represent the state; of New York, South Carolina, and Georgia, two; of Massachusetts, New Jersey, Delaware, Virginia, and North Carolina, three; of Pennsylvania, four. The delay was turned to the best account by James Madison of Virginia. From the completion of the Virginia delegation by the arrival of George Mason, who came with unselfish zeal to do his part in full "the expectations and hopes of all the union," they not only attended the general session, but "conferred together by themselves two or three hours every day in order to form a proper correspondence of sentiments." As their state had initiated the convention, they held it their duty at its opening to propose a finished plan for consideration.

Bancroft, Hist. of the U.S., vol.6, p.208

The choice lay between an amended confederacy and "the new constitution" for which Washington four years before had pleaded with the people of every state. "My wish is," so he had written to Madison, "that the convention may adopt no temporizing expedients, but probe the defects of the constitution to the bottom and provide a radical cure, whether agreed to or not. A conduct of this kind will stamp wisdom and dignity on their proceedings, and hold up a light which sooner or later will have its influence."

Bancroft, Hist. of the U.S., vol.6, p.208

We know from Randolph himself that before departing for the convention he was disposed to do no more than amend the confederation; and his decision was likely to have great weight in the councils of his own commonwealth. When his royalist father, attorney-general of Virginia, took refuge with the English, the son cleaved to his native land. At his own request and the solicitation of Richard Henry Lee, Washington received him as an aid during the siege of Boston. In 1776 he took a part in the convention for forming the constitution of Virginia; and the convention rewarded his patriotism by electing him at twenty-three years of age attorney-general of Virginia in the place of his father. In 1779 he preceded Madison by a year as a delegate to congress. In the effort for the reform of the confederation, he, with Ellsworth of Connecticut and Varnum of Rhode Island for his associates, was the chairman of the committee appointed to report on the defects of the confederacy and the new powers necessary for its efficiency. In 1786 he was elected governor of Virginia; and now in his thirty-fourth year he was sent to the convention, bringing with him a reputation for ability equal to his high position, and in the race for public honors taking the lead of James Monroe. But with all his merit there was a strain of weakness in his character, so that he was like a soft metal which needs to be held in place by coils of a harder grain than its own. That support he found in Madison, who had urged him to act a foremost part in the convention, and had laid before him the principles on which the new government should be organized; and in Washington, who was unceasing in his monitions and encouragement. Randolph, on his arrival in Philadelphia, at once yielded to their influence, and with them became persuaded that the confederacy was destitute of every energy which a constitution of the United States ought to possess.

Bancroft, Hist. of the U.S., vol.6, p.209

The result was harmony among the Virginia delegates. A plan for a national government, which imbodied the thoughts of Madison, altered and amended by their joint consultations, was agreed to by them all. To Randolph, as the official representative of the state, was unanimously assigned the office of bringing forward the outline which was to be known as the plan of Virginia. This forethought provided in season a chart for the voyage, so that the ship, skilfully ballasted and trimmed from the beginning, could be steered through perilous channels to the wished-for haven.

Bancroft, Hist. of the U.S., vol.6, p.210

A government founded directly on the people seemed to justify and require a distribution of suffrage in the national legislature according to some equitable ratio. Gouverneur Morris and other members from Pennsylvania in conversation urged the large states to unite from the first in refusing to the smaller states in the federal convention the equal vote which they enjoyed in the congress of the confederacy; but the Virginians, while as the largest state in extent and in numbers they claimed a proportioned legislative suffrage as an essential right which must be asserted and allowed, stifled the project, being of the opinion that the small states would be more willing to renounce this unequal privilege in return for an efficient government, than to disarm themselves before the battle without an equivalent.

Bancroft, Hist. of the U.S., vol.6, p.210

On the seventeenth, South Carolina appeared on the floor; on the eighteenth, New York; on the twenty-first, Delaware; on the twenty-second, North Carolina. Of the delegates, some were for half-way measures from fear of displeasing the people; others were anxious and doubting. Just before there were enough to form a quorum, Washington, standing self-collected in the midst of them, his countenance more than usually solemn, his eye seeming to look into futurity, said: "It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God."

Bancroft, Hist. of the U.S., vol.6, p.210

On the twenty-fifth, New Jersey, completing the seven states needed to form a house, was represented by William Churchill Houston, who had been detained by illness, and was too weak to remain long. There were from the South four states, from the North, three; from the South, nineteen members, from the North, ten. At the desire of Benjamin Franklin of Pennsylvania, Washington was unanimously elected president of the convention. During the organization it was noticed that the delegates from Delaware were prohibited from changing the article in the confederation establishing the equality of votes among the states.

Bancroft, Hist. of the U.S., vol.6, p.211

On the twenty-eighth, the representation was increased to nine states by the arrival of Massachusetts and Maryland. A letter was read from men of Providence, Rhode Island, among them John Brown, Jabez Bowen, Welcome Arnold, and William Barton, explaining why their state would send no delegates to the convention, and hopefully pledging their best exertions to effect the ratification of its proceedings. The letter was forwarded and supported by Varnum, a member from Rhode Island in congress.

Bancroft, Hist. of the U.S., vol.6, p.211

The delegates from Maryland, chosen at a time when the best men of the state were absorbed in a domestic struggle against new issues of paper money, and its senate by its stubborn resistance was estranged from the house, did not adequately represent its public spirit; yet the majority of them to the last promoted the national union. Of the fifty-five in the convention, nine were graduates of Princeton, four of Yale, three of Harvard, two of Columbia, one of Pennsylvania; five, six, or seven had been connected with William and Mary's; Scotland sent one of her sons, a jurist, who had been taught at three of her universities, and Glasgow had assisted to train another; one had been a student in Christ Church, Oxford, and he and three others had been students of law in the Temple. To many in the assembly the work of the great French magistrate on the "Spirit of Laws," of which Washington with his own hand had copied an abstract by Madison, was the favorite manual; some of them had made an analysis of all federal governments in ancient and modern times, and a few were well versed in the best English, Swiss, and Dutch writers on government. They had immediately before them the example of Great Britain; and they had a still better school of political wisdom in the republican constitutions of their several states, which many of them had assisted to frame. Altogether they formed "the goodliest fellowship of" lawgivers "whereof this world holds record." In their standing rules they unanimously forbade any registry to be made of the votes of individuals, so that they might, without reproach or observation, mutually receive and impart instruction; and they sat with closed doors, lest the publication of their debates should rouse the country to obstinate conflicts before they themselves should have reached their conclusions.

Bancroft, Hist. of the U.S., vol.6, p.212

On the twenty-ninth, Edmund Randolph, the governor of Virginia, opened the business of the convention in this wise: "To prevent the fulfilment of the prophecies of the downfall of the United States, it is our duty to inquire into the defects of the confederation and the requisite properties of the government now to be framed; the danger of the situation and its remedy.

Bancroft, Hist. of the U.S., vol.6, p.212

"The confederation was made in the infancy of the science of constitutions, when the inefficiency of requisitions was unknown; when no commercial discord had arisen among states when no rebellion like that in Massachusetts had broken out; when foreign debts were not urgent; when the havoc of paper money had not been foreseen; when treaties had not been violated; and when nothing better could have been conceded by states jealous of their sovereignty. But it offered no security against foreign invasion, for congress could neither prevent nor conduct a war, nor punish infractions of treaties or of the law of nations, nor control particular states from provoking war. The federal government has no constitutional power to check a quarrel between separate states; nor to suppress a rebellion in any one of them; nor to establish a productive impost; nor to counteract the commercial regulations of other nations; nor a to defend itself against encroachments of the states. From the manner in which it has been ratified in many of the states, it cannot be claimed to be paramount to the state constitutions; so that there is a prospect of anarchy from the inherent laxity of the government. As the remedy, the government to be established must have for its basis the republican principle."

Bancroft, Hist. of the U.S., vol.6, p.212

He then proposed fifteen resolutions, which he explained one by one.

Bancroft, Hist. of the U.S., vol.6, p.213

"The articles of confederation ought to be so corrected and enlarged as to accomplish the objects proposed by their institution; namely, 'common defence, security of liberty, and general welfare.'

Bancroft, Hist. of the U.S., vol.6, p.213

"The rights of suffrage in the national legislature ought to be proportioned to the quotas of contribution, or to the number of free inhabitants.

Bancroft, Hist. of the U.S., vol.6, p.213

"The national legislature ought to consist of two branches, of which the members of the first or democratic house ought to be elected by the people of the several states; of the second, by those of the first, out of persons nominated by the individual legislatures.

Bancroft, Hist. of the U.S., vol.6, p.213

"The national legislature, of which each branch ought to possess the right of originating acts, ought to enjoy the legislative rights vested in congress by the confederation, and moreover to legislate in all cases to which the separate states are incompetent, or in which the harmony of the United States might be interrupted by the exercise of individual legislation; to negative all laws passed by the several states contravening the articles of union; and to call forth the force of the union against any member of the union failing to fulfil its duty under the articles thereof.

Bancroft, Hist. of the U.S., vol.6, p.213

"A national executive, chosen by the national legislature and ineligible a second time, ought to enjoy the executive rights vested in congress by the confederation, and a general authority to execute the national laws.

Bancroft, Hist. of the U.S., vol.6, p.213

"The executive and a convenient number of the national judiciary ought to compose a council of revision, with authority to examine every act of the national legislature before it shall operate.

Bancroft, Hist. of the U.S., vol.6, p.213

"A national judiciary ought to be established; to consist of supreme and inferior tribunals; to be chosen by the national legislature; to hold their offices during good behavior, with jurisdiction to hear and determine all piracies and felonies on the high seas; captures from an enemy; cases in which foreigners and citizens, a citizen of one state and a citizen of another state, may be interested; cases which respect the collection of the national revenue; impeachments of national officers; and questions which may involve the national peace and harmony.

Bancroft, Hist. of the U.S., vol.6, p.214

"Provision ought to be made for the admission of states lawfully arising within the limits of the United States.

Bancroft, Hist. of the U.S., vol.6, p.214

"A republican government and the territory of each state ought to be guaranteed by the United States to each state.

Bancroft, Hist. of the U.S., vol.6, p.214

"Provision ought to be made for the completion of all the engagements of congress, and for its continuance until after the articles of union shall have been adopted.

Bancroft, Hist. of the U.S., vol.6, p.214

"Provision ought to be made for the amendment of the articles of union; to which the assent of the national legislature ought not to be required.

Bancroft, Hist. of the U.S., vol.6, p.214

"The legislative, executive, and judiciary powers, within the several states, ought to be bound by oath to support the articles of union.

Bancroft, Hist. of the U.S., vol.6, p.214

"The amendments which shall be offered to the confederation by the convention ought, after the approbation of congress, to be submitted to assemblies of representatives, recommended by the several legislatures to be expressly chosen by the people to consider and decide thereon."

Bancroft, Hist. of the U.S., vol.6, p.214

Randolph concluded with an exhortation to the convention not to suffer the present opportunity of establishing general harmony, happiness, and liberty in the United States to pass away unimproved.

Bancroft, Hist. of the U.S., vol.6, p.214

The new articles of union would form a representative republic. The nobleness of the Virginia delegation appeared in the offer of an option to found representation on "free inhabitants" alone. The proposed government would be truly national Not the executive, not the judges, not one officer employed by the national government, not members of the first branch of the legislature, would owe their election to the states; even in the choice of the second branch of the national legislature, the states were only to nominate candidates.

Bancroft, Hist. of the U.S., vol.6, p.214

It is worthy of note that, as Randolph declared the proportioned rule of suffrage to be "the basis upon which the larger states could assent to any reform," saying, "We ought to be one nation," William Paterson of New Jersey made note that "sovereignty is an integral thing," meaning that in the new union the states must be equal unless they all were to be merged into one. The house referred the propositions of Virginia to a committee of the whole on the state of the union. Charles Pinckney of South Carolina, a young man of twenty-nine, then presented a plan for a constitution, "grounded on the same principles as the resolutions" of Virginia. It received the same reference, but no part of it was used, and no copy of it has been preserved.

Bancroft, Hist. of the U.S., vol.6, p.215

On the morning of the thirtieth, Nathaniel Gorham of Massachusetts having been elected chairman of the committee of the whole, Randolph offered a resolution, which Gouverneur Morris had formulated, "that a national government ought to be established, consisting of a supreme legislative, executive, and judiciary." The force of the word "supreme" was explained to be, that, should the powers to be granted to the new government clash with the powers of the states, the states were to yield.

Bancroft, Hist. of the U.S., vol.6, p.215

Pierce Butler of South Carolina advanced the business of the day by saying in the spirit of Montesquieu: "Heretofore I have opposed the grant of new powers to congress because they would all be vested in one body; the distribution of the powers among different bodies will induce me to go great lengths in its support."

Bancroft, Hist. of the U.S., vol.6, p.215

"In all communities," said Gouverneur Morris, "there must be one supreme power and one only. A confederacy is a mere compact, resting on the good faith of the parties; a national, supreme government must have a complete and compulsive operation." Mason argued "very cogently": "In the nature of things punishment cannot be executed on the states collectively; therefore such a government is necessary as can operate directly on individuals."

Bancroft, Hist. of the U.S., vol.6, p.215

Roger Sherman, who arrived that morning and enabled Connecticut to vote, was not yet ready to do more than vest in the general government a power to raise its own revenue; and against the negative of his state alone, New York being divided, the motion was carried by Massachusetts, Pennsylvania, Virginia, and the two Carolinas, on this day aided by Delaware.

Bancroft, Hist. of the U.S., vol.6, p.216

Alexander Hamilton of New York next moved that "the rights of suffrage in the national legislature ought to be proportioned to the number of free inhabitants;" and Richard Dobbs Spaight of North Carolina seconded him. But, to escape irritating debates, the resolution was postponed, and Madison, supported by Gouverneur Morris, moved, in more general terms, "that the equality of suffrage established by the articles of confederation ought not to prevail in the national legislature; and that an equitable ratio of representation ought to be substituted."

Bancroft, Hist. of the U.S., vol.6, p.216

Faithful to his instructions, George Read of Delaware asked that the consideration of the clause might be postponed; as on any change of the rule of suffrage it might become the duty of the deputies from his state to withdraw from the convention. "Equality of suffrage," said Madison, "may be reasonable in a federal union of sovereign states; it can find no place in a national government." But, from the spirit of conciliation, the request for delay was granted.

Bancroft, Hist. of the U.S., vol.6, p.216

The next day Georgia gained the right to vote by the arrival of William Pierce, a Virginian by birth, in the war an aid to Greene, and now a member of congress. The Virginia resolve, that the national legislature should be composed of two branches, passed without debate, and, but for Pennsylvania, unanimously; Hamilton and Robert Yates of New York voting together." Three weeks later, Pennsylvania, which had hesitated only out of forbearance toward its own constitution, gave in its adhesion. The decision, which was in harmony with the undisputed and unchanging conviction of the whole people of the United States, was adopted, partly to check haste in legislation by reciprocal watchfulness, and partly to prevent the fatal conflict which might one day take place between a single legislative body and a single executive.

Bancroft, Hist. of the U.S., vol.6, p.216

On the method of electing the two branches, the upholders of the sovereignty of each state contended that the national government ought to seek its agents through the governments of the respective states; others preferred that the members of the first branch should be chosen directly by the people.

Bancroft, Hist. of the U.S., vol.6, p.217

"The people," said Sherman, "should have as little to do as may be about the government; they want information and are constantly liable to be misled; the election ought to be by the state legislatures." "The people do not want virtue; but they are the dupes of pretended patriots," added Elbridge Gerry of Massachusetts. To this arraignment of the people by men of New England, Mason of Virginia replied: "The larger branch is to be the grand depository of the democratic principle of the government. We ought to attend to the rights of every class of the people. I have often wondered at the indifference of the superior classes of society to this dictate of humanity and policy." "Without the confidence of the people," said James Wilson of Pennsylvania, "no government, least of all a republican government, can long subsist; nor ought the weight of the state legislatures to be increased by making them the electors of the national legislature." Madison, though for the senate, the executive, and the judiciary he approved of refining popular appointments by successive "filtrations," held the popular election of one branch of the national legislature indispensable to every plan of free government. This opinion prevailed.

Bancroft, Hist. of the U.S., vol.6, p.217

It was agreed, unanimously and without debate, that the national legislature should possess the legislative powers of the confederacy; but, to the extension of them to all cases to which the state legislatures were individually incompetent, Charles Pinckney, John Rutledge, and Butler, all the three of South Carolina, objected that the vagueness of the language might imperil the powers of the states. But Randolph disclaimed the intention of giving indefinite powers to the national legislature, and declared himself unalterably opposed to such an inroad on the state jurisdictions. Madison was strongly biased in favor of enumerating and defining the powers to be granted, although he could not suppress doubts of its practicability. "But," said he, "a form of government that will provide for the liberty and happiness of the community being the end of our deliberations, all the necessary means for attaining it must, however reluctantly, be submitted to." The clause was adopted by nine states, including New York and New Jersey. Oliver Ellsworth of Connecticut, voting against Sherman, divided that state.

Bancroft, Hist. of the U.S., vol.6, p.218

The clauses in the Virginia plan, giving to the national legislature the powers necessary to preserve harmony among the states, to negative all state laws contravening, in the opinion of the national legislature, the articles of union, or, as Benjamin Franklin of Pennsylvania added, "contravening treaties subsisting under the authority of the union," were agreed to without debate or dissent.

Bancroft, Hist. of the U.S., vol.6, p.218

Madison struggled to confer on the national legislature the right to negative at its discretion any state law whatever, being of the opinion that a negative of which the rightfulness was unquestioned would strip a local law of every pretence to the character of legality, and thus suppress resistance at its inception. On another day, explaining his motives, he said: "A negative on state laws is the mildest expedient that can be devised for enforcing a national decree. Should no such precaution be engrafted, the only remedy would be coercion. The negative would render the use of force unnecessary. In a word, this prerogative of the general government is the great pervading principle that must control the centrifugal tendency of the states, which, without it, will continually fly out of their proper orbits, and destroy the order and harmony of the political system." But the convention refused to adopt his counsel.

Bancroft, Hist. of the U.S., vol.6, p.218

Lastly: the Virginia plan authorized the exertion of the force of the whole against a delinquent state. Madison, accepting the argument of Mason, expressed a doubt of the practicability, the justice, and the equity of applying force to a collective people. "To use force against a state," he said, "is more like a declaration of war than an infliction of punishment, and would be considered by the party attacked a dissolution of all previous contracts. I therefore hope that a national system, with full power to deal directly with individuals, will be framed, and the resource be thus rendered unnecessary." The clause was postponed.

Bancroft, Hist. of the U.S., vol.6, p.218

In this wise and in one day the powers of the legislature which was to be the centre of the government were introduced, and, except the last, were with common consent established in their outlines. On points essential to union, Yates and Hamilton, New Jersey and Pennsylvania voted together. On the first day of June the convention took into consideration the national executive. The same spirit of conciliation prevailed, but with a chaos of ideas and a shyness in the members to declare their minds.

Bancroft, Hist. of the U.S., vol.6, p.219

Should the national executive be one or man?—a question which, from a difference among themselves, the plan of the Virginia delegates had left undecided. Should it be chosen directly by the people? or by electors? or by the state legislatures? or by the executives of the states? or by one branch of the national legislature? or by both branches? And, if by both, by joint or concurrent ballot? or by lot? How long should be its term of service? And how far should its re-eligibility be limited? Should it have the sole power of peace and war? Should it have an absolute or a qualified veto on acts of legislation, or none at all? Should its powers be exercised with or without a council? Should it be liable to removal by the legislatures of the states, or by the national legislature? or by the joint action of both? or by impeachment alone?

Bancroft, Hist. of the U.S., vol.6, p.219

Here the convention marched and counter-marched for want of guides. Progress began to be made on the ascertainment that the members inclined to withhold from the executive the power over war and peace. This being understood, Wilson and Charles Pinckney proposed that the national executive should consist of a single person. A long silence prevailed, broken at last by the chairman asking if he should put the question. Franklin entreated the members first to deliver their sentiments on a point of so great importance. Rutledge joined in the request, and for himself supported Pinckney and Wilson. On the other hand, Sherman, controlled by the precedents of the confederacy which appointed and displaced executive officers just as it seemed to them fit, replied: "The legislature are the best judges of the business to be done by the executive, and should be at liberty from time to time to appoint one or more, as experience may dictate."

Bancroft, Hist. of the U.S., vol.6, p.220

"I do not mean to throw censure on that excellent fabric, the British government," said Randolph; "if we were in a situation to copy it, I do not know that I should be opposed to it. But the fixed genius of the people of America requires a different form of government. The requisites for the executive department—vigor, dispatch, and responsibility—can be found in three men as well as in one. Unity in the executive is the foetus of monarchy." "Unity in the executive," retorted Wilson, "will rather be the best safeguard against tyranny. From the extent of this country, nothing but a great confederated republic will do for it." To calm the excitement, Madison led the convention, before choosing between unity or plurality in the executive, to fix the extent of its authority; and the convention agreed to clothe it "with power to carry into effect the national laws and to appoint to offices in cases not otherwise provided for."

Bancroft, Hist. of the U.S., vol.6, p.220

On the mode of appointing the executive, Wilson said: "Chimerical as it may appear in theory, I am for an election by the people. Experience in New York and Massachusetts shows that an election of the first magistrate by the people at large is both a convenient and a successful mode. The objects of choice in such cases must be persons whose merits have general notoriety." "I," replied Sherman, "am for its appointment by the national legislature, and for making it absolutely dependent on that body whose will it is to execute. An independence of the executive on the supreme legislature is the very essence of tyranny." Sherman and Wilson were for a period of office of three years and "against the doctrine of rotation, as throwing out of office the men best qualified to execute its duties." Mason asked for seven years at least, but without re-eligibility. "What," inquired Gunning Bedford of Delaware, "will be the situation of the country should the first magistrate elected for seven years be discovered immediately on trial to be incompetent?" He argued for a triennial election, with an ineligibility after three successive elections. The convention, by a vote of five and a half states against four and a half, decided for the period of seven years; and by at least seven states against Connecticut, that the executive should not be twice eligible.

Bancroft, Hist. of the U.S., vol.6, p.221

How to choose the executive remained the perplexing problem. Wilson, borrowing an idea from the constitution of Maryland, proposed that electors chosen in districts of the several states should meet and elect the executive by ballot, but not from their own body. He deprecated the intervention of the states in its choice. Mason favored the idea of choosing the executive by the people; Rutledge, by the national senate. Gerry set in a clear light that the election by the national legislature would keep up a constant intrigue between that legislature and the candidates; nevertheless, Wilson's motion was at that time supported only by Pennsylvania and Maryland; and from sheer uncertainty what else to do, the convention left the choice of the executive to the national legislature.

Bancroft, Hist. of the U.S., vol.6, p.221

For relief from a bad selection of the executive, John Dickinson of Delaware, who did not like the plan of impeaching the great officers of state, proposed a removal on the request of a majority of the legislatures of the individual states. Sherman would give that power to the national legislature. "The making the executive the mere creature of the legislature," replied Mason, "is a violation of the fundamental principle of good government."

Bancroft, Hist. of the U.S., vol.6, p.221

"The occasion is so important," said Dickinson, "that no man ought to be silent or reserved. A limited monarchy is one of the best governments in the world. Equal blessings have never yet been derived from any of the republican forms. But, though a form the most perfect perhaps in itself be unattainable, we must not despair. Of remedies for the diseases of republics which have flourished for a moment only and then vanished forever, one is the double branch of the legislature, the other the accidental lucky division of this country into distinct states, which some seem desirous to abolish altogether. This division ought to be maintained, and considerable powers to be left with the states. This is the ground of my consolation for the future fate of my country. In case of a consolidation of the states into one great republic, we may read its fate in the history of smaller ones. The point of representation in the national legislature of states of different sizes must end in mutual concession. I hope that each state will retain an equal voice, at least in one branch of the national legislature."

Bancroft, Hist. of the U.S., vol.6, p.222

The motion of Dickinson was sustained only by Delaware; and the executive was made removable on "impeachment and conviction of malpractice or neglect of duty." But the advice on the distribution of suffrage in the national legislature sank deep into the minds of his hearers.

Bancroft, Hist. of the U.S., vol.6, p.222

Randolph pleaded anew for an executive body of three members, one from each of the three geographical divisions of the country. "That would lead to a constant struggle for local advantages," replied Butler, who had travelled in Holland; and from his own observation he sketched the distraction of the Low Countries from a plurality of military heads. "Executive questions," said Wilson on the fourth, "have many sides; and of three members no two might agree. All the thirteen states place a single magistrate at the head. Unity in the executive will favor the tranquillity not less than the vigor of the government." Assenting to unity in the executive, Sherman thought a council necessary to make that unity acceptable to the people. "A council," replied Wilson, "oftener covers malpractices than prevents them." The proposal for a single executive was sustained by seven states against New York, Delaware, and Maryland. In the Virginia delegation there would have been a tie but for Washington. The decision was reached after mature deliberation, and was accepted as final.

Bancroft, Hist. of the U.S., vol.6, p.222

Wilson and Hamilton desired to trust the executive with an absolute negative on acts of legislation; but this was opposed, though from widely differing motives, by Gerry, Franklin, Sherman, Madison, Butler, Bedford, and Mason, and was unanimously negatived.

Bancroft, Hist. of the U.S., vol.6, p.223

When Wilson urged upon the convention the Virginia plan of vesting a limited veto on legislation in a council of revision composed of the executive and a convenient number of the judiciary, Gerry called to mind that judges had in some states, and with general approbation, set aside laws as being against the constitution; but that from the nature of their office they were unfit to be consulted on the policy of public measures; and, after the example of his own state, he proposed rather to confide the veto power to the executive alone, subject to be overruled by two thirds of each branch. "Judges," said Rufus King of Massachusetts, "should expound the law as it may come before them, free from the bias of having participated in its formation." Gerry's motion was carried by eight states against Connecticut and Maryland.

Bancroft, Hist. of the U.S., vol.6, p.223

In a convention composed chiefly of lawyers, the organization of the judiciary engaged eager attention; at the close of a long sitting, the Virginia resolution, that a national judiciary be established, passed without debate and unanimously, with a further clause that the national judiciary should consist of one supreme tribunal and of one or more inferior tribunals.

Bancroft, Hist. of the U.S., vol.6, p.223

A night's reflection developed a jealousy of transferring business from the courts of the states to the courts of the union; and on the fifth Rutledge and Sherman insisted that state tribunals ought, in all cases, to decide in the first instance, yet without impairing the right of appeal. Madison replied: "Unless inferior tribunals are dispersed throughout the republic, in many cases with final jurisdiction, appeals will be most oppressively multiplied. A government without a proper executive and judiciary will be the mere trunk of a body, without arms or legs to act or move." The motion to dispense with the inferior national tribunals prevailed; but Dickinson, Wilson, and Madison, marking the distinction between establishing them and giving a discretion to establish them, obtained a great majority for empowering the national legislature to provide for their institution. On the thirteenth it was unanimously agreed "that the power of the national judiciary should extend to all cases of national revenue, impeachment of national officers, and questions which involve the national peace or harmony."

Bancroft, Hist. of the U.S., vol.6, p.224

The Virginia plan intrusted the appointment of the judges to the legislature; Wilson proposed to transfer it to the executive; Madison to the senate; and on the thirteenth the last mode was accepted without dissent. All agreed that their tenure of office should be good behavior, and that their compensation should be safe from diminution during the period of their service.

Bancroft, Hist. of the U.S., vol.6, p.224

On the sixth of June, Charles Pinckney, supported by Rutledge, made once more a most earnest effort in favor of electing the first branch of the legislature by the legislatures of the states, and not by the people. "Vigorous authority," insisted Wilson, "should flow immediately from the legitimate source of all authority, the people. Representation ought to be the exact transcript of the whole society; it is made necessary only because it is impossible for the people to act collectively." "If it is in view," said Sherman, "to abolish the state governments, the elections ought to be by the people. If they are to be continued, the elections to the national government should be made by them. I am for giving the general government power to legislate and execute within a defined province. The objects of the union are few: defence against foreign danger, internal disputes, and a resort to force; treaties with foreign nations; the regulation of foreign commerce and drawing revenue from it. These, and perhaps a few lesser objects, alone rendered a confederation of the states necessary. All other matters, civil and criminal, will be much better in the hands of the states."

Bancroft, Hist. of the U.S., vol.6, p.224

"Under the existing confederacy," said Mason, "congress represent the states, and not the people of the states; their acts operate on the states, not on individuals. In the new plan of government the people will be represented; they ought, therefore, to choose the representatives. Improper elections in many cases are inseparable from republican governments. But compare these with the advantage of this form, in favor of the rights of the people, in favor of human nature!"

Bancroft, Hist. of the U.S., vol.6, p.225

Approving the objects of union which Sherman had enumerated, "I combine with them," said Madison, "the necessity of providing more effectually for the security of private rights and the steady dispensation of justice." And he explained at great length that the safety of a republic requires for its jurisdiction a large extent of territory, with interests so many and so various that the majority could never unite in the pursuit of any one of them. "It is incumbent on us," he said, "to try this remedy, and to frame a republican system on such a scale and in such a form as will control all the evils which have been experienced."

Bancroft, Hist. of the U.S., vol.6, p.225

"It is essential," said Dickinson, "that one branch of the legislature should be drawn immediately from the people; and it is expedient that the other should be chosen by the legislatures of the states. This combination of the state governments with the national government is as politic as it is unavoidable."

Bancroft, Hist. of the U.S., vol.6, p.225

Pierce spoke for an election of the first branch by the people, of the second by the states; so that the citizens of the states will be represented both individually and collectively.

Bancroft, Hist. of the U.S., vol.6, p.225

When on the twenty-first the same question was revived in the convention, Charles Cotesworth Pinckney of South Carolina, seconded by Luther Martin of Maryland, adopting a milder form, proposed "that the first branch, instead of being elected by the people, should be elected in such manner as the legislature of each state should direct."

Bancroft, Hist. of the U.S., vol.6, p.225

"It is essential to the democratic rights of the community," said Hamilton, enouncing a principle which he upheld with unswerving consistency, "that the first branch be directly elected by the people." "The democratic principle," Mason repeated, "must actuate one part of the government. It is the only security for the rights of the people." "An election by the legislature," pleaded Rutledge, "would be a more refining process." "The election of the first branch by the people," said Wilson, "is not the corner-stone only, but the foundation of the fabric." South Carolina, finding herself feebly sup ported, gave up the struggle.

Bancroft, Hist. of the U.S., vol.6, p.226

On the seventh of June, Dickinson moved that the members of the second branch, or, as it is now called, the senate, ought to be chosen by the individual legislatures. The motion, without waiving the claim to perfect equality, clearly implied that each state should elect at least one senator. "If each of the small states should be allowed one senator," said Cotesworth Pinckney, "there will be eighty at least." "I have no objection to eighty or twice eighty of them," rejoined Dickinson. "The legislature of a numerous people ought to be a numerous body. I wish the senate to bear as strong a likeness as possible to the British house of lords, and to consist of men distinguished for their rank in life and their weight of property. Such characters are more likely to be selected by the state legislatures than in any other mode." "To depart from the proportional representation in the senate," said Madison, "is inadmissible, being evidently unjust. The use of the senate is to consist in its proceeding with more coolness, system, and wisdom than the popular branch. Enlarge their number, and you communicate to them the vices which they are meant to correct. Their weight will be in an inverse ratio to their numbers." Dickinson replied: "The preservation of the states in a certain degree of agency is indispensable. The proposed national system is like the solar system, in which the states are the planets, and they ought to be left to move more freely in their proper orbits."

Bancroft, Hist. of the U.S., vol.6, p.226

"The states," answered Wilson, "are in no danger of being devoured by the national government; I wish to keep them from devouring the national government. Their existence is made essential by the great extent of our country. I am for an election of the second branch by the people in large districts, subdividing the districts only for the accommodation of voters." Gerry and Sherman declared themselves in favor of electing the senate by the individual legislatures. From Charles Pinckney came a proposal to divide the states periodically into three classes according to their comparative importance; the first class to have three members, the second two, and the third one member each; but it received no attention. Mason closed the debate: "The state Legislatures ought to have some means of defending themselves against encroachments of the national government. And what better means can we provide than to make them a constituent part of the national establishment? No doubt there is danger on both sides; but we have only seen the evils arising on the side of the state governments. Those on the other side remain to be displayed; for congress had not power to carry their acts into execution, as the national government will now have." The vote was then taken, and the choice of the second branch or senate was with one consent intrusted to the individual legislatures. In this way the states as states made their lodgment in the new constitution.

Bancroft, Hist. of the U.S., vol.6, p.227

The equality of the small states was next imperilled. On the ninth, David Brearley, the chief justice of New Jersey, vehemently protested against any change of the equal suffrage of the states. To the remark of Randolph, that the states ought to be one nation, Paterson replied: "The idea of a national government as contradistinguished from a federal one never entered into the mind of any of the states. If the states are as states still to continue in union, they must be considered as equals. Thirteen sovereign and independent states can never constitute one nation, and at the same time be states. If we are to be formed into a nation, the states as states must be abolished, and the whole must be thrown into hotchpot, and when an equal division is made there may be fairly an equality of representation. New Jersey will never confederate on the plan before the committee. I would rather submit to a despot than to such a fate. I will not only oppose the plan here, but on my return home will do everything in my power to defeat it there."

Bancroft, Hist. of the U.S., vol.6, p.227

When, on the eleventh, the committee of the whole was about to take the question, Franklin, ever the peace-maker, reproved the want of coolness and temper in the late debates. "We are sent here," he said, "to consult, not to contend with each other;" and, though he mingled crude proposals with wholesome precepts, he saw the danger of the pass into which they were entering. There were six states, two northern and four southern, demanding a representation in some degree proportioned to numbers—Massachusetts, Pennsylvania, Virginia, and the two Carolinas with Georgia, whose delegates, as they contemplated her vast and most fertile territory, indulged in glowing visions of her swift advances. There were two northern with one southern state for an equal representation of states—New York, New Jersey, and Delaware. Connecticut stood between the two. It was carried by the six national states and Connecticut against the three confederating states, Maryland being divided, that in the first branch, or house of representatives, of the national legislature, the suffrage ought to be according to some equitable ratio. In April 1783, congress had apportioned the supplies of the states for the common treasury to the whole number of their free inhabitants and three fifths of other persons; in this precedent the equitable ratio for representation in the popular branch was found.

Bancroft, Hist. of the U.S., vol.6, p.228

Connecticut then took the lead; and Sherman, acting upon a principle which he had avowed more than ten years before, moved that each state should have one vote in the second branch, or senate. "Everything," he said, "depends on this; the smaller states will never agree to the plan on any other principle than an equality of suffrage in this branch." Ellsworth shored up his colleague; but they rallied only five states against the six which had demanded a proportioned representation.

Bancroft, Hist. of the U.S., vol.6, p.228

Finally Wilson and Hamilton proposed for the second branch the same rule of suffrage as for the first; and this, too, was carried by the phalanx of the same six states against the remaining five. So the settlement offered by Wilson, Hamilton, Madison, Rutledge, and others, to the small states, and adopted in the committee of the whole, was: The appointment of the senators among the states according to representative population, except that each state should have at least one.

Bancroft, Hist. of the U.S., vol.6, p.229

The convention speeded through the remainder of the Virginia plan. A guarantee to each state of its territory was declined. A republican constitution, the only one suited to the genius of the United States, to the principles on which they had conducted their war for independence, to their assumption before the world of the responsibility of demonstrating man's capacity for self-government, was guaranteed to each one of the United States.

Bancroft, Hist. of the U.S., vol.6, p.229

The requirement of an oath from the highest state officers to support the articles of union was opposed by Sherman as an intrusion into the state jurisdictions, and supported by Randolph as a necessary precaution. "An oath of fidelity to the states from national officers might as well be required," said Gerry. Martin observed: "If the new oath should conflict with that already taken by state officers, it would be improper; if coincident, it would be superfluous." The clause was retained by the vote of the six national states. By the same vote the new system was referred for consideration and decision to assemblies chosen expressly for the purpose by the people of the several states. The articles of union were thereafter open to "amendment whensoever it should seem necessary."

Bancroft, Hist. of the U.S., vol.6, p.229

Sherman and Ellsworth, speaking on the twelfth, wished the members of the popular branch to be chosen annually. "The people of New England," said Gerry, "will never give up annual elections." "We ought," replied Madison, "to consider what is right and necessary in itself for the attainment of a proper government;" and his proposal of a term of three years was adopted for the time; though, to humor the eastern states, it was afterward changed to two. The ineligibility of members of congress to national offices was limited to one year after their retirement; but, on the motion of Charles Pinckney, the restriction on their re-election was removed, and the power of recalling them, which was plainly inconsistent with their choice by the people, was taken away.

Bancroft, Hist. of the U.S., vol.6, p.229

The qualification of age was at a later day fixed at twenty-five years for the branch elected by the people. For senators the qualification of age was at that time fixed at thirty. Pierce would have limited their term of service to three years; Sherman to not more than five; but a great majority held seven years by no means too long.

Bancroft, Hist. of the U.S., vol.6, p.230

The resolutions of the committee departed from the original plan of Virginia but rarely, and, for the most part, for the better. Thus amended, it formed a complete outline of a federal republic. The mighty work was finished in thirteen sessions, with little opposition except from the small states, and from them chiefly because they insisted on equality of suffrage in at least one branch of the legislature.

Chapter 2:

New Jersey Claims an Equal Representation of the States,

June 15-19, 1787

Bancroft, Hist. of the U.S., vol.6, p.231

THE plan of Virginia divested the smaller states of the equality of suffrage, which they had enjoyed from the inception of the union. "See the consequence of pushing things too far," said Dickinson to Madison; the smaller states, though some of their members, like himself and the delegates from Connecticut, wished for a good national government with two branches of the legislature, were compelled, in self-defence, to fall back upon the articles of confederation.

Bancroft, Hist. of the U.S., vol.6, p.231

The project which in importance stands next to that of Virginia is the series of propositions of Connecticut. It consisted of nine sections, and in the sessions of the convention received the support of every one of the Connecticut delegation, particularly of Sherman and Ellsworth. It was framed while they were still contriving amendments of the articles of the confederation. It gave to the legislature of the United States the power over commerce with foreign nations and between the states in the union, with a revenue from customs and the post-office. The United States were to make laws in all cases which concerned their common interests; but not to interfere with the governments of the states in matters wherein the general welfare of the United States is not affected. The laws of the United States relating to their common interests were to be enforced by the judiciary and executive officers of the respective states. The United States were to institute one supreme tribunal and other necessary tribunals, and to ascertain their respective powers and jurisdiction. The individual states were forbidden to emit bills of credit for a currency, or to make laws for the payment or discharge of debts or contracts in any manner differing from the agreement of the parties, whereby foreigners and the citizens of other states might be affected. The common treasury was to be supplied by the several states in proportion to the whole number of white and other free citizens and inhabitants and three fifths of all other persons, except Indians not paying taxes, in each state. Should any state neglect to furnish its quota of supplies, the United States might levy and collect the same on the inhabitants of such state. The United States might call forth aid from the people to assist the civil officers in the execution of their laws. The trial for a criminal offence must be by jury, and must take place within the state in which the offence shall have been committed.

Bancroft, Hist. of the U.S., vol.6, p.232

The task of leading resistance to the large states fell to New Jersey. Paterson, one of its foremost statesmen, of Scotch-Irish descent, brought from Ireland in infancy, a graduate of Princeton, desired a thoroughly good general government. Cheerful in disposition, playful in manner, and of an even temper, he was undisturbed by resentments, and knew how to bring back his friends from a disappointment to a good humor with themselves and with the world. In his present undertaking he was obliged to call around him a group of states agreeing in almost nothing. New York, his strongest ally, acted only from faction. New Jersey itself needed protection for its commerce against New York. Luther Martin could bring the support of Maryland only in the absence of a majority of his colleagues. The people of Connecticut saw the need of a vigorous general government, with a legislature in two branches.

Bancroft, Hist. of the U.S., vol.6, p.233

The plan of New Jersey, which Paterson presented on the fifteenth, was a revision of the articles of confederation. It preserved a congress of states in a single body; granted to the United States a revenue from duties, stamps, and the post-office, but nothing more except by requisitions; established a plural executive to be elected and to be removable by congress; and conferred on state courts original though not final jurisdiction over infractions of United States laws.

Bancroft, Hist. of the U.S., vol.6, p.233

"The New Jersey system," said John Lansing of New York, on the sixteenth, "is federal; the Virginia system, national. In the first, the powers flow from the state governments; in the second, they derive authority from the people of the states, and must ultimately annihilate the state governments. We are invested only with power to alter and amend defective parts of the present confederation."

Bancroft, Hist. of the U.S., vol.6, p.233

Now the powers granted by Virginia extended to "all further provisions necessary to render the federal constitution adequate to the exigencies of the Union." "Fully adequate," were the still more energetic words of Pennsylvania. New Jersey did not so much as name the articles of confederation; while Connecticut limited the discussions of its delegates only by "the general principles of republican government."

Bancroft, Hist. of the U.S., vol.6, p.233

The states, Lansing further insisted, would not ratify a novel scheme, while they would readily approve an augmentation of the familiar authority of congress.

Bancroft, Hist. of the U.S., vol.6, p.234

Paterson next spoke with the skill of a veteran advocate, setting forth, "not his own opinions," as he frankly and repeatedly avowed, but "the views of those who sent him."

Bancroft, Hist. of the U.S., vol.6, p.234

"The system of government for the union which I have proposed accords with our own powers and with the sentiments of the people. If the subsisting confederation is so radically defective as not to admit of amendment, let us report its insufficiency and wait for enlarged powers. If no confederation at present exists, all the states stand on the footing of equal sovereignty; and all must concur before any one can be bound. If a federal compact exists, an equal sovereignty is its basis; and the dissent of one state renders every proposed amendment null. The confederation is in the nature of a compact; and can any state, unless by the consent of the whole, either in politics or law, withdraw its powers? The larger states contribute most, but they have more to protect; a rich state and a poor state are in the same relation as a rich individual and a poor one: the liberty of the latter must be preserved. Two branches are not necessary in the supreme council of the states; the representatives from the several states are checks upon each other. Give congress the same powers that are intended for the two branches, and I apprehend they will act with more energy and wisdom than the latter. Congress is the sun of our political system."

Bancroft, Hist. of the U.S., vol.6, p.234

Wilson refuted Paterson by contrasting the two plans. "The congress of the confederacy," he continued, "is a single legislature. Theory and practice both proclaim that in a single house there is danger of a legislative despotism." Cotesworth Pinckney added: "The whole case comes to this: give New Jersey an equal vote, and she will dismiss her scruples and concur in the national system."

Bancroft, Hist. of the U.S., vol.6, p.235

When the salvation of the republic is at stake," said Randolph, "it would be treason to our trust not to propose what we find necessary. The insufficiency of the federal plan has been fully displayed by trial. The end of a general government can be attained only by coercion, or by real legislation. Coercion is impracticable, expensive, and cruel, and trains up instruments for the service of ambition. We must resort to a national legislation over individuals. To vest such power in the congress of the confederation would be blending the legislative with the executive. Elected by the legislatures who retain even a power of recall, they are a mere diplomatic body, with no will of their own, and always obsequious to the states who are ever encroaching on the authority of the United States. A national government, properly constituted, will alone answer the purpose; and this is the only moment when it can be established."

Bancroft, Hist. of the U.S., vol.6, p.235

On the morning of the eighteenth, Dickinson, to conciliate the conflicting parties, induced the convention to proceed through a revision of the articles of the confederation to a government of the United States, adequate to the exigencies, preservation, and prosperity of the union.

Bancroft, Hist. of the U.S., vol.6, p.235

Hamilton could no longer remain silent. Embarrassed by the complete antagonism of both his colleagues, he yet insisted that even the New York delegates need not doubt the ample extent of their powers, and under them the right to the free exercise of their judgment. The convention could only propose and recommend; to ratify or reject remained "in the states."

Bancroft, Hist. of the U.S., vol.6, p.235

Feeling that another ineffectual effort "would beget despair," he spoke for "a solid plan without regard to temporary opinions." "Our choice," he said, "is to engraft powers on the present confederation, or to form a new government with complete sovereignty." He set forth the vital defects of the confederacy, and that it could not be amended except by investing it with most important powers. To do so would establish a general government in one hand without checks; a sovereignty of the worst kind, the sovereignty of a single body. This is a conclusive objection to the Jersey plan.

Bancroft, Hist. of the U.S., vol.6, p.236

"I have great doubts," he continued, "whether a national government on the Virginia plan can be effectual. Gentlemen say we need to be rescued from the democracy. But what are the means proposed? A democratic assembly is to be checked by a democratic senate, and both these by a democratic chief magistrate. The Virginia plan is but pork still with a little change of the sauce. It will prove inefficient, because the means will not be equal to the object.

Bancroft, Hist. of the U.S., vol.6, p.236

"The general government must not only have a strong soul, but strong organs by which that soul is to operate. I despair that a republican form of government can remove the difficulties; I would hold it, however, unwise to change it. The best form of government, not attainable by us, but the model to which we should approach as near as possible, is the British constitution, praised by Necker as 'the only government which unites public strength with individual security.' Its house of lords is a most noble institution. It forms a permanent barrier against every pernicious innovation, whether attempted on the part of the crown or of the commons.

Bancroft, Hist. of the U.S., vol.6, p.236

"It seems to be admitted that no good executive can be established upon republican principles. The English model is the only good one. The British executive is placed above temptation, and can have no interest distinct from the public welfare. The inference from these observations is, that, to obtain stability and permanency, we ought to go to the full length that republican principles will admit. And the government will be republican so long as all officers are appointed by the people, or by a process of election originating with the people."

Bancroft, Hist. of the U.S., vol.6, p.237

Hamilton then read and commented on his sketch of a constitution for the United States. It planted no one branch of the general government on the states; but, by methods even more national than that of the Virginia plan, derived them all from the people.

Bancroft, Hist. of the U.S., vol.6, p.237

The assembly, which was to be the corner-stone of the edifice, was to consist of persons elected directly by the people for three years. It was to be checked by a senate elected by electors chosen by the people, and holding office during good behavior. The supreme executive, whose term of office was to be good behavior, was to be elected by electors, chosen by electors, chosen by the people. "It may be said," these were his words, "this constitutes an elective monarchy; but by making the executive subject to impeachment the term monarchy can not apply." The courts of the United States were so instituted as to place the general government above the state governments in all matters of general concern. To prevent the states from passing laws contrary to the constitution or laws of the United States, the executive of each state was to be appointed by the general government with a negative on all state legislation.

Bancroft, Hist. of the U.S., vol.6, p.237

Hamilton spoke, not to refer a proposition to the committee, but only to present his own ideas, and to indicate the amendments which he might offer to the Virginia plan. He saw evils operating in the states which must soon cure the people of their fondness for democracies, and unshackle them from their prejudices; so that they would be ready to go as far at least as he had suggested. But for the moment he held it the duty of the convention to balance inconveniences and dangers, and choose that which seemed to have the fewest objections.

Bancroft, Hist. of the U.S., vol.6, p.237

Hamilton "was praised by everybody, but supported by none." It was not the good words for the monarchy of Great Britain that enstranged his hearers. Hamilton did not go far beyond the language of Randolph, or Dickinson, or Gerry, or Charles Pinckney. The attachment to monarchy in the United States had not been consumed by volcanic fire; it had disappeared because there was nothing left in them to keep it alive. The nation imperceptibly and without bitterness outgrew its old habits of thought. Gratitude for the revolution of 1688 still threw a halo round the house of lords. But Hamilton, finding a borne in the United States only after his mind was near maturity, did not cherish toward the states the feeling of those who were born and bred on the soil, and had received into their affections the thought and experience of the preceding generation. His speech called forth from many sides the liveliest defence of the rights of the states.

Bancroft, Hist. of the U.S., vol.6, p.238

On the nineteenth the convention in committee rejected the milder motion of Dickinson; and, after an exhaustive analysis by Madison of the defects in the New Jersey plan, they reported the amended plan of Virginia by the vote of the six national states, aided by the vote of Connecticut.

Chapter 3:

The Connecticut Compromise,

June 19-July 2, 1787

Bancroft, Hist. of the U.S., vol.6, p.239

THE convention, which had shown itself so resolute for consolidating the union, next bethought itself of home rule. In reply to what had fallen from Hamilton, Wilson said, on the nineteenth of June: "I am for a national government, but not one that will swallow up the state governments; these are absolutely necessary for purposes which the national government cannot reach."

Bancroft, Hist. of the U.S., vol.6, p.239

"I did not intend yesterday," exclaimed Hamilton, "a total extinguishment of state governments; but that a national government must have indefinite sovereignty; for if it were limited at all, the rivalship of the states would gradually subvert it. The states must retain subordinate jurisdictions." "If the states," said King, "retain some portion of their sovereignty, they have certainly divested themselves of essential portions of it. If, in some respects, they form a confederacy, in others they form a nation."

Bancroft, Hist. of the U.S., vol.6, p.239

Martin held that the separation from Great Britain placed the thirteen states in a state of nature toward each other. This Wilson denied, saying: "In the declaration of independence the united colonies were declared to be free and independent states, independent, not individually, but unitedly."

Bancroft, Hist. of the U.S., vol.6, p.239

Connecticut, which was in all sincerity partly federal and partly national, was now compelled to take the lead. As a state she was the most homogeneous and the most fixed in the character of her consociate churches and her complete system of home government. Her delegation to the convention was thrice remarkable: they had precedence in age; in experience, from 1776 to 1786 on committees to frame or amend a constitution for the country; and in illustrating the force of religion in human life.

Bancroft, Hist. of the U.S., vol.6, p.240

Roger Sherman was a unique man. No one in the convention had had so large experience in legislating for the United States. Next to Franklin the oldest man in the convention, like Franklin he had had no education but in the common school of his birthplace hard by Boston; and as the one learned the trade of a tallow-chandler, so the other had been apprenticed to a shoemaker.

Bancroft, Hist. of the U.S., vol.6, p.240

Left at nineteen an orphan on the father's side, he ministered to his mother during her long life; and having suffered from the want of a liberal education, he provided it for his younger brothers. Resolved to conquer poverty, at the age of two-and-twenty he wrapped himself in his own manliness, and, bearing with him the tools of his trade, he migrated on foot to New Milford, in Connecticut, where he gained a living by his craft or by traffic, until in December 1754, after careful study, he was admitted to the bar.

Bancroft, Hist. of the U.S., vol.6, p.240

There was in him kind-heartedness and industry, penetration and close reasoning, an unclouded intellect, superiority to passion, intrepid patriotism, solid judgment, and a directness which went straight to its end; so that the country people among whom he lived, first at New Milford and then at New Haven, gave him every possible sign of their confidence. The church made him its deacon; Yale college its treasurer; New Haven its representative, and, when it became a city, its first mayor, re-electing him as long as he lived. For nineteen years he was annually chosen one of the fourteen assistants, or upper house of the legislature; and for twenty-three years a judge of the court of common pleas, or of the superior court.

Bancroft, Hist. of the U.S., vol.6, p.240 - p.241

A plurality of offices being then allowed, Sherman was sent to the first congress in 1774, and to every other congress to the last hour of his life, except when excluded by the fundamental law of rotation. In congress he served on most of the important committees, the board of war, the board of the marine, the board of finance. He signed the declaration of 1774, which some writers regard as the date of our nationality; was of the committee to write, and was a signer of the declaration of independence; was of the committee to frame the articles of the confederation, and a signer of that instrument. No one is known to have complained of his filling too many offices, or to have found fault with the manner in which he filled them. In the convention he never made long speeches, but would intuitively seize on the turning-point of a question, and present it in terse language which showed his own opinion and the strength on which it rested.

Bancroft, Hist. of the U.S., vol.6, p.241

By the side of Sherman stood William Samuel Johnson, then sixty years of age. He took his first degree at Yale, his second, after a few months' further study, at Harvard; became a representative in the Connecticut assembly; was a delegate to the stamp-act congress of 1765, and assisted in writing its address to the king. He became the able and faithful agent of his state in England, where Oxford made him a doctor of civil law. After his return in 1771, he was chosen one of the fourteen assistants, and one of the judges of the superior court. He was sent by Connecticut on a peace mission to Gage at Boston; but from the war for independence he kept aloof. His state, nevertheless, appointed him its leading counsel in its territorial disputes with Pennsylvania. A delegate to the fifth congress and the sixth, he acted in 1786 on a grand committee and its sub-committee for reforming the federal government. He had just been unanimously chosen president of Columbia college. His calm and conservative character made him tardy in coming up to a new position, so that he had even opposed the call of the federal convention. He was of good-humor, composedness, and candor, and he knew how to conciliate and to convince.

Bancroft, Hist. of the U.S., vol.6, p.241

The third member of the Connecticut delegation was Oliver Ellsworth, whom we have seen on the committee of 1781 for amending the constitution, and on the committee of 1783 for addressing the states in behalf of further reforms. A native of Connecticut, he was at Yale for two years, and in 1766, after two years more of study, graduated in the college of New Jersey, where Luther Martin was his classmate. Of a robust habit of mind, he was full of energy and by nature hopeful; devoid of sentimentality and safe against the seductions of feeling or the delusions of imagination, he was always self-possessed. Free from rancor and superior to flattery, he could neither be intimidated nor cajoled. His mind advanced cautiously, but with great moving force. Knowing what he needed, he could not be turned from its pursuit; obtaining it, he never wrangled for more. He had been the attorney of his own state, a member of its assembly, one of its delegates in congress, a colleague of Sherman in its superior court; and now, at the age of two-and-forty, rich in experience, he becomes one of the chief workmen in framing the federal constitution.

Bancroft, Hist. of the U.S., vol.6, p.242

By Paterson, in his notes for a New Jersey plan, the proposed new government was named "the federal government of the United States;" by Dickinson, in his resolution, "the government of the United States." In the Virginia plan it was described as "national" nineteen times, and in the report from the convention in committee of the whole to the house, twenty-six times. Ellsworth, who then and ever after did not scruple to use the word "national," moved to substitute in the amended Virginia plan the phrase of Dickinson as the proper title. To avoid alarm, the friends to the national plan unhesitatingly accepted the colorless change. Lansing then moved "that the powers of legislation ought to be vested in the United States in congress." He dwelt again on the want of power in the convention, the probable disapprobation of their constituents, the consequent dissolution of the union, the inability of a general government to pervade the whole continent, the danger of complicating the British model of government with state governments on principles which would gradually destroy the one or the other.

Bancroft, Hist. of the U.S., vol.6, p.242

Mason protested against a renewed agitation of the question between the two plans, and against the objection of a want of ample powers in the convention; with impassioned wisdom, he continued:

Bancroft, Hist. of the U.S., vol.6, p.242

"On two points the American mind is well settled: an attachment to republican government, and an attachment to more than one branch in the legislature. The general accord of their constitutions in both these circumstances must either have been a miracle, or must have resulted from the genius of the people. Congress is the only single legislature not chosen by the people themselves, and in consequence they have been constantly averse to giving it further powers. They never will, they never can, intrust their dearest rights and liberties to one body of men not chosen by them, and yet invested with the sword and the purse; a conclave, transacting their business in secret and guided in many of their acts by factions and party spirit. It is acknowledged by the author of the New Jersey plan that it cannot be enforced without military coercion. The most jarring elements of nature, fire and water, are not more incompatible than such a mixture of civil liberty and military execution.

Bancroft, Hist. of the U.S., vol.6, p.243

"Notwithstanding my solicitude to establish a national government, I never will agree to abolish the state governments, or render them absolutely insignificant. They are as necessary as the general government, and I shall be equally careful to preserve them. I am aware of the difficulty of drawing the line between the two, but hope it is not insurmountable. That the one government will be productive of disputes and jealousies against the other, I believe; but it will produce mutual safety. The convention cannot make a faultless government; but I will trust posterity to mend its defects."

Bancroft, Hist. of the U.S., vol.6, p.243

The day ended in a definitive refusal to take up the proposition of Lansing; the six national states standing together against the three federal ones and Connecticut, Maryland being divided. The four southernmost states aimed at no selfish advantages, when in this hour of extreme danger they came to the rescue of the union. Moreover, the people of Maryland were by a large majority on the side of the national states, and the votes of Connecticut and Delaware were given only to pave the way to an equal vote in the senate.

Bancroft, Hist. of the U.S., vol.6, p.243

Weary of supporting the New Jersey plan, Sherman pleaded for two houses of the national legislature and an equal vote of the states in one of them. On the next morning John son took up the theme. Avoiding every appearance of dictation, he invited the convention to harmonize the individuality of the states as proposed by New Jersey with the general sovereignty and jurisdiction of the Virginia plan. He wished it to be well considered, whether the portion of sovereignty which was to remain with the states could be preserved without allowing them in the second branch of the national legislature a distinct and equal vote.

Bancroft, Hist. of the U.S., vol.6, p.244

The six national states, re-enforced by Connecticut, then resolved that the general legislature should consist of two branches. Upon this decision, which was carried by more than two states to one, the New Jersey plan fell hopelessly to the ground.

Bancroft, Hist. of the U.S., vol.6, p.244

It was on the twenty-fifth, in the course of these debates, that Wilson said: "When I consider the amazing extent of country, the immense population which is to fill it, the influence which the government we are to form will have, not only on the present generation of our people and their multiplied posterity, but on the whole globe, I am lost in the magnitude of the object. We are laying the foundation of a building in which millions are interested, and which is to last for ages. In laying one stone amiss we may injure the superstructure; and what will be the consequence if the corner-stone should be loosely placed? A citizen of America is a citizen of the general government, and is a citizen of the particular state in which he may reside. The general government is meant for them in the first capacity; the state governments in the second. Both governments are derived from the people, both meant for the people; both, therefore, ought to be regulated on the same principles. In forming the general government we must forget our local habits and attachments, lay aside our state connections, and act for the general good of the whole. The general government is not an assemblage of states, but of individuals, for certain political purposes; it is not meant for the states, but for the individuals composing them; the individuals, therefore, not the states, ought to be represented in it." He persisted to the last in demanding that the senate should be elected by electors chosen by the people.

Bancroft, Hist. of the U.S., vol.6, p.245

Ellsworth replied: "Whether the member of the senate be appointed by the people or by the legislature, he will be a citizen of the state he is to represent. Every state has its particular views and prejudices, which will find their way into the general council, through whatever channel they may flow. The state legislatures are more competent to make a judicious choice than the people at large. Without the existence and co-operation of the states, a republican government cannot be supported over so great an extent of country. We know that the people of the states are strongly attached to their own constitutions. If you hold up a system of general government, destructive of their constitutional rights, they will oppose it. The only chance we have to support a general government is to graft it on the state governments."

Bancroft, Hist. of the U.S., vol.6, p.245

That the members of the second branch should be chosen by the individual legislatures, which in the committee had been unanimously accepted, was then affirmed in convention by all the states except Pennsylvania and Virginia, which looked upon this mode of choice as the stepping-stone to an equal representation.

Bancroft, Hist. of the U.S., vol.6, p.245

For the term of office of the senators, who, as all agreed, were to go out in classes, Randolph proposed seven years; Cotesworth Pinckney, four; Gorham and Wilson, six with biennial rotation. Read desired the tenure of good behavior, but, hardly finding a second, moved for a term of nine years as the longest which had a chance for support.

Bancroft, Hist. of the U.S., vol.6, p.245

Madison came to his aid. "The second branch, as a limited number of citizens, respectable for wisdom and virtue, will be watched by and will keep watch over the representatives of the people; it will seasonably interpose between impetuous counsels; and will guard the minority who are placed above indigence against the agrarian attempts of the ever-increasing class who labor under all the hardships of life, and secretly sigh for a more equal distribution of its blessings. The longer the members of the senate continue in office, the better will these objects be answered. The term of nine years can threaten no real danger."

Bancroft, Hist. of the U.S., vol.6, p.246

Sherman replied: "The more permanency a government has, the worse, if it be a bad one. I shall be content with six years for the senate; but four will be quite sufficient."

Bancroft, Hist. of the U.S., vol.6, p.246

"We are now to decide the fate of republican government," said Hamilton; "if we do not give to that form due stability, it will be disgraced and lost among ourselves, disgraced and lost to mankind forever. I acknowledge I do not think favorably of republican government; but I address my remarks to those who do, in order to prevail on them to tone their government as high as possible. I profess myself as zealous an advocate for liberty as any man whatever; and trust I shall be as willing a martyr to it, though I differ as to the form in which it is most eligible. Real liberty is neither found in despotism nor in the extremes of democracy, but in moderate governments. Those who mean to form a solid republic ought to proceed to the confines of another government. If we incline too much to democracy, we shall soon shoot into a monarchy." The term of nine years received only the votes of Pennsylvania, Delaware, and Virginia; and that for six years, with the biennial renewal of one third of its members, was carried by the voice of seven states against four.

Bancroft, Hist. of the U.S., vol.6, p.246

On the twenty-seventh, Rutledge brought the convention to consider the rule of suffrage in the two branches of the national legislature. For the rest of the day, and part of the next, Martin vehemently denounced any general government that could reach individuals, and intimated plainly that Clinton of New York would surely prevent its adoption in that state. Lansing renewed the proposal to vote by states in the first branch of the legislature. Madison summed up a most elaborate statement by saying: "The two extremes before us are, a perfect separation, and a perfect incorporation of the thirteen states. In the first case, they will be independent nations, subject only to the law of nations; in the last, they will be mere counties of one entire republic, subject to one common law. In the first, the smaller states will have everything to fear from the larger; in the last, nothing. Their true policy, therefore, lies in promoting that form of government which will most approximate the states to the condition of counties." Johnson and Sherman and Ellsworth, Paterson and Dickinson, even at the risk of union, opposed King, the most eloquent orator, Wilson, the most learned civilian, and Madison, the most careful statesman, of the convention. It was in vain for the smaller states to say they intended no injustice, and equally in vain for Madison to plead that the large states, from differing customs, religion, and interests, could never unite in perilous combinations. In the great diversity of sentiment, Johnson could not foresee the result of their deliberations; and at a later day Martin reported that the convention was "on the verge of dissolution, scarce held together by the strength of a hair."

Bancroft, Hist. of the U.S., vol.6, p.247

To restore calm, Franklin, just as the house was about to adjourn, proposed that the convention should be opened every morning by prayer. Having present in his mind his own marvellous career from the mocking skepticism of his boyhood, he said: "The longer I live, the more convincing proofs I see that God governs in the affairs of men. I firmly believe that 'except the Lord build the house, they labor in vain that build it.' Without his concurring aid, we shall be divided by our little local interests, succeed no better than the builders of Babel, and become a reproach and by-word to future ages. What is worse, mankind may hereafter, from this unfortunate instance, despair of establishing government by human wisdom, and leave it to chance and war." The motion was avoided by adjournment.

Bancroft, Hist. of the U.S., vol.6, p.247

The concurring aid which Franklin invoked implied a purification from the dominion of selfish interests. In the next meeting the members were less absorbed by inferior motives. The debate was opened by Johnson. "A state," he said, "exists as a political society, and it exists as a district of individual citizens. The aristocratic and other interests, and the interests of the states, must be armed with some power of self-defence. In one branch of the general government the people ought to be represented; in the other, the states." Gorham brought together arguments for union alike from the point of view of small and of large states; and his last word was: "A union of the states is necessary to their happiness, and a firm general government is necessary to their union. I will stay here as long as any state will remain, in order to agree on some plan that can be recommended to the people."

Bancroft, Hist. of the U.S., vol.6, p.248

"I do not despair," said Ellsworth; "I still trust that some good plan of government will be devised and adopted."

Bancroft, Hist. of the U.S., vol.6, p.248

"If this point of representation is once well fixed," said Madison, "we shall come nearer to one another in sentiment. The necessity will then be discovered of circumscribing more effectually the state governments, and enlarging the bounds of the general government. There is a gradation from the smallest corporation with the most limited powers to the largest empire with the most perfect sovereignty. The states never possessed the essential rights of sovereignty; these were always vested in congress. Voting as states in congress is no evidence of sovereignty. The state of Maryland voted by counties. Did this make the counties sovereign? The states, at present, are only great corporations, having the power of making by-laws not contradictory to the general confederation. The proposed government will have powers far beyond those exercised by the British parliament when the states were part of the British empire.

Bancroft, Hist. of the U.S., vol.6, p.248

The mixed nature of the government ought to be kept in view; but the exercise of an equal voice by unequal portions of the people is confessedly unjust, and would infuse mortality into the constitution which we wish to last forever. A total separation of the states from each other or partial confederacies would alike be truly deplorable; and those who may be accessory to either can never be forgiven by their country, nor by themselves."

Bancroft, Hist. of the U.S., vol.6, p.249

"In all the states," said Hamilton, "the rights of individuals with regard to suffrage are modified by qualifications of property. In like manner states may modify their right of suffrage, the larger exercising a larger, the smaller a smaller share of it. Will the people of Delaware be less free if each citizen has an equal vote with each citizen of Pennsylvania? The contest is for power, not for liberty.

Bancroft, Hist. of the U.S., vol.6, p.249

"No government can give us happiness at home which has not the strength to make us respectable abroad. This is the critical moment for forming such a government. As yet we retain the habits of union. We are weak, and sensible of our weakness. Our people are disposed to have a good government; but henceforward the motives will become feebler and the difficulties greater. It is a miracle that we are now here, exercising free deliberation; it would be madness to trust to future miracles. We must therefore improve the opportunity, and render the present system as perfect as possible. The good sense of the people, and, above all, the necessity of their affairs, will induce them to adopt it."

Bancroft, Hist. of the U.S., vol.6, p.249

It was then decided, by the six national states to four, Maryland being divided, that the rule of suffrage in the first branch ought to bear proportion to the population of the several states. A reversal of this decision was never attempted.

Bancroft, Hist. of the U.S., vol.6, p.249

Ellsworth now put forth all his strength as he moved that in the second branch the vote should be taken by states: "I confess that the effect of this motion is to make the general government partly federal and partly national. I am not sorry that the vote just passed has determined against this rule in the first branch; I hope it will become a ground of coma promise with regard to the second. On this middle ground, and on no other, can a compromise take place. If the great states refuse this plan, we shall be forever separated.

Bancroft, Hist. of the U.S., vol.6, p.250

"In the hoar of common danger we united as equals; is it just to depart from this principle now, when the danger is over? The existing confederation is founded on the equality of the states in the article of suffrage, and is declared to be perpetual. Is it meant to pay no regard to this plighted faith? We then associated as free and independent states. To perpetuate that independence, I wish to establish a national legislature, executive, and judiciary; for under these we shall preserve peace and harmony."

Bancroft, Hist. of the U.S., vol.6, p.250

Abraham Baldwin, a native of Connecticut, a graduate of Yale college, for four years one of its tutors, a recent emigrant to Georgia, from which state he was now a deputy, stepped forth to the relief of Ellsworth, saying: "The second branch ought to be the representation of property, and ought not to be elected as the first."

Bancroft, Hist. of the U.S., vol.6, p.250

"If a minority will have their own will, or separate the union," said Wilson, on the thirtieth, "let it be done. I cannot consent that one fourth shall control the power of three fourths. The Connecticut proposal removes only a part of the objection. We all aim at giving the general government more energy. The state governments are necessary and valuable. No liberty can be obtained without them. On this question of the manner of taking the vote in the second branch depend the essential rights of the general government and of the people."

Bancroft, Hist. of the U.S., vol.6, p.250

Ellsworth replied: "No salutary measure has been lost for want of a majority of the states to favor it. If the larger states seek security, they have it fully in the first branch of the general government. But are the lesser states equally secure? We are razing the foundation of the building, when we need only repair the roof. And let it be remembered that these remarks are not the result of partial or local views. In importance, the state I represent holds a middle rank."

Bancroft, Hist. of the U.S., vol.6, p.251

"If there was real danger to the smaller states," said Madison, "I would give them defensive weapons. But there is none. The great danger to our general government is, that the southern and northern interests of the continent are opposed to each other, not from their difference of size, but from climate, and principally from the effects of their having or not having slaves. Look to the votes in congress; most of them stand divided by the geography of the country, not by the size of the states. Defensive power ought to be given, not between the large and small states, but between the northern and southern. Casting about in my mind for some expedient that will answer this purpose, it has occurred that the states should be represented in one branch according to the number of free inhabitants only; and in the other according to the whole number, counting the slaves as free. The southern scale would have the advantage in one house, and the northern in another." By this willingness to recede from the strict claim to representation in proportion to population for the sake of protecting slavery, Madison stepped from firm ground. The argument of Ellsworth drawn from the faith plighted to the smaller states in the existing federal compact, he answered only by taunts: "The party claiming from others an adherence to a common engagement ought at least to be itself guiltless of its violation. Of all the states, Connecticut is perhaps least able to urge this plea."

Bancroft, Hist. of the U.S., vol.6, p.251

Fixing his eyes on Washington, Ellsworth rejoined: "To you I can with confidence appeal for the great exertions of my state during the war in supplying both men and money. The muster rolls will show that she had more troops in the field than even the state of Virginia. We strained every nerve to raise them; and we spared neither money nor exertions to complete our quotas. This extraordinary exertion has greatly impoverished us, and has accumulated Our state debts; but we defy any gentleman to show that we ever refused a federal requisition. If she has proved delinquent through inability only, it is not more than others have been without the same excuse. It is the ardent wish of the state to strengthen the federal government."

Bancroft, Hist. of the U.S., vol.6, p.252

Davie of North Carolina, breaking the phalanx of national states, preferred the proposition of Ellsworth to the proportional representation, which would in time make the senate a multitudinous body. Connecticut had won the day.

Bancroft, Hist. of the U.S., vol.6, p.252

Startled by the appearance of defeat, Wilson hastily offered to the smallest states one senator, to the others one for every hundred thousand souls. This expedient Franklin brushed aside, saying: "On a proportional representation the small states contend that their liberties will be in danger; with an equality of votes, the large states say their money will be in danger. A joiner, when he wants to fit two boards, takes a little from both." And he suggested for the several states a like number of delegates to the senate, with proportionate votes on financial subjects, equal votes on questions affecting the rights of the states.

Bancroft, Hist. of the U.S., vol.6, p.252

King inveighed against the "phantom of state sovereignty:" "If the adherence to an equality of votes is unalterable, we are cut asunder already. My mind is prepared for every event, rather than to sit down under a government which must be as short-lived as it would be unjust."

Bancroft, Hist. of the U.S., vol.6, p.252

Dayton replied: "Assertion for proof and terror for argument, however eloquently spoken, will have no effect. It should have been shown that the evils we have experienced proceeded from the equality of representation."

Bancroft, Hist. of the U.S., vol.6, p.252

"The plan in its present shape," said Madison, "makes the senate absolutely dependent on the states; it is, therefore, only another edition of the old confederation, and can never answer. Still I would preserve the state rights as carefully as the trial by jury."

Bancroft, Hist. of the U.S., vol.6, p.253

Bedford scoffed at Georgia, proud of her future greatness; at South Carolina, puffed up with wealth and negroes; at the great states, ambitious, dictatorial, and unworthy of trust; and defied them to dissolve the confederation, for ruin would then stare them in the face.

Bancroft, Hist. of the U.S., vol.6, p.253

To a question from King, whether by entering into a national government he would not equally participate in national security, Ellsworth answered: "I confess I should; but a general government cannot know my wants, nor relieve my distress. I depend for domestic happiness as much on my state government as a new-born infant depends upon its mother for nourishment. If this is not an answer, I have no other to give."

Bancroft, Hist. of the U.S., vol.6, p.253

On the second of July five states voted with Ellsworth for equal suffrage in the senate; five of the six national states answered, No. All interest then centred upon Georgia, the sixth national state and the last to vote. Baldwin, fearing a disruption of the convention, and convinced of the hopelessness of assembling another under better auspices, dissented from his colleague, and divided the vote of his state. So the motion was lost by a tie; but as all believed that New Hampshire and Rhode Island, had they been present, would have voted with Connecticut, the convention moved rapidly toward its inevitable decision.

Bancroft, Hist. of the U.S., vol.6, p.253

For a moment Charles Pinckney made delay by calling up his scheme for dividing the United States into northern, middle, and southern groups, and apportioning the senators between the three; a measure which, with modifications, he repeatedly brought forward.

Bancroft, Hist. of the U.S., vol.6, p.253

Cotesworth Pinckney liked better the motion of Franklin, and proposed that a committee of one from each state, taking into consideration both branches of the legislature, should devise and report a compromise. "Such a committee," said Sherman, "is necessary to set us right."

Bancroft, Hist. of the U.S., vol.6, p.253

Gouverneur Morris, who, after a month's absence, had just returned, spoke abruptly for a senate for life to be appointed by the executive; but the committee was ordered by a great majority; and the house showed its own inclination by selecting Franklin, Gerry, Ellsworth, Yates, Paterson, even Bedford and Martin, Mason, Davie, Rutledge, and Baldwin. To give them time for their task, and to all the opportunity of celebrating the anniversary of independence, the convention adjourned for three days.

Chapter 4:

The Adjustment of Representation,

July 3-23, 1787

Bancroft, Hist. of the U.S., vol.6, p.255

ON the morning of the third of July the grand committee accepted as a basis for a compromise the proposal of Franklin, that in the first branch of the first congress there should be one member for every forty thousand inhabitants, counting all the free and three fifths of the rest; that in the second branch each state should have an equal vote; and that, in return for this concession to the small states, the first branch should be invested with the sole power of originating taxes and appropriations. The settlement of the rule of representation for new states was considered, but was left to the convention.

Bancroft, Hist. of the U.S., vol.6, p.255

"The committee have exceeded their powers," cried Wilson, when Gerry, on the fifth, delivered the report to the convention. Madison encouraged the large states to oppose it steadfastly. Butler denounced the plan as unjust. Gouverneur Morris, delighting to startle by his cynicism, condemned alike its form and substance, adding: "State attachments and state importance have been the bane of the country. We cannot annihilate the serpents, but we may perhaps take out their teeth. Suppose the larger states agree, the smaller states must come in. Jersey would follow the opinions of New York and Pennsylvania. If persuasion does not unite the small states with the others, the sword will. The strongest party will make the weaker traitors, and hang them. The larger states are the most powerful; they must decide." Ellsworth enforced the necessity of compromise, and saw none more convenient or reasonable than that proposed by the committee.

Bancroft, Hist. of the U.S., vol.6, p.256

"We are neither the same nation, nor different nations," said Gerry; "we therefore ought not to pursue the one or the other of these ideas too closely. Without a compromise a secession will take place, and the result no man can foresee." "There must be some accommodation on this point," said Mason, "or we shall make little further progress in the work. It cannot be more inconvenient to any gentleman to remain absent from his private affairs than it is for me; but I will bury my bones in this city rather than expose my country to the consequences of a dissolution of the convention without anything being done."

Bancroft, Hist. of the U.S., vol.6, p.256

A throng of questions on representation thrust themselves into the foreground. Gouverneur Morris objected to the rule of numbers alone in the distribution of representatives. "Not liberty," said he; "property is the main object of society. The savage state is more favorable to liberty than the civilized, and was only renounced for the sake of property. A range of new states will soon be formed in the West. The rule of representation ought to be so fixed as to secure to the Atlantic states a prevalence in the national councils." Rutledge repeated: "Property is certainly the principal object of society. If numbers should be the rule of representation, the Atlantic states will soon be subjected to the western." "If new states," said Mason and Randolph, "make a part of the union, they ought to be subject to no unfavorable discriminations."

Bancroft, Hist. of the U.S., vol.6, p.256

On the morning of the sixth, Gouverneur Morris moved to refer the ratio of representation in the popular branch to a committee of five. Wilson, who still strove to defeat the compromise between the federal and the national states, seconded the motion. In the distribution of representatives, Gorham thought the number of inhabitants the true guide. "Property," said King, "is the primary object of society, and, in fixing a ratio, ought not to be excluded from the estimate." "Property," said Butler, "is the only just measure of representation." To Charles Pinckney the number of inhabitants appeared the true and only practicable rule, and he acquiesced in counting but three fifths of the slaves. The motion of Morris was carried by New England, Pennsylvania, and the four southernmost slaveholding states. Gouverneur Morris, Gorham, Randolph, Rutledge, and King, were chosen the committee.

Bancroft, Hist. of the U.S., vol.6, p.257

On the seventh the clause allowing each state an equal vote in the senate was retained as part of the report by six states against three, New York being present and voting with the majority, Massachusetts and Georgia being divided.

Bancroft, Hist. of the U.S., vol.6, p.257

The number and distribution of the members of the first branch of the legislature in the first congress, the rule for every future congress, the balance of legislative power between the South and the North; between the carrying states which asked for a retaliatory navigation act and the planting states which desired free freight and free trade; between the original states and new ones; the apportionment of representation according to numbers or wealth, or a combination of the two; the counting of all, or three fifths, or none, of the slaves; the equal suffrage in the senate—became the subjects of motions and counter-motions, postponements and recalls. To unravel the tangled skein it is necessary to trace each subject for itself to its preliminary settlement.

Bancroft, Hist. of the U.S., vol.6, p.257

On the ninth Gouverneur Morris presented the report of the committee of five. It changed the distribution of representation in the first congress to the advantage of the South; for the future, no one opposing except Randolph, it authorized, but purposely refrained from enjoining, the legislature, from time to time, to regulate the number of representatives of each state by its wealth and the number of its inhabitants.

Bancroft, Hist. of the U.S., vol.6, p.257

"The report," said Sherman, "corresponds neither with any rule of numbers, nor any requisition by congress;" and on his motion its first paragraph was referred to a committee of one member from each state. Gouverneur Morris seconded and Randolph approved the motion. Paterson could regard negro slaves in no light but as property; to grant their masters an increase of representation for them he condemned as an indirect encouragement of the slave-trade. Madison revived his suggestion of a representation of free inhabitants in the popular branch; of the whole number, including slaves, in the senate; which, as the special guardian of property, would rightly be the protector of property in slaves. "The southern states are the richest," said King, who yet should have known that they were not so, or perhaps was thinking only of the exports of the country, "they will not league themselves with the northern unless some respect is paid to their superior wealth. The North must not expect to receive from the connection preferential distinctions in commerce without allowing some advantage in return."

Bancroft, Hist. of the U.S., vol.6, p.258

The committee of one from each state on the very next morning, the tenth of July, produced their well-considered report. The committee of five had fixed the number of representatives at fifty-six; or thirty from the North, twenty-six from the South; and Maryland and Virginia had each given up one member to South Carolina, raising her number to five.

Bancroft, Hist. of the U.S., vol.6, p.258

In the confederacy each state might send to congress as many as seven delegates, so that the whole number in congress might be ninety-one. This number was adopted for the new constitution: as there were to be two branches of the legislature, two members for each state were assigned to the branch representing the states, the remaining sixty-five were assigned to the popular branch. Thirty-five were parcelled out to the North, to the South thirty. Of the new members for the South, two were allotted to Maryland, one to Virginia, and one to Georgia. In this way Connecticut, North Carolina, and South Carolina, having each five votes in the popular branch, retained in the house exactly one thirteenth of all the votes in that body, and so would hold in each branch exactly the same relative power as in the confederacy. The first census established the justice of this relative distribution between the North and the South; though, within the South, Georgia and South Carolina had each at least one more than its share.

Bancroft, Hist. of the U.S., vol.6, p.259

The final division was approved by all except South Carolina and Georgia; and these two favored states now opened a resolute but not stormy debate to gain still more legislative strength. To this end Rutledge moved to reduce the absent state of New Hampshire from three to two members, pleading its deficiency in population and its poverty.

Bancroft, Hist. of the U.S., vol.6, p.259

King, after demonstrating the rights of New Hampshire, proceeded: "The difference of interests lies not between the great and small states, but between the southern and eastern. For this reason I have been ready to yield something in the proportion of representatives for the security of the southern. I am not averse to yielding more, but do not see how it can be done. They are brought as near an equality as is possible; no principle will justify giving them a majority." Cotesworth Pinckney replied: "If the southern states are to be in such a minority, and the regulation of trade is to be given to the general government, they will be nothing more than overseers for the northern states. I do not expect the southern states to be raised to a majority of the representatives; but I wish them to have something like an equality." Randolph, speaking the opinions of Richard Henry Lee and of Mason as well as his own, announced that he had it in contemplation to require more than a bare majority of votes for laws regulating trade.

Bancroft, Hist. of the U.S., vol.6, p.259

For reducing New Hampshire none voted but South Carolina and Georgia. There followed successive motions to give one additional vote to each of the three southernmost states. They were all lost; Georgia alone obtaining the voice of Virginia.

Bancroft, Hist. of the U.S., vol.6, p.259 - p.260

On that day Robert Yates and John Lansing of New York were on the floor for the last time. The governor of their state had unreservedly declared that no good was to be expected from the deliberations at Philadelphia; that the confederation on more full experiment might be found to answer all the purposes of the union. The state which had borne itself with unselfish magnanimity through the war of the revolution had fallen under the sway of factious selfishness. Yielding to this influence, Yates and Lansing, renouncing the path to glory and the voice of duty, deserted their post, leading to the South the power to mould the commercial policy of the union at its will. Hamilton, being left alone, had no vote, and from this day to the end was absent more than half the time, taking very little part in the formation of the constitution.

Bancroft, Hist. of the U.S., vol.6, p.260

In the convention, from its organization to its dissolution, there was always a majority of at least one on the side of the southern states. After the defection of New York the proportion remained six to four till New Hampshire arrived.

Bancroft, Hist. of the U.S., vol.6, p.260

Slavery in the United States was a transient form, not an original element of their colonization, nor its necessary outgrowth. In the division between northern and southern states the criterion was, whether a state retained the power and the will by its own inward energy to extricate itself from slavery. Seven had abolished, or were preparing to abolish it. Madison

and others counted the southern states as no more than five; but Delaware, like all south of it, gave signs of being not equal to the high endeavor of setting all its bondmen free; and its votes in the convention prove that it was rightly classed by Dayton with the South. The boundary between the two sections was Mason and Dixon's line. Pennsylvania, purely popular, without family aristocracies or the ascendency of any one form of religion, first in agriculture and commerce, and not surpassed in ship-building, stood midway between six northern states and six southern ones, the stronghold of an undivided, inseparable federal republic.

Bancroft, Hist. of the U.S., vol.6, p.260

The abolition of slavery in the North, which was aided by the long British occupation of Boston, Rhode Island, and New York, had not been accomplished without a quickening of conscience on the wrongfulness of hereditary bondage and its inconsistency with the first principles of American polity. By the act of Pennsylvania of 1780 for the gradual abolition of slavery, persons merely sojourning in the state were permitted to retain their slaves for a term of six months; delegates in congress from other states, foreign ministers and consuls, as long as they continued in their public characters. The right of the masters of absconding slaves to take them away remained as before. But the recovery of a slave through the interposition of the courts was resisted with zeal by self-appointed agents; and the southern master sometimes had no relief but to seize the runaway and bring him back to bondage by force.

Bancroft, Hist. of the U.S., vol.6, p.261

Abolition and manumission societies were formed in various parts of the North. Of one of these Hamilton was the secretary, with Jay, Duane, and Robert R. Livingston for associates. Just at this time Franklin was elected president of the society in Pennsylvania. The newspapers of all parties at the North teemed with essays against slavery. The opposition to it prevailed in nearly all religious and political sects, but flamed the brightest among those of extreme democratic tendencies.

Bancroft, Hist. of the U.S., vol.6, p.261

In 1783 deputies from the yearly meeting of the Quakers were admitted to the floor of congress, and delivered their address, entreating that body to use its influence for the general abolition of the slave-trade, and in several later years the meeting renewed the petition. The Presbyterian synod which met at Philadelphia in the same week as the federal convention resolved "to procure eventually the final abolition of slavery in America." The Pennsylvania Abolition Society adopted a memorial to the convention to suppress the slave-trade, though, from motives of prudence, it was not presented.

Bancroft, Hist. of the U.S., vol.6, p.261

This conspicuous action at the North on the slave-trade and slavery might have baffled every hope of a consolidated union but for the wide distinction between those states that were least remote from the West Indies and those that lay nearer the North; between the states which planted indigo and rice and those which cultivated by slave labor maize and wheat and tobacco; between Georgia and South Carolina which had ever been well affected to the slave-trade, and the great slave-holding state to the north of them which had wrestled with England for its abolition.

Bancroft, Hist. of the U.S., vol.6, p.262

In the three northernmost of the southern states slavery maintained itself, not as an element of prosperity, but as a baleful inheritance. The best of the statesmen of Virginia, without regard to other questions which divided them, desired its abolition—alike Washington, Richard Henry Lee, Jefferson, Randolph, Madison, and Grayson. George Mason had written to the legislature of Virginia against it with the most terrible invectives and gloomiest forebodings.

Bancroft, Hist. of the U.S., vol.6, p.262

This comparative serenity of judgment in Virginia was shared, though not completely, by North Carolina, of whose population three parts out of four were free, and whose upland country attracted emigrants by its fertility, salubrity, and beauty.

Bancroft, Hist. of the U.S., vol.6, p.262

The difference between the two classes of slave states was understood by themselves, and was a guarantee that questions on slavery would neither inflame nor unite them. Virginia and North Carolina held the balance of power, and knew how to steer clear of a fatal collision.

Bancroft, Hist. of the U.S., vol.6, p.262

The preliminary distribution of representatives having been agreed upon, Gouverneur Morris on the ninth desired to leave the control of future changes to the national legislature. Perceiving peril in confiding so vast a discretion to those who might be tempted to keep to themselves an undue share of legislative power, Randolph, following the precedent of 1781, on the tenth insisted on an absolute constitutional requirement of a census of population and an estimate of wealth, to be taken within one year after the first meeting of the legislature, and ever thereafter periodically; and that the representation should be arranged accordingly.

Bancroft, Hist. of the U.S., vol.6, p.262

Gouverneur Morris, supported by King and others, resisted this "fettering of the legislature," by which a preponderance might be thrown into the western scale. In various debates it was urged by Morris and King and others that the western people would in time outnumber those of the Atlantic states, while they would be less wealthy, less cultivated, less favorable to foreign commerce, and less willing to bide the right moment for acquiring the free navigation of the lower Mississippi; that the busy haunts of men are the proper school for statesmen; that the members from the back country are always most averse to the best measures; that, if the western people should get the power into their hands, they would ruin the Atlantic interests; and therefore that, in every future legislature, the original states should keep the majority in their own hands.

Bancroft, Hist. of the U.S., vol.6, p.263

To this Mason replied: " A revision from time to time, according to some permanent and precise standard, is essential to fair representation. According to the present population of America, the northern part of it has a right to preponderate; and I cannot deny it. But, unless there shall be inserted in the constitution some principle which will do justice to the southern states hereafter, when they shall have three fourths of the people of America within their limits, I can neither vote for the system here nor support it in my state. The western states as they arise must be treated as equals, or they will speedily revolt. The number of inhabitants is a sufficiently precise standard of wealth."

Bancroft, Hist. of the U.S., vol.6, p.263

"Congress," said Randolph, " have pledged the public faith to the new states that they shall be admitted on equal terms. They never will, they never ought to accede on any other." Madison demonstrated that no distinctions unfavorable to the western states were admissible, either in point of justice or policy.

Bancroft, Hist. of the U.S., vol.6, p.263

By a vote of seven to three the first legislature under the new constitution was required to provide for a census; a periodical census ever after was then accepted without a division. Its period, first fixed at fifteen years, after repeated debates, was reduced to ten.

Bancroft, Hist. of the U.S., vol.6, p.263 - p.264

Yet an ineradicable dread of the coming power of the South-west lurked in New England, especially in Massachusetts. On the fourteenth, only three days after the subject appeared to have been definitively disposed of, Gerry and King moved that the representatives of new states should never collectively exceed in number the representatives from such of the Old thirteen states as should accede to the new confederation. The motion came from New England; and from New England came the reply. "We are providing for our posterity," said Sherman, who had taken the principal part in securing to Connecticut a magnificent reserve of lands in northern Ohio. "Our children and our grandchildren will be as likely to be citizens of new western states as of the old states." His words were lost upon his own colleagues. The motion was defeated by the narrowest majority, Massachusetts being sustained by Connecticut, Delaware, and Maryland, against New Jersey and the four southernmost states, Pennsylvania being divided. The vote of Maryland and Delaware was but the dying expression of old regrets about the proprietaryship of western lands, from which they had been excluded; that of Massachusetts sprung from a jealousy which grew stronger with the ever-increasing political power of the South-west. But in spite of renewed murmurs the decision was never reversed.

Bancroft, Hist. of the U.S., vol.6, p.264

The final concession on the representation for slaves proceeded from North Carolina. On the eleventh of July, Williamson accepted for the permanent basis the free inhabitants and three fifths of all others. Randolph agreed to the amendment. On the instant Butler and Cotesworth Pinckney demanded that the blacks should be counted equally with the whites.

Bancroft, Hist. of the U.S., vol.6, p.264

New York, New Hampshire, and Rhode Island not being on the floor, the southern states were left with ample power to settle the question as they pleased. "The motion," said Mason, "is favorable to Virginia, but I think it unjust. As slaves are useful to the community at large, they ought not to be excluded from the estimate for representation; I cannot, however, vote for them as equals to freemen." On the question, Delaware alone joined South Carolina and Georgia.

Bancroft, Hist. of the U.S., vol.6, p.264

Rutledge next insisted on proportioning representation periodically according to wealth as well as population. This was condemned by Mason as indefinite and impracticable, leaving to the legislature a pretext for doing nothing. Madison saw no substantial objection to fixing numbers for the perpetual standard of representation. In like manner Sherman, Johnson, Wilson, and Gorham looked upon population as the best measure of wealth; and accepted the propriety of establishing numbers as the rule.

Bancroft, Hist. of the U.S., vol.6, p.265

King refused to be reconciled to any concession of representation for slaves. Gouverneur Morris, always a hater of slavery, closed the debate by saying: "I am reduced to the dilemma of doing injustice to the southern states, or to human nature, and I must do it to the former; I can never agree to give such encouragement to the slave-trade as would be given by allowing them a representation for their negroes."

Bancroft, Hist. of the U.S., vol.6, p.265

On the division, those who insisted on enumerating all the slaves and those who refused to enumerate any of them, as elements of representation, partially coalesced; and Connecticut, Virginia, and North Carolina, though aided by Georgia, were outvoted by Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina.

Bancroft, Hist. of the U.S., vol.6, p.265

The aspect of affairs at the adjournment was not so dangerous as it seemed. Virginia with a united delegation had her hand on the helm, while North Carolina kept watch at her side.

Bancroft, Hist. of the U.S., vol.6, p.265

But Gouverneur Morris brooded over the deep gulf by which the convention seemed to him rent in twain; and rashly undertook to build a bridge over the chasm. To that end he proposed the next morning that taxation should be in proportion to representation. His motion was general, extending to every branch of revenue.

Bancroft, Hist. of the U.S., vol.6, p.265

The convention was taken by surprise. South Carolina scorned to be driven from her object by the menace of increased contributions to the general treasury; and again demanded a full representation for all blacks. Mason pointed out that the proposal of Gouverneur Morris would so embarrass the legislature in raising a revenue that they would be driven back to requisitions on the states. Appalled at discovering that his motion was a death-blow to the new constitution, Morris limited it to direct taxation, saying: "It would be inapplicable to indirect taxes on exports and imports and consumption." Cotesworth Pinckney took fire at the idea of taxing exports. Wilson came to the partial rescue of Morris; and the convention, without a dissentient, agreed that "direct taxation ought to be in proportion to representation." In this short interlude, by the temerity of one man, the United States were precluded from deriving an equitable revenue from real property. Morris soon saw what evil he had wrought, but he vainly strove to retrieve it.

Bancroft, Hist. of the U.S., vol.6, p.266

The moderating states of the South grew restless. "North Carolina," said Davie, "will never confederate on terms that do not rate their blacks at least as three fifths." Johnson, holding the negro slave to be a man, and nothing less than a man, could not forego the conclusion "that blacks equally with the whites ought to fall within the computation," and his votes conformed to his scruples. Contrary to the wishes of Gouverneur Morris and King, Randolph insisted that the representation allowed for slaves should be imbodied in the constitution, saying: "I lament that such a species of property exists; but, as it does exist, the holders of it will require this security." Ellsworth seconded Randolph, whose motion was tempered in its form by Wilson, so as to avoid the direct mention of slavery or slave. "The southern states," said King, "threaten to separate now in case injury shall be done them. There will be no point of time at which they will not be able to say, 'Do us justice or we will separate.'" The final motion to make blacks equal with whites in fixing the ratio of representation received no support but from South Carolina and Georgia; and the compromise, proportioning representation to direct taxation, and both to the number of the free and three fifths of others, was established by the southern states, even Georgia approving, and South Carolina relenting so far as to divide its vote.

Bancroft, Hist. of the U.S., vol.6, p.267

Randolph, on the thirteenth, seized the opportunity to propose numbers as the sole rule of representation. Gouverneur Morris "stated the result of his deep meditation": "The southern gentlemen will not be satisfied unless they see the way open to their gaining a majority in the public councils. The consequence of such a transfer of power from the maritime to the interior and landed interest will, I foresee, be an oppression to commerce. In this struggle between the two ends of the union, the middle states ought to join their eastern brethren. If the southern states get the power into their hands and be joined as they will be with the interior country, everything is to be apprehended."

Bancroft, Hist. of the U.S., vol.6, p.267

By the interior, Morris had specially in his mind the rising states of Kentucky and Tennessee. Butler replied: "The southern states want security that their negroes may not be taken from them, which some gentlemen within or without doors have a very good mind to do. North Carolina, South Carolina, and Georgia will have relatively many more people than they now have. The people and strength of America are evidently bearing to the South and South-west."

Bancroft, Hist. of the U.S., vol.6, p.267

"The majority," said Wilson, "wherever found, ought to govern. The interior country, should it acquire this majority, will avail itself of its right whether we will or no. If numbers be not a proper rule, why is not some better rule pointed out? Congress have never been able to discover a better. No state has suggested any other. Property is not the sole nor the primary end of government and society; the improvement of the human mind is the most noble object. With respect to this and other personal rights, numbers are surely the natural and precise measure of representation, and could not vary much from the precise measure of property."

Bancroft, Hist. of the U.S., vol.6, p.267

The apportionment of representation according to numbers was adopted without a negative, Delaware alone being divided. The American declaration of independence proclaimed all men free and equal; the federal convention founded representation on numbers alone.

Bancroft, Hist. of the U.S., vol.6, p.267

The equality of votes of the states in the senate being reported to the convention on the fourteenth, was resisted by Wilson, King, and Madison to the last as contrary to justice. On the other hand, Sherman held that the state governments could not be preserved unless they should have a negative in the general government.

Bancroft, Hist. of the U.S., vol.6, p.268

Caleb Strong, a statesman of consummate prudence, from the valley of the Connecticut, a graduate of Harvard, and a fit representative of the country people of Massachusetts, lucidly reviewed the case, and, from the desire to prevent the dissolution of the union, found himself compelled to vote for the compromise. Madison replied in an elaborate speech, which closed with these words: "The perpetuity which an equality of votes in the second branch will give to the preponderance of the northern against the southern scale is a serious consideration. It seems now well understood that the real difference of interests lies, not between the large and small, but between the northern and southern states. The institution of slavery and its consequences form the line of discrimination. Should a proportional representation take place, the northern will still outnumber the other; but every day will tend toward an equilibrium."

Bancroft, Hist. of the U.S., vol.6, p.268 - p.269

The great poet of the Hellenic race relates how the most famed of its warriors was lured by one of the heavenly powers from the battle-field to chase a phantom. Had the South joined with the smaller states to establish the suffrage by states in both branches of the general legislature, it would, in less than ten years, have arrived at an equality, alike in the house and in the senate. But it believed that swarms of emigrants were about to throng every path to the South-west, bearing with them affluence and power. It did not yet know the dynamic energy of freedom in producing wealth, and attracting and employing and retaining population. The equality of the vote in the senate, which Virginia and South Carolina vehemently resisted, was to gain and preserve for the slaveholding states a balance in one branch of the legislature; in the other, where representation was apportioned to population, the superiority of the free commonwealths would increase from decade to decade till slavery in the United States should be no more. Shrinking from the final vote on the question, the house adjourned.

Bancroft, Hist. of the U.S., vol.6, p.269

On Monday, the sixteenth, as soon as the convention assembled, the question was taken on the amended report which included an equality of votes in the senate. The six southern states were present, and only four of the northern. Four of the six states which demanded a proportioned representation stubbornly refused to yield. It was of decisive influence on the history of the country that Strong and Gerry, balancing the inflexible King and Gorham, pledged Massachusetts at least to neutrality. On the other side, Connecticut, New Jersey, Delaware, and Maryland spurned the thought of surrender. The decision was given by North Carolina, which broke from her great associates and gave a majority of one to the smaller states. More than ten years before, Jefferson had most earnestly proposed this compromise, seeking to proselyte John Adams, to whom he wrote: "The good whigs will so far cede their opinions for the sake of union." He heard with great joy that his prophecy had come to pass.

Bancroft, Hist. of the U.S., vol.6, p.269

The large states accepted the decision as final. When, on the seventeenth, Gouverneur Morris proposed a reconsideration of the resolution of the former day, no one would second his motion.

Bancroft, Hist. of the U.S., vol.6, p.269

On the twenty-third the number of senators for each state was fixed at two, and each of these, as had been proposed by Gerry and supported by Sherman, was personally to have one vote.

Bancroft, Hist. of the U.S., vol.6, p.269

From the day when every doubt of the right of the smaller states to an equal vote in the senate was quieted, they—so I received it from the lips of Madison, and so it appears from the records—exceeded all others in zeal for granting powers to the general government. Ellsworth became one of its strongest pillars. Paterson of New Jersey was for the rest of his life a federalist of federalists.

Chapter 5:

The Outline of the Constitution Completed and Referred,

July 17-27, 1787

Bancroft, Hist. of the U.S., vol.6, p.270

THE distribution of powers between the general government and the states was the most delicate and most difficult task before the convention. Startled by the vagueness of language in the Virginia resolve, Sherman on the seventeenth of July proposed the grant of powers "to make laws in all cases which may concern the common interests of the union, but not to interfere with the government of the individual states in any matters of internal police which respect the government of such states only, and wherein the general welfare of the United States is not concerned." Wilson seconded the amendment, as better expressing the general principle. But, on scanning its probable interpretation by the separate states, the objection prevailed that it would be construed to withhold from the general government the authority to levy direct taxes and the authority to suppress the paper money of the states.

Bancroft, Hist. of the U.S., vol.6, p.270

Bedford moved to empower the national legislature "to legislate for the general interests of the union, for cases to which the states are severally incompetent, or in which the harmony of the United States might be interrupted by the exercise of individual legislation." This Gouverneur Morris gladly seconded; and, though Randolph resisted, the current ran with such increasing vehemence for union that the amendment was adopted at first by six states, and then by every state but South Carolina and Georgia.

Bancroft, Hist. of the U.S., vol.6, p.270

As to giving power to the national legislature "to negative laws passed by the several states," Gouverneur Morris, opposing it as terrible to the states, looked where Jefferson invited Madison to look—to the judiciary department to set aside a law that ought to be negatived. Sherman insisted that state laws, contravening the authority of the union, were invalid and inoperative from the beginning. Madison put forth all his strength to show that a power of negativing the improper laws of the states is the most mild and certain means of preserving the harmony of the system. He was supported by Massachusetts, Virginia, and North Carolina.

Bancroft, Hist. of the U.S., vol.6, p.271

From the New Jersey plan it was taken, without one dissentient, that the laws and treaties of the United States should be the supreme law of the states, and bind their judiciaries, anything in their laws to the contrary notwithstanding. That all power not granted to the general government remained with the states was the opinion of every member of the convention; but they held it a work of supererogation to place in the constitution an express recognition of the reservation. Thus in one half of a morning the convention began and ended its distribution of power between the states and the union. The further development of the central government brought to it a wider scope of action and new ascendency over the states.

Bancroft, Hist. of the U.S., vol.6, p.271

The construction of the executive department was fraught with bewildering difficulties, of which a new set rose up as fast as the old ones were overcome. The convention, though it devoted many days in July to the subject, did but acquiesce for the moment in the Virginia resolve, with which its deliberations had yet made it thoroughly discontented.

Bancroft, Hist. of the U.S., vol.6, p.271 - p.272

Mason and the Pinckneys would have required a qualification of landed property for the executive, judiciary, and members of the national legislature. Gerry approved securing property by property provisions. "If qualifications are proper," said Gouverneur Morris, "I should prefer them in the electors rather than the elected;" and Madison agreed with him. "I," said Dickinson, "doubt the policy of interweaving into a republican constitution a veneration for wealth. A veneration for poverty and virtue is the object of republican encouragement. No man of merit should be subjected to disabilities in a republic where merit is understood to form the great title to public trust, honors, and rewards." The subject came repeatedly before the convention; but it never consented to require a property qualification for any office in the general government. In this way no obstruction to universal suffrage was allowed to conquer a foothold in the constitution, but its builders left the enlargement of suffrage to time and future lawgivers. They disturbed no more than was needed for the success of their work. They were not restless in zeal for one abstract rule of theoretical equality to be introduced instantly and everywhere. They were like the mariner in mid-ocean, on the rolling and tossing deck of a ship, who learns how to keep his true course by watching the horizon as well as the sun. In leading a people across the river that divided their old condition from the new, the makers of the new form of government anchored the supporting boats of their bridge up stream. The qualifications of the electors it left to be decided by the states, each for itself.

Bancroft, Hist. of the U.S., vol.6, p.272

All agreed "that a supreme tribunal should be established," and that the national legislature should be empowered to create inferior tribunals. By the report of the committee, on the eighteenth, the judges were to be appointed by the senate. Gorham, supported by Gouverneur Morris, proposed their appointment "by the executive with the consent of the second branch"; a mode, he said, which had been ratified by the experience of a hundred and forty years in Massachusetts. The proposal was gradually gaining favor; but for the moment failed by an equal division.

Bancroft, Hist. of the U.S., vol.6, p.272

The trial of impeachments of national officers was taken from the supreme court; and then, in the words of Madison, its jurisdiction was unanimously made to "extend to all cases arising under the national laws, or involving the national peace and harmony." Controversies which began and ended in the several states were not to be removed from the courts of the states.

Bancroft, Hist. of the U.S., vol.6, p.273

The convention had still to decide how the new constitution should be ratified. "By the legislatures of the states," proposed Ellsworth, on the twenty-third, and he was seconded by Paterson. "The legislatures of the states have no power to ratify it," said Mason. "And, if they had, it would be wrong to refer the plan to them, because succeeding legislatures, having equal authority, could undo the acts of their predecessors, and the national government would stand in each state on the tottering foundation of an act of assembly. Whither, then, must we resort? To the people, with whom all power remains that has not been given up in the constitutions derived from them."

Bancroft, Hist. of the U.S., vol.6, p.273

"One idea," said Randolph, "has pervaded all our proceedings, that opposition, as well from the states as from individuals, will be made to the system to be proposed. Will it not, then, be highly imprudent to furnish any unnecessary pretext by the mode of ratifying it? The consideration of this subject should be transferred from the legislatures, where local demagogues have their full influence, to a field in which their efforts can be less mischievous. Moreover, some of the states are averse to any change in their constitution, and will not take the requisite steps unless expressly called upon to refer the question to the people."

Bancroft, Hist. of the U.S., vol.6, p.273

"The confederation," said Gerry, "is paramount to the state constitutions; and its last article authorizes alterations only by the unanimous concurrence of the states." "Are all the states," replied his colleague Gorham, "to suffer themselves to be ruined, if Rhode Island, if New York, should persist in opposition to general measures. Provision ought to be made for giving effect to the system, without waiting for the unanimous concurrence of the states."

Bancroft, Hist. of the U.S., vol.6, p.273

"A new set of ideas," said Ellsworth, "seems to have crept in since the articles of confederation were established. Conventions of the people, with power derived expressly from the people, were not then thought of." "A reference to the authority of the people expressly delegated to conventions," insisted King, "is most likely to draw forth the best men in the states to decide on the new constitution, and to obviate disputes and doubts concerning its legitimacy."

Bancroft, Hist. of the U.S., vol.6, p.274

Madison spoke with intense earnestness. "The difference between a system founded on the legislatures only and one founded on the people is the difference between a treaty and a constitution. A law violating a treaty ratified by a preexisting law might be respected by the judges; a law violating a constitution established by the people themselves would be considered by the judges as null and void. A breach of any one article of a treaty by any one of the parties frees the other parties from their engagements; a union of the people, under one constitution, by its nature excludes such an interpretation."

Bancroft, Hist. of the U.S., vol.6, p.274

After a full debate, the convention, by nine states against Delaware, referred the ratification of the new constitution to an assembly in each state to be chosen specially for that purpose by the people.

Bancroft, Hist. of the U.S., vol.6, p.274

In the following three days the resolutions of the federal convention for the establishment of a national government, consisting of twenty-three in number, were finished and referred to a committee of detail, five in number, who were ordered to prepare and report them in the form of a constitution. With them were referred the propositions of Charles Pinckney and the plan of New Jersey.

Bancroft, Hist. of the U.S., vol.6, p.274

The federal convention selected for its committee of detail three members from the North and two from the South—Gorham, Ellsworth, Wilson, Randolph, and John Rutledge, of whom the last was the chairman. By ancestry Scotch-Irish, in early youth carefully but privately educated, afterward a student of law in the Temple at London, Rutledge became the foremost statesman of his time south of Virginia. At the age of twenty-six he began his national career in the stamp-act congress of 1765, and from that time was employed by his state wherever the aspect of affairs was the gravest. Patrick Henry pronounced him the most eloquent man in the congress of 1774; his sincerity gave force to his words. In the darkest hours he was intrepid, hopeful, inventive of resources, and resolute, so that timidity and wavering disappeared before him. To the day when disease impaired his powers he was, in war and in peace, the pride of South Carolina. That state could not have selected an abler representative of its policy on the payment of the members of the national legislature from the treasuries of the states, on the slave-trade, the taxation of exports, and the requisition of more than a bare majority of the legislature to counteract European restrictions on navigation.

Bancroft, Hist. of the U.S., vol.6, p.275

Of his associates, Gorham was a merchant of Boston, who from his own experience understood the commercial relations of his country, and knew where the restrictive laws of England, of France, and of Spain injured American trade and shipping. Ellsworth, who had just established harmony between the small and the larger states by a wise and happy compromise, now found himself the umpire between the extreme South and the North.

Bancroft, Hist. of the U.S., vol.6, p.275

Cotesworth Pinckney called to mind that if the committee should fail to insert some security to the southern states against an emancipation of slaves, and against taxes on exports, he should be bound by duty to his state to vote against their report. After this the convention, on the twenty-sixth of July, unanimously adjourned till Monday, the sixth of August, that the committee of detail might have time to prepare and report the constitution.

Bancroft, Hist. of the U.S., vol.6, p.275

The committee in joint consultation gave their unremitting attention to every question that came before them. Their best guides were the constitutions of the several states, which furnished most striking expressions, and regulations approved by long experience. There is neither record nor personal narrative of their proceedings, though they were invested with the largest constructive powers; but the conduct of its several members may be determined by light reflected from their own words and actions before and after. Meanwhile the interest and anxiety of the country were on the increase. In May Grayson had written to Monroe: "The weight of General Washington is very great in America, but I hardly think it is sufficient to induce the people to pay money or part with power." "If what the convention recommend should be rejected," so wrote Monroe to Jefferson the day after the adjournment, "they will complete our ruin. But I trust that the presence of General Washington will overawe and keep under the demon of party, and that the signature of his name to the result of their deliberations will secure its passage through the union."

Chapter 6:

The Colonial System of the United States,

January 1786-July 1787

Bancroft, Hist. of the U.S., vol.6, p.277

BEFORE the federal convention had referred its resolutions to a committee of detail, an interlude in congress was shaping the character and destiny of the United States of America. Sublime and humane and eventful in the history of mankind as was the result, it will take not many words to tell how it was brought about. For a time wisdom and peace and justice dwelt among men, and the great ordinance, which could alone give continuance to the union, came in serenity and stillness. Every man that had a share in it seemed to be led by an invisible hand to do just what was wanted of him; all that was wrongfully undertaken fell to the ground to wither by the wayside; whatever was needed for the happy completion of the mighty work arrived opportunely, and just at the right moment moved into its place.

Bancroft, Hist. of the U.S., vol.6, p.277 - p.278

By the order of congress a treaty was to be held, in January 1786, with the Shawnees, at the month of the Great Miami. Monroe, who had been present as a spectator at the meeting of the United States commissioners with the representatives of the Six Nations at Fort Stanwix, in 1784, desired to attend this meeting with a remoter tribe. He reached Fort Pitt, and with some of the American party began the descent of the Ohio; but, from the low state of the water, he abandoned the expedition at Limestone, and made his way to Richmond through Kentucky and the wilderness. As the result of his inquiries on the journey, he took with him to congress the opinion that a great part of the western territory, especially that near Lakes Michigan and Erie, was miserably poor; that the land on the Mississippi and the Illinois consisted of extensive plains which had not a single bush on them, and would not have for ages; that the western settlers, in many of the most important objects of a federal government, would be either opposed to the interests of the old states or but little connected with them. He would form the territory into no more than five states; but he adhered to the principle of Jefferson, that they ought as soon as possible to take part in governing themselves, and at an early day share "the sovereignty, freedom, and independence" of the other states.

Bancroft, Hist. of the U.S., vol.6, p.278

In the course of the winter the subject of the division of the western territory into states was, on the motion of Monroe, referred to a grand committee. Its report, which was presented on the twenty-fourth of March, traced the division of the territory into ten states to the resolution of congress of September 1750, by which no one was to contain less territory than one hundred nor more than one hundred and fifty miles square. This resolution had controlled the ordinance of April 1784; and, as the first step toward a reform, every part of that ordinance which conflicted with the power of congress to divide the territory into states according to its own discretion was to be repealed.

Bancroft, Hist. of the U.S., vol.6, p.278

Virginia had imbodied the resolve of congress of September 1780 in its cession of its claims to the land north-west of the Ohio. A further report proposed that Virginia should be asked to revise its act of cession.

Bancroft, Hist. of the U.S., vol.6, p.278

At this stage of the proceedings Dane made a successful motion to raise a committee for considering and reporting the form of a temporary government for the western states. Its chairman was Monroe, with Johnson and King of New England, John Kean and Charles Pinckney of South Carolina, as his associates. On the tenth of May this committee read their report. It asked the consent of Virginia to a division of the territory into not less than two nor more than five states; presented a plan for their temporary colonial government; and promised them admission into the confederacy on the principle of the ordinance of Jefferson. Not one word was said of a restriction on slavery. No man liked better than Monroe to lean for Support on the minds and thoughts of others. He loved to spread his sails to a favoring breeze, but in threatening weather preferred quiet under the shelter of his friends. When Jefferson, in 1784, moved a restriction on slavery in the western country from Florida to the Lake of the Woods, Monroe was ill enough to be out of the way at the division. When King in the following year revived the question, he was again absent at the vote; now, when the same subject challenged his attention, he was silent.

Bancroft, Hist. of the U.S., vol.6, p.279

At first Monroe flattered himself that his report was generally approved; but no step was taken toward its adoption. All that was done lastingly for the West by this congress was the fruit of independent movements. On the twelfth of May, at the motion of Grayson seconded by King, the navigable waters leading into the Mississippi and the St. Lawrence, and the carrying places between them, were declared to be common highways, forever free to all citizens of the United States, without any tax, impost, or duty.

Bancroft, Hist. of the U.S., vol.6, p.279

The assembly of Connecticut, which in the same month held a session, was resolved on opening a land office for the sale of six millions of acres west of the Pennsylvania line which their state had reserved in its cession of all further claims by charter to western lands. The reservation was not excessive in extent; the right of Connecticut under its charter had been taken away by an act of the British parliament of which America had always denied the validity. The federal constitution had provided no mode of settling a strife between a state and the United States; a war would cost more than the land was worth. Grayson ceased his opposition; and on the fourteenth of the following September congress accepted the deed of cession by which Connecticut was confirmed in the possession of what was called her "western reserve." The compact establishment of the culture of New England in that district had the most beneficent effect on the character of Ohio and the development of the union.

Bancroft, Hist. of the U.S., vol.6, p.280

For diminishing the number of the states to be formed out of the western territory, Monroe might hope for a favorable hearing. At his instance the subject was referred to a grand committee, which on the seventh of July reported in favor of obtaining the assent of Virginia to the division of the territory north-west of the Ohio into not less than two nor more than five states.

Bancroft, Hist. of the U.S., vol.6, p.280

With singular liberality Grayson proposed to divide the country at once into not less than five states. He would run a line east and west so as to touch the most southern part of Lake Michigan, and from that line draw one meridian line to the western side of the mouth of the Wabash, and another to the western side of the mouth of the Great Miami, making three states between the Mississippi and the western lines of Virginia and Pennsylvania. The peninsula of Michigan was to form a fourth state; the fifth would absorb the country between Lake Michigan, Lake Superior, and the line of water to the northern boundary in the Lake of the Woods on the one side and the Mississippi on the other. This division, so unfavorable to southern influence, was voted for by Maryland, Virginia, North Carolina, and Georgia, South Carolina being divided; the North did not give one state in its favor; and the motion was lost. It was then agreed that the district should ultimately be divided at least into three states, the states and individuals being unanimous, except that Grayson adhered to his preference of five.

Bancroft, Hist. of the U.S., vol.6, p.280

The cause which arrested the progress of the ordinance of Monroe was a jealousy of the political power of the western states, and a prevailing desire to impede their admission into the union. To Jefferson he explained with accurate foresight the policy toward which congress was drifting.

Bancroft, Hist. of the U.S., vol.6, p.280

When the inhabitants of the Kaskaskias presented a petition for the organization of a government over their district, Monroe took part in, the answer, that congress had under consideration the plan of a temporary government for their district in which it would manifest a due regard to their interest. This is the last act of congress relating to the West in which Monroe participated. With the first Monday of the coming November the rule of rotation would exclude him from congress.

Bancroft, Hist. of the U.S., vol.6, p.281

During the summer Kean was absent from congress, and his place on the committee was taken by Melancthon Smith of New York. In September, Monroe and King went on a mission from Congress to the legislature of Pennsylvania, and their places were filled by Henry of Maryland and Dane. The committee with its new members represented the ruling sentiment of the house; and its report, which was made on the nineteenth of September, required of a western state before its admission into the union a population equal to one thirteenth part of the citizens of the thirteen original states according to the last preceding enumeration. Had this report been adopted, and had the decennial census of the population of territories and states alone furnished the rule, Ohio must have waited twenty years longer for admission into the union; Indiana would have been received only after 1850; Illinois only after 1860; Michigan could not have asked admittance fill after the census of 1880; and after that census Wisconsin must still have remained a colonial dependency.

Bancroft, Hist. of the U.S., vol.6, p.281

The last day of September 1786 was given to the consideration of the report; but before anything was decided the seventh congress expired.

Bancroft, Hist. of the U.S., vol.6, p.281

The new congress, to which Madison and Richard Henry Lee, as well as Grayson and Edward Carrington, were sent by Virginia, had no quorum till February 1787, and then was occupied with preparations for the federal convention and with the late insurrection in Massachusetts. But the necessity of providing for a territorial government was urgent; and near the end of April the committee of the late congress revived its project of the preceding September. On the ninth of May it was read a second time; the clause which would have indefinitely delayed the admission of a western state was cancelled; a new draft of the bill as amended was directed to be transcribed, and its third reading was made the order of the next day, when of a sudden the further progress of the ordinance was arrested.

Bancroft, Hist. of the U.S., vol.6, p.282

Rufus Putnam, of Worcester county, Massachusetts, who had drawn to himself the friendly esteem of the commander-in-chief, and before the breaking up of the army received the commission of brigadier-general, was foremost in promoting a petition to congress of officers and soldiers of the revolution for leave to plant a colony of the veterans of the army between Lake Erie and the Ohio, in townships of six miles square, with large reservations "for the ministry and schools." For himself and his associates he entreated Washington to represent to congress the strength of the grounds on which their petition rested. Their unpaid services in the war had saved the independence and the unity of the land; their settlement would protect the frontiers of the old states against alarms of the savages; their power would give safety along the boundary line on the north; under their shelter the endless procession of emigrants would take up its march to fill the country from Lake Erie to the Ohio.

Bancroft, Hist. of the U.S., vol.6, p.282

With congress while it was at Princeton, and again after its adjournment to Annapolis, Washington exerted every power of which he was master to bring about a speedy decision. The members with whom he conversed acquiesced in the reasonableness of the petition and approved its policy, but they excused their inertness by the want of a cession of the north-western lands.

Bancroft, Hist. of the U.S., vol.6, p.282

When, in March 1784, the lands were ceded by Virginia, Rufus Putnam again appeals to Washington: "You are sensible of the necessity as well as the possibility of both officers and soldiers fixing themselves in business somewhere as soon as possible; many of them are unable to lie long on their oars;" but congress did not mind the Spur. In the next year, under the land ordinance of Grayson, Rufus Putnam was elected a surveyor of land in the western territory for Massachusetts; and as he could not at once enter on the service, another brigadier-general, Benjamin Tupper of Chesterfield, in the Same state, was appointed for the time in his stead. Tupper repaired to the West to superintend the work confided to him; but disorderly Indians prevented the survey; without having advanced farther west than Pittsburgh, he returned home and, like almost every one who caught glimpses of the West, he returned with a mind filled with the brightness of its promise.

Bancroft, Hist. of the U.S., vol.6, p.283

Toward the end of 1785, Samuel Holden Parsons, the son of a clergyman in Lyme, Connecticut, a graduate of Harvard, an early and a wise and resolute patriot, in the war a brigadier-general of the regular army, travelled to the West on public business, descended the Ohio as far as its falls, and, full of the idea of a settlement in that western country, wrote, before the year went out, that on his way he had seen no place which pleased him so much for a settlement as the country on the Muskingum.

Bancroft, Hist. of the U.S., vol.6, p.283

In the treaty at Fort Stanwix, in 1784, the Six Nations renounced to the United States all claims to the country west of the Ohio. A treaty of January 1785, with the Wyandotte, Delaware, Chippewa, and Ottawa nations, released the country east of the Cuyahoga, and all the lands on the Ohio, south of the line of portages from that river to the Great Miami and the Maumee. On the last day of January 1786, George Rogers Clark, the conqueror of the North-west, Richard Butler, late a colonel in the army, and Samuel Holden Parsons, acting under commissions from the United States, met the Shawnees at the mouth of the Great Miami, and concluded with them a treaty by which they acknowledged the sovereignty of the United States over all their territory as described in the treaty of peace with Great Britain, and for themselves renounced all claim to property in any land east of the main branch of the Great Miami. In this way the Indian title to southern Ohio, and all Ohio to the east of the Cuyahoga, was quieted.

Bancroft, Hist. of the U.S., vol.6, p.284

Six days before the signature of the treaty with the Shawnees, Rufus Putnam and Benjamin Tupper, after a careful consultation at the house of Putnam, in Rutland, published in the newspapers of Massachusetts an invitation to form "the Ohio Company" for purchasing and colonizing a large tract of land between the Ohio and Lake Erie. The men chiefly engaged in this enterprise were husbandmen of New England, nurtured in its schools and churches, laborious and methodical, patriots who had been further trained in a seven years' war for freedom. Have these men the creative power to plant a commonwealth? And is a republic the government under which political organization for great ends is the most easy and the most perfect?

Bancroft, Hist. of the U.S., vol.6, p.284

To bring the Ohio company into formal existence, all persons in Massachusetts who wished to promote the scheme were invited to meet in their respective counties on Wednesday, the fifteenth day of the next February, and choose delegates to meet in Boston on Wednesday, the first day of March 1786, at ten of the clock, then and there to consider and determine on a general plan of association for the company. On the appointed day and hour, representatives of eight counties of Massachusetts came together; among others, from Worcester county, Rufus Putnam; from Suffolk, Winthrop Sargent; from Essex, Manasseh Cutler, lately a chaplain in the army, then minister at Ipswich; from Middlesex, John Brooks; from Hampshire, Benjamin Tupper. Rufus Putnam was chosen chairman of the meeting, Winthrop Sargent its secretary. On the third of March, Putnam, Cutler, Brooks, Sargent, and Cushing, its regularly appointed committee, reported an association of a thousand shares, each of one thousand dollars in continental certificates, which were then the equivalent of one hundred and twenty-five dollars in gold, with a further liability to pay ten dollars in specie to meet the expenses of the agencies. Men might join together and subscribe for one share.

Bancroft, Hist. of the U.S., vol.6, p.284

A year was allowed for subscription. At its end, on the eighth of March 1787, a meeting of the subscribers was held at Boston, and Samuel Holden Parsons, Rufus Putnam, and Manasseh Cutler were chosen directors to make application to congress for a purchase of lands adequate to the purposes of the company.

Bancroft, Hist. of the U.S., vol.6, p.285

The basis for the acquisition of a vast domain was settled by the directors, and Parsons repaired to New York to bring the subject before congress. On the ninth of May 1787, the same day on which the act for the government of the North-west was ordered to a third reading on the morrow, the memorial of Samuel Holden Parsons, agent of the associators of the Ohio company, bearing date only of the preceding day, was presented. It interested every one. For vague hopes of colonization, here stood a body of hardy pioneers; ready to lead the way to the rapid absorption of the domestic debt of the United States; selected from the choicest regiments of the army; capable of self-defence; the protectors of all who should follow them; men skilled in the labors of the field and of artisans; enterprising and laborious; trained in the severe morality and strict orthodoxy of the New England villages of that day. All was changed. There was the same difference as between sending out recruiting officers and giving marching orders to a regular corps present with music and arms and banners. On the instant the memorial was referred to a committee consisting of Edward Carrington, Rufus King, Nathan Dane, Madison, and Egbert Benson—a great committee: its older members of congress having worthy associates in Carrington and Benson, of whom nothing was spoken but in praise of their faultless integrity and rightness of intention.

Bancroft, Hist. of the U.S., vol.6, p.285

On the fourth day of July 1787, for the first time since the eleventh of May, congress had a quorum. There were present from the North, Massachusetts, New York, and New Jersey; from the South, Virginia, the two Carolinas, and Georgia, soon to be joined by Delaware. The South had all in its own way. The president of congress being absent, William Grayson of Virginia was elected the temporary president.

Bancroft, Hist. of the U.S., vol.6, p.286

On Friday, the fifth, there was no quorum. In the evening arrived Manasseh Cutler, one of the three agents of the Ohio company, sent to complete the negotiations for western lands. On his way to New York, Cutler had visited Parsons, his fellow-director, and now acted in full concert with him. Carrington gave the new envoy a cordial welcome, introduced him to members on the floor of congress, devoted immediate attention to his proposals, and already, on the tenth of July, his report granting to the Ohio company all that they desired was read in congress.

Bancroft, Hist. of the U.S., vol.6, p.286

This report, which is entirely in the handwriting of Edward Carrington, assigns as gifts a lot for the maintenance of public schools in every township; another lot for the purpose of religion; and four complete townships, "which shall be good land, and near the centre," for the purpose of a university. The land, apart from the gifts, might be paid for in loan office certificates reduced to specie value or certificates of liquidated debts of the United States. For bad land, expenses of surveying, and incidental circumstances, the whole allowance was not to exceed one third of a dollar an acre. The price, therefore, was about sixty-six cents and two thirds for every acre, in United States certificates of debt. But as these were then worth only twelve cents on the dollar, the price of land in specie was between eight and nine cents an acre.

Bancroft, Hist. of the U.S., vol.6, p.286

On the ninth of July, Richard Henry Lee took his seat in congress. His presence formed an era. On that same day the report for framing a western government, which was to have had its third reading on the tenth of May, was referred to a new committee of seven, composed of Edward Carrington and Dane, Richard Henry Lee, Kean of South Carolina, and Melancthon Smith of New York. There were then in congress five southern states to three of the North; on the committee two northern men to three from the South, of whom the two ablest were Virginians.

Bancroft, Hist. of the U.S., vol.6, p.287

The committee, animated by the presence of Lee, went to its work in good earnest. Dane, who had been actively employed on the colonial government for more than a year, and for about ten months had served on the committee which had the subject in charge, acted the part of scribe. Like Smith and Lee, he had opposed a federal convention for the reform of the constitution. The three agreed very well together though Dane secretly harbored the wish of finding in the West an ally for "eastern politics." They were pressed for time, and found it necessary finally to adopt the best system they could get. At first they took up the plan reported by Monroe; but new ideas were started; and they worked with so much industry that on the eleventh of July their report of an ordinance for the government of the territory of the United States north-west of the river Ohio was read for its first time in congress.

Bancroft, Hist. of the U.S., vol.6, p.287

The ordinance imbodied the best parts of the work of their predecessors. For the beginning they made the whole northwestern territory one district, of which all the officers appointed by congress were to take an oath of fidelity as well as of office. Jefferson, in his ordinance for the sale of lands, had taken care for the equal descent of real estate, as well as other property, to children of both sexes. This was adopted and expressed in the forms of the laws of Massachusetts. The rule of Jefferson was followed in requiring no property qualification for an elector; but was not extended, as Jefferson had done, to the officers to be elected.

Bancroft, Hist. of the U.S., vol.6, p.287 - p.288

The committee then proceeded to establish articles of compact, not to be repealed except by the consent of the original states and the people and states in the territory. Among these, as in Massachusetts and Virginia, were freedom of religions worship and of religions thought; and various articles from the usual bills of rights of the states.

Bancroft, Hist. of the U.S., vol.6, p.288

The next clause bears in every word the impress of the mind of Richard Henry Lee. "No law ought ever to be made in said territory that shall in any manner whatever interfere with or conflict with private contracts or engagements, bonafide and without fraud previously formed." This regulation related particularly to the abuse of paper money.

Bancroft, Hist. of the U.S., vol.6, p.288

The third article recognised, like the constitution of Massachusetts, and like the letter of Rufus Putnam of 1783, that religion, morality, and knowledge are necessary to good government and the happiness of mankind, and declared that schools and the means of education shall forever be encouraged.

Bancroft, Hist. of the U.S., vol.6, p.288

The utmost good faith was enjoined toward the Indians; their lands and property, their rights and liberty, were ordered to be protected by laws founded in justice and humanity; so that peace and friendship with them might ever be preserved.

Bancroft, Hist. of the U.S., vol.6, p.288

The new states, by compact which neither party alone could change, became, and were forever to remain, a part of the United States of America. The waters leading into the Mississippi and St. Lawrence, and the carrying places between them, according to the successful motion of Grayson and King, a were made common highways and forever free. The whole territory was divided into three states only, the population required for the admission of any one of them to the union was fixed at sixty thousand; but both these clauses were subject to the future judgment of congress. The prayer of the Ohio company had been but this: "The settlers shall be under the immediate government of congress in such mode and for such time as congress shall judge proper;" the ordinance contained no allusion to slavery; and in that form it received its first reading and was ordered to be printed.

Bancroft, Hist. of the U.S., vol.6, p.289

Grayson, then the presiding officer of congress, had always opposed slavery. Two years before he had wished success to the attempt of King for its restriction; and everything points to him as the immediate cause of the tranquil spirit of disinterested statesmanship which took possession of every southern man in the assembly. Of the members of Virginia, Richard Henry Lee had stood against Jefferson on this very question; but now he acted with Grayson, and from the states of which no man had yielded before, every one chose the part which was to bring on their memory the benedictions of all coming ages. Obeying an intimation from the South, Nathan Dane copied from Jefferson the prohibition of involuntary servitude in the territory, and quieted alarm by adding from the report of King a clause for the delivering up of the fugitive slave. This at the second reading of the ordinance he moved as a sixth article of compact, and, on the thirteenth day of July 1787, the great statute forbidding slavery to cross the river Ohio was passed by the vote of Georgia, South Carolina, North Carolina, Virginia, Delaware, New Jersey, New York, and Massachusetts, all the states that were then present in congress. Pennsylvania and three states of New England were absent Maryland only of the South. Of the eighteen members of congress who answered to their names, every one said "aye" excepting Abraham Yates the younger of New York, who insisted on leaving to all future ages a record of his want of good judgment, right feeling, and common sense.

Bancroft, Hist. of the U.S., vol.6, p.290

Thomas Jefferson first summoned congress to prohibit slavery in all the territory of the United States; Rufus King lifted up the measure when it lay almost lifeless on the ground, and suggested the immediate instead of the prospective prohibition; a congress composed of five southern states to one from New England, and two from the middle states, headed by William Grayson, supported by Richard Henry Lee, and using Nathan Dane as scribe, carried the measure to the goal in the amended form in which King had caused it to be referred to a committee; and, as Jefferson had proposed, placed it under the sanction of an irrevocable compact.

Bancroft, Hist. of the U.S., vol.6, p.290

The ordinance being passed, the terms of a sale between the United States and Manasseh Cutler and Winthrop Sargent, as agents of the Ohio company, were rapidly brought to a close, substantially on the basis of the report of Carrington.

Bancroft, Hist. of the U.S., vol.6, p.290

The occupation of the purchased lands began immediately, and proceeded with the order, courage, and regularity of men accustomed to the discipline of soldiers. "No colony in America," said Washington in his joy, "was ever settled under such favorable auspices as that which has just commenced at the Muskingum. Information, property, and strength will be its characteristics. I know many of the settlers personally, and there never were men better calculated to promote the welfare of such a community." Before a year had passed by, free labor kept its sleepless watch on the Ohio.

Bancroft, Hist. of the U.S., vol.6, p.290

But this was not enough. Virginia had retained the right to a very large tract north-west of the Ohio; and should she consent that her own sons should be forbidden to cross the river with their slaves to her own lands?

Bancroft, Hist. of the U.S., vol.6, p.290

It was necessary for her to give her consent before the ordinance could be secure; and Grayson earnestly entreated Monroe to gain that consent before the year should go out. But Monroe was not equal to the task, and nothing was accomplished.

Bancroft, Hist. of the U.S., vol.6, p.291

At the next election of the assembly of Virginia, Grayson, who was not a candidate in the preceding or the following year, was chosen a delegate; and then a powerful committee, on which were Carrington, Monroe, Edmund Randolph, and Grayson, successfully brought forward the bill by which Virginia confirmed the ordinance for the colonization of all the territory then in the possession of the United States by freemen alone.

Bancroft, Hist. of the U.S., vol.6, p.291

The white men of that day everywhere held themselves bound to respect and protect the black men in their liberty and property. The suffrage was not as yet regarded as a right incident to manhood, and could be extended only according to the judgment of those who were found in possession of it. When in 1785 an act providing for the gradual abolition of slavery within the state of New York, while it placed the children born of slaves in the rank of citizens, deprived them of the privileges of electors, the council of revision, Clinton and Sloss Hobart being present, and adopting the report of Chancellor Livingston, negatived the act, because, "in violation of the rules of justice and against the letter and spirit of the constitution," it disfranchised the black, mulatto, and mustee citizens who had heretofore been entitled to a vote. The veto prevailed; and in the state of New York the colored man retained his impartial right of suffrage till the constitution of 1821. Virginia, which continued to recognise free negroes as citizens, in the session in which it sanctioned the north-western ordinance, enacted that any person who should be convicted of stealing or selling any free person for a slave shall suffer death without benefit of clergy. This was the protection which Virginia, when the constitution was forming, extended to the black man.

Chapter 7:

The Constitution in Detail,

The Powers of Congress,

August 6-September 10, 1787

Bancroft, Hist. of the U.S., vol.6, p.292

THE twenty-three resolutions of the convention were distributed by the committee of detail into as many articles, which included new subjects of the gravest moment. On the sixth of August 1787 every member of the convention received a copy of this draft of a constitution, printed on broadsides in large type, with wide spaces and margin for minutes of amendments. The experience of more than two months had inspired its members with the courage and the disposition to make still bolder grants of power to the union.

Bancroft, Hist. of the U.S., vol.6, p.292

The instrument opens with the sublime words: "We, the people of the states," enumerating New Hampshire and every other of the thirteen, "do ordain, declare, and establish the following constitution for the government of ourselves and our posterity."

Bancroft, Hist. of the U.S., vol.6, p.292

When in 1776 "the good people" of thirteen colonies, each having an organized separate home government, and each hitherto forming an integral part of one common empire, jointly prepared to declare themselves free and independent states, it was their first care to ascertain of whom they were composed. The question they agreed to investigate and decide by a joint act of them all. For this end congress selected from its numbers five of its ablest jurists and most trusted statesmen: John Adams of Massachusetts, Thomas Jefferson of Virginia, Edward Rutledge of South Carolina, James Wilson of Pennsylvania, and Robert R. Livingston of New York; the fairest representation that could have been made of New England, of the South, and of the central states. The committee thought not of embarrassing themselves with the introduction of any new theory of citizenship; they looked solely for existing facts. They found colonies with well-known territorial boundaries; and inhabitants of the territory of each colony; and their unanimous report, unanimously accepted by congress, was: "All persons abiding within any of the United Colonies, and deriving protection from the laws of the same, owe allegiance to the said laws, and are members of such colony." From "persons making a visitation or temporary stay," only a secondary allegiance was held to be due.

Bancroft, Hist. of the U.S., vol.6, p.293

When the articles of confederation were framed with the grand principle of intercitizenship, which gave to the American confederation a superiority over every one that preceded it, the same definition of membership of the community was repeated, except that intercitizenship was not extended to the pauper, or the vagabond, or the fugitive from justice, or the slave. And now these free inhabitants of every one of the United States, this collective people, proclaim their common intention, by their own innate life, to institute a general government.

Bancroft, Hist. of the U.S., vol.6, p.293

For the name of the government they chose "The United States of America"; words which expressed unity in plurality and being endeared by usage were preferred to any new description.

Bancroft, Hist. of the U.S., vol.6, p.293

That there might be no room to question where paramount allegiance would be due, the second article declared: "The government shall consist of supreme legislative, executive, and judicial powers."

Bancroft, Hist. of the U.S., vol.6, p.293 - p.294

To maintain that supremacy, the legislature of the United States was itself authorized to carry into execution all powers vested by this new constitution in the government of the United States, or in any of its departments or offices. The name congress was adopted to mark the two branches of the legislature, which were now named the house of representatives and the senate; the house still taking precedence as the first branch. The executive was henceforward known as "the President."

Bancroft, Hist. of the U.S., vol.6, p.294

The scheme of erecting a general government on the authority of the state legislatures was discarded; and the states were enjoined to prescribe for the election of the members of each branch regulations subject to be altered by the legislature of the United States; but the convention itself, in its last days, unanimously reserved to the states alone the right to establish the places for choosing senators.

Bancroft, Hist. of the U.S., vol.6, p.294

To ensure the continuous succession of the government, the legislature was ordered to meet on the first Monday in December in every year, "unless," added the convention, "congress should by law appoint a different day."

Bancroft, Hist. of the U.S., vol.6, p.294

To complete the independence of congress, provision needed to be made for the support of its members. The committee of detail left them to be paid for their services by their respective states; but this mode would impair the self-sustaining character of the government. Ellsworth, avowing a change of opinion, moved that they should be paid out of the Treasury of the United States. "If the general legislature," said Dickinson, "should be left dependent on the state legislatures, it would be happy for us if we had never met in this room." The motion of Ellsworth was carried by nine states against Massachusetts and South Carolina. The compensation which he and Sherman would have fixed at five dollars a day, and the same for every thirty miles of travel, was left "to be ascertained by law."

Bancroft, Hist. of the U.S., vol.6, p.294

In the distribution of representatives among the states no change was made; but to the rule of one member of the house for every forty thousand inhabitants Madison objected that in the coming increase of population it would render the number excessive. "The government," replied Gorham, "will not last so long as to produce this effect. Can it be supposed that this vast country, including the western territory, will one hundred and fifty years hence remain one nation?" The clause was for the time unanimously made to read: "not exceeding one for every forty thousand."

Bancroft, Hist. of the U.S., vol.6, p.295

As the first qualification for membership of the legislature, it was agreed, and it so remains, that the candidate at the time of his election should be an inhabitant of the state in which he should be chosen. It Is not required that a representative should reside in the district which he may be elected to represent.

Bancroft, Hist. of the U.S., vol.6, p.295

Citizenship was indispensable; and, before a comer from a foreign country could be elected to the house, he must, according to the report, have been a citizen of the United States for at least three years; before eligibility to the senate, for at least four. "I do not choose," said Mason, "to let foreigners and adventurers make laws for us and govern us without that local knowledge which ought to be possessed by the representative." And he moved for seven years instead of three. To this all the states agreed except Connecticut.

Bancroft, Hist. of the U.S., vol.6, p.295

From respect to Wilson, who was born and educated in Scotland, the subject was taken up once more. Gerry, on the thirteenth, wished none to be elected but men born in the land. Williamson preferred a residence of nine years to seven. Hamilton proposed to require only citizenship and inhabitancy, and Madison seconded him. In proof of the advantage of encouraging emigration, Wilson cited Pennsylvania, the youngest settlement on the Atlantic except Georgia, yet among the foremost in population and prosperity; almost all the general officers of her line in the late army and three of her deputies to the convention—Robert Morris, Fitzsimons, and himself—were not natives. But Connecticut, Pennsylvania, Maryland, and Virginia, which voted with Hamilton and Madison, were overpowered by the seven other states, of which, on this question, New Hampshire, South Carolina, and Georgia were the most stubborn.

Bancroft, Hist. of the U.S., vol.6, p.296

Gouverneur Morris desired that the proviso of seven years should not affect any person then a citizen. On this candid motion New Jersey joined the four more liberal states; but Rutledge, Charles Pinckney, Mason, and Baldwin spoke with inveterate tenacity for the disfranchisement against Gorham, Madison, Morris, and Wilson; and the motion was lost by five states to six.

Bancroft, Hist. of the U.S., vol.6, p.296

For a senator, citizenship for nine years was required; Connecticut, Pennsylvania, and Maryland alone finding the number of years excessive. Three days later, power was vested in the legislature of the United States to establish a uniform rule of naturalization throughout the United States.

Bancroft, Hist. of the U.S., vol.6, p.296

The committee of detail had evaded the question of a property qualification for the members of the federal legislature and other branches of the government by referring it to legislative discretion. Charles Pinckney, who wished to require for the president a fortune of not less than a hundred thousand dollars, for a judge half as much, and a like proportion for the members of the national legislature, ventured no more than to move generally that a property qualification should be required of them all. Franklin made answer: "I dislike everything that tends to debase the spirit of the common people. If honesty is often the companion of wealth, and if poverty is exposed to peculiar temptation, the possession of property increases the desire for more. Some of the greatest rogues I was ever acquainted with were the richest rogues. Remember, the scripture requires in rulers that they should be men hating covetousness. If this constitution should betray a great partiality to the rich, it will not only hurt us in the esteem of the most liberal and enlightened men in Europe, but discourage the common people from removing to this country." The motion was rejected by a general "no." The question was for a while left open, but the constitution finally escaped without imposing a property qualification on any person in the public employ.

Bancroft, Hist. of the U.S., vol.6, p.296

Various efforts were made by Gorham, Mercer, King, and Gouverneur Morris to follow the precedent of the British parliament, and constitute a less number than a majority in each house sufficient for a quorum, lest the secession of a few members should fatally interrupt the course of public business. But, by the exertions of Wilson and Ellsworth, Randolph and Madison, power was all but unanimously given to each branch to compel the attendance of absent members, in such manner and under such penalties as each house might provide. Moreover, each house received the power, unknown to the confederacy, to expel a member with the concurrence of two thirds of those voting.

Bancroft, Hist. of the U.S., vol.6, p.297

What should distinguish the "electors" of the United States from their citizens? the constituency of the house of representatives of the United States from the people? The report of the committee ran thus: "The qualifications of the electors shall be the same, from time to time, as those of the electors in the several states of the most numerous branch of their own legislatures." Gouverneur Morris desired to restrain the right of suffrage to freeholders; and he thought it not proper that the qualifications of the national legislature should depend on the will of the states. "The states," said Ellsworth, "are the best judges of the circumstances and temper of their own people." "Eight or nine states," remarked Mason, "have extended the right of suffrage beyond the freeholders. What will the people there say if any should be disfranchised?" "Abridgments of the right of suffrage," declared Butler, "tend to revolution." "The freeholders of the country," replied Dickinson, "are the best guardians of liberty; and the restriction of the right to them is a necessary defence against the dangerous influence of those multitudes without property and without principle, with which our country, like all others, will in time abound. As to the unpopularity of the innovation, it is chimerical. The great mass of our citizens is composed at this time of freeholders, and will be pleased with it." "Ought not every man who pays a tax," asked Ellsworth, "to vote for the representative who is to levy and dispose of his money?" "The time," said Gouverneur Morris, "is not distant when this country will abound with mechanics and manufacturers, who will receive their bread from their employers. Will such men be the secure and faithful guardians of liberty—the impregnable barrier against aristocracy? The ignorant and the dependent can be as little trusted with the public interest as children. Nine tenths of the people are at present freeholders, and these will certainly be pleased with the restriction." "The true idea," said Mason, "is that every man having evidence of attachment to the society, and permanent common interest with it, ought to share in all its rights and privileges." "In several of the states," said Madison, "a freehold is now the qualification. Viewing the subject in its merits alone, the freeholders of the country would be the safest depositories of republican liberty. In future times, a great majority of the people will not only be without property in land, but property of any sort. These will either combine under the influence of their common situation, in which case the rights of property and the public liberty will not be secure in their hands, or, what is more probable, they will become the tools of opulence and ambition; in which case there will be equal danger on another side." Franklin reasoned against the restriction from the nobleness of character that the possession of the electoral franchise inspires. "The idea of restraining the right of suffrage to the freeholders," said Rutledge, "would create division among the people, and make enemies of all those who should be excluded." The movement of Morris toward a freehold qualification gained no vote but that of Delaware; and the section as reported was unanimously approved.

Bancroft, Hist. of the U.S., vol.6, p.298

Each state was therefore left to fix for itself within its own limits its conditions of suffrage; but where, as in New York and Maryland, a discrimination was made in different elections, the convention applied the most liberal rule adopted in the state to the elections of members of congress, accepting in advance any extensions of the suffrage that in any of the states might grow out of the development of republican institutions. Had the convention established a freehold or other qualification of its own, it must have taken upon itself the introduction of this restriction into every one of the states of the union.

Bancroft, Hist. of the U.S., vol.6, p.299

On the question of representation the only embarrassment that remained grew out of that part of the report of the committee of detail which sanctioned the perpetual continuance of the slave-trade. Everywhere, always, by everybody, in statutes alike of Virginia and South Carolina, in speeches, in letters, slavery in those days was spoken of as an evil. Everywhere in the land, the free negro always, the slave from the instant of his emancipation, belonged to the class of citizens, though in Virginia, South Carolina and Georgia, and in Delaware, for all except those who before 1787 had already acquired the elective franchise, color barred the way to the ballot-box. The convention did nothing to diminish the rights of black men; and, to the incapacities under which they labored in any of the states, it was careful to add no new one. Madison, in the following February, recommending the constitution for ratification, writes: "It is admitted that, if the laws were to restore the rights which have been taken away, the negroes could no longer be refused an equal share of representation with the other inhabitants." The convention had agreed to the enumeration of two fifths of the slaves in the representative population; but a new complication was introduced by the sanction which the committee of detail had lent to the perpetuity of the slave-trade.

Bancroft, Hist. of the U.S., vol.6, p.299

"I never can agree," said King, in the debate of the eighth, "to let slaves be imported without limitation of time, and be represented in the national legislature."

Bancroft, Hist. of the U.S., vol.6, p.299

Gouverneur Morris then moved that there should be no representation but of "free inhabitants." "I never will concur in upholding domestic slavery. It is a nefarious institution. It is the curse of heaven on the states where it prevails. Compare the free regions of the middle states, where a rich and noble cultivation marks the prosperity and happiness of the people, with the misery and poverty which overspread the barren wastes of Virginia, Maryland, and the other states having slaves. Travel through the whole continent, and you behold the prospect continually varying with the appearance and disappearance of slavery. The moment you leave the eastern states and enter New York, the effects of the institution become visible. Passing through the Jerseys and entering Pennsylvania, every criterion of superior improvement witnesses the change; proceed southwardly, and every step you take through the great regions of slaves presents a desert increasing with the increasing proportion of these wretched beings. Upon what principle shall slaves be computed in the representation. Are they men? Then make them citizens, and let them vote. Are they property? Why, then, is no other property included? The houses in this city are worth more than all the wretched slaves who cover the rice-swamps of South Carolina. The admission of slaves into the representation, when fairly explained, comes to this: that the inhabitant of Georgia and South Carolina who goes to the coast of Africa, and in defiance of the most sacred laws of humanity tears away his fellow-creatures from their dearest connections and damns them to the most cruel bondage, shall have more votes in a government instituted for protection of the rights of mankind than the citizen of Pennsylvania or New Jersey, who views with a laudable horror so nefarious a practice. I will add, that domestic slavery is the most prominent feature in the aristocratic countenance of the proposed constitution. The vassalage of the poor has ever been the favorite offspring of aristocracy. And what is the proposed compensation to the northern states for a sacrifice of every principle of right, of every impulse of humanity? They are to bind themselves to march their militia for the defence of the southern states against those very slaves of whom they complain. They must supply vessels and seamen, in case of foreign attack. The legislature will have indefinite power to tax them by excises and duties on imports, both of which will fall heavier on them than on the southern inhabitants. On the other side, the southern states are not to be restrained from importing fresh supplies of wretched Africans, at once to increase the danger of attack and the difficulty of defence; nay, they are to be encouraged to it by an assurance of having their votes in the national government increased in proportion; and are, at the same time, to have their exports and their slaves exempt from all contributions for the public service. I will sooner submit myself to a tax for paying for all the negroes in the United States than saddle posterity with such a constitution." Dayton seconded the motion, that his sentiments on the subject might appear, whatever might be the fate of the amendment. Charles Pinckney "considered the fisheries and the western frontier as more burdensome to the United States than the slaves." Wilson thought an agreement to the clause would be no bar to the object of the motion, which itself was premature. New jersey voted aye, ten states in the negative. So ended the skirmish preliminary to the struggle on the continuance of the slave-trade.

Bancroft, Hist. of the U.S., vol.6, p.301

Great as was the advance from the articles of the confederacy, the new grants, not less than the old ones, of power to the legislature of the United States to lay taxes, duties, imposts, and excises, and collect them; to regulate foreign and domestic commerce; alone to coin money and regulate the value of foreign coin; to fix the standard of weights and measures; and establish post-offices, were accepted on the sixteenth, with little difference of opinion.

Bancroft, Hist. of the U.S., vol.6, p.301

No one disputed the necessity of clothing the United States with power "to borrow money." The committee of detail added a continuance of the permission "to emit bills on the credit of the United States." Four years before, Hamilton, in his careful enumeration of the defects in the confederation, pronounced that this authority "to emit an unfunded paper as the sign of value ought not to continue a formal part of the constitution, nor ever, hereafter, to be employed; being, in its nature, pregnant with abuses, and liable to be made the engine of imposition and fraud; holding out temptations equally pernicious to the integrity of government and to the morals of the people."

Bancroft, Hist. of the U.S., vol.6, p.302

Gouverneur Morris on the fifteenth recited the history of paper emissions and the perseverance of the legislative assemblies in repeating them, though well aware of all their distressing effects, and drew the inference that, were the national legislature formed and a war to break out, this ruinous expedient, if not guarded against, would be again resorted to. On the sixteenth he moved to strike out the power to emit bills on the credit of the United States. "If the United States," said he, "have credit, such bills will be unnecessary; if they have not, they will be unjust and useless." Butler was urgent for disarming the government of such a power, and seconded the motion. It obtained the acquiescence of Madison.

Bancroft, Hist. of the U.S., vol.6, p.302

Mason of Virginia" had a mortal hatred to paper money, yet, as he could not foresee all emergencies, he was unwilling to tie the hands of the legislature. The late war could not have been carried on had such a prohibition existed." "The power," said Gorham, "as far as it will be necessary or safe, is involved in that of borrowing money." Mercer of Maryland was unwilling to deny to the government a discretion on this point; besides, he held it impolitic to excite the opposition to the constitution of all those who, like himself, were friends to paper money. "This," said Ellsworth, "is a favorable moment to shut and bar the door against paper money, which can in no case be necessary. The power may do harm, never good. Give the government credit, and other resources will offer." Randolph, notwithstanding his antipathy to paper money, could not foresee all the occasions that might arise. "Paper money," said Wilson, "can never succeed while its mischiefs are remembered; and, as long as it can be resorted to, it will be a bar to other resources." "Rather than give the power," said John Langdon of New Hampshire, "I would reject the whole plan."

Bancroft, Hist. of the U.S., vol.6, p.302

With the full recollection of the need, or seeming need, of paper money in the revolution, with the menace of danger in future time of war from its prohibition, authority to issue bills of credit that should be legal-tender was refused to the general government by the vote of nine states against New Jersey and Maryland. It was Madison who decided the vote of Virginia; and he has left his testimony that "the pretext for a paper currency, and particularly for making the bills a tender, either for public or private debts, was cut off." This is the interpretation of the clause, made at the time of its adoption alike by its authors and by its opponents, accepted by all the statesmen of that age, not open to dispute because too clear for argument, and never disputed so long as any one man who took part in framing the constitution remained alive.

Bancroft, Hist. of the U.S., vol.6, p.303

History can not name a man who has gained enduring honor by causing the issue of paper money. Wherever such paper has been employed, it has in every case thrown upon its authors the burden of exculpation under the plea of pressing necessity.

Bancroft, Hist. of the U.S., vol.6, p.304

Paper money has no hold, and from its very nature can acquire no hold, on the conscience or affections of the people. It impairs all certainty of possession, and taxes none so heavily as the class who earn their scant possession by daily labor. It injures the husbandman by a twofold diminution of the exchangeable value of his harvest. It is the favorite of those who seek gain without willingness to toil; it is the deadly foe of industry. No powerful political party ever permanently rested for support on the theory that it is wise and right. No statesman has been thought well of by his kind in a succeeding generation for having been its promoter.

Bancroft, Hist. of the U.S., vol.6, p.304

In the plan of government, concerted between the members from Connecticut, especially Sherman and Ellsworth, there was this further article: "That the legislatures of the individual states ought not to possess a right to emit bills of credit for a currency, or to make any tender laws for the payment or discharge of debts or contracts in any manner different from the agreement of the parties, or in any manner to obstruct or impede the recovery of debts, whereby the interests of foreigners or the citizens of any other state may be affected."

Bancroft, Hist. of the U.S., vol.6, p.304

The committee of detail had reported: "No state, without the consent of the legislature of the United States, shall emit bills of credit." With a nobler and safer trust in the power of truth and right over opinion, Sherman on the twenty-eighth, scorning compromise, cried out: "This is the favorable crisis for crushing paper money," and, joining Wilson, they two proposed to make the prohibition absolute. Gorham feared that the absolute prohibition would rouse the most desperate opposition; but four northern states and four southern states, Maryland being divided, New Jersey absent, and Virginia alone in the negative, placed in the constitution these unequivocal words: "No state shall emit bills of credit." The second part of the clause, "No state shall make anything but gold and silver coin a tender in payment of debts," was accepted without a dissentient state. So the adoption of the constitution is to be the end forever of paper money, whether issued by the several states or by the United states, if the constitution shall be rightly interpreted and honestly obeyed.

Bancroft, Hist. of the U.S., vol.6, p.305

It was ever the wish of Sherman and Ellsworth to prohibit "the discharge of debts or contracts in any manner different from the agreement of the parties." Among the aggressions made by the states on the rights of other states, Madison, in his enumeration, names the enforced payment of debts in paper money, the enforced discharge of debts by the conveyance of land or other property, the instalment of debts, and the "occlusion" of courts. For the two last of these wrongs no remedy was as yet provided.

Bancroft, Hist. of the U.S., vol.6, p.305

King moved to add, as in the ordinance of congress for the establishment of new states, "a prohibition on the states to interfere in private contracts." "This would be going too far," interposed Gouverneur Morris. "There are a thousand laws relating to bringing actions, limitations of actions, and the like, which affect contracts. The judicial power of the United States will be a protection in cases within their jurisdiction; within the state itself a majority must rule, whatever may be the mischief done among themselves." "Why, then, prohibit bills of credit? "inquired Sherman. Wilson was in favor of King's motion. Madison admitted that inconveniences might arise from such a prohibition, but thought on the whole its utility would overbalance them, He conceived, however, that a negative on the state laws could alone secure the end. Evasions might and would be devised by the ingenuity of legislatures. His colleague Mason replied: "The motion" of King "is carrying the restraint too far. Cases will happen that cannot be foreseen, where some kind of interference will be proper and essential." He mentioned the case of limiting the period for bringing actions on open account, that of bonds after a lapse of time, asking whether it was proper to tie the hands of the states from making provision in such cases.

Bancroft, Hist. of the U.S., vol.6, p.306

"The answer to these objections is," Wilson explained, "that retrospective interferences only are to be prohibited." "Is not that already done," asked Madison, "by the prohibition of ex post facto laws, which will oblige the judges to declare such interferences null and void?" But the prohibition which, on the motion of Gerry and McHenry, had been adopted six days before, was a limitation on the powers of congress. Instead of King's motion, Rutledge advised to extend that limitation to the individual states; and accordingly they, too, were now forbidden to pass bills of attainder or ex post facto laws by the vote of seven states against Connecticut, Maryland, and Virginia, Massachusetts being absent. So the motion of King, which had received hearty support only from Wilson, was set aside by a very great majority.

Bancroft, Hist. of the U.S., vol.6, p.306

The next morning "Dickinson mentioned to the house that, on examining Blackstone's Commentaries, he found that the term ex post facto related to criminal cases only; that the words would consequently not restrain the states from retrospective laws in civil cases; and that some further provision for this purpose would be requisite." Of this remark the convention at the moment took no note; and the clause of Rutledge was left in the draft then making of the constitution, as the provision against the "stay laws and occlusion of courts" so much warned against by Madison, "the payment or discharge of debts or contracts in any manner different from the agreement of the parties," as demanded by Sherman and Ellsworth.

Bancroft, Hist. of the U.S., vol.6, p.307

Among the prohibitions on the states which the committee of detail reported on the twenty-eighth, was that of laying duties on imports. "Particular states," observed Mason, "may wish to encourage by impost duties certain manufactures for which they enjoy natural advantages, as Virginia the manufacture of hemp, etc." Madison replied: "The encouragement of manufactures in that mode requires duties, not only on imports directly from foreign countries, but from the other states in the union, which would revive all the mischiefs experienced from the want of a general government over commerce." King proposed to extend the prohibition not to imports only, but also to exports, so as to prohibit the states from taxing either. Sherman added, that, even with the consent of the United States, the several states should not levy taxes on importations except for the use of the United States. This movement Gouverneur Morris supported as a regulation necessary to prevent the Atlantic states from endeavoring to tax the western states and promote their separate interest by opposing the navigation of the Mississippi, which would drive the western people into the arms of Great Britain. George Clymer of Pennsylvania "thought the encouragement of the western country was suicide on the part of the old states. If the states have such different interests that they cannot be left to regulate their own manufactures, without encountering the interests of other states, it is a proof that they are not fit to compose one nation." King did not wish to "interfere too much with the policy of states respecting their manufactures," holding that such a policy of protection in a separate state might be necessary. "Revenue," he reminded the house, "was the object of the general legislature." By a large majority the prohibition on the several states of taxing imports was made dependent on the consent of the legislature of the United States; and with this limitation it was carried without a dissentient vote. The extending of the prohibition to exports obtained a majority of but one. That taxes on imports or exports by the states, even with the consent of the United States, should be exclusively for the use of the United States, gained every state but Massachusetts and Maryland. The power to protect domestic manufactures by imposts was taken away from the states, and, so far as it is incident to the raising of revenue, was confined to the United States.

Bancroft, Hist. of the U.S., vol.6, p.308

The country had been filled with schemes for a division of the thirteen states into two or more separate groups; the convention, following its committee of detail, would suffer no state to enter into any confederation, or even into a treaty or alliance with any confederation. The restriction was absolute. To make it still more clear and peremptory, it was repeated and enlarged in another article, which declared not only that no state shall enter into any agreement or compact with any foreign power," but that "no state shall enter into any agreement or compact with any other state." Each state was confined in its government strictly to its own duties within itself.

Bancroft, Hist. of the U.S., vol.6, p.308

As to slavery, it was by a unanimous consent treated as a sectional interest; freedom existed in all the states; slavery was a relation established within a state by its own law. Under the sovereignty of the king of Great Britain the laws of a colony did not on British soil prevail over the imperial law. In like manner in America, a slave in one American colony, finding himself on the soil of another, was subject only to the laws of the colony in which he might be found. It remained so on the declaration of independence; not as an innovation, but as the continuance of an established fact. The articles of confederation took no note of slavery, except by withholding the privileges of intercitizenship from the slave. The enumeration of slaves was in the distribution of political power a matter of indifference so long as congress voted by states and proportioned its requisitions of revenue to wealth alone.

Bancroft, Hist. of the U.S., vol.6, p.308

In framing a constitution in which representation in one branch of the legislature was made to depend on population, it became the political interest of the states in which slaves abounded to have them included in the enumeration of the population equally with the free negroes and the whites. They so far succeeded that the slave inhabitants were held to be a part of the grand aggregate of the people of the United States, and as such were entitled to bring a proportional increase of representation to the state in which they abode. For this purpose of representation the slaves were by a compromise allowed to be counted, but only as three out of five; should the master see fit to liberate the slave, he became at once a free inhabitant and a citizen with the right of intercitizenship, and of being counted equally in the representative population.

Bancroft, Hist. of the U.S., vol.6, p.309

Intercitizenship was the life-blood of the union. The report of the committee of detail, changing only the words "free inhabitants" for "citizens," followed the articles of confederation in declaring that "the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states." The slave remained a slave, but only in states whose local laws permitted it.

Bancroft, Hist. of the U.S., vol.6, p.309

After three weeks' reflection, Cotesworth Pinckney, on the twenty-eighth of August, avowed himself not satisfied with the article; he wished that "some provision should be included in favor of property in slaves." The article was nevertheless adopted, but not unanimously; South Carolina voted against it, and Georgia was divided, showing that discontent with the want of the protection to slavery was seated in their breasts, even so far as to impugn the great principle which was a necessary condition of union.

Bancroft, Hist. of the U.S., vol.6, p.309

The convention proceeded with its work, and proposed that any person who should flee from justice should be delivered up on the demand of the executive of the state from which he fled. Butler and Charles Pinckney moved, as an amendment, to require fugitive slaves to be delivered up like criminals. "This," answered Wilson, "would oblige the executive of the state to do it at the public expense." "The public," said Sherman, "can with no more propriety seize and surrender a slave or servant than a horse." Butler withdrew his motion and the article as proposed was unanimously adopted.

Bancroft, Hist. of the U.S., vol.6, p.310

The convention was not unprepared to adopt a fugitive slave law, for such a clause formed a part of the ordinance of 1787, adopted in the preceding July for the government of the north-western territory. On the twenty-ninth, Butler, after the opportunity of reflection and consultation, offered a proposal: "That the fugitive slaves escaping into another state shall be delivered up to the person justly claiming their service or labor." This for the moment was agreed to without dissent. The trouble and expense of making the claim fell on the slave-holder; the language of the article did not clearly point out by whom the runaway slave was to be delivered up.

Chapter 8:

The Constitution in Detail,

The Powers of Congress, Continued,

The Middle to the End of August 1787

Bancroft, Hist. of the U.S., vol.6, p.311

ON the eighteenth of August, Rutledge insisted that it was necessary and expedient for the United States to assume "all the state debts." A committee of eleven, to whom the subject was referred, on the twenty-first reported a grant of power to the United States to assume "the debts of the several states incurred during the late war for the common defence and general welfare." But the states which had done the most toward discharging their obligations were unwilling to share equally the burdens of those which had done the least; and the convention, adopting on the twenty-fifth the language of Randolph, affirmed no more than that the engagements of the confederation should be equally valid against the United States under this constitution.

Bancroft, Hist. of the U.S., vol.6, p.311

The convention, on the seventeenth, agreed with its committee in giving jurisdiction to the United States over the crime of counterfeiting their coins and over crimes committed on the high seas, or against the law of nations.

Bancroft, Hist. of the U.S., vol.6, p.311

The report of the committee of detail gave power to congress "to subdue a rebellion in any state on the application of its legislature." Martin, on the seventeenth, approved the limitation to which Charles Pinckney, Gouverneur Morris, and Langdon objected. Ellsworth moved to dispense with the application of the legislature of the rebellious state when that body could not meet. "Gerry was against letting loose the myrmidons of the United States on a state without its own consent. The states will be the best judges in such cases. More blood would have been spilt in Massachusetts in the late insurrection if the general authority had intermeddled." The motion of Ellsworth was adopted; but it weighed down the measure itself, which obtained only four votes against four.

Bancroft, Hist. of the U.S., vol.6, p.312

We come to a regulation where the spirit of republicanism exercised its humanest influence. The world had been retarded in civilization, impoverished and laid waste by wars of the personal ambition of its kings. The committee of detail and the convention, in the interest of peace, intrusted the power to declare war, not to the executive, but to the deliberate decision of the two branches of the legislature, each of them having a negative on the other; and the executive retaining his negative on them both.

Bancroft, Hist. of the U.S., vol.6, p.312

On the eighteenth Madison offered a series of propositions, granting powers to dispose of the lands of the United States; to institute temporary governments for new states; to regulate affairs with the Indians; to exercise exclusively legislative authority at the seat of general government; to grant charters of incorporation where the public good might require them and the authority of a single state might be incompetent; to secure to authors their copyrights for a limited time; to establish a university; to encourage discoveries and the advancement of useful knowledge. In that and the next sitting Charles Pinckney proposed, among other cessions, to grant immunities for the promotion of agriculture, commerce, trades, and manufactures. They were all unanimously referred to the commit tee of detail.

Bancroft, Hist. of the U.S., vol.6, p.312

Gerry would have an army of two or three thousand at the most; a number in proportion to population greater than the present army of the United States. The power to raise and support armies was, however, accepted unanimously, with no "fetter on " it, except the suggestion then made by Mason and soon formally adopted, that "no appropriation for that use should be for a longer term than two years."

Bancroft, Hist. of the U.S., vol.6, p.313

The idea of a navy was welcome to the country. Jefferson thought a small one a necessity. The convention accepted unanimously the clause giving power "to build and equip fleets;" or, as the power was more fitly defined, "to provide and maintain a navy."

Bancroft, Hist. of the U.S., vol.6, p.313

The report gave to the general government only power to call forth the aid of the militia. Mason moved to grant the further power of its regulation and discipline, for "thirteen states would never concur in any one system"; but he reserved "to the states the appointment of the officers." In the opinion of Ellsworth, the motion went too far. "The militia should be under rules established by the general government when in actual service of the United States. The whole authority over it ought by no means to be taken from the states. Their consequence would pine away to nothing after such a sacrifice of power. The general authority could not sufficiently pervade the union for the purpose, nor accommodate itself to the local genius of the people." Sherman supported him. "My opinion is," said Dickinson, "that the states never ought to give up all authority over the militia, and never will."

Bancroft, Hist. of the U.S., vol.6, p.313

Swayed by Dickinson, Mason modified his original motion, which Cotesworth Pinckney instantly renewed. A grand committee of eleven, to which this among other subjects was referred, on the twenty-first reported that the legislature should have power "to make laws for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States." Ellsworth and Sherman, on the twenty-third, accepted the latter part of the clause, but resisted the former. "The discipline of the militia," answered Madison, "is evidently a national concern, and ought to be provided for in the national constitution." And the clause was adopted by nine states against Connecticut and Maryland.

Bancroft, Hist. of the U.S., vol.6, p.314

Madison always wished to reserve to the United States the appointment of general officers in the militia. This Sherman pronounced absolutely inadmissible. "As the states are not to be abolished," said Gerry, "I wonder at the attempts to give powers inconsistent with their existence. A civil war may be produced by the conflict between people who will support a plan of vigorous government at every risk and others of a more democratic cast." "The greatest danger," said Madison, "is disunion of the states; it is necessary to guard against it by sufficient powers to the common government; the greatest danger to liberty is from large standing armies; it is best to prevent them by an effectual provision for a good militia." Madison gained for his motion only New Hampshire, South Carolina, and Georgia. The appointment of officers by the states was then agreed to; and the states were to train the militia, but according to the discipline prescribed by the United States.

Bancroft, Hist. of the U.S., vol.6, p.314

The power "to make all laws necessary and proper for carrying into execution the powers vested by this constitution in the government of the United States, or in any department or office thereof," was so clearly necessary that, without cavil or remark, it was unanimously agreed to.

Bancroft, Hist. of the U.S., vol.6, p.314

The definition of treason against the United States, though made in language like that of the English law, took notice of the federal character of the American government by defining it as levying war against the United States or any one of them; thus reserving to the United States the power to punish treason, whether by war against the United States or by war against a state. Johnson was of opinion that there could be no treason against a particular state even under the confederation, much less under the proposed system. Mason answered: "The United States will have a qualified sovereignty only; the individual states will retain a part of the sovereignty." "A rebellion in a state," said Johnson, "would amount to treason against the supreme sovereign, the United States." "Treason against a state," said King, "must be treason against the United States." Sherman differed from him, saying: "Resistance against the laws of the United States is distinguished from resistance against the laws of a particular state." Ellsworth added: "The United States are sovereign on one side of the line dividing the jurisdictions, the states on the other. Each ought to have power to defend their respective sovereignties." "War or insurrection against a member of the union," said Dickinson, "must be so against the whole body." The clause as amended, evading the question, spoke only of treason by levying war against the United States or adhering to their enemies, giving them aid or comfort. No note was taken of the falsification of election returns, or the dangers peculiar to elective governments. Martin relates that he wished an amendment excepting citizens of any state from the penalty of treason, when they acted expressly in obedience to the authority of their own state; but seeing that a motion to that effect would meet with no favor, he at the time shut up the thought within his own breast.

Bancroft, Hist. of the U.S., vol.6, p.315

The members of the convention long held in "recollection the pain and difficulty which the subject of slavery caused in that body," and which "had well-nigh led southern states to break it up without coming to any determination." The members from South Carolina and Georgia were moved by the extreme desire of preserving the union and obtaining an efficient government; but as their constituents could not be reconciled to the immediate prohibition of the slave-trade by the act of the United States, they demanded that their states should retain on that subject the liberty of choice which all then possessed under the confederation. Unwilling to break the union into fragments, the committee of detail proposed limitations of the power of congress to regulate commerce. No tax might be laid on exports, nor on the importation of slaves. As to the slave-trade, each state was to remain, as under the articles of confederation, free to import such persons as it "should think proper to admit." The states might, one by one, each for itself, prohibit the slave-trade; not the United States by a general law. This decision was coupled with no demand of privileges for the shipping interest. Ellsworth, in the committee, had consented, unconditionally, that no navigation act should be passed without the assent of two thirds of the members present in each house.

Bancroft, Hist. of the U.S., vol.6, p.316

On the twenty-first the prohibition to tax exports was carried by Massachusetts and Connecticut with the five most southern states. Thus absolute free trade as to exports became a part of the fundamental law of the United States. The vote of Virginia was due to Mason, Randolph, and Blair; Washington and Madison were always unwilling to seem to favor a local interest, especially a southern one, and were ready to trust the subject to the general government.

Bancroft, Hist. of the U.S., vol.6, p.316

From Maryland came a voice against the slave-trade. For three reasons Martin proposed to prohibit or to tax the importation of slaves: "The importation of slaves affects the apportionment of representation, weakens one part of the union which the other parts are bound to protect, and dishonors the principles of the revolution and the American character."

Bancroft, Hist. of the U.S., vol.6, p.316

Rutledge answered: "Religion and humanity have nothing to do with this question; interest alone is the governing principle with nations. The true question at present is, whether the southern states shall or shall not be parties to the union? If the northern states consult their interest they will not oppose the increase of slaves, which will increase the commodities of which they will become the carriers." Ellsworth, speaking consistently with the respect which he had always shown for the rights of the states, answered: "I am for leaving the clause as it stands. Let every state import what it pleases. The morality or wisdom of slavery are considerations belonging to the states themselves. The old confederation did not meddle with this point; and I do not see any greater necessity for bringing it within the policy of the new one." "South Carolina," said Charles Pinckney, "can never receive the plan if it prohibits the slave-trade."

Bancroft, Hist. of the U.S., vol.6, p.316

The debate was continued through the next day. Sherman was perplexed between his belief in the inherent right of man to freedom and the tenet of the right of each state to settle for itself its internal affairs, and said: "I disapprove of the slave-trade; yet, as the states are now possessed of the right to import slaves, and as it is expedient to have as few objections as possible to the proposed scheme of government, I think it best to leave the matter as we find it."

Bancroft, Hist. of the U.S., vol.6, p.317

Mason, compressing the observation of a long life into a few burning words, replied: "This infernal traffic originated in the avarice of British merchants; the British government constantly checked the attempts of Virginia to put a stop to it. The present question concerns not the importing states alone, but the whole union. Maryland and Virginia have aid ready prohibited the importation of slaves expressly; North Carolina has done the same in substance. All this would be in vain if South Carolina and Georgia be at liberty to import them. The western people are already calling out for slaves for their new lands, and will fill that country with slaves if they can be got through South Carolina and Georgia. Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the emigration of whites, who really enrich and strengthen a country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a country. As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities. I lament that some of our eastern brethren have, from a lust of gain, embarked in this nefarious traffic. As to the states being in possession of the right to import, this is the case with many other rights, now to be properly given up. I hold it essential in every point of view, that the general government should have power to prevent the increase of slavery." Mason spoke from his inmost soul, anxious for freedom and right, for the happiness of his country and the welfare of mankind.

Bancroft, Hist. of the U.S., vol.6, p.317 - p.318

To words of such intense sincerity Ellsworth answered with almost mocking irony: "As I have never owned a slave I cannot judge of the effects of slavery on character. If, however, it is to be considered in a moral light, we ought to go further and free the slaves already in the country. Besides, slaves multiply so fast in Virginia and Maryland that it is cheaper to raise than import them, whilst in the sickly rice-swamps foreign supplies are necessary; if we go no further than is urged, we shall be unjust toward South Carolina and Georgia. Let us not intermeddle. As population increases, poor laborers will be so plenty as to render slaves useless. Slavery, in time, will not be a speck in our country. Provision is made in Connecticut for abolishing it; and the abolition has already taken place in Massachusetts."

Bancroft, Hist. of the U.S., vol.6, p.318

"If the southern states are let alone," said Charles Pinckney, "they will probably of themselves stop importations. I would myself, as a citizen of South Carolina, vote for it."

Bancroft, Hist. of the U.S., vol.6, p.318

In the same vein Cotesworth Pinckney remarked: "If I and all my colleagues were to sign the constitution and use our personal influence, it would be of no avail toward obtaining the assent of our constituents. South Carolina and Georgia cannot do without slaves. Virginia will gain by stopping the importations. Her slaves will rise in value, and she has more than she wants. It would be unequal to require South Carolina and Georgia to confederate on such terms. Slaves should be dutied like other imports; but a rejection of the clause is the exclusion of South Carolina from the union." Baldwin, with opinions on the rights of the states like those of Ellsworth and Sherman, continued: "The object before the convention is not national, but local. Georgia cannot purchase the advantage of a general government by yielding the abridgment of one of her favorite prerogatives. If left to herself, she may probably rut a stop to the evil."

Bancroft, Hist. of the U.S., vol.6, p.318

"If South Carolina and Georgia," observed Wilson, "are themselves disposed to get rid of the importation of slaves in a short time, they will never refuse to unite because the importation might be prohibited." To this Cotesworth Pinckney made answer: "I think myself bound to declare candidly that I do not believe South Carolina will stop her importations of slaves in any short time, except occasionally as she now does."

Bancroft, Hist. of the U.S., vol.6, p.318 - p.319

"On every principle of honor and safety," said Dickinson, "it is inadmissible that the importation of slaves should be authorized to the states by the constitution. The true question is whether the national happiness will be promoted or impeded by the importation; and this question ought to be left to the national government, not to the states particularly interested. I cannot believe that the southern states will refuse to confederate on that account, as the power is not likely to be immediately exercised by the general government." Here was the opening to a grant of the power, coupled with a prospect of delay in using it.

Bancroft, Hist. of the U.S., vol.6, p.319

Williamson, himself no friend of slavery, distinctly intimated that North Carolina would go with her two neighbors on the south. Cotesworth Pinckney now moved to commit the clause, that slaves might be made liable to an equal tax with other imports. "If the convention," said Rutledge, "thinks that North Carolina, South Carolina, and Georgia will ever agree to the plan, unless their right to import slaves be untouched, the expectation is vain;" and he seconded the motion for a commitment. Gouverneur Morris wished the whole subject to be committed, including the clauses relating to taxes on exports and to a navigation act. These things might form a bargain among the northern and southern states. "Rather than to part with the southern states," said Sherman, "it is better to let them import slaves. But a tax on slaves imported makes the matter worse, because it implies they are property."

Bancroft, Hist. of the U.S., vol.6, p.319

Two states," said Randolph, " may be lost to the union let us, then, try the chance of a commitment." The motion for commitment was adopted by the votes of Connecticut, New Jersey, and the five southernmost states, against New Hampshire, Pennsylvania, and Delaware; Massachusetts was absent.

Bancroft, Hist. of the U.S., vol.6, p.319 - p.320

Charles Pinckney and Langdon then moved to commit the section relating to a navigation act. "I desire it to be remembered," said Gorham, remotely hinting at possible secession, "the eastern states have no motive to union but a commercial one." Ellsworth, maintaining the position which he had deliberately chosen, answered: "I am for taking the plan as it is. If we do not agree on this middle and moderate ground, I am afraid we shall lose two states with others that may stand aloof: and fly, most probably, into several confederations, not without bloodshed."

Bancroft, Hist. of the U.S., vol.6, p.320

Had the convention listened to no compromise on the slave-trade, Georgia and South Carolina would not have accepted the new constitution; North Carolina would have clung to them, from its internal condition; Virginia, however earnest might have been the protest against it by Madison and Washington, must have acted wig North Carolina, and, as a consequence, there would from the beginning have been a federation of slave-holding states. The committee to which the whole subject of restriction on the power over commerce was referred consisted of Langdon, Ring, Johnson, the aged William Livingston of New Jersey, Clymer, Dickinson, Martin, Madison, Williamson, Cotesworth Pinckney, and Baldwin, a large majority of them venerable for uprightness and ability. Their report, made on the twenty-fourth, denied to the United States the power to prohibit the slave-trade prior to the year 1800, but granted the power to impose a tax or duty on such migration or importation at a rate not exceeding the average of the duties laid on imports.

Bancroft, Hist. of the U.S., vol.6, p.320

On the twenty-fifth, when the report of the committee of eleven was taken up, Cotesworth Pinckney immediately moved to extend the time allowed for the importation of slaves till the year 1808. Gorham was his second. Madison spoke earnestly against the prolongation; but, without further debate, the motion prevailed by the votes of the three New England states, Maryland, and the three southernmost states, against New Jersey, Pennsylvania, Delaware, and Virginia.

Bancroft, Hist. of the U.S., vol.6, p.320

Sherman once more resisted the duty "as acknowledging men to be property" by taxing them as such under the character of slaves; and Madison supported him, saying: "I think it wrong to admit in the constitution the idea that there can be property in men." But, as the impost which had been proposed on all imported articles was of five per cent and the slave was deemed to have an average value of two hundred dollars, the rate was fixed definitively at ten dollars on every imported slave, and the clause thus amended was unanimously held fast as a discouragement of the traffic.

Bancroft, Hist. of the U.S., vol.6, p.321

"It ought to be considered," wrote Madison near the time, "as a great point gained in favor of humanity, that a period of twenty years may terminate forever within these states a traffic which has so long and so loudly upbraided the barbarism of modern policy. Happy would it be for the unfortunate Africans if an equal prospect lay before them of being redeemed from the oppressions of their European brethren!"

Bancroft, Hist. of the U.S., vol.6, p.321

The confederation granted no power to interfere with the slave-trade. The new constitution gave power to prohibit it in new states immediately on their admission, in existing states at the end of the year 1807. Louisiana, by annexation to the union, lost the license to receive slaves from abroad. On the second day of December 1806, Thomas Jefferson, president of the United States of America, addressed this message to congress: "I congratulate you, fellow-citizens, on the approach of the period at which you may interpose your authority constitutionally to withdraw the citizens of the United States from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country have long been eager to proscribe."

Bancroft, Hist. of the U.S., vol.6, p.321

Unanimous legislation followed the words from the president, and, as the year 1808 broke upon the United States, the importation of slaves had ceased. And did slavery have as peaceful an end? Philanthropy, like genius and like science, must bide its time. Man cannot hurry the supreme power, to which years are as days.

Bancroft, Hist. of the U.S., vol.6, p.321

Two members of the convention, with the sincere integrity which clears the eye for prophetic vision, read the doom of slave-holding. Mason, fourteen years before, in a paper prepared for the legislature of Virginia, had given his opinion that as the natural remedy for political injustice the constitution should by degrees work itself clear by its own innate strength, the virtue and resolution of the community; and added: "The laws of impartial Providence may avenge upon our posterity the injury done to a set of wretches whom our injustice hath debased almost to a level with the brute creation. These remarks were extorted by a kind of irresistible, perhaps an enthusiastic, impulse; and the author of them, conscious of his own good intentions, cares not whom they please or offend."

Bancroft, Hist. of the U.S., vol.6, p.322

During a previous debate on the value of slaves, Mason had observed of them that they might in cases of emergency themselves become soldiers. On the twenty-second of August: he called to mind that Cromwell, when he sent commissioners to Virginia to take possession of the country, gave them power to arm servants and slaves. He further pointed out that the British might have prevailed in the South in the war of the revolution had they known how to make use of the slaves; that in Virginia the royal governor invited them to rise at a time when he was not in possession of the country, and, as the slaves were incapable of self-organization and direction, his experiments by proclamation, addressed to them in regions not within his sway, totally failed; but that in South Carolina, where the British were in the full possession of the country, they might have enfranchised the slaves and enrolled them for the consolidation and establishment of the royal authority. But the civil and military officers in those days of abject corruption chose rather to enrich themselves by shipping the slaves to the markets of the West Indies. Five months later Madison, in a paper addressed to the country, remarked: "An unhappy species of population abounds in some of the states who, during the calm of the regular government, are sunk below the level of men; but who, in the tempestuous scenes of civil violence, may emerge into the human character, and give a superiority of strength to any party with which they may associate themselves." Slave-holding was to be borne down on the field of battle.

Bancroft, Hist. of the U.S., vol.6, p.322

The dignity and interests of the United States alike demanded a grant of power to the general government for the regulation of foreign as well as domestic trade. Without it the navigation of the country would have been at the mercy of foreign restrictions. For this regulation the new constitution required, as in all other acts of legislation, no more than a majority of the two houses of congress. A strong opposition started up in the South under the lead of Charles Pinckney and Martin, inflamed by Mason and by Randolph; but it was in vain. On the twenty-ninth, Madison, Spaight, and Rutledge defended the report of the eleven like statesmen, free from local influences or prejudice. It was clearly stated that the ships of nations in treaty with the United States would share in their carrying trade; that a rise in freight could be but temporary, because it would be attended by an increase of southern as well as of northern shipping; that the West India trade was a great object to be obtained only through the pressure of a navigation act. Cotesworth Pinckney owned that he had been prejudiced against the eastern states, but had found their delegates as liberal and as candid as any men whatever. On the question, Delaware and South Carolina joined the united North against Maryland, Virginia, North Carolina, and Georgia. After this vote the convention accepted unanimously the proposition to grant to the majority in the two branches of congress full power to make laws regulating commerce and navigation. Randolph was so much dissatisfied that he expressed a doubt whether he should be able to agree to the constitution." Mason, more deeply in earnest, as yet held his emotions in check.

Bancroft, Hist. of the U.S., vol.6, p.323

Of new states, the Virginia plan knew those only "lawfully arising within the limits of the United States," and for their admission vaguely required less than a unanimous vote; the committee of detail demanded the consent of two thirds of each house of congress, as well as the concurrence of the states within whose "limits" the new states should arise.

Bancroft, Hist. of the U.S., vol.6, p.323 - p.324

At this stage Gouverneur Morris enlarged the scope and simplified the language of the article. The confederation had opened the door to Canada at its own choice alone, and to any other territory that could obtain the consent of two thirds of congress. It was no longer decent to hold out to Canada an invitation to annex itself to the union; but the American mind, in the strength of independence, foresaw its expansion. The rising states beyond the mountains were clamorous for the unobstructed navigation of the Mississippi, which might lead to the acquisition by treaty of all the land east of that river; and the boundary on the south, as well of Georgia as of Florida, had never been adjusted with Spain. Gouverneur Morris had at an early day desired to restrict the limits of the United States; he now gave his ancient fears to the winds, and, acceding in advance to the largest eventual annexations, he proposed these few and simple words: "New States may be admitted by the legislature into the union," with the full understanding and intention that an ordinary act of legislation should be sufficient by a bare majority to introduce foreign territory as a state into the union. This clause the convention accepted without a debate, and without a division.

Bancroft, Hist. of the U.S., vol.6, p.324

On the thirtieth, Maryland, impelled by a desire to guard the right of the United States to the back lands, and to be the champion of Kentucky, of Maine, of Vermont, and of the settlements on the Tennessee river and its branches, would have granted to the legislature of the United States unlimited power to dismember old states, but was supported only by Delaware and New Jersey. Vermont might once have been included within "the limits" of New York, but certainly remained no longer within its jurisdiction. By changing the word "limits" to "jurisdiction," the convention, still following Gouverneur Morris, provided for its future admission to the union without the consent of New York. In regard to the south-western settlements, the preliminary consent of the states of which they then formed a part was not dispensed with. In like manner no state could be formed by the junction of two or more states or parts thereof without the concurrence of such states. The country north-west of the Ohio having already been provided for, the rule for the admission of new states was thus completed for every part of the territory of the states or of the United States. The convention, still using the language of Gouverneur Morris, and no one but Maryland dissenting, assigned to the legislature the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Bancroft, Hist. of the U.S., vol.6, p.325

Every word in the constitution bearing on the subject of slavery was chosen with the greatest caution; every agreement was jealously guarded. After the section relating to the slave-trade, the committee of detail inserted: "No capitation tax shall be laid unless in proportion to the census hereinbefore directed to be taken." This was intended to prevent congress from enforcing a general emancipation by the special taxation of slaves.

Chapter 9:

The President,

July, August and September 1787

Bancroft, Hist. of the U.S., vol.6, p.326

How to call forth one of the people to be their executive chief for a limited period of years, and how to clothe him with just sufficient powers, long baffled the convention. Federal governments, in Greece, in Switzerland, and in Holland, like the confederation of the United States, had been without a separate executive branch; and the elective monarchies of Poland, of the Papal states, and of Germany, offered no available precedents. The report of the committee of detail of the sixth of August introduced no improvement in the manner of selecting a president; and it transferred to the senate the power to make treaties and to appoint ambassadors and judges of the supreme court. Questions relating to the duties of the president long remained in doubt; the mode of his election was reached only just before the close of the convention.

Bancroft, Hist. of the U.S., vol.6, p.326

The Virginia plan confided the choice of the executive to the national legislature. "An election by the national legislature," objected Gouverneur Morris, on the seventeenth of July, "will be the work of intrigue, of cabal, of corruption, and of faction; it will be like the election of a pope by a conclave of cardinals; of a king by the diet of Poland; real merit will rarely be the title to the appointment." He moved for an election by the "citizens of the United States." Sherman preferred a choice by the national legislature. Wilson insisted on an election by the people; should no one have a majority, then, and then only, the legislature might decide between the candidates. Charles Pinckney opposed the election by the people, because it would surrender the choice to a combination of the populous states led by a few designing men. "To refer the choice of a proper character for a chief magistrate to the people," protested Mason, "would be as unnatural as to refer a trial of colors to a blind man." "An election by the people," observed Williamson, "is an appointment by lot." On the first vote Pennsylvania stood alone against nine states. Martin proposed to intrust the appointment to the legislatures of the states; and was supported only by Delaware and Maryland.

Bancroft, Hist. of the U.S., vol.6, p.327

On the mode of choosing the president, the length of his period of office and his re-eligibility would be made to depend. The convention, in committee, had fixed that period at seven years with a prohibition of re-election. On the motion of William Houston of Georgia, supported by Sherman and Gouverneur Morris, this compulsory rotation was struck out by six states, against Delaware, Virginia, and the two Carolinas. The executive becoming re-eligible, Jacob Broom of Delaware revived the idea of a shorter period of service. McClurg held that the independence of the executive was no less essential than the independence of the judiciary; that a president, elected for a small number of years by the national legislature, and looking to that body for re-election, would be its dependent. To escape from corrupt cabals and yet preserve a good officer in place, he moved that the tenure of office should be good behavior. Gouverneur Morris beamed with joy. Broom found all his difficulties obviated. "Such a tenure," interposed Sherman, "is neither safe nor admissible; reelection will depend on good behavior."

Bancroft, Hist. of the U.S., vol.6, p.327

Madison, who to the last refused with unabated vigor to intrust the choice of the national executive to the national legislature, and at heart would not have been greatly disinclined to the longest period of service for the executive if "an easy and effectual removal by impeachment could have been settled," argued from the necessity of keeping the executive, legislative, and judiciary powers independent of each other, that the tenure of good behavior for the executive was a less evil than its dependence on the national legislature for reelection.

Bancroft, Hist. of the U.S., vol.6, p.328

Mason replied: "An executive during good behavior is only a softer name for an executive for life; the next easy step will be to hereditary monarchy. Should the motion succeed, I may myself live to see such a revolution." "To prevent the introduction of monarchy," rejoined Madison, "is, with me, the real object. Experience proves a tendency in our governments to throw all power into the legislative vortex. The executives of the states are in general little more than ciphers; the legislatures omnipotent. If no effectual check be devised on the encroachments of the latter, a revolution will be inevitable." After explanations by McClurg, four states—New Jersey, Pennsylvania, Delaware, and Virginia, Madison voting with McClurg—expressed their preference for the tenure of good behavior to the tenure of seven years with a perpetual re-eligibility by the national legislature. Massachusetts was among the six states in the negative, though to King, who "relied on the vigor of the executive as a great security for the public liberties," the tenure of good behavior would have been most agreeable, "provided an independent and effectual forum could be devised for the trial of the executive on an impeachment."

Bancroft, Hist. of the U.S., vol.6, p.328

This discussion brought the convention unanimously to the opinion that if the executive was to be chosen by the national legislature, he ought not to be re-eligible. Those, therefore, who agreed with Sherman, that the statesman who had proved himself most fit for an office ought not to be excluded by the constitution from holding it, were bound to devise some other acceptable mode of election.

Bancroft, Hist. of the U.S., vol.6, p.328

The first thought was an immediate choice by the people. But here Madison pointed out that "the right of suffrage was much more diffusive in the northern states than in the southern; and that the latter would have no influence in the election on the score of the negroes." To meet this difficulty, King revived Wilson's proposition for the appointment of the executive by electors chosen by the people expressly for the purpose; and Madison promptly accepted it as, "on the whole, liable to fewest objections." So, too, in part, thought the convention, which, on the motion of Ellsworth, decided, by six states to three, that the national executive should be appointed by electors; and, by eight states to two, that the electors should be chosen by the state legislatures. From confidence in the purity of the electoral body thus established, the re-eligibility of the executive was again affirmed by a vote of eight states against the two Carolinas; and, in consequence of the re-eligibility, the term of office was, at Ellsworth's motion, reduced by the vote of all the states but Delaware from seven years to six. So the convention hoped to escape from the danger of a corrupt traffic between the national legislature and candidates for the executive by assembling in one place one grand electoral college, chosen by the legislatures of the several states for the sole purpose of electing that officer.

Bancroft, Hist. of the U.S., vol.6, p.329

To this system Caleb Strong of Massachusetts started this grave objection: "A new set of men, like the electors, will make the government too complex; nor will the first characters in the state feel sufficient motives to undertake the office." On the previous day Houston of Georgia had directed the thoughts of the convention "to the expense and extreme inconvenience of drawing together men from all the states for the single purpose of electing the chief magistrate." To him, likewise, it now seemed improbable that capable men would undertake the service. He was afraid to trust to it. Moved by these considerations, but still retaining its conviction of the greater purity of an electoral college, the convention, by seven votes against four, in the weariness of vacillation, returned to the plan of electing the national executive by the national legislature. But the vote was sure to reopen the question of his re-eligibility.

Bancroft, Hist. of the U.S., vol.6, p.329

The convention was now like a pack of hounds in full chase, suddenly losing the trail. It fell into an anarchy of opinion, and one crude scheme trod on the heels of another. Williamson, pleading the essential difference of interests between the northern and southern states, particularly relating to the carrying trade, "wished the executive power to be lodged in three men, taken from three districts, into which the states should be divided." "At some time or other," said he, "we shall have a king; to postpone the event as long as possible, I would render the executive ineligible."

Bancroft, Hist. of the U.S., vol.6, p.330

In the event of the ineligibility of the executive, Martin, forgetting the state of anarchy and faction that would attend a long period of service by an incompetent or unworthy incumbent, proposed that the term of executive service should be eleven years. "From ten to twelve," said Williamson. "Fifteen," said Gerry; and King mocked them all by proposing "twenty years, the medium life of princes." Wilson, seeing no way of introducing a direct election by the people, made the motion that the executive should be chosen by electors to be taken from the national legislature by lot.

Bancroft, Hist. of the U.S., vol.6, p.330

Ellsworth, on the twenty-fifth, pointed out that to secure a candidate for re-election against an improper dependence on the legislature, the choice should be made by electors. Madison liked best an election of the executive by the qualified part of the people at large. "Local considerations," he said, "must give way to the general interest. As an individual from the southern states, I am willing to make the sacrifice."

Bancroft, Hist. of the U.S., vol.6, p.330

And now came into consideration an element which exercised a constant bias on the discussion to the last. Ellsworth complained that the executive would invariably be taken from one of the larger states. "To cure the disadvantage under which an election by the people would place the smaller states," Williamson proposed that each man should vote for three candidates. Gouverneur Morris accepted the principle, but desired to limit the choice of the voters to two, of whom at least one should not be of his own state. This Madison approved, believing that the citizens would give their second vote with sincerity to the next object of their choice. We shall meet the proposition again.

Bancroft, Hist. of the U.S., vol.6, p.331

Lastly, Dickinson said: "Insuperable objections lie against an election of the executive by the national legislature, or by the legislatures or executives of the states. I have long leaned toward an election by the people, which I regard as the best and the purest source. Let the people of each state choose its best citizen, and out of the thirteen names thus selected an executive magistrate may be chosen, either by the national legislature or by electors appointed by it."

Bancroft, Hist. of the U.S., vol.6, p.331

From hopelessness of an agreement, Gerry and Butler were willing to refer the resolution relating to the executive to a committee, but Wilson insisted that a general principle must first be fixed by a vote of the house.

Bancroft, Hist. of the U.S., vol.6, p.331

On the morning of the next day Mason recapitulated all the seven different ways that had been proposed of electing the chief magistrate: by the people at large; by the legislatures of the states; by the executives of the states; by electors chosen by the people; by electors chosen by lot; by the legislature on the nomination of three or two candidates by each several state; by the legislature on the nomination of one candidate from each state. After reviewing them all, he concluded that an election by the national legislature, as originally proposed, was the best. At the same time he held it to be the very palladium of civil liberty, that the great officers of state, and particularly the executive, should at fixed periods return to that mass from which they were taken. Led for the moment by this train of thought, the convention by six states, against Pennsylvania, Delaware, and Maryland, with Virginia equally divided, resolved that a national executive be instituted; to consist of a single person; who should be chosen by the national legislature; for the term of seven years; and be ineligible a second time.

Bancroft, Hist. of the U.S., vol.6, p.331

Foremost in undiminished disapproval of the choice of the executive by the legislature were Washington, Madison, Wilson, Gouverneur Morris, and Gerry; foremost for the election by that body were Rutledge, Mason, and, in a moderate degree, Strong. During the debate Gouverneur Morris had declared: "Of all possible modes of appointing the executive, an election by the people is the best; an election by the legislature is the worst. I prefer a short period and re-eligibility, but a different mode of election." In this he spoke the mind of Pennsylvania; and he refused to accept the decision of that day as final.

Bancroft, Hist. of the U.S., vol.6, p.332

On the twenty-fourth of August the report of the committee of detail relating to the executive came before the convention. All agreed that the executive power should be vested in a single person, to be styled: the President of the United States of America; and none questioned that his title might be: His Excellency. According to the report, he was to be elected by ballot by the legislature for a term of seven years, but might not be elected a second time.

Bancroft, Hist. of the U.S., vol.6, p.332

The strife on the manner of his election revived. Daniel Carroll of Maryland, seconded by Wilson, renewed the motion, that he should be elected by the people; but the house was weary or unprepared to reopen the subject, and at the moment the motion received only the votes of Pennsylvania and Delaware. Rutledge then moved that the election of the president be made by the legislature in "joint ballot."

Bancroft, Hist. of the U.S., vol.6, p.332

The conducting of business, especially of elections, by the two branches of the legislature in joint session was from early days familiar to the states, and was at that time established in every one of them which had prepared a constitution of its own with two branches of the legislature, so that the regulations for that mode of choice were perfectly well understood. New Hampshire had had the experience of both methods; many of its officers were chosen annually by joint ballot, while its representatives to congress were appointed by the concurrent vote of the two houses. Unhappily, throughout this part of the work, the equal vote of the smaller states with the larger ones in the senate persistently biased the movements of the convention.

Bancroft, Hist. of the U.S., vol.6, p.333

In the special interest of the smaller states Sherman objected to a vote of the two houses in joint ballot, because it would deprive the senate of a negative on the more numerous branch. "It is wrong," said Gorham, "to be considering at every turn whom the senate will represent; the public good is the object to be kept in view; delay and confusion will ensue if the two houses vote separately, each having a negative on the choice of the other." Dayton and Brearley, following in the wake of Sherman, opposed a joint ballot, as impairing the power of the smaller states; but Langdon of New Hampshire, enlightened by experience at home, dwelt on the great difficulties of which the mode of separate votes by the two houses was productive; and, like a good patriot as he was, he approved the joint ballot, "though unfavorable to New Hampshire as a small state." Wilson remarked "that the senate might have an interest in throwing dilatory obstacles in the way, if its separate concurrence should be required." On the same side spoke Madison; and the motion of Rutledge prevailed by seven states, against Connecticut, New Jersey, Maryland, and Georgia.

Bancroft, Hist. of the U.S., vol.6, p.333

These four states, joined by Delaware, then demanded that, on the joint ballot, the vote should be taken by states; the decision turned on New Hampshire; and following the patriotic opinion of Langdon, it joined the five larger states and negatived the proposal. For an election of president, a majority of the votes of the members present was required, New Jersey alone dissenting. "In case the votes of the two highest should be equal," Read of Delaware, taking a clause from the constitution of his own state, moved that the president of the senate should have an additional vote; but it was disagreed to by a general negative.

Bancroft, Hist. of the U.S., vol.6, p.333

At this moment Gouverneur Morris interposed with decisive effect. He set forth the danger of legislative tyranny that would follow from leaving the executive dependent on the legislature for his election; he dwelt once more on the "cabal and corruption" which would attach to that method of choice. The plan of choosing the president by electors, which he now revived, had made such progress that five states voted with him, among them Pennsylvania and Virginia. A reference of the subject to a committee was lost for the moment by a tie vote, Connecticut being divided. But opinion ripened so fast that, on the thirty-first of August, the mode of choosing the president, his powers, and the question of his re-eligibility, was with other unfinished business referred to a grand committee of one from each state. The Eleven, appointed by ballot, were Gilman, King, Sherman, Brearley, Gouverneur Morris, Dickinson, Carroll, Madison, Williamson, Butler, and Baldwin.

Bancroft, Hist. of the U.S., vol.6, p.334

Gouverneur Morris had loudly put forward his wish to make of the senate a thoroughly aristocratic body, and of the president a tenant for life. It agreed with this view to repose the eventual election of the president in the senate. The electoral colleges, in the want of all means of rapid intercommunication, would have rarely cast a majority for one man; and the requisition on the electors to vote each for two men increased the chances that there would be no election, and that one of the candidates at least would be a citizen of a smaller state. He was aware that the outgoing president would be apt to be a candidate for re-election; and desired nothing better than such a junction between the president and senate as would secure a reelection during life.

Bancroft, Hist. of the U.S., vol.6, p.334

Sherman hated aristocracy; but he was specially watchful of the equal power of the smaller states, and saw that, on the first ballot of the election, the large states, having many votes, would always bring forward their candidates with superior strength. To gain a chance for electing a President from the small states, they insisted that, in case there should be no election by the colleges, not less than five names should be reported as candidates for the eventual election, and among five names there was a great probability that there would be one from the smaller states. They therefore insisted that the eventual election should be made by the senate; and this was carried by a coalition of aristocratic tendencies in Gouverneur Morris and others from the large states with the passion of the small states for disproportionate chances for power.

Bancroft, Hist. of the U.S., vol.6, p.335

The committee, having considered the subject in all its bearings, made their report on the fourth day of September. The term of the presidency was limited to four years; and the election was confided to electors to be appointed in each state as its legislature might direct; and to be equal to the whole number of its senators and representatives in congress; so that the electoral colleges collectively were to be the exact counterpart of the joint convention of the legislature.

Bancroft, Hist. of the U.S., vol.6, p.335

The electors of each state were to meet in their respective states and vote by ballot for two persons, of whom one, at least, should not be an inhabitant of the same state with themselves. A certified list of these votes, under the seal of the electoral college, was to be transmitted to the president of the senate.

Bancroft, Hist. of the U.S., vol.6, p.335

"The president of the senate," discharging a purely ministerial office, "shall in that house open all the certificates, and the votes shall be then and there counted. The person having the greatest number of votes shall be the president, if such number be a majority of that of the electors; and if there be more than one who has such a majority and an equal number of votes—a case that would most rarely, perhaps never, occur—then the senate shall choose by ballot one of them for president; but if no person has a majority, then, from the five highest on the list, 'the senate,'"in which body the smallest state had an equal vote with the largest, "shall choose by ballot the president." "After the choice of the president, the person having the greatest number of votes," whether a majority of them or not, "shall be vice-president"—an officer now for the first time introduced; "but if there should remain two or more who have equal votes, then the senate shall choose from them the vice-president."

Bancroft, Hist. of the U.S., vol.6, p.335

Mason, who thought the insulated electoral colleges would hardly ever unite their votes on one man, spoke earnestly: "The plan is liable to this strong objection, that nineteen times in twenty the president will be chosen by the senate, an improper body for the purpose." To the objection of Charles Pinckney, that electors would be strangers to the several candidates, and unable to decide on their comparative merits, Baldwin answered: "The increasing intercourse among the people of the states will render important characters less and less unknown." "This subject," said Wilson, "has greatly divided the house, and will divide the people. It is, in truth, the most difficult of all on which we have had to decide. I have never made up an opinion on it entirely to my own satisfaction." The choice by electors "is, on the whole, a valuable improvement on the former plan. It gets rid of cabal and corruption; and continental characters will multiply as we more and more coalesce, so as to enable the electors in every part of the union to know and judge of them. It clears the way for a discussion of the question of the re-eligibility of the president on its own merits, which the former mode of election seemed to forbid. It may, however, be better to refer the eventual appointment to the legislature than to the senate, and to confine it to a smaller number than five of the candidates."

Bancroft, Hist. of the U.S., vol.6, p.336

"I wish to know," asked Randolph, chiming in with Wilson, "why the eventual election is referred to the senate, and not to the legislature I see no necessity for this, and many objections to it."

Bancroft, Hist. of the U.S., vol.6, p.336

On the fifth, Mason, supported by Gerry, attempted to reduce the number of candidates to be voted for from five to three; but the small states, who saw their best chance of furnishing a president in the larger number, were humored by the convention, and to the last the number of five was not changed.

Bancroft, Hist. of the U.S., vol.6, p.336

One great objection of Mason would be removed by depriving the senate of the eventual election. Wilson proposed the capital amendment, to transfer the eventual election from the senate to the "legislature." This change Dickinson approved. But the convention was not yet ripe for the motion, all the smaller states voting against it, except New Hampshire, which was divided.

Bancroft, Hist. of the U.S., vol.6, p.337

"The mode of appointment as now regulated," said Mason at the close of the day, "is utterly inadmissible. I should prefer the government of Prussia to one which will put all power into the hands of seven or eight men "—a majority of a quorum of the senate" and fix an aristocracy worse than absolute monarchy."

Bancroft, Hist. of the U.S., vol.6, p.337

On the sixth, Gerry, supported by King and Williamson, proposed that the eventual election should be made by the legislature. Sherman, sedulously supporting the chances of the small states, remarked, that if the legislature, instead of the senate, were to have the eventual appointment of the president, it ought to vote by states.

Bancroft, Hist. of the U.S., vol.6, p.337

Wilson himself, on the same morning, spoke with singular energy, disapproving alike the eventual choice of the president by the equal vote of the states and the tendency to clothe the senate with special powers: "I have weighed carefully the report of the committee for remodelling the constitution of the executive; and, on combining it with other parts of the plan, I am obliged to consider the whole as having a tendency to aristocracy, as throwing a dangerous power into the hands of the senate. They will have, in fact, the appointment of the president, and, through his dependence on them. The virtual appointment to offices—among others, the officers of the judiciary department; they are to make treaties; and they are to try all impeachments. The legislative, executive, and judiciary powers are all blended in one branch of the government. The power of making treaties involves the case of subsidies; and here, as an additional evil, foreign influence is to be dreaded. According to the plan as it now stands, the president will not be the man of the people, as be ought to be, but the minion of the senate. He cannot even appoint a tide-waiter without it. I have always thought the senate too numerous a body for making appointments to office. With all their powers, and the president in their interest, they will depress the other branch of the legislature, and aggrandize themselves in proportion. The new mode of appointing the president by electors is a valuable improvement; but I can never agree to purchase it at the price of the ensuing parts of the report."

Bancroft, Hist. of the U.S., vol.6, p.338

"The mutual connection of the president and senate," said Hamilton, "will perpetuate the one and aggrandize both. I see no better remedy than to let the highest number of ballots, whether a majority or not, appoint the president." The same motion had the day before been offered by Mason, but the convention, especially the smaller states, inflexibly required a majority.

Bancroft, Hist. of the U.S., vol.6, p.338

Williamson, to avoid favoring aristocracy in the senate, and yet to secure the assent of the small states, wished to transfer the eventual choice to the legislature, voting by states. To the legislature Sherman preferred the house of representatives, the members from each state having one vote; and the convention so decided by ten states out of eleven.

Bancroft, Hist. of the U.S., vol.6, p.338

Nor would the convention intrust the counting of the votes to the senate alone. By amendments adopted on the sixth, it was thus finally established: "The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted." In every stage of the proceeding the convention suffered no chance for the failure of an election, and had specially guarded against the failure of an election by the negative of one house upon the other, leaving the rules for the conduct of the electoral colleges, or of the two houses when in presence of each other, to be supplied by the familiar experience of the states. On one point, and on one point only, the several states of that day differed in their manner of counting votes. In Virginia the ballot of the two houses was taken in each house respectively, and the boxes examined jointly by a committee of each house. In Massachusetts the whole work was done by the senators and representatives assembled in one room. On this point, therefore, and on this point only, there was need of a special regulation; and, accordingly, the constitution enjoined the counting of the votes in the presence of the senate and house of representatives after the manner of Massachusetts.

Bancroft, Hist. of the U.S., vol.6, p.339

The language of this clause of the constitution is a concise, clear, and imperative command: "The votes shall then be counted." The convention is left with no one but itself to interpret its duties and prescribe its rules of action. No power whatever over the counting of the votes is devolved on the house of representatives or on the senate; whatever is granted is granted to the two houses "in the presence of" each other representing the states and the people according to the compromise adopted for the electoral colleges.

Bancroft, Hist. of the U.S., vol.6, p.339

And now the whole line of march to the mode of the election of the president can be surveyed. The convention at first reluctantly conferred that office on the national legislature; and to prevent the possibility of failure by a negative of one house on the other, to the legislature voting in joint ballot. To escape from danger of cabal and corruption, it next transferred full and final power of choice to an electoral college that should be the exact counterpart of the joint convention of the two houses in the representation of the states as units, as well as the population of the states, and should meet at the seat of government. Then, fearing that so large a number of men would not travel to the seat of government for that single purpose, or might be hindered on the way, they most reluctantly went back to the choice of the president by the two houses in joint convention. At this moment the thought arose that the electors might cast their votes in their own several states, and transmit the certificates of their ballots to the seat of government. Accordingly, the work of electing a president was divided; the convention removed the act of voting from the joint session of the two houses to electoral colleges in the several states, the act of voting to be followed by the transmission of authenticated certificates of the votes to a branch of the general legislature at the seat of government; and then it restored to the two houses in presence of each other the same office of counting the collected certificates which they would have performed had the choice remained with the two houses of the legislature. Should no one have a majority, the eventual election of the president, to satisfy the rising jealousy of the prerogatives of the senate, was assigned to the house of representatives, and, to please the small states, to the representatives voting by states. And the house of representatives was in the clearest language ordered "immediately"to choose by ballot one of two, when their vote was equal, one of five where no person had a majority. In this way a collision between the two houses, by a negative vote of one on the other, was completely guarded against in every stage of the procedure.

Bancroft, Hist. of the U.S., vol.6, p.341

The almost certain election of the vice-president was secured by declaring the candidate having the most votes to be duly elected. In the extremely improbable case, that two persons should lead all the candidates with an exactly equal number of votes, the election was to devolve on the senate.

Bancroft, Hist. of the U.S., vol.6, p.341

"Such an officer as vice-president," said Williamson on the seventh, "is not wanted." To make an excuse for his existence, the convention decreed that he should be president of the senate. "That," said Mason, "is an encroachment on the senate's rights; and, moreover, it mixes too much the legislative and the executive." it was seen that the vice-president brings to the chair of the senate the dignity of one of the two highest officers in the land chosen by the whole country; and yet that he can have no real influence in a body upon which he is imposed by an extraneous vote.

Bancroft, Hist. of the U.S., vol.6, p.341

That the vice-president should, in the event of a vacancy, act as president, prevents the need of a new election before the end of the regular term; but an immediate appeal to the people might give a later and truer expression of its wishes.

Bancroft, Hist. of the U.S., vol.6, p.341

While the method to be adopted for the election of the president still engaged the untiring efforts of the convention, it proceeded in the ascertainment of his powers. His style was declared to be "the President of the United States of America;" the clause that his title should be "His Excellency" was still suffered to linger in the draft. He was to be the minister to carry out the will of the legislature, and see that the laws are executed. It was made his duty to give information of the state of the union; and to recommend necessary and expedient measures. He could not prorogue the two branches of the legislature nor either of them; nor appeal to the people by dissolving them. They alone had the power to adjourn; but on extraordinary occasions to him belonged the prerogative to convene them, or to convene the senate alone.

Bancroft, Hist. of the U.S., vol.6, p.342

Wilson was most apprehensive that the legislature, by swallowing up all the other powers, would lead to a dissolution of the government, no adequate self-defensive power having been granted either to the executive or judicial department. To strengthen the president and raise a strong barrier against rash legislation, Gouverneur Morris would have granted the president a qualified veto on the repeal of a law, an absolute veto on every act of legislation.

Bancroft, Hist. of the U.S., vol.6, p.342

In June the convention had agreed that the veto of the president on an act of congress could be overruled by two thirds of each house; on the fifteenth of August, at the instance of Williamson, it was agreed that the veto of the president could be overruled only by three fourths of each branch of congress, and on the next day the same rule was applied to every order, resolution, or vote to which the concurrence of the two houses might be necessary, except it were a question of adjournment.

Bancroft, Hist. of the U.S., vol.6, p.342

Sherman, on the twenty-fifth of August, had proposed that pardons should require the consent of the senate; but no state except his own was willing thus to restrict the clemency of the president.

Bancroft, Hist. of the U.S., vol.6, p.342

All agreed that he should be commander-in-chief of the army and the navy; but, on the twenty-seventh of August, at Sherman's instance, he was to command the militia only when it should be called into the actual service of the United States.

Bancroft, Hist. of the U.S., vol.6, p.342

The men who made the constitution had taken to heart the lesson that the three great powers—legislative, judicial, and executive—should be lodged in different hands. "Executing the laws and appointing officers not appertaining to and appointed by the legislature," Wilson had said, so early as the first of June, "are strictly executive powers." Yet it seemed needful to keep watch over the president, and Gerry and Sherman had favored the appointment of an executive council. Charles Pinckney wished the president to consult the heads of the principal departments. "A superfluous proposition," said Hamilton, "for the president will at any rate have that right." Mercer, on the fourteenth of August, suggested "a council composed of members of both houses of the legislature to stand between the aristocracy and the executive." But the thought did not take root.

Bancroft, Hist. of the U.S., vol.6, p.343

The convention was anxious to reconcile a discreet watchfulness over the executive with his independence. In August Ellsworth had recommended a council to be composed of the president of the senate, the chief justice, and the ministers, or secretaries as Gouverneur Morris named them, of the foreign, the interior, war, treasury, and navy departments, "to advise, but not conclude the president." Gerry pronounced the nomination of the chief justice particularly exceptionable. Dickinson urged that the great appointments of the heads of departments should be made by the legislature, in which case they might properly be consulted by the executive. The elaborate plan of a council of state which Gouverneur Morris proposed on the twentieth differed from that of Ellsworth mainly in its exclusion of the president of the senate.

Bancroft, Hist. of the U.S., vol.6, p.343

The persistent convention next consulted its committee of detail, which on the twenty-second reported: that "the privy council of the president of the United States shall consist of the president of the senate, the speaker of the house of representatives, the chief justice of the supreme court, and the principal officer in each of five departments as they shall from time to time be established; their duty shall be to advise him in matters which he shall lay before them; but their advice shall not conclude him, nor affect his responsibility." The report did not satisfy the convention, which, still hopeful and persevering, referred the subject to the grand committee of the eleven states.

Bancroft, Hist. of the U.S., vol.6, p.344

The report of the committee, made on the fourth of September, did no more than permit the executive to "require the opinion in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of his office." "In rejecting a council to the president," such were the final words of Mason, "we are about to try an experiment on which the most despotic government has never ventured; the Grand Seignior himself has his Divan;" and he proposed an executive council to be appointed by the legislature or by the senate, and to consist of two members from the eastern, two from the middle, and two from the southern states; with a rotation and duration of office similar to those of the senate. He was seconded by Franklin, who "thought a council would be a check on a bad president, a relief to a good one." Wilson "approved of a council, in preference to making the senate a party to appointments." So did Dickinson and Madison; but the motion gained only three states; and then by a unanimous vote the president was authorized to take written opinions of the heads of departments, who thus became his constitutional advisers.

Bancroft, Hist. of the U.S., vol.6, p.344

The failure to establish an efficient council led the convention most reluctantly to vest the senate with some control over acts of the executive. On the seventh it was agreed "that the president shall have the power to make treaties by and with the advice and consent of the senate." "And of the house of representatives," Wilson would have added; saying: "As treaties are to have the operation of laws, they ought to have the sanction of laws." But Sherman represented that the necessity of secrecy forbade a reference to both houses, and every state assented except Pennsylvania.

Bancroft, Hist. of the U.S., vol.6, p.345

It has already been related that to diminish the temptation to war, the power to declare it was confided to the legislature. In treaties of peace, Madison, fearing in a president a passion for continuing war, proposed to dispense with his concurrence. "The means of carrying on the war," said Gorham, "will not be in the hands of the president, but of the legislature." "No peace," insisted Gouverneur Morris, "ought to be made without the concurrence of the president, who is the general guardian of the nation." And Maryland, South Carolina, and Georgia alone voted for the amendment.

Bancroft, Hist. of the U.S., vol.6, p.345

On the seventh, the advice and consent of the senate was, by a unanimous vote, required for the appointment of ambassadors, other public ministers, consuls, and judges of the supreme court; and for all other officers of the United States by nine states against Pennsylvania and South Carolina. But eight days later the legislature was authorized to vest the appointment of inferior officers in the president alone, in the courts of law, or in the heads of departments.

Bancroft, Hist. of the U.S., vol.6, p.345

All agreed in giving the president power to fill up, temporarily, vacancies that might happen during the recess of the senate.

Bancroft, Hist. of the U.S., vol.6, p.345

Had the consent of the senate been made necessary to displace as well as to appoint, the executive would have suffered degradation; and the relative importance of the house of representatives a grave diminution. To change the tenure of office from the good opinion of the president, who is the employer and needs efficient agents in executing the laws, to the favor of the senate, which has no executive powers, would create a new fealty alien to the duties of an officer of the United States.

Bancroft, Hist. of the U.S., vol.6, p.345

"The three distinct powers, legislative, judicial, and executive," said Ellsworth, as senator, in 1789), explaining the constitution which he had done so much to frame, "should be placed in different hands. He shall take care that the laws be faithfully executed, are sweeping words. The officers should be attentive to the president, to whom the senate is not a council. To turn a man out of office is an exercise neither of legislative nor of judicial power. The advice of the senate does not make the appointment; the president appoints: there are certain restrictions in certain cases, but the restriction is as to the appointment and not as to the removal."

Bancroft, Hist. of the U.S., vol.6, p.346

One question on the qualifications of the president was among the last to be decided. On the twenty-second of August the committee of detail, fixing the requisite age of the president at thirty-five, on their own motion and for the first time required that the president should be a citizen of the United States, and should have been an inhabitant of them for twenty-one years. The idea then arose that no number of years could properly prepare a foreigner for the office of president; but as men of other lands had spilled their blood in the cause of the United States, and had assisted at every stage of the formation of their institutions, the committee of states who were charged with all unfinished business proposed, on the fourth of September, that "no person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this constitution, should be eligible to the office of president," and for the foreign-born proposed a reduction of the requisite years of residence to fourteen. On the seventh of September the modification, with the restriction as to the age of the president, was unanimously adopted.

Bancroft, Hist. of the U.S., vol.6, p.346

No majorities of the legislature could force a president to retire before the end of his term; but he might be impeached by the house of representatives for treason, bribery, or other high crimes and misdemeanors. The tribunal for his arraignment was at first the supreme court of the United States; but they would be few in number; the president, after condemnation, might be further amenable to them; and besides, they would be of his appointment. Hamilton had suggested a forum composed of the chief justice of each state. Contrary to the opinion of Madison, the English precedent was followed, and the senate was made the court to try all officers liable to impeachment; and, on conviction by a two thirds vote, to remove them. As the vice-president, on the president's removal, would succeed to his place, the chief justice was directed to preside on the trial of the president.

Bancroft, Hist. of the U.S., vol.6, p.347

At so late a day as the fourteenth of September, Rutledge and Gouverneur Morris moved that persons impeached be suspended from their offices until they be tried and acquitted; but Madison defeated the proposition by pointing out that this intermediate suspension would put it in the power of one branch only to vote a temporary removal of the existing magistrate.

Bancroft, Hist. of the U.S., vol.6, p.347

Judgment in cases of impeachment could extend only to removal from office and disqualification; but the party remained liable to indictment, trial, and punishment, according to law. The trial of all crimes, except in cases of impeachment, could be only by jury.

Chapter 10:

The Federal Judiciary,

August and September 1787

Bancroft, Hist. of the U.S., vol.6, p.348

THE resolution on the federal judiciary which went from the convention to the committee of detail purposely described the extent of its jurisdiction in vague and general terms. The very able lawyers on that committee, Rutledge, Wilson, Randolph, and Ellsworth, proceeding with equal boldness and precision, shrinking from aggressions on the rights of the states and yet entertaining efficient and comprehensive designs, brought in a report, which caused little diversity of opinion, and was held to need no essential amendment. But on one point they kept silence. A deeply-seated dread of danger from hasty legislation pervaded the mind of the convention; and Mason, Madison, and others persistently desired to vest in the supreme court a revisionary power over the acts of congress, with an independent negative, or a negative in conjunction with the executive. Though the measure had been repeatedly brought forward and as often put aside, Madison, on the fifteenth of August, proposed once more that "Every bill which shall have passed the two houses shall, before it becomes a law, be severally presented to the president of the United States, and to the judges of the supreme court, for the revision of each;" the veto of the judges not to be overthrown by less than two thirds, nor, if the president joined them, by less than three fourths of each house. He was seconded by Wilson.

Bancroft, Hist. of the U.S., vol.6, p.348

Charles Pinckney opposed the interference of the judges in legislation, because it would involve them in the conflict of parties and tinge their opinions before their action in court. "The judiciary," said John Francis Mercer of Maryland, "ought to be separate from the legislative and independent of it. I disapprove the doctrine that the judges should, as expositors of the constitution, have authority to declare a law void. Laws ought to be well and cautiously made, and then to be uncontrollable." To the regret of Gouverneur Morris, the motion of Madison was supported only by Maryland, Delaware, and Virginia. Dickinson was strongly impressed with the objection to the power of the judges to set aside the law. He thought no such power ought to exist, but was at a loss for a substitute. "The justiciary of Aragon," he observed, "be came by degrees the law-giver."

Bancroft, Hist. of the U.S., vol.6, p.349

On the morning of the twentieth Charles Pinckney submitted numerous propositions; among them was one that "Each branch of the legislature, as well as the supreme executive, shall have authority to require the opinions of the supreme judicial court upon important questions of law, and upon solemn occasions." This article, as well as the rest, was referred to the committee of detail, without debate or consideration by the house, and was never again heard of.

Bancroft, Hist. of the U.S., vol.6, p.349

On the twenty-seventh the article on the judiciary reported by the committee of detail was taken up; and it was agreed that "the judicial power of the United States shall be vested in one supreme court, and such inferior courts as shall, when necessary, from time to time, be constituted by the legislature of the United States." "The judges of the supreme court, and of the inferior courts, shall hold their offices during good behavior. They shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office." Judges of inferior courts were clothed with the same independence of the two other branches of the government as the judges of the supreme court.

Bancroft, Hist. of the U.S., vol.6, p.349

Dickinson thought that the tenure of office was made too absolute; and, following the example of Great Britain and Massachusetts, he desired that the judges should be removable by the executive on application of the senate and the house of representatives. "If the supreme court," said Rutledge, "is to judge between the United States and particular states, this alone is an insuperable objection to the motion." The clause gained no vow but that of Connecticut, Massachusetts being absent. In England the highest judicial officer is liable to change with every change of administration, and every one may be removed on the request of a majority in each house of parliament; every judge of the United States, from the highest to the lowest, is an officer for life, unless on impeachment he should be convicted by the vote of two thirds of the senate.

Bancroft, Hist. of the U.S., vol.6, p.350

The judicial power was by a motion of Johnson extended to cases in law and equity. He further proposed to extend it "to all cases arising under the constitution;" and the motion was agreed to without dissent, because in the opinion of the convention the jurisdiction given was constructively limited to cases of a judiciary nature.

Bancroft, Hist. of the U.S., vol.6, p.350

In this way Madison's scheme of restraining unconstitutional legislation of the states by reserving to the legislature of the union a veto on every act of state legislation was finally abandoned; and the power of revising and reversing a clause of a state law that conflicted with the federal constitution was confided exclusively to the federal judiciary, but only when a case should be properly brought before the court. The decision of the court in all cases within its jurisdiction is final between the parties to a suit, and must be carried into effect by the proper officers; but, as an interpretation of the constitution, it does not bind the president or the legislature of the United States. Under the same qualification the constitution gives to the judges the power to compare any act of congress with the constitution. But the supreme bench can set aside in an act of congress or of a state only that which is at variance with the constitution; if it be merely one clause, or even but one word, they can overrule that word or that clause, and no more. The whole law can never be set aside unless every part of it is tainted with unconstitutionality.

Bancroft, Hist. of the U.S., vol.6, p.350

Rutledge next observed that the jurisdiction of the court should extend to treaties made, or to be made, under the authority of the United States; and this proposal was readily adopted.

Bancroft, Hist. of the U.S., vol.6, p.351

The proposition that the courts should conduct the trial of impeachments was put aside, and that duty was afterward assigned to the senate. Two clauses in the report of the committee of detail, which, after a precedent in the confederacy, confided to the senate the settlement of all controversies between two or more states respecting jurisdiction or territory, and all controversies concerning grants of the same lands by two or more states, were in the course of the discussion removed from the senate and made over to the federal courts.

Bancroft, Hist. of the U.S., vol.6, p.351

In constructing the judiciary, extreme care was taken to keep out of the United States courts all questions which related to matters that began and ended within a separate commonwealth. This intention is stamped alike on the federal proposals of Virginia, of New Jersey, and of Connecticut; it was carefully respected in those clauses which limit the action of the individual states.

Bancroft, Hist. of the U.S., vol.6, p.351

The original jurisdiction of the supreme court embraces only cases affecting ambassadors, other public ministers and consuls. Cases in which a state should be a party were added for the single purpose of authorizing a state as plaintiff to seek justice in a federal court; it was as little intended to permit individuals to bring a state there as defendant as to arraign an ambassador. The appellate power included cases of admiralty and maritime jurisdiction. In these three classes the jurisdiction of the court, original in two of them, appellate in the third, is in imperative language extended "to all cases." But as "to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state or the citizens thereof and foreign states, citizens or subjects," the judicial power is limited. The section implies that only a part of the controversies in each of the enumerated classes may come under the jurisdiction of the federal courts; and it was left to the federal legislature to make the discrimination which in its judgment public policy might dictate. Here congress, and congress alone, selects the controversies to which the appellate judicial power may extend, and at its own judgment limits the right of appeal. The convention purposely made it the duty of congress to watch over the development of the system, and restrict accordingly the appellate jurisdiction. By reserving to the tribunals of the states jurisdiction over cases that may properly belong to them, it may rescue the federal court from the danger of losing its efficiency beneath larger masses of business than it can dispose of.

Bancroft, Hist. of the U.S., vol.6, p.352

The method of choosing the federal judiciary was settled without strife. The motion for its appointment by the executive, with the advice and consent of the senate, when first proposed, gained an equal vote; and on the seventh of September was agreed to without a division.

Bancroft, Hist. of the U.S., vol.6, p.352

The supreme court was to be the "bulwark of a limited constitution against legislative encroachments." A bench of a few, selected with care by the president and senate from the nation, seemed a safer tribunal than a multitudinous assembly elected for a short period under the sway of passing currents of thought, or the intrepid fixedness of an uncompromising party. There always remains danger of erroneous judgments, arising from mistakes, imperfect investigation, the bias of previous connections, the seductions of ambition, or the instigations of surrounding opinions; and a court from which there is no appeal is apt to forget circumspection in its sense of security. The passage of a judge from the bar to the bench does not necessarily divest him of prejudices; nor chill his relations to the particular political party to which he may owe his advancement; nor blot out of his memory the great interests which he may have professionally piloted through doubtful straits; nor quiet the ambition which he is not required to renounce, even though his appointment is for life; nor cure predilections which sometimes have their seat in his own inmost nature.

Bancroft, Hist. of the U.S., vol.6, p.352

But the constitution retains the means of protecting itself against the errors of partial or interested judgements. In the first place, the force of a judicial opinion of the supreme court, in so far as it is irreversible, reaches only the particular case in dispute; and to this society submits, in order to escape from anarchy in the daily routine of business. To the decision on an underlying question of constitutional law no such finality attaches. To endure, it must be right. If it is right, it will approve itself to the universal sense of the impartial. A judge who can justly lay claim to integrity will never lay claim to infallibility; but with indefatigable research will add, retract, and correct whenever more mature consideration shows the need of it. The court is itself inferior and subordinate to the constitution; it has only a delegated authority, and every opinion contrary to the tenor of its commission is void, except as settling the case on trial. The prior act of the superior must be preferred to the subsequent act of an inferior; otherwise it might transform the limited into an unlimited constitution. When laws clash, the latest law is rightly held to express the corrected will of the legislature; but the constitution is the fundamental code, the law of laws; and where there is a conflict between the constitution and a decision of the court, the original permanent act of the superior outweighs the later act of the inferior, and retains its own supreme energy unaltered and unalterable except in the manner prescribed by the constitution itself. To say that a court, having discovered an error, should yet cling to it because it has once been delivered as its opinion, is to invest caprice with inviolability and make a wrong judgment of a servant outweigh the constitution to which he has sworn obedience. An act of the legislature at variance with the constitution is pronounced void; an opinion of the supreme court at variance with the constitution is equally so.

Bancroft, Hist. of the U.S., vol.6, p.353

Next to the court itself, the men who framed the constitution relied upon the power and the readiness of congress to punish through impeachment the substitution of the personal will of the judge for the law.

Bancroft, Hist. of the U.S., vol.6, p.353 - p.354

A third influence may rise up "as the rightful interpreter of this great charter" of American rights and American power in "the good sense" of the land, wiser than the judges alone, because it includes within itself the wisdom of the judges themselves; and this may lead either to the better instruction of the court, or to an amendment of the constitution by the collective mind of the country.

Bancroft, Hist. of the U.S., vol.6, p.354

The consolidation of the union was to be made visible to the nation and the world by the establishment of a seat of government for the United States under their exclusive jurisdiction; and like authority was to be exercised over all places purchased for forts, dock-yards, and other needful buildings. It was not doubted that the government of the union should defend each state against foreign enemies and concurrently against domestic violence; and should guarantee to every one of the states the form of a republic.

Bancroft, Hist. of the U.S., vol.6, p.354

Sherman hesitated about granting power to establish uniform laws on the subject of bankruptcies, lest they might be made punishable even with death. "This," said Gouverneur Morris, "is an extensive and delicate subject. I see no danger of abuse of the power by the legislature of the United States." On the question the clause was agreed to, Connecticut alone being in the negative.

Bancroft, Hist. of the U.S., vol.6, p.354

So soon as it was agreed that the states should have an equal representation in' the senate, the small states ceased to be jealous of its influence on money bills; finally, on the eighth of September, it was settled that, while all bills for raising revenue should originate in the house of representatives, the senate might propose or concur with amendments as on other bills.

Bancroft, Hist. of the U.S., vol.6, p.354

On the same day, just before the adjournment, Williamson strove to increase the number of the first house of representatives; and was seconded by Madison. Hamilton spoke with earnestness and anxiety for the motion. "I am," said he, "a friend to a vigorous government; at the same time I hold it essential that the popular branch of the government should rest on a broad foundation. The house of representatives is on so narrow a scale as to warrant a jealousy in the people for their liberties. The connection between the president and the senate will tend to perpetuate him by corrupt influence; on this account a numerous representation in the other branch of the legislature should be established." The motion was lost by one majority; Pennsylvania and the four states nearest her on the south being outvoted by New Jersey and the New England states at one extreme, and South Carolina and Georgia at the other.

Bancroft, Hist. of the U.S., vol.6, p.355

It remained to mark out the way in which the new constitution should be ratified. The convention had shown a disinclination to ask for it the approbation of congress. Hamilton saw in the omission an indecorum, and made the rash motion that congress, if they should agree to the constitution, should transmit it for ratification to the legislatures of the several states. Gerry seconded him. Wilson strongly disapproved "the suspending the plan of the convention on the approbation of congress." He declared it worse than folly to rely on the concurrence of the Rhode Island members of congress. Maryland had voted, on the floor of the convention, for requiring the unanimous assent of the thirteen states to the change in the federal system; for a long time New York had not been represented; deputies from other states had spoken against the plan. "Can it then be safe to make the assent of congress necessary. We are ourselves, at the close, throwing in superable obstacles in the way of its success." Clymer thought the proposed mode would fetter and embarrass congress; and King and Rutledge concurring with him, Hamilton's motion was supported only by Connecticut. It was then voted, in the words of the report of the committee of detail: "This constitution shall be laid before the United States in congress assembled; and it is the opinion of this convention that it should be afterward submitted to a convention chosen in each state, under the recommendation of its legislature, in order to receive the ratification of such convention." In substance this method was never changed; in form it was removed from the constitution and imbodied in a directory resolution.

Bancroft, Hist. of the U.S., vol.6, p.356

Randolph now began to speak of the constitution as a plan which would end in tyranny; and proposed that the state conventions, on receiving it, should have power to adopt, reject, or amend it; after which another general convention should meet with full power to adopt or reject the proposed alterations, and to establish finally the government. Franklin seconded the motion. Out of respect to its authors, the proposition was allowed to remain on the table; but by a unanimous vote it was ordered that the constitution should be established on its ratification by the conventions of nine states. Finally, a committee of five was appointed to revise its style and the arrangement of its articles.

Chapter 11:

The Last Days of the Convention,

September 12-September 17, 1787

Bancroft, Hist. of the U.S., vol.6, p.357

THE committee to whom the constitution was referred for the arrangement of its articles and the revision of its style were Johnson, Hamilton, Gouverneur Morris, Madison, and King. The final draft of the instrument was written by Gouverneur Morris, who knew how to reject redundant and equivocal expressions, and to use language with clearness and vigor; but the convention itself had given so minute, long-continued, and oft-renewed attention to every phrase in every section, that there scarcely remained room for improvement except in the distribution of its parts.

Bancroft, Hist. of the U.S., vol.6, p.357

Its first words are: "We the people of the United States, in order to form a more perfect union, to establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America." Here is no transient compact between parties: it is the institution of government by an act of the highest sovereignty; the decree of many who are yet one; their law of laws, inviolably supreme, and not to be changed except in the way which their forecast has provided.

Bancroft, Hist. of the U.S., vol.6, p.357

The names of the thirteen states, so carefully enumerated in the declaration of independence and in the treaty of peace, were omitted, because the constitution was to go into effect on its acceptance by nine of them, and the states by which it would be ratified could not be foreknown. The deputies in the convention, representing but eleven states, did not pretend to be "the people;" and could not institute a general government in its name. The instrument which they framed was like the report of a bill beginning with the words "it is enacted," though the binding enactment awaits the will of the legislature; or like a deed drawn up by an attorney for several parties, and awaiting its execution by the principals themselves. Only by its acceptance could the words "we the people of the United States" become words of truth and power.

Bancroft, Hist. of the U.S., vol.6, p.358

The phrase "general welfare," adopted from the articles of confederation, though seemingly vague, was employed in a rigidly restrictive sense to signify "the concerns of the union at large, not the particular policy of any state." The word "national" was excluded from the constitution, because it might seem to present the idea of the union of the people without at the same time bringing into view that the one republic was formed out of many states. Toward foreign powers the country presented itself as one nation.

Bancroft, Hist. of the U.S., vol.6, p.358

The arrangement of the articles and sections is faultless; the style of the whole is nearly so. The branches of the legislature are definitively named senate and house of representatives, the senate, at last, having precedence; the two together take the historic name of congress.

Bancroft, Hist. of the U.S., vol.6, p.358

The veto of the president could still be overruled only by three fourths of each branch of congress; the majority of the convention, fearing lest so large a requisition would impose too great a difficulty in repealing bad laws, at this last moment substituted the vote of two thirds.

Bancroft, Hist. of the U.S., vol.6, p.358

Williamson pointed out the necessity of providing for juries in civil cases. "It is not possible," said Gorham, "to discriminate equity cases from those in which juries would be proper; and the matter may safely be trusted to the representatives of the people." Gerry urged the necessity of juries as a safeguard against corrupt judges. "A general principle laid down on this and sonic other points would be sufficient," said Mason, and he joined with Gerry in moving for a bill of rights.

Bancroft, Hist. of the U.S., vol.6, p.359

The declaration of American independence, by the truths which it announced, called forth sympathy in all parts of the world. Could the constitution of the United States have been accompanied by a like solemn declaration of the principles on which it rested, the states would have been held together by the holiest and strongest bonds. But the motion was lost by the unanimous vote of ten states, Massachusetts being absent, and Rhode Island and New York not represented.

Bancroft, Hist. of the U.S., vol.6, p.359

The style of the executive, as silently carried forward from the committee of detail, was still "his Excellency;" this vanished in the committee of revision, so that he might be known only as the president of the United States.

Bancroft, Hist. of the U.S., vol.6, p.359

Following a precedent of the first congress, Mason, on the thirteenth, seconded by Johnson, moved for a committee to report articles of association for encouraging economy, frugality, and American manufactures. It was adopted without debate and without opposition. The proposal was referred to Mason, Franklin, Dickinson, Johnson, and William Livingston; but they made no report.

Bancroft, Hist. of the U.S., vol.6, p.359

From the work of the committee of detail the word "servitude" survived as applied to the engagement to labor for a term of years; on the motion of Randolph the word "service" was unanimously substituted for it, servitude being thought to express the condition of slaves, service an obligation of free persons.

Bancroft, Hist. of the U.S., vol.6, p.360

On the same day Johnson, from the committee on style, reported resolutions for the ratification of the constitution through congress by conventions of the people of the several states; and then for the election of senators, representatives, and electors, and through them of president. Nothing was omitted to make it certain that at a fixed time and place the government under the constitution would start into being.

Bancroft, Hist. of the U.S., vol.6, p.360

On the fourteenth it was confirmed without dissent that congress should have no right to change the places of the election of senators.

Bancroft, Hist. of the U.S., vol.6, p.360

The appointment of the treasurer as the keeper of the purse had thus far been jealously reserved to the two houses of congress. It marks the confidence of the convention in its own work, that at this period the selection of that officer was confided to the president and senate.

Bancroft, Hist. of the U.S., vol.6, p.360

On the same day Franklin, seconded by Wilson, moved to add, after the authority to establish post-offices and post-roads, a power "to provide for cutting canals." "The expense," objected Sherman, "will fall on the United States, and the benefit accrue to the places where the canals are cut." "Canals," replied Wilson, "instead of being an expense to the United States, may be made a source of revenue." Madison, supported by Randolph, suggested an enlargement of the motion into a warrant to grant charters of incorporation which might exceed the legislative provisions of individual states, and yet be required by the interest of the United States; political obstacles to an easy communication between the states being removed, a removal of natural ones ought to follow. The necessity of the power was denied by King. "It is necessary," answered Wilson, "to prevent a state from obstructing the general welfare." "The states," rejoined King, "will be divided into parties to grant charters of incorporation, in Philadelphia and New York to a bank, in other places to mercantile monopolies." Wilson mentioned the importance of facilitating by canals the communication with the western settlements. The motion, even when limited to the case of canals, gained no votes but those of Pennsylvania, Virginia, and Georgia.

Bancroft, Hist. of the U.S., vol.6, p.361

Madison and Charles Pinckney asked for congress permission to establish a university in which no preferences should be allowed on account of religion. "The exclusive power of congress at the seat of government will reach the object," said Gouverneur Morris. The motion was sustained only by Pennsylvania, Virginia, and North and South Carolina; in Connecticut, Johnson divided against Sherman.

Bancroft, Hist. of the U.S., vol.6, p.361

In framing the constitution, Madison kept in mind that the functions of the general government should extend to the prevention of "trespasses of the states on the rights of each other." "The rights of individuals," he said in the convention, "are infringed by many of the state laws, such as issuing paper money, and instituting a mode to discharge debts differing from the form of the contract." It has already been told how the delegates from Connecticut had agreed among themselves, "that the legislatures of the individual states ought not to possess a right to make any Jaws for the discharge of contracts in any manner different from the agreement of the parties." Stringent clauses in the constitution already prohibited paper money. For the rest, King, as we have seen, proposed a clause forbidding the states to interfere in private contracts; but the motion had been condemned as reaching too far; and instead of it, at the instance of Rutledge, the convention denied to the states the power "to pass bills of attainder or ex post facto laws." In this manner it was supposed that laws for closing the courts, or authorizing the debtor to pay his debts by more convenient instalments than he had covenanted for, were effectually prohibited. But Dickinson, as we have seen, after consulting Blackstone, mentioned to the house that the term ex post facto related to criminal cases only; and that restraint of the states from retrospective law in civil cases would require some further provision. Before an explanatory provision had been made, the section came into the hands of the committee on revision and style. That committee had no authority to bring forward any new proposition, but only to make corrections of style. Gouverneur Morris retained the clause forbidding ex post facto laws; and, resolute not "to countenance the issue of paper money and the consequent violation of contracts," he of himself added the words: "No state shall pass laws altering or impairing the obligation of contracts." The convention reduced the explanatory words to the shorter form: "No state shall pass any law impairing the obligation of contracts." In this manner an end was designed to be made to barren land laws, laws for the instalment of debts, and laws closing the courts against suitors.

Bancroft, Hist. of the U.S., vol.6, p.362

On the fifteenth, from fresh information, it appeared to Sherman that North Carolina was entitled to another representative; and Langdon moved to allow one more member to that state, and likewise one more to Rhode Island. "If Rhode Island is to be allowed two members," said King, "I can never sign the constitution."

Bancroft, Hist. of the U.S., vol.6, p.362

Charles Pinckney urged separately the just claim of North Carolina; on which Bedford put in a like claim for Rhode Island and for Delaware; and the original proposition was hopelessly defeated.

Bancroft, Hist. of the U.S., vol.6, p.362

Randolph and Madison disliked leaving the pardon for treason to the president alone; but the convention would not suffer the legislature or the senate to share that power.

Bancroft, Hist. of the U.S., vol.6, p.362

The committee of revision had described a fugitive slave as "a person legally held to service or labor in one state." The language seemed to imply that slavery was a "legal" condition; the last word of the convention relating to the subject defined the fugitive slave to be "a person held to service or labor in one state under the laws thereof," making it clear that, in the meaning of the constitution, slavery was local and not federal.

Bancroft, Hist. of the U.S., vol.6, p.363

The convention gave the last touches to the modes of amending the constitution. In August the committee of detail had reported that, "on the application of the legislatures of two thirds of the states in the union, the legislature of the United States shall call a convention for that purpose." On the thirtieth day of August, Gouverneur Morris had suggested that congress "should be at liberty to call a convention whenever it pleased." "An easier mode of introducing amendments," said Hamilton, reviving the question, "is desirable. The state legislatures will not apply for alterations but with a view to increase their own powers. The national legislature will be the first to perceive the necessity of amendments; and on the concurrence of each branch ought to be empowered to call a convention, reserving the final decision to the people." Madison supported Hamilton.

Bancroft, Hist. of the U.S., vol.6, p.363

Here Sherman suggested an alternative: the legislature may propose amendments directly to the several states, not to be binding until consented to by them all. "To be binding when consented to by two thirds of the several states," interposed Wilson. To facilitate amendments, the convention authorized two thirds of congress to introduce amendments to the constitution; but, to prevent hasty changes, required for their ratification the assent of three fourths of the legislatures or conventions of the states.

Bancroft, Hist. of the U.S., vol.6, p.363

Madison, summing up the ideas that had found favor, moved that the legislature of the United States, upon a vote of two thirds of both houses, or upon the application of two thirds of the legislatures of the states, shall propose amendments to the constitution which shall be valid when they shall have been ratified by three fourths at least of the several states in their legislatures or conventions, as one or the other mode of ratification may be proposed by the legislature of the United States.

Bancroft, Hist. of the U.S., vol.6, p.363

This motion was accepted, but not till it had been agreed that the clauses in the constitution forming special covenants with the South on slavery should not be liable to change. Five days later the fears of the small states were quieted by a proviso that no state without its own consent should ever be deprived of its equality in the senate.

Bancroft, Hist. of the U.S., vol.6, p.364

Finally, on maturest reflection, the proposition of the committee of detail, obliging congress to call a convention on application of two thirds of the states, was restored. Amendments to the constitution might proceed from the people as represented in the legislatures of the states; or from the people as represented in congress; or from the people as present in a convention; in every case to be valid only with the assent of three fourths of the states.

Bancroft, Hist. of the U.S., vol.6, p.364

Mason, in sullen discontent at the grant of power to a bare majority of congress to pass navigation acts, and dreading that "a few rich merchants in Philadelphia, New York, and Boston" might by that means monopolize the staples of the southern states and reduce their value perhaps fifty per cent, moved "that no law in the nature of a navigation act be passed before the year eighteen hundred and eight, without the consent of two thirds of each branch of the legislature;" but he was supported only by Maryland, Virginia, and Georgia.

Bancroft, Hist. of the U.S., vol.6, p.364

Next, Randolph, whose weight as governor of Virginia might turn the scale in that state, declared his intention to withhold his signature from the constitution that he might retain freedom as to his ultimate action; and, agreeing exactly with Richard Henry Lee, he moved "that state conventions might have the power to offer to the constitution which was to be laid before them as many amendments as they pleased; and that these amendments, together with the constitution, should be submitted to another general convention" for a final decision. He was seconded by Mason, who said: "The government as established by the constitution will surely end either in monarchy or a tyrannical aristocracy. As it now stands, I can neither give it my support in Virginia, nor sign it here. With the expedient of another convention I could sign."

Bancroft, Hist. of the U.S., vol.6, p.364

" I, too," said Charles Pinckney, "object to the power of a majority of congress over commerce; but, apprehending the danger of a general confusion and an ultimate decision by the sword, I shall give the plan my Support." Then Gerry counted up eight objections to the constitution, "all" of which he could yet get over, were it not that the legislature had general power to make "necessary and proper" laws, to raise "armies and money" without limit, and to establish "a star chamber as to civil cases;" and he, too, contended for a second general convention.

Bancroft, Hist. of the U.S., vol.6, p.365

On the proposition for another convention all the states answered" No." Washington then put the question of agreeing to the constitution in its present form; and all the states present answered "Aye." The constitution was then ordered to be engrossed, and late on the evening of Saturday the house adjourned.

Bancroft, Hist. of the U.S., vol.6, p.365

One morning Washington, in a desultory conversation with members of the convention before the chair was taken, observed how unhappy it would be, should any of them oppose the system when they returned to their states. On Monday, the seventeenth of September, Franklin made a last effort to win over the dissenting members. "Mr. President," said he, "Several parts of this constitution I do not at present approve, but I am not sure I shall never approve them. It astonishes me to find this system approaching so near to perfection. I consent to this constitution because I expect no better, and because I am not sure that it is not the best. The opinions I have had of its errors I sacrifice to the public good.

Bancroft, Hist. of the U.S., vol.6, p.365

"On the whole, sir, I cannot help expressing a wish that every member of the convention, who may still have objections to it, would with me on this occasion doubt a little of his own infallibility, and, to manifest our unanimity, put his name to this instrument." He then moved that the constitution be signed by the members; and he offered as the form of signature a simple testimony that the constitution had received "the unanimous consent of the states present." But this ample concession induced neither Mason, nor Gerry, nor Randolph to relent.

Bancroft, Hist. of the U.S., vol.6, p.366

Before the question was put, Gorham, obeying an intimation from Washington, proposed to render the house of representatives a more popular body by allowing one member for every thirty thousand inhabitants. He was warmly seconded by King and Carroll.

Bancroft, Hist. of the U.S., vol.6, p.366

Rising to put the question, the president, after an apology for offering his sentiments, said: "I would make objections to the plan as few as possible. The smallness of the number of representatives has been considered by many members as insufficient security for the rights and interests of the people; and to myself has always appeared exceptionable; late as is the moment, it will give me much satisfaction to see the amendment adopted." And at his word it was adopted unanimously.

Bancroft, Hist. of the U.S., vol.6, p.366

On the question to agree to the engrossed constitution, all the states answered "Aye."

Bancroft, Hist. of the U.S., vol.6, p.366

Randolph then apologized for refusing to sign the constitution, "notwithstanding the vast majority and the venerable names which gave sanction to its wisdom and its worth. I do not mean by this refusal," he continued, "to decide that I shall oppose the constitution without doors; I mean only to keep myself free to be governed by my duty, as it shall be prescribed by my future judgment."

Bancroft, Hist. of the U.S., vol.6, p.366

"I, too, had objections," said Gouverneur Morris; "but considering the present plan the best that can be attained, I shall take it with all its faults. The moment it goes forth, the great question will be: 'Shall there be a national government, or a general anarchy?'"

Bancroft, Hist. of the U.S., vol.6, p.366

"I am anxious," said Hamilton, "that every member should sign. A few by refusing may do infinite mischief. No man's ideas are more remote from the plan than my own are known to be; but is it possible to deliberate between anarchy and convulsion on the one side, and the chance of good to be expected from the plan on the other?"

Bancroft, Hist. of the U.S., vol.6, p.366

"I," said Gerry, "fear a civil war. In Massachusetts there are two parties: one devoted to democracy, the worst, I think, of all political evils; the other as violent in the opposite extreme. From the collision of these, confusion is greatly to be feared."

Bancroft, Hist. of the U.S., vol.6, p.367

"I shall sign the constitution with a view to support it with all my influence," said Cotesworth Pinckney, "and I wish to pledge myself accordingly." Jared Ingersoll of Pennsylvania considered the signing as a recommendation of what, all things considered, was the most eligible.

Bancroft, Hist. of the U.S., vol.6, p.367

The form proposed by Franklin was accepted with no dissent, except that South Carolina was impatient at its want of an affirmative expression of unhesitating approval. The journals and papers of the convention were confided to the care of the president, subject to the order of the new government when it should be formed. Hamilton successively inscribed on the great sheet of parchment the name of each state as the delegations one after the other came forward in geographical order and signed the constitution. When it appeared that the unanimous consent of all the eleven states present in convention was recorded in its favor, Franklin, looking toward a sun which was blazoned on the president's chair, said of it to those near him: "In the vicissitudes of hope and fear I was not able to tell whether it was rising or setting; now I know that it is the rising sun."

Bancroft, Hist. of the U.S., vol.6, p.367

The members were awe-struck at the result of their councils; the constitution was a nobler work than any one of them had believed it possible to devise. They all on that day dined together, and took a cordial leave of each other. Washington at an early hour of the evening retired "to meditate on the momentous work which had been executed."

Book Fourth: The People of the States in Judgment on the Constitution, 1787-1788

BOOK FOURTH

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The People of the States in Judgment

On the Constitution

1787-1788

Chapter 1:

The Constitution in Congress and in Virginia,

September-November 1787

Bancroft, Hist. of the U.S., vol.6, p.369

ON the twentieth of September the letter of the president of the convention to the president of congress, the full text of the proposed constitution, and the order of the convention, were laid before congress, and on the next day appeared in the daily papers of New York.

Bancroft, Hist. of the U.S., vol.6, p.371

The letter of Washington said: The powers necessary to be vested in "the general government of the union" are too extensive to be delegated to "one body of men." "It is impracticable, in the federal government of these states, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all; it is difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved; on the present occasion this difficulty was increased by a difference among the several states as to their situation, extent, habits, and particular interests. We kept steadily in view the consolidation of our union, in which is involved our prosperity, felicity, safety, perhaps our national existence. And thus the constitution which we now present is the result of that mutual deference and concession which the peculiarity of our political situation rendered indispensable."

Bancroft, Hist. of the U.S., vol.6, p.371

The constitution instantly met with opposition from the indefatigable Richard Henry Lee, supported by Nathan Dane and all the delegates from New York, of whom Melancthon Smith was the ablest. Till Madison returned, the delegates from Virginia were equally divided, Grayson opposing the government because it was too feeble, and Lee because it was too strong. Already the New York faction was actively scattering the seeds of opposition, and Hamilton dauntlessly opposing them in the public papers by arguments for union.

Bancroft, Hist. of the U.S., vol.6, p.372

It was only out of the ashes of the confederation that the new constitution could spring into being; and the letter of the convention did indeed invite congress to light its own funeral pyre. On the twenty-sixth it was first contended that congress could not properly give any positive countenance to a measure subversive of the confederation to which they owed their existence. To this it was answered, that in February congress itself had recommended the convention as "the most probable means of establishing a firm national government," and that it was not now more restrained from acceding to the new plan than the convention from proposing it. If the plan was within the powers of the convention, it was within those of congress; if beyond those powers, the necessity which justified the one would justify the other; and the necessity existed if any faith was due to the representations of congress themselves, confirmed by twelve states in the union and by the general voice of the people.

Bancroft, Hist. of the U.S., vol.6, p.372

Lee next attempted to amend the act of the convention before it should go forth from congress to the people. "Where," said he, "is the contract between the nation and the government." The constitution makes mention only of those who govern, and nowhere speaks of the rights of the people who are governed." He wished to qualify the immense power of the government by a bill of rights, which had always been regarded as the palladium of a free people. The bill of rights was to relate to the rights of conscience, the freedom of the press, the trial by jury in civil cases as well as criminal, the prohibition of standing armies, freedom of elections, the independence of the judges, security against excessive bails, fines, or punishments, against unreasonable searches or seizure of persons, houses, papers, or property; and the right of petition. He further proposed amendments to the constitution; a council of state or privy council, to be joined with the president in the appointment of all officers, so as to prevent the blending of legislative and executive powers; no vice-president; an increase of the number of the representatives; and the requisition of more than a majority to make commercial regulations.

Bancroft, Hist. of the U.S., vol.6, p.373

The restraint on the power of regulating commerce and navigation would have been fatal to the wealth and prosperity of New York. Nevertheless, the propositions of Lee were supported by Melancthon Smith, who insisted that congress had the undoubted right and the duty to amend the plan of the federal constitution, in which the essential safeguards of liberty had been omitted. To this it was replied that congress had certainly a right of its own to propose amendments, but that these must be addressed to the legislatures of the states, and would require ratification by all the thirteen; but that the act of the federal convention was to be addressed to conventions of the several states, of which any nine might adopt it for themselves. So the first day's debate ended without admitting the proposed amendments to consideration.

Bancroft, Hist. of the U.S., vol.6, p.373

The next day Lee, seconded by Smith, offered a resolution that congress had no power whatever to assist in creating a "new confederacy of nine" states; and therefore he would do no more than, as a mark of respect, forward the acts of the convention to the executives of every state to be laid before their respective legislatures. On the instant Abraham Clarke of New Jersey, seconded by Nathaniel Mitchell of Delaware, proposed to add: "In order to be by them submitted to conventions of delegates to be chosen agreeably to the said resolutions of the convention." On the question, Georgia and the two Carolinas voted unanimously against Lee; so did Delaware and the only member from Maryland, with Pennsylvania, New Jersey, Connecticut, Massachusetts, New Hampshire. Virginia, on the return of Madison, joined them by the inflexible majority of Madison, Carrington, and Henry Lee, against Grayson and Richard Henry Lee. All the states except New York were for the motion; and all except New York and Virginia were unanimously so. The majority in congress was impatient to express its approval of the acts of the convention in still stronger language; Carrington of Virginia, therefore, seconded by Bingham of Pennsylvania, proposed that it be recommended to the legislatures of the several states to cause conventions to be held as speedily as may be, to the end that the same may be adopted, ratified, and confirmed.

Bancroft, Hist. of the U.S., vol.6, p.374

In this stage of the business congress adjourned. The friends of the new constitution desired to send it to the states by the unanimous vote of congress. The members from New York would not consent to any language that implied approval. To will their vote the resolution of congress must be neutral on the other hand, the idea of unanimity required the effacement of every motion adverse to the reference of the constitution. Accordingly, congress, when it next assembled, expunged from its journal the proposed amendments of Richard Henry Lee, and the vote of the preceding day; and having obliterated every record of opposition, it resolved on the twenty-eighth unanimously, eleven states being present, Maryland having one delegate, Rhode Island alone being altogether unrepresented, that the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each state by the people thereof in conformity to the resolves of the convention.

Bancroft, Hist. of the U.S., vol.6, p.374

Baffled within the convention, Richard Henry Lee appealed to the world through the press in a series of "Letters from the Federal Farmer," of which thousands of copies were scattered through the central states. He acknowledged the necessity of reforming the government, but claimed to discern a strong tendency to aristocracy in every part of the proposed constitution, which he slighted as the work of visionary young men, bent on changing the thirteen distinct independent republics under a federal head into one consolidated government. He way laid Gerry when bound for home, and assisted him in preparing an official letter to explain his refusal to sign the constitution. He addressed himself to Samuel Adams, the "dear friend with whom he had long toiled in the vineyard of liberty," submitting to his wisdom and patriotism the objections to the new constitution which he had proposed in congress in the form of amendments, but disingenuously substituting other words for his remonstrance against vesting congress with power to regulate commerce. He extended his intrigues to Pennsylvania and Delaware, hoping to delay their decisions.

Bancroft, Hist. of the U.S., vol.6, p.375

I am waiting with anxiety for the echo from Virginia, but with very faint hopes of its corresponding with my wishes," wrote Madison from New York city to Washington. The party in power in New York was passionately opposed to the constitution; but already day had begun to scatter the dusk of earliest morning.

Bancroft, Hist. of the U.S., vol.6, p.375

In the first moment after his return to Mount Vernon, Washington sent a copy of the constitution to Patrick Henry, to Harrison, and to Nelson, each of whom had been governor of Virginia. In a propitiatory letter he appealed to their experience of the difficulties which had ever arisen in attempts to reconcile the interests and local prejudices of the several states. "I wish," he continued, "the constitution which is offered had been more perfect; but it is the best that could be obtained at this time, and a door is opened for amendments hereafter. The political concerns of this country are suspended by a thread. The convention has been looked up to by the reflecting part of the community with a solicitude which is hardly to be conceived; and if nothing had been agreed on by that body, anarchy would soon have ensued, the seeds being deeply sown in every soil."

Bancroft, Hist. of the U.S., vol.6, p.375

A visitor at Mount Vernon, just after this letter was sent out, writes of Washington: "He is in perfect health, and looks almost as well as he did twenty years ago. I never in my life saw him so keen for anything as he is for the adoption of the new form of government." Throughout the whole country he was the centre of interest; in Virginia of power. The leaders of opposition answered him frankly, but with expressions of deference and affection.

Bancroft, Hist. of the U.S., vol.6, p.376

"The seeds of civil discord," replied Harrison, "are plentifully sown in very many of the powers given both to the president and congress. If the constitution is carried into effect, the states south of the Potomac will be little more than appendages to those to the northward of it. My objections chiefly lie against the unlimited powers of taxation, the regulation of trade, and the jurisdictions that are to be established in every state altogether independent of their laws. The sword and such powers will, nay, must, sooner or later establish a tyranny."

Bancroft, Hist. of the U.S., vol.6, p.376

Avowing very sincerely "the highest reverence" for Washington, Patrick Henry answered positively: "I cannot bring my mind to accord with the proposed constitution."

Bancroft, Hist. of the U.S., vol.6, p.376

George Mason, who had rendered the highest and wisest service in shaping the constitution, now from wounded pride resisted his inmost convictions, enumerating to his old friend his objections, of which the grant to congress of power to regulate commerce by a bare majority was the capital one.

Bancroft, Hist. of the U.S., vol.6, p.376

Next Richard Henry Lee, professing himself "compelled by irresistible conviction of mind to doubt about the new system for federal government," wrote: "It is, sir, in consequence of long reflection upon the nature of man and of government, that I am led to fear the danger that will ensue to civil liberty from the adoption of the new system in its present form." And, having at once fixed in his mind the plan on which resistance to its adoption should be conducted, he avowed his wish "that such amendments as would give security to the rights of human nature and the discordant interests of the different parts of this union might employ another convention."

Bancroft, Hist. of the U.S., vol.6, p.376

But the influence of Washington outweighed them all. He was embosomed in the affections and enshrined in the pride of the people of Virginia; and in all their waverings during the nine months following the federal convention he was the anchor of the constitution. His neighbors of Alexandria to a man agreed with him; and Fairfax county unanimously instructed its representatives, of whom George Mason was one, "that the peace, security, and prosperity of Virginia and of the United States depended on the speedy adoption of the federal constitution."

Bancroft, Hist. of the U.S., vol.6, p.377

In the close division of parties in the state it was of vital importance to secure the influence of Edmund Randolph, its governor; and his old military chief in due time received from him an elaborate paper which he had prepared in the form of an address to the speaker of the house of delegates. In this letter, not yet pledging himself to the unconditional support of the constitution, he avowed that he prized the intimate and unshaken friendship of Washington and Madison as among the happiest of all his acquisitions; but added: "Dreadful as the total dissolution of the union is to my mind, I entertain no less horror at the thought of partial confederacies. The utmost limit of any partial confederacy which Virginia could expect to form would comprehend the three southern and her nearest northern neighbor. But they, like ourselves, are diminished in their real force by the mixture of an unhappy species of population."

Bancroft, Hist. of the U.S., vol.6, p.377

Monroe wrote to Madison that his "strong objections" to the constitution "were overbalanced by the arguments in its favor."

Bancroft, Hist. of the U.S., vol.6, p.377

The legislature of Virginia was to hold its regular meeting on the third Monday of October; this year there was a quorum on the first day of the session, which had not happened since the revolution.

Bancroft, Hist. of the U.S., vol.6, p.377

On the nineteenth the vote of congress transmitting the constitution came before the house; Patrick Henry, refusing to make an issue where he would have met with defeat, declared that the constitution must go before a convention, as it transcended the power of the house to decide on it.

Bancroft, Hist. of the U.S., vol.6, p.378

But when, on the twenty-fifth, Francis Corbin proposed "a convention to be called according to the recommendation of congress," Henry objected that under that limitation its members "would have power to adopt or reject the new plan, but not to propose amendments" of its "errors and defects." His motion to give this power to the convention of the state was seconded by Mason, who added: "I declare that from the east of New Hampshire to the south of Georgia there is not a man more fully convinced of the necessity of establishing some general government than I am; that I regard our perfect union as the rock of our political salvation."

Bancroft, Hist. of the U.S., vol.6, p.378

After some debate, John Marshall of Richmond, conceding the point as to "leaving the door open for amendments," pleaded that the legislature should not seem to disapprove the new federal government, and, for the form of the resolution, proposed that "the new constitution should be laid before the convention for their free and ample discussion." This form was silently accepted by Henry, while Mason declared "that the house had no right to suggest anything to a body paramount to itself." The vote was unanimous, the form of the resolution being that of Marshall, while in substance it yielded up all that Henry and Mason required. From "unfriendly intentions toward the constitution," the choice of the convention was postponed till the court days in March, and its time of meeting to the first Monday in June. Should many of the states then be found against the constitution, Virginia could assume the office of mediator between contending parties, and dictate to all the rest of the union.

Bancroft, Hist. of the U.S., vol.6, p.379

Since amendments had been unanimously authorized, it seemed fair that any expense of an attempt to make them should be provided for with the other charges of the convention. A letter from Richard Henry Lee, a representative from Virginia in congress, to the governor of the commonwealth, recommended, as a policy open to "no objection and promising great safety and much good," that amendments adopted severally by the states should all be definitively referred to a second federal convention.

Bancroft, Hist. of the U.S., vol.6, p.379

To carry out this policy, resolutions were on the last day of November introduced into the house, and supported by Henry and Mason, pledging the general assembly to defray the expense of a deputy or deputies which the convention of the commonwealth in the following June might think proper to send to confer with a convention of any one or more of the sister states, "as well as the allowance to be made to the deputies to a federal convention, in case such a convention should be judged necessary." The friends of the constitution, who now perceived the direction in which they were drifting, made a rally; but they were beaten by a majority of about fifteen. A bill pursuant to the resolutions, reported by a committee composed mainly of the most determined "malcontents," soon became a law.; Friends of the constitution who had been jubilant at the first aspect of the Legislature now doubted whether it any longer had a majority in its favor; its enemies claimed a decisive victory. Early in December, Monroe reported to Madison: "The cloud which hath hung over us for some time past is not likely soon to be dispelled."

Bancroft, Hist. of the U.S., vol.6, p.379

But on Washington's mind no cloud rested. On the last day of November he had replied to David Stuart of his own state: "I am sorry to find by your favor that the opposition gains strength. If there are characters who prefer disunion or separate confederacies to the general government which is offered to them, their opposition may, for aught I know, proceed from principle; but as nothing, according to my conception of the matter, is more to be deprecated than a disunion or three distinct confederacies, as far as my voice can go it shall be offered in favor of the general government."

Bancroft, Hist. of the U.S., vol.6, p.380

Nor did he lose heart or trust; on the fourteenth of December, in a letter which soon reached the people of Virginia through the newspapers, he wrote to Charles Carter of Fredericksburg: "I am pleased that the proceedings of the convention have met your approbation. My decided opinion on the matter is, that there is no alternative between the adoption of it and anarchy. If one state, however important it may conceive itself to be," and here he meant Virginia, "or a minority of them," meaning the five southernmost states, "should suppose that they can dictate a constitution to the union, unless they have the power of applying the ultima ratio to good effect, they will find themselves deceived. All the opposition to it that I have yet seen is addressed more to the passions than to reason; and clear I am, if another federal convention is attempted, that the sentiments of the members will be more discordant or less accommodating than the last. In fine, they will agree upon no general plan. General government is now suspended by a thread; I might go further, and say it is really at an end; and what will be the consequence of a fruitless attempt to amend the one which is offered before it is tried, or of the delay of the attempt, does not in my judgment need the gift of prophecy to predict.

Bancroft, Hist. of the U.S., vol.6, p.380

"I saw the imperfections of the constitution I aided in the birth of, before it was handed to the public; but I am fully persuaded it is the best that can be obtained at this time, that it is free from many of the imperfections with which it is charged, and that it or disunion is before us to choose from. If the first is our election, when the defects of it are experienced, a constitutional door is opened for amendments and may be adopted in a peaceable manner, without tumult or disorder." But as Virginia has delayed her convention till June, our narrative must turn to the states which were the first to meet in convention.

Chapter 2:

The Constitution in Pennsylvania,

Delaware, and New Jersey; and in Georgia,

September 18, 1787-January 2, 1788

Bancroft, Hist. of the U.S., vol.6, p.381

Our happy theme leads from one great act of universal interest to another. A new era in the life of the race begins: a people select their delegates to state conventions to pronounce their judgment on the creation of a federal republic.

Bancroft, Hist. of the U.S., vol.6, p.381

One more great duty to his fellow-citizens and to mankind is to be fulfilled by Franklin; one more honor to be won by Philadelphia as the home of union; one new victory by Pennsylvania as the citadel of the love of the one indivisible country. That mighty border commonwealth, extending its line from Delaware bay to the Ohio, and holding convenient passes through the Alleghanies, would not abandon the South, nor the West, nor the North; she would not hear of triple confederacies nor of twin confederacies; but only of one government embracing all. Its people in their multifarious congruity had nothing adverse to union; the faithful of the proprietary party were zealous for a true general government; so too was every man in public life of the people called Quakers; so was an overwhelming majority of the Germans; so were the Baptists, as indeed their synod authoritatively avowed for every state. The perfect liberty of conscience prevented religious differences from interfering with zeal for a closer union.

Bancroft, Hist. of the U.S., vol.6, p.381 - p.382

In the first period of the confederacy the inhabitants of Philadelphia did not extend their plans for its reform beyond the increase of its powers, but, after the flight of congress from their city, they began to say to one another that "it would be more easy to build a new ship of state than to repair the old one;" that there was need of a new constitution with a legislature in two branches. Merchants, bankers, holders of the national debt, the army officers, found no party organized against this opinion; Dickinson was magnanimous enough to become dissatisfied with the confederation which he had chiefly assisted to frame; and he and Mifflin and McKean and George Clymer and Rush manifested no opposition to the policy of Wilson, Robert Morris, Gouverneur Morris, and Fitzsimons; although remoter counties, and especially the backwoodsmen on each side of the mountains, loved their wild personal liberty too dearly to welcome a new supreme control.

Bancroft, Hist. of the U.S., vol.6, p.382

At eleven in the morning of the eighteenth, Benjamin Franklin, then president of Pennsylvania, more than fourscore years of age, fulfilling his last great public service, was ushered into the hall of the assembly, followed by his seven colleagues of the convention. After expressing in a short address their hope and belief that the measure recommended by that body would produce happy effects to the commonwealth of Pennsylvania as well as to every other of the United States, he presented the constitution and accompanying papers.

Bancroft, Hist. of the U.S., vol.6, p.382 - p.383

For the next ten days the house, not willing to forestall the action of congress, confined itself to its usual business; but as it had resolved to adjourn sine die on Saturday, the twenty-ninth, Clymer, on the morning of the last day but one of the session, proposed to refer the acts of the federal convention to a convention of the state. That there might be time for reflection, Robert Whitehill of Carlisle, on behalf of the minority, requested the postponement of the question at least until the afternoon. This was conceded; but in the afternoon the minority, nineteen in number, did not attend, and refused to obey the summons of the speaker delivered by the sergeant-at-arms, so that no quorum could be made. This factions secession so enraged the inhabitants that early the next morning a body of "respectable men" made a search for the delinquents; and finding two of them, just sufficient to form a house, dragged them into the assembly, where, in spite of their protests, they were compelled to stay. Meantime a fleet messenger, sent from New York by William Bingham, a delegate in congress from Pennsylvania, arrived with an authentic copy of a resolution of congress of the preceding day, unanimously recommending the reference of the constitution to conventions of the several states; and within twenty hours from the adoption of the resolution, the Pennsylvania assembly called a convention of the state for the third Tuesday in November. The vote was received by the spectators with three heartfelt cheers; the bells of the churches were rung; and signs of faith in the speedy return of prosperity were everywhere seen. But the minority, trained in resistance to influences which were thought to be aristocratic, refused to be reconciled, and became the seed of a permanent national party.

Bancroft, Hist. of the U.S., vol.6, p.383

Richard Henry Lee had disseminated in Philadelphia the objections of himself and George Mason to the constitution; and seventeen of the seceding members imbodied them in an appeal to their constituents. But the cause of the inflammation in Pennsylvania was much more in their state factions than in the new federal system.

Bancroft, Hist. of the U.S., vol.6, p.383

The efforts of Richard Henry Lee were counteracted in Philadelphia by Wilson, whom Washington at the time called "as able, candid, and honest a member as was in the convention." On the sixth of October, at a great meeting in Philadelphia, he held up the constitution as the best which the world had as yet seen. To the objection derived from its want of a bill of rights, he explained that the government of the United States was a limited government, which had no powers except those which were specially granted to it. The speech was promptly reprinted in New York as a reply to the insinuations of Lee; and through the agency of Washington it was republished in Richmond. But the explanation of the want of a bill of rights satisfied not one state.

Bancroft, Hist. of the U.S., vol.6, p.383

Great enthusiasm was awakened among the people of Pennsylvania in the progress of the election of their delegates; they rejoiced at the near consummation of their hopes. The convention was called to meet on Tuesday, the twentieth of November; a quorum appeared on the next day. Before the week was over the constitution on two successive days received its first and second reading. Its friends, who formed a very large and resolute majority, were intensely in earnest, and would not brook procrastination.

Bancroft, Hist. of the U.S., vol.6, p.384

On Saturday, the twenty-fourth, Thomas McKean of Philadelphia, seconded by John Allison of Franklin county, offered the resolution in favor of ratifying the constitution; and Wilson, as the only one present who had been a member of the federal convention, opened the debate:

Bancroft, Hist. of the U.S., vol.6, p.384

"The United States exhibit to the world the first instance of a nation unattacked by external force, unconvinsed by domestic insurrections, assembling voluntarily, deliberating fully, and deciding calmly concerning that system of government under which they and their posterity should live. To form a good system of government for a single city or an inconsiderable state has been thought to require the strongest efforts of human genius; the views of the convention were expanded to a large portion of the globe.

Bancroft, Hist. of the U.S., vol.6, p.384

"The difficulty of the business was equal to its magnitude. The United States contain already thirteen governments mutually independent; their soil, climates, productions, dimensions, and numbers are different; in many instances a difference and even an opposition subsists among their interests, and is imagined to subsist in many more. Mutual concessions and sacrifices, the consequences of mutual forbearance and conciliation, were indispensably necessary to the success of the great work.

Bancroft, Hist. of the U.S., vol.6, p.384

"The United States may adopt any one of four different systems. They may become consolidated into one government in which the separate existence of the states shall be entirely absolved. They may reject any plan of union and act as unconnected states. They may form two or more confederacies. They may unite in one federal republic. Neither of these systems found advocates in the late convention. The remaining system is a union in one confederate republic.

Bancroft, Hist. of the U.S., vol.6, p.385

"The expanding quality of a government by which several states agree to become an assemblage of societies that constitute a new society, capable of increasing by means of further association, is peculiarly fitted for the United States. But this form of government left us almost without precedent or guide. Ancient history discloses, and barely discloses, to our view some confederate republics. The Swiss cantons are connected only by alliances; the United Netherlands constitute no new society; from the Germanic body little useful knowledge can be drawn.

Bancroft, Hist. of the U.S., vol.6, p.385

"Since states as well as citizens are represented in the constitution before us, and form the objects on which that constitution is proposed to operate, it is necessary to mention a kind of liberty which has not yet received a name. I shall distinguish it by the appellation of federal liberty. The states should resign to the national government that part, and that part only, of their political liberty which, placed in that government, will produce more good to the whole than if it had remained in the several states. While they resign this part of their political liberty, they retain the free and generous exercise of all their other faculties, so far as it is compatible with the welfare of the general and superintending confederacy.

Bancroft, Hist. of the U.S., vol.6, p.385

"The powers of the federal government and those of the state governments are drawn from sources equally pure. The principle of representation, unknown to the ancients, is confined to a narrow corner of the British constitution. For the American states were reserved the glory and happiness of diffusing this vital principle throughout the constituent parts of government.

Bancroft, Hist. of the U.S., vol.6, p.385

"The convention found themselves embarrassed with another difficulty of peculiar delicacy and importance; I mean that of drawing a proper line between the national government and the governments of the several states. Whatever object of government is confined in its operation and effects within the bounds of a particular state should be considered as belonging to the government of that state; whatever object of government extends in its operation or effects beyond the bounds of a particular state should be considered as belonging to the government of the United States. To remove discretionary construction, the enumeration of particular instances in which the application of the principle ought to take place will be found to be safe, unexceptionable, and accurate.

Bancroft, Hist. of the U.S., vol.6, p.386

"To control the power and conduct of the legislature by an overruling constitution limiting and superintending the operations of legislative authority was an improvement in the science and practice of government reserved to the American states. Oft have I marked with silent pleasure and admiration the force and prevalence through the United States of the principle that the supreme power resides in the people, and that they never part with it. There can be no disorder in the community but may here receive a radical cure. Error in the legislature may be corrected by the constitution; error in the constitution, by the people. The streams of power run in different directions, but they all originally flow from one abundant fountain. In this constitution all authority is derived from the people."

Bancroft, Hist. of the U.S., vol.6, p.386 - p.387

Already much had been gained for the friends of the constitution. "I am sensible," said John Smilie of Fayette county, "of the expediency of giving additional strength and energy to the federal head." The question became on the one side the adoption of the constitution as sent forth by the convention; on the other, with amendments. Smilie spoke against a system of precipitancy which would preclude deliberation on questions of the highest consequence to the happiness of a great portion of the globe. "Is the object," he asked, "to bring on a hasty and total adoption of the constitution? The most common business of a legislative body is submitted to repeated discussion upon different days." Robert Whitehill of Carlisle, in Cumberland county, fearing a conveyance to the federal government of rights and liberties which the people ought never to surrender, asked a reference to a committee of the whole. He was defeated on the twenty-sixth, by a vote of forty-three to twenty-four; but each member obtained leave to speak in the house as often as he pleased. When it was observed that the federal convention had exceeded the powers given to them by their respective legislatures, Wilson answered: "The federal convention did not proceed at all upon the powers given to them by the states, but upon original principles; and having framed a constitution which they thought would promote the happiness of their country, they have submitted it to their consideration, who may either adopt or reject it as they please."

Bancroft, Hist. of the U.S., vol.6, p.387

On the twenty-seventh, whitehill, acting in concert with the Virginia opposition and preparing the way for entering on the journals a final protest against the proceedings of the majority, proposed that upon all questions where the yeas and nays were called any member might insert the reason of his vote upon the journal of the convention. This was argued all the day long, and leave was refused by a very large majority.

Bancroft, Hist. of the U.S., vol.6, p.387

The fiercest day's debate, and the only one where the decision of the country was finally in favor of the minority, took place on the twenty-eighth of November. There was a rising discontent at the omission of a declaration of rights. To prove that there was no need of a bill of rights, Wilson said: "The boasted Magna Charta of England derives the liberties of the inhabitants of that kingdom from the gift and grant of the king, and no wonder the people were anxious to obtain bills of rights; but here the fee simple remains in the people; and by this constitution they do not part with it. The preamble to the proposed constitution, 'We the people of the United States do establish,' contains the essence of all the bills of rights that have been or can be devised." The defence was imperfect both in sentiment and in public law. To the sentiment, Smilie answered: "The words in the preamble of the proposed system, however superior they may be to the terms of the great charter of England, must yield to the expressions in the Pennsylvania bill of rights and the memorable declaration of the fourth of July 1776." As a question of public law, the answer of Smilie was equally conclusive: "It is not enough to reserve to the people a right to alter and abolish government., but some criterion should be established by which it can easily and constitutionally ascertain how far the government may proceed and when it transgresses its jurisdiction." "A bill of rights," interposed McKean, "though it can do no harm, is an unnecessary instrument. The constitutions of but five out of the thirteen United States have bills of rights." The speaker was ill informed. South Carolina and Georgia had alone declined the opportunity of establishing a bill of rights; every state to the north of them had one except Rhode Island and Connecticut, which as yet adhered to their original charters, and New Jersey, which still adhered to its government as established just before the declaration of independence. New York had incorporated into its constitution the whole of that declaration.

Bancroft, Hist. of the U.S., vol.6, p.388

Wilson asserted that in the late convention the desire of "a bill of rights had never assumed the shape of a motion." Here his memory was at fault; but no one present could correct him. "In civil governments," he proceeded, "bills of rights are useless, nor can I conceive whence the contrary notion has arisen. Virginia has no bill of rights." Smilie interrupted him to cite the assurance of George Mason himself that Virginia had a bill of rights; and he repeated the remark that Mason had made in the convention: "The laws of the general government are paramount to the laws and constitutions of the several states; and as there is no declaration of rights in the new constitution, the declarations of rights in the constitutions of the several states are no security. Every stipulation for the most sacred and invaluable privileges of man is left at the mercy of government."

Bancroft, Hist. of the U.S., vol.6, p.388

On Saturday, the first of December, William Findley, the third leading member of the opposition, in a long and elaborate argument endeavored to prove that the proposed plan of government was not a confederation of states, but a consolidation of government. He insisted that the constitution formed a contract between individuals entering into society, not a union of independent states; that in the legislature it established the vote by individuals, not by states; that between two parties in the same community, each claiming independent sovereignty, it granted an unlimited right of internal taxation to the federal body, whose stronger will would thus be able to annihilate the power of its weaker rival; that it conceded a right to regulate and judge of elections; that it extended the judicial power as widely as the legislative; that it raised the members of congress above their states, for they were paid not by the states as subordinate delegates, but by the general government; and finally, that it required an oath of allegiance to the federal government, and thus made the allegiance to a separate sovereign state an absurdity.

Bancroft, Hist. of the U.S., vol.6, p.389

Meantime the zeal of the majority was quickened by news from "the Delaware state," whose people were for the most part of the same stock as the settlers of Pennsylvania, and had grown up under the same proprietary. On the proposal for the federal convention at Philadelphia, its general assembly declared that "they had long been fully convinced of the necessity of revising the federal constitution," "being willing and desirous of co-operating with the commonwealth of Virginia and the other states in the confederation." Now that an equality of vote in the senate had been conceded, the one single element of opposition disappeared. The legislature of Delaware met on the twenty-fourth of October, and following "the sense and desire of great numbers of the people of the state, signified in petitions to their general assembly," "adopted speedy measures to call together a convention."

Bancroft, Hist. of the U.S., vol.6, p.389

The constituent body, which met at Dover in the first week of December, encountered no difficulty but how to find language strong enough to express their joy in what had been done. On the sixth "the deputies of the people of the Delaware state fully, freely, and entirely approved of, assented to, ratified, and confirmed the federal constitution," to which they all on the next day subscribed their names.

Bancroft, Hist. of the U.S., vol.6, p.390

When it became known that Delaware was leading the way at the head of the grand procession of the thirteen states, McKean, on Monday, the tenth of December, announced to the Pennsylvania convention that he should on the twelfth press the vote for ratification.

Bancroft, Hist. of the U.S., vol.6, p.390

On the next day Wilson summed up his defence of the constitution, and repeated: "This system is not a compact; I cannot discern the least trace of a compact; the introduction to the work is not an unmeaning flourish; the system itself tells you what it is, an ordinance, an establishment of the people." The opposition followed the line of conduct marked out by the opposition in Virginia. On the twelfth, before the question for ratification was taken, Whitehill presented petitions from seven hundred and fifty inhabitants of Cumberland county against adopting the constitution without amendments, and particularly without a bill of rights to secure liberty in matters of religion, trial by jury, the freedom of the press, the sole power in the individual states to organize the militia; the repeal of the executive power of the senate, and consequent appointment of a constitutional council; a prohibition of repealing or modifying laws of the United States by treaties; restrictions on the federal judiciary power; a confirmation to the several states of their sovereignty, with every power, jurisdiction, and right not expressly delegated to the United States in congress assembled. In laboring for this end, he showed a concert with the measure which Mason and Randolph had proposed in the federal convention and Richard Henry Lee in congress, and which led the Virginia legislature on that very day to pass the act for communicating with sister states.

Bancroft, Hist. of the U.S., vol.6, p.390

The amendments which Whitehill proposed were not suffered to be entered in the journal. His motion was rejected by forty-six to twenty-three; and then the new constitution was ratified by the same majority.

Bancroft, Hist. of the U.S., vol.6, p.390

On Thursday the convention marched in a procession to the court-house, where it proclaimed the ratification. Returning to the place of meeting, the forty-six subscribed their names to their act. The opposition were invited to add their names as a fair and honorable acquiescence in the principle that the majority should govern. John Harris refused, yet held himself bound by the decision of the majority. Smilie answered: "My hand shall never give the lie to my heart and tongue." Twenty-one of the minority signed an exceedingly long address to their constituents, complaining that the extent of the country did not admit of the proposed form of government without danger to liberty; and that the powers vested in congress would lead to an iron-handed despotism, with unlimited control of the purse and the sword.

Bancroft, Hist. of the U.S., vol.6, p.391

The ratification gave unbounded satisfaction to all Pennsylvania east of the Susquehanna; beyond that river loud murmurs were mingled with threats of resistance in arms. On the fifteenth the convention dissolved itself, after offering a permanent and a temporary seat of government to the United States.

Bancroft, Hist. of the U.S., vol.6, p.391

The population of New Jersey at that time was almost exclusively rural; in the west chiefly the descendants of Quakers, in the east of Dutch and Scottish Calvinists. This industrious, frugal, and pious people, little agitated by political disputes, received the federal constitution with joy, and the consciousness that its own sons had contributed essentially to its formation.

Bancroft, Hist. of the U.S., vol.6, p.391

On the twenty-sixth of October its legislature called a state convention by a unanimous vote. On the eleventh of December the convention of New Jersey, composed of accomplished civilians, able judges, experienced generals, and fair-minded, intelligent husbandmen, assembled in Trenton. The next day was spent in organizing the house, all the elected members being present save one. John Stevens was chosen president by ballot; Samuel Whitham Stockton, secretary. The morning began with prayer. Then with open doors the convention proceeded to read the federal constitution by sections, giving opportunity for debates and for votes if called for; and, after a week's deliberation, on Tuesday, the eighteenth, determined unanimously to ratify and confirm the federal constitution. A committee, on which appear the names of Brearley, a member of the federal convention, Witherspoon, Neilson, Beatty, former members of congress, was appointed to draw up the form of the ratification; and the people of the state of New Jersey, "by the unanimous consent of the members present, agreed to, ratified, and confirmed the proposed constitution and every part thereof."

Bancroft, Hist. of the U.S., vol.6, p.392

On the next day, the resolve for ratification having been engrossed in duplicate on parchment, one copy for the congress of the United States and one for the archives of the stated every member of the convention present subscribed his name.

Bancroft, Hist. of the U.S., vol.6, p.392

In the shortest possible time, Delaware, Pennsylvania, and New Jersey, the three central states, one by a majority of two thirds, the others unanimously, accepted the constitution.

Bancroft, Hist. of the U.S., vol.6, p.392

The union of the central states was of the best omen. Before knowing their decision, Georgia at the extreme south had independently taken its part; its legislature chanced to be in session when the message from congress arrived. All its relations to the United States were favorable; it was in possession of a territory abounding in resources and large enough to constitute an empire; its people felt the need of protection against Spain, which ruled along their southern frontier from the Mississippi to the Atlantic, and against the savages who dwelt in their forests and hung on the borders of their settlements. A convention which was promptly called met on Christmas day, with power to adopt or reject any part or the whole of the proposed constitution. Assembled at Augusta, its members, finding themselves all of one mind, on the second day of the new year, unanimously, for themselves and for the people of Georgia, fully and entirely assented to, ratified, and adopted the proposed constitution. They hoped that their ready compliance would "tend to consolidate the union" and "promote the happiness of the common country." The completing of the ratification by the signing of the last name was announced by a salute of thirteen guns in token of faith that every state would accede to the new bonds of union.

Chapter 3:

The Constitution in Connecticut and Massachusetts,

September 26, 1787-February 6, 1788

Bancroft, Hist. of the U.S., vol.6, p.393

ON the twenty-sixth of September Roger Sherman and Oliver Ellsworth, two of the delegates from Connecticut to the federal convention, transmitted to Samuel Huntington, then governor of the state, a printed copy of the constitution to be laid before the legislature. In an accompanying official letter they observed that the proportion of suffrage accorded to the state remained the same as before; and they gave the assurance that the "additional powers vested in congress extended only to matters respecting the common interests of the union, and were specially defined; so that the particular states retained their sovereignty in all other matters." The restraint on the legislatures of the several states respecting emitting bills of credit, making anything but money a tender in payment of debts, or impairing the obligation of contracts by ex post facto laws, was thought necessary as a security to commerce, in which the interest of foreigners as well as of the citizens of different states may be affected.

Bancroft, Hist. of the U.S., vol.6, p.393

The governor was a zealous friend of the new constitution. The legislature, OR the sixteenth of October, unanimously called a convention of the state. To this were chosen the retired and the present highest officers of its government; the judges of its courts; "ministers of the Gospel;" and nearly sixty who had fought for independence. Connecticut had a special interest in ratifying the constitution; the compromise requiring for acts of legislation a majority of the states and a majority of the representatives of the people had prevailed through its own delegates.

Bancroft, Hist. of the U.S., vol.6, p.394

In January 1788, the convention, having been organized in the state-house in Hartford, moved immediately to the North Meeting House, where, in the presence of a multitude, the constitution was read and debated section by section, under an agreement that no vote should be taken till the whole of it should have been considered.

Bancroft, Hist. of the U.S., vol.6, p.394

On the fourth, Oliver Ellsworth explained the necessity of a federal government for the national defence, for the management of foreign relations, for preserving peace between the states, for giving energy to the public administration. He pointed out that a state like Connecticut was specially benefited by the restraint on separate states from collecting duties on foreign importations made through their more convenient harbors.

Bancroft, Hist. of the U.S., vol.6, p.394

Johnson added: While under the confederation states in their political capacity could be coerced by nothing but a military force; the constitution introduces the mild and equal energy of magistrates for the execution of the laws. "By a signal intervention of divine providence, a convention from states differing in circumstances, interests, and manners, have harmoniously adopted one grand system; if we reject it, our national existence must come to an end."

Bancroft, Hist. of the U.S., vol.6, p.394 - p.395

The grave and weighty men who listened to him approved his words; but when the paragraph which gave to the general government the largest powers of taxation was debated, James Wadsworth, who had served as a general officer in the war, objected to duties on imports as partial to the southern states. "Connecticut," answered Ellsworth, "is a manufacturing state; it already manufactures its implements of husbandry and half its clothes." Wadsworth further objected, that authority which unites the power of the sword to that of the purse is despotic. Ellsworth replied: "The general legislature ought to have a revenue; and it ought to have power to defend the state against foreign enemies; there can be no government without the power of the purse and the sword." "So well guarded is this constitution," observed Oliver Wolcott, then lieutenant-governor, "it seems impossible that the rights either of the states or of the people should be destroyed." When on the ninth the vote was taken, one hundred and twenty-eight appeared for the constitution; forty only against it.

Bancroft, Hist. of the U.S., vol.6, p.395

The people received with delight the announcement of this great majority of more than three to one; at the next election the "wrong-headed" James Wadsworth was left out of the government; and opposition grew more and more faint till it wholly died away.

Bancroft, Hist. of the U.S., vol.6, p.395

The country from the St. Croix to the St. Mary's now fixed its attention on Massachusetts, whose adverse decision would inevitably involve the defeat of the constitution. The representatives of that great state, who came together on the seventeenth of October, had been chosen under the influence of the recent insurrection; and the constitution, had it been submitted to their judgment, would have been rejected. In communicating it to the general court, the governor most wisely avoided provoking a discussion on its merits, and simply recommended its reference to a convention from regard to the worth of its authors and their unanimity on questions affecting the prosperity of the nation and the complicated rights of each separate state.

Bancroft, Hist. of the U.S., vol.6, p.395

Following his recommendation with exactness, the senate, of which Samuel Adams was president, promptly adopted a resolve to refer the new constitution to a convention of the commonwealth. On motion of Theophilus Parsons, of Newburyport, a lawyer destined to attain in his state the highest professional honors, the resolve of the senate was opened in the house. Spectators crowded the galleries and the floor. Signs of a warm opposition appeared; the right to supersede the old confederation was denied alike to the convention and to the people; the adoption of a new constitution by but nine of the thirteen states would be the breach of a still valid compact. An inalienable power, it was said in reply, resides in the people to amend their form of government. An array of parties was avoided; and with little opposition a convention was ordered.

Bancroft, Hist. of the U.S., vol.6, p.396

The choice took place at a moment when the country people of Massachusetts were bowed down by cumulative debts, and quivering in the agonies of a suppressed insurrection; the late disturbers of the peace were scarcely certain of amnesty; and they knew that the general government, if established, must array itself against violence. The election resulted in the choice of at least eighteen of the late insurgents. The rural population were disinclined to a change. The people in the district of Maine, which in territory far exceeded Massachusetts, had never willingly accepted annexation; the desire for a government of their own outweighed their willingness to enter into the union as a member of Massachusetts; and one half of their delegates were ready to oppose the constitution. On the other hand, the commercial towns of Maine, all manufacturers, men of wealth, the lawyers, including the judges of all the courts, and nearly all the officers of the late army, were In favor of the new form of general government. The voters of Cambridge rejected Elbridge Gerry in favor of Francis Dana; in Beverly, Nathan Dane was put aside for George Cabot; the members from Maine were exactly balanced; but of those from Massachusetts proper a majority of perhaps ten or twelve was opposed to the ratification of the constitution. Among the elected were King, Gorham, and Strong, who had been of the federal convention; the late and present governors, Bowdoin and Hancock; Heath and Lincoln of the army; of rising statesmen, John Brooks and Christopher Gore; Theophilus Parsons, Theodore Sedgwick, John Davis, and Fisher Ames; and about twenty ministers of various religions denominations. So able a body had never met in Massachusetts. Full of faith that the adoption of the constitution was the greatest question of the age, the federalists were all thoroughly in earnest, and influenced by no inferior motives; so that there could be among them neither cabals in council nor uncertainty in action. They obeyed an immovable determination to overcome the seemingly adverse majority. As a consequence, they had discipline and concerted action.

Bancroft, Hist. of the U.S., vol.6, p.397

It was consistent with the whole public life of Samuel Adams, the helmsman of the revolution at its origin, the truest representative of the home rule of Massachusetts in its town-meetings and general court, that he was startled when, on entering the new "building, he met with a national government instead of a federal union of sovereign states;" but, in direct antagonism to George Mason and Richard Henry Lee, he had always approved granting to the general government the power of regulating commerce. Before he had declared his intentions, perhaps before they had fully ripened, his constituents of the industrial classes of Boston, which had ever been his main support, came together, and from a crowded hall a cry went forth that on the rejection of the constitution "navigation" would languish and "skilful mechanics be compelled to emigrate," so that "any vote of a delegate from Boston against adopting it would be contrary to the interests, feelings, and wishes of the tradesmen of the town."

Bancroft, Hist. of the U.S., vol.6, p.397

The morning betokened foul weather, but the heavy clouds would not join together. The enterprising and prosperous men of Maine, though they desired separation from Massachusetts, had no sympathy with the late insurrection; and the country people, though they could only by slow degrees accustom their minds to untried restraints on their rustic liberty, never wavered in their attachment to the union. The convention was organized with the governor of the commonwealth as its president. The federalists of Philadelphia had handled their opponents roughly; the federalists of Massachusetts resolved never in debate to fail in gentleness and courtesy. A motion to request Elbridge Gerry to take a seat in the convention, that he might answer questions of fact, met no objection; and he was left to grow sick of sitting in a house to which he had failed of an election, and in whose debates he could not join. On motion of Caleb Strong, no vote was to be taken till the debate, which assumed the form of a free conversation, should have gone over the several paragraphs of the constitution.

Bancroft, Hist. of the U.S., vol.6, p.398

Massachusetts had instructed its delegates in the federal convention to insist on the annual election of representatives; Samuel Adams asked why they were to be chosen for two years. Strong explained that it was a necessary compromise among so many states; and Adams answered: "I am satisfied." This remark the federal leaders entreated him to repeat; all the house gave attention as he did so, and the objection was definitively put to rest.

Bancroft, Hist. of the U.S., vol.6, p.398

Referring to the power of congress to take part in regulating the elections of senators and representatives, Phineas Bishop of Rehoboth proclaimed "the liberties of the yeomanry at an end." It is but "a guarantee of free elections," said Cabot. "And a security of the rights of the people," added Theophilus Parsons. "Our rulers," observed Widgery of Maine, "ought to have no power which they can abuse." "All the godly men we read of," added Abraham White of Bristol, "have failed; I would not trust a flock, though every one of them should be a Moses."

Bancroft, Hist. of the U.S., vol.6, p.398

On the seventeenth an official letter from Connecticut announced the very great majority by which it had adopted the constitution; but its enemies in Massachusetts were unmoved. Samuel Thompson of Maine condemned it for not requiring of a representative some property qualification, saying: "Men who have nothing to lose have nothing to fear." "Do you wish to exclude from the federal government a good man because he is not rich?" asked Theodore Sedgwick. "The men who have most injured the country," said King, "have commonly been rich men."

Bancroft, Hist. of the U.S., vol.6, p.398

On the eighteenth the compromise respecting the taxation and representation of slaves was cried against. Thomas Dawes of Boston answered: "Congress in the year 1808 may wholly prohibit the importation of them, leaving every particular state in the mean time its own option totally to prohibit their introduction into its own territories. Slavery could not be abolished by an act of congress in a moment; but it has received a mortal wound."

Bancroft, Hist. of the U.S., vol.6, p.399

On the nineteenth a farmer of Worcester county complained: "There is no provision that men in power should have any religion; a Papist or an infidel is as eligible as Christians." John Brooks and Parsons spoke on the other side; and Daniel Shute, the minister of Hingham, said: "No conceivable advantage to the whole will result from a test." William Jones of Maine rejoined: "It would be happy for the United States if our public men were to be of those who have a good standing in the church." Philip Payson, the minister of Chelsea, retorted: "Human tribunals for the consciences of men are impious encroachments upon the prerogatives of God. A religious test, as a qualification for office, would have been a great blemish."

Bancroft, Hist. of the U.S., vol.6, p.399

William Jones of Maine objected to the long period of office for the senators. "One third of the senators," observed Fisher Ames, "are to be introduced every second year; the constitution, in practice as in theory, will be that of a federal republic." "We cannot," continued Jones, "recall the senators." "Their duration," answered King, "is not too long for a right discharge of their duty."

Bancroft, Hist. of the U.S., vol.6, p.399

On the twenty-first, King explained the nature of the transition from a league of states with only authority to make requisitions on each state, to a republic instituted by the people with the right to apply laws directly to the individual members of the states. He showed that without the power over the purse and the sword no government can give security to the people; analyzed and defended the grant of revenue alike from indirect and direct taxes, and insisted that the proposed constitution is the only efficient federal government that can be substituted for the old confederation.

Bancroft, Hist. of the U.S., vol.6, p.399

Thomas Dawes of Boston defended the power of laying imposts and excises in this wise: "For want of general laws of prohibition through the union, our coasting trade, our whole commerce, is going to ruin. A vessel from Halifax with its fish and whalebone finds as hearty a welcome at the southern ports as though built and navigated and freighted from Salem or Boston. South of Delaware three fourths of the exports and three fourths of the returns are made in British bottoms. Of timber, one half of the value—of other produce shipped for London from a southern state, three tenths—go to the British carrier in the names of freight and charges. This is money which belongs to the New England states, because we can furnish the ships much better than the British. Our sister states are willing that these benefits should be secured to us by national laws; but we are slaves to Europe. We have no uniformity in duties, imposts, excises, or prohibitions. Congress has no authority to withhold advantages from foreigners in order to obtain reciprocal advantages from them. Our manufacturers have received no encouragement by national duties on foreign manufactures, and they never can by any authority in the confederation. The very face of our country, our numerous falls of water and places for mills, lead to manufactures: have they been encouraged? Has congress been able by national laws to prevent the importation of such foreign commodities as are made from such raw materials as we ourselves raise. The citizens of the United States within the last three years have contracted debts with the subjects of Great Britain to the amount of near six millions of dollars. If we wish to encourage our own manufactures, to preserve our own commerce, to raise the value of our own lands, we must give congress the powers in question."

Bancroft, Hist. of the U.S., vol.6, p.400

Every day that passed showed the doubtfulness of the convention. "The decision of Massachusetts either way," wrote Madison from congress, "will involve the result in New York," and a negative would rouse the minority in Pennsylvania to a stubborn resistance. Langdon of New Hampshire, and men from Newport and Providence who came to watch the course of the debates, reported that New Hampshire and Rhode Island would accept the constitution should it be adopted by Massachusetts. Gerry, under the influence of Richard Henry Lee, had written a letter to the two houses of Massachusetts, insinuating that the constitution needed amendments, and should not be adopted till they were made. These same suggestions had been circulated throughout Virginia, where, as has already been related, Washington threw himself into the discussion and advised, as the only true policy, to accept the constitution and amend it by the methods which the constitution itself had established. The letter in which he had given this advice reached Boston in season to be published in the Boston "Centinel" of the twenty. Third of January. In the convention the majority still seemed adverse to the constitution. To win votes from the ranks of its foes, its friends, following the counsels of Washington, resolved to combine with its ratification a recommendation of amendments. For this end Bowdoin and Hancock, Theophilus Parsons and Gorham, Samuel Adams, Heath, and a very few other resolute and trusty men, matured in secret council a plan of action.

Bancroft, Hist. of the U.S., vol.6, p.401

Meantime Samuel Thompson could see no safety but in a bill of rights. Bowdoin spoke at large for the new government with its ability to pay the public debts and to regulate commerce. "Power inadequate to its object is worse than none; checks are provided to prevent abuse. The whole constitution is a declaration of rights. It will complete the temple of American liberty, and consecrate it to justice. May this convention erect Massachusetts as one of its pillars on the foundation of perfect union, never to be dissolved but by the dissolution of nature."

Bancroft, Hist. of the U.S., vol.6, p.401

Parsons recapitulated and answered the objections brought against the constitution, and closed his remarks by saying: "An increase of the powers of the federal constitution by usurpation will be upon thirteen completely organized legislatures having means as well as inclination to oppose it successfully. The people themselves have power to resist it without an appeal to arms. An act of usurpation is not law, and therefore is not obligatory; and any man may be justified in his resistance. Let him be considered as a criminal by the general government; his own fellow-citizens are his jury; and if they pronounce him innocent, not all the powers of congress can hurt him."

Bancroft, Hist. of the U.S., vol.6, p.402

On the morning of the twenty-fourth, Nason of Maine, an implacable enemy of the constitution, proposed to cease its discussion by paragraphs so as to open the whole question. This attempt "to hurry the matter" was resisted by Samuel Adams in a speech so effective that the motion was negatived without a division.

Bancroft, Hist. of the U.S., vol.6, p.402

On the next day Amos Singletary of Sutton, a husband man venerable from age and from patriotic service from the very beginning of the troubles with England, resisted the constitution as an attempt to tax and bind the people in all cases whatsoever.

Bancroft, Hist. of the U.S., vol.6, p.402

Jonathan Smith of Lanesborough, speaking to men who like himself followed the plough for their livelihood, began a reply by arguments drawn from the late insurrection, when he was called to order. Samuel Adams instantly said with authority: "The gentleman is in order; let him go on in his own way." The "plain man" then proceeded in homely words to show that farmers in the western counties, in their great distress during the insurrection, would have been glad to snatch at anything like a government for protection. "This constitution," he said, "is just such a cure for these disorders as we wanted. Anarchy leads to tyranny."

Bancroft, Hist. of the U.S., vol.6, p.402

Attention was arrested by the clause on the slave-trade. "My profession," said James Neal of Maine, "obliges me to bear witness against anything that favors making merchandise of the bodies of men, and unless this objection is removed I cannot put my hand to the constitution." "Shall it be said," cried Samuel Thompson, "that after we have established our own independence and freedom we make slaves of others? How has Washington immortalized himself! but he holds those in slavery who have as good a right to be free as he has." Dana and Samuel Adams rejoiced that a door was to be opened for the total annihilation of the slave-trade after twenty years; but hatred of slavery influenced the final vote.

Bancroft, Hist. of the U.S., vol.6, p.402

On the morning of the thirty-first of January, Hancock, who till then had been kept from his piece by painful illness, took the chair, and the concerted movement began. Conversation came to an end; and Parsons proposed "that the convention do assent to and ratify the constitution." Heath suggested that in ratifying it they should instruct their members of congress to endeavor to provide proper checks and guards in some of its paragraphs, and that the convention should correspond with their sister states, to request their concurrence."

Bancroft, Hist. of the U.S., vol.6, p.403

Hancock then spoke earnestly for the necessity of adopting the proposed form of government; and brought forward nine general amendments. Taken from the letters of Richard Henry Lee, the remonstrance of the minority in Pennsylvania, and the objections made in the Massachusetts debates, "they were the production of the federalists after mature deliberation," and were clad in terse and fittest words, which revealed the workmanship of Parsons. "All powers not expressly delegated to congress," so ran the most important of them, "are reserved to the several states."

Bancroft, Hist. of the U.S., vol.6, p.403

"I feel myself happy," thus Samuel Adams addressed the chair, "in contemplating the idea that many benefits will result from your Excellency's conciliatory proposition to this commonwealth and to the whole United States. The objections made to this constitution as far as Virginia are similar. I have had my doubts; other gentlemen have had theirs; the proposition submitted will tend to remove such doubts, and conciliate the minds of the convention and of the people out-of-doors. The measure of Massachusetts will from her importance have the most salutary effect in other states where conventions have not yet met, and throughout the union. The people should be united in a federal government to withstand the common enemy and to preserve their rights and liberties; I should fear the consequences of large minorities in the several states.

Bancroft, Hist. of the U.S., vol.6, p.403

"The article which empowers congress to regulate commerce and to form treaties I esteem particularly valuable. For want of this power in our national head our friends are grieved; our enemies insult us; our minister at the court of London is a cipher. A power to remedy this evil should be given to congress, and applied as soon as possible. I move that the paper read by your Excellency be now taken into consideration."

Bancroft, Hist. of the U.S., vol.6, p.404

Samuel Adams, on the first day of February, invited members to propose still further amendments; but Nason of Maine, the foremost in opposition, stubbornly refused to take part in supporting a constitution which, they said, "destroyed the sovereignty of Massachusetts."

Bancroft, Hist. of the U.S., vol.6, p.404

The measure was referred to a committee formed on the principle of selecting from each county one of its friends and one of its opponents; but as both of the two delegates from Dukes county were federalists, only one of them took a place in the committee. Thirteen of its members were federalists from the beginning. At the decision, the committee consisted of twenty-four members; one absented himself and one declined to vote; so that in the afternoon of Monday, the fourth of February, Bowdoin as chairman of the committee could report its approval of the constitution with the recommendation of amendments by a vote of fifteen to seven.

Bancroft, Hist. of the U.S., vol.6, p.404

At this result opposition flared anew. Thomas Lusk of West Stockbridge revived complaints of the slave-trade, and of opening the door to popery and the inquisition by dispensing with a religious test. But Isaac Bachus, the Baptist minister of Middleborough, one of the most exact of New England historians, replied: "In reason and the holy scriptures religion is ever a matter between God and individuals; the imposing of religions tests hath been the greatest engine of tyranny in the world." Rebuking the importation of slaves with earnestness, he trusted in the passing away of slavery itself, saying: "Slavery grows more and more odious to the world." "This constitution," said Fisher Ames, on the fifth day, "is comparatively perfect; no subsisting government, no government which I have ever heard of, will bear a comparison with it. The state government is a beautiful structure, situated, however, upon the naked beach; the union is the dike to fence out the flood."

Bancroft, Hist. of the U.S., vol.6, p.405

John Taylor of Worcester county objected that the amendments might never become a part of the system, and that there was no bill of rights. "No power," answered Parsons, "is given to congress to infringe on any one of the natural rights of the people; should they attempt it without constitutional authority, the act would be a nullity and could not be enforced." Gilbert Dench of Middlesex, coinciding with the wishes of the opposition in Virginia, and with a motion of Whitehill in the convention of Pennsylvania, proposed an adjournment of the convention to some future day. A long and warm contest ensued; but Samuel Adams skilfully resisted the motion, and of the three hundred and twenty-nine members who were present, it obtained but one hundred and fifteen votes.

Bancroft, Hist. of the U.S., vol.6, p.405

On the sixth the office of closing the debate was by common consent assigned to Samuel Stillman, a Baptist minister of Boston. Recapitulating and weighing the arguments of each side, he said, in the words of a statesman of Virginia: "Cling to the union as the rock of our salvation," and he summoned the state of Massachusetts "to urge Virginia to finish the salutary work which hath been begun."

Bancroft, Hist. of the U.S., vol.6, p.405

Before putting the question, Hancock spoke words that were remembered: "I give my assent to the constitution in full confidence that the amendments proposed will soon become a part of the system. The people of this commonwealth will quietly acquiesce in the voice of the majority, and, where they see a want of perfection in the proposed form of government, endeavor, in a constitutional way, to have it amended."

Bancroft, Hist. of the U.S., vol.6, p.405

The question being taken, the counties of Dukes, Essex, Suffolk, and Plymouth, and, in Maine, of Cumberland and Lincoln, all counties that touched the sea, gave majorities in favor of the constitution; Middlesex and Bristol, the whole of Massachusetts to the west of them, and the county of York in Maine, gave majorities against it. The majority of Maine for the constitution was in proportion greater than in Massachusetts.

Bancroft, Hist. of the U.S., vol.6, p.406

The motion for ratifying the constitution was declared to be in the affirmative by one hundred and eighty-seven votes against one hundred and sixty-eight. The bells and artillery announced the glad news to every part of the town.

Bancroft, Hist. of the U.S., vol.6, p.406

With the declaration of the vote, every symptom of persistent opposition vanished. No person even wished for a protest. The convention, after dissolving itself, partook of a modest collation in the senate-chamber, where, merging party ideas in mutual congratulations, they all "smoked the calumet of love and union." "The Boston people," wrote Knox to Livingston, "have lost their senses with joy." The Long Lane by the meeting-house, in which the convention held its sessions, took from that time the name of Federal street. The prevailing joy diffused itself through the commonwealth. In New York, at noon, men hoisted the pine-tree flag with an appropriate inscription. Six states had ratified, and six salutes, each of thirteen guns, were fired.

Bancroft, Hist. of the U.S., vol.6, p.406

The example of Massachusetts was held worthy of imitation. "A conditional ratification or a second convention," so wrote Madison to Randolph in April, "appears to me utterly irreconcilable with the dictates of prudence and safety. Recommendatory alterations are the only ground for a coalition among the real federalists."

Bancroft, Hist. of the U.S., vol.6, p.406

Jefferson, while in congress as the successor of Madison, had led the way zealously toward rendering the American constitution more perfect. "The federal convention," so he wrote to one correspondent on hearing who were its members, "is really an assembly of demigods;" and to another: "It consists of the ablest men in America." He hoped from it a broader reformation, and saw with satisfaction "a general disposition through the states to adopt what it should propose." To Washington he soberly expressed the opinions from which during his long life he never departed: "To make our states one as to all foreign concerns, preserve them several as to all merely domestic, to give to the federal head some peaceable mode of enforcing its just authority, to organize that head into legislative, executive, and judiciary departments, are great desiderata."

Bancroft, Hist. of the U.S., vol.6, p.407

Early in November Jefferson received a copy of the new constitution, and approved the great mass of its provisions. But once he called it a kite set up to keep the hen-yard in order; and with three or four new articles he would have preserved the venerable fabric of the old confederation as a sacred relic.

Bancroft, Hist. of the U.S., vol.6, p.407

To Madison he explained himself in a long and deliberate letter. A house of representatives elected directly by the people he thought would be far inferior to one chosen by the state legislatures; but he accepted that mode of election from respect to the fundamental principle that the people are not to be taxed but by representatives chosen immediately by themselves. He was captivated by the compromise between the great and smaller states, and the method of voting in both branches of the legislature by persons instead of voting by states; but he utterly condemned the omission of a bill of rights, and the abandonment of the principle of rotation in the choice of the president. I own, he added of himself, "I am not a friend to a very energetic government;" for he held that it would be "always oppressive." he presumed that Virginia would reject the new constitution; for himself he said: "It is my principle that the will of the majority should prevail; if they approve, I shall cheerfully concur in the proposed constitution, in hopes they will amend it whenever they shall find that it works wrong." In February 1788 he wrote to Madison and at least one more of his correspondents: "I wish with all my soul that the nine first conventions may accept the new constitution, to secure to us the good it contains; but I equally wish that the four latest, whichever they may be, may refuse to accede to it till a declaration of rights be annexed; but no objection to the new form must produce a schism in our union." This was the last word from him which reached America in time to have any influence. But in May of that year, so soon as he heard of the method adopted by Massachusetts, he declared that it was far preferable to his own, and wished it to be followed by every state, especially by Virginia. To Madison he wrote in July: "The constitution is a good canvas on which some strokes only want retouching." In 1789 to a friend in Philadelphia he wrote with perfect truth: "I am not of the party of federalists; but I am much further from that of the anti-federalists."

Bancroft, Hist. of the U.S., vol.6, p.408

The constitution was to John Adams more of a surprise than to Jefferson; but at once he formed his unchanging judgment, and in December 1787 he wrote of it officially to Jay: "The public mind cannot be occupied about a nobler object than the proposed plan of government. It appears to be admirably calculated to cement all America in affection and interest as one great nation. A result of compromise cannot perfectly coincide with every one's ideas of perfection; but, as all the great principles necessary to order, liberty, and safety are respected in it, and provision is made for amendments as they may be found necessary, I hope to hear of its adoption by all the states."

Chapter 4:

The Constitution in New Hampshire, Maryland, and South Carolina,

February-May 23, 1788

Bancroft, Hist. of the U.S., vol.6, p.409

LANGDON, the outgoing chief magistrate of New Hampshire, and Sullivan, his successful competitor, vied with each other in zeal for federal measures; but when, in February 1788, the convention of the state came together there appeared to be a small majority against any change. In a seven days' debate, Joshua Atherton of Amherst; William Hooper, the minister of Marbury; Matthias Stone, deacon of the church in Claremont; Abiel Parker, from Jaffrey, reproduced the objections that had been urged in the neighboring state; while John Sullivan, John Langdon, Samuel Livermore, Josiah Bartlett, and John Pickering explained and defended it with conciliatory moderation. When zealots complained of the want of a religious test, Woodbury Langdon, lately president of Harvard college, but now a minister of the gospel at Hampton Falls, demonstrated that religion is a question between God and man in which no civil authority may interfere. Dow, from Weare, spoke against the twenty years' sufferance of the foreign slave-trade; and to the explanation of Langdon that under the confederation the power exists without limit, Atherton answered: "It is our full purpose to wash our hands clear of becoming its guarantees even for a term of years."

Bancroft, Hist. of the U.S., vol.6, p.409 - p.410

The friends of the constitution won converts enough to hold the balance; but these were fettered by instructions from their towns. To give them an opportunity to consult their constituents, the friends of the constitution proposed an adjournment till June, saying, with other reasons, that it would be very prudent for a small state like New Hampshire to wait and see what the other states would do. This was the argument which had the greatest weight. The place of meeting was changed from Exeter, a stronghold of federalism, to Concord; and the adjournment was then carried by a slender majority.

Bancroft, Hist. of the U.S., vol.6, p.410

The assembly of Maryland, in November 1787, summoned its delegates to the federal convention to give them information of its proceedings; and Martin rehearsed to them and published to the world his three days' arraignment of that body for having exceeded its authority. He was answered by McHenry, who, by a concise analysis of the constitution, drew to himself the sympathy of his hearers. The legislature unanimously ordered a convention of the people of the state; it copied the example set by Virginia of leaving the door open for amendments; and by a majority of one the day for the choice and the day for the meeting of its convention were postponed till the next April.

Bancroft, Hist. of the U.S., vol.6, p.410

The long delay gave opportunity for the cabalings of the anti-federalists of Virginia. Richard Henry Lee was as zealous as ever; and Patrick Henry disseminated propositions for a southern confederacy; I but Washington, who felt himself at home on the Maryland side of the Potomac, toiled fearlessly and faithfully, with Madison at his side, for the immediate and unconditioned ratification of the constitution by the South.

Bancroft, Hist. of the U.S., vol.6, p.410

In the three months' interval before the election, the fields and forests and towns of Maryland were alive with thought; the merits of the constitution were scanned and sifted in every public meeting and at every hearth; and on the day in 1788 for choosing delegates, each voter, in designating the candidate of his preference, registered his own deliberate decision. In fifteen counties, and the cities of Baltimore and Annapolis, there was no diversity of sentiment. Two counties only returned none but anti-federalists; Harford county elected three of that party and one trimmer.

Bancroft, Hist. of the U.S., vol.6, p.411

The day before the convention was to assemble, Washington, guarding against the only danger that remained, addressed a well-considered letter to Thomas Johnson: "An adjournment of your convention will be tantamount to the rejection of the constitution. It cannot be too much deprecated and guarded against. Great use is made of the postponement in New Hampshire, although it has no reference to the convention of this state. An event similar to this in Maryland would have the worst tendency imaginable; for indecision there would certainly have considerable influence upon South Carolina, the only other state which is to precede Virginia; and it submits the question almost wholly to the determination of the latter. The pride of the state is already touched, and will be raised much higher if there is fresh cause."

Bancroft, Hist. of the U.S., vol.6, p.411

The advice, which was confirmed by similar letters from Madison, was communicated to several of the members; so that the healing influence of Virginia proved greater than its power to wound. But the men of Maryland of themselves knew their duty, and Washington's advice was but an encouragement for them to proceed in the way which they had chosen.

Bancroft, Hist. of the U.S., vol.6, p.411

On Monday, the twenty-first of April, a quorum of the convention assembled at Annapolis. The settlement of representation in the two branches of the federal legislature was pleasing to all the representatives of fifteen counties, and the cities of Baltimore and Annapolis agreed with each other perfectly that the main question had already been decided by the people in their respective counties; and that the ratification of the constitution, the single transaction for which they were convened, ought to be speedily completed. Two days were given to the organization of the house and establishing rules for its government; on the third the constitution 'was read a first time, and the motion for its ratification was formally made. The plan of a confederacy of slave-holding states found not one supporter; not one suggested an adjournment for the purpose of consultation with Virginia. The malcontents could embarrass the convention only by proposing pernicious amendments.

Bancroft, Hist. of the U.S., vol.6, p.412

On the morning of the twenty-fourth, Samuel Chase took his seat, and at the second reading of the constitution began from elaborate notes the fiercest opposition: The powers to be vested in the new government are deadly to the cause of liberty, and should be amended before adoption; five states can now force a concession of amendments which after the national government shall go into operation could be carried only by nine. He spoke till he was exhausted, intending to resume his argument on the following day.

Bancroft, Hist. of the U.S., vol.6, p.412

In the afternoon, William Paca of Harford county, a Signer of the declaration of independence, appeared for the first time and sought to steer between the clashing Opinions, saying: "I have a variety of objections; not as conditions, but to accompany the ratification as standing instructions to the representatives of Maryland in congress." To Johnson the request seemed candid; and on his motion the convention adjourned to the next morning. The interval was employed in preparing a set of amendments to the constitution, which were adapted to injure the cause of federalism in Virginia.

Bancroft, Hist. of the U.S., vol.6, p.412

On Friday morning a member from each of eleven several counties and the two cities, one after the other, declared "that he and his colleagues were under an obligation to vote for the government;" and almost all declared further that they had no authority to propose amendments which their constituents had never considered, and of course could never have directed. When Paca began to read his amendments, he was called to order by George Gale of Somerset county, the question before the house being still "on the ratification of the constitution." Chase once more "made a display of all his eloquence;" John F. Mercer discharged his whole "artillery of inflammable matter;" and Martin rioted in boisterous " vehemence;" "but no converts were made; no, not one."

Bancroft, Hist. of the U.S., vol.6, p.413

The friends to the federal government "remained inflexibly silent." The malcontents having tired themselves out, between two and three o'clock on Saturday, the twenty-sixth, the constitution was ratified by sixty-three votes against eleven, Paca voting with the majority. Proud of its great majority of nearly six to one, the convention fixed Monday, at three o'clock, for the time when they would all set their names to the instrument of ratification.

Bancroft, Hist. of the U.S., vol.6, p.413

Paca then brought forward his numerous amendments, saying that with them his constituents would receive the constitution, without them would oppose it even with arms. After a short but perplexed debate he was indulged in the appointment of a committee of thirteen, of which he himself was the chairman; but they had power only to recommend amendments to the consideration of the people of Maryland. The majority of the committee readily acceded to thirteen resolutions, explaining the constitution according to the construction of its friends, and restraining congress from exercising power not expressly delegated. The minority demanded more; the committee fell into a wrangle; the convention on Monday sent a summons for them; and Paca, taking the side of the minority, would make no report. Thereupon the convention dissolved itself by a great majority.

Bancroft, Hist. of the U.S., vol.6, p.413

The accession of Maryland to the new union by a vote of nearly six to one brought to the constitution the majority of the thirteen United States, and a great majority of their free inhabitants. The state which was cradled in religious liberty gained the undisputed victory over the first velleity of the slave-holding states to form a separate confederacy. "It is a thorn in the sides of the leaders of opposition in this state!" wrote Washington to Madison. "Seven affirmative without a negative would almost convert the unerring sister. The fiat of your convention will most assuredly raise the edifice," were his words to Jenifer of Maryland.

Bancroft, Hist. of the U.S., vol.6, p.414

In his hours of meditation he saw the movement of the divine power which gives unity to the universe, and order and connection to events: "It is impracticable for any one who has not been on the spot to realize the change in men's minds, and the progress toward rectitude in thinking and acting.

Bancroft, Hist. of the U.S., vol.6, p.414

"The plot thickens fast. A few short weeks will determine the political fate of America for the present generation, and probably produce no small influence on the happiness of society through a long succession of ages to conic. Should everything proceed with harmony and consent according to our actual wishes and expectations, it will be so much beyond anything we had a right to imagine or expect eighteen months ago that it will, as visibly as any possible event in the course of human affairs, demonstrate the finger of Providence."

Bancroft, Hist. of the U.S., vol.6, p.414

In South Carolina the new constitution awakened fears of oppressive navigation acts and of disturbance in the ownership of slaves. The inhabitants of the upper country, who suffered from the undue legislative power of the city of Charleston and the lower counties, foreboded new inequalities from a consolidation of the union. A part of the low country, still suffering from the war, had shared the rage for instalment laws, paper money, and payment of debts by appraised property; and to all these the new constitution made an end.

Bancroft, Hist. of the U.S., vol.6, p.414

The opposition from Virginia intrigued for a southern confederacy, while Madison, in entire unison with Washington, wrote to his friends in behalf of union. They both knew that there was to be resistance to the constitution, with Rawlins Lowndes for its spokesman; and as he could by no possibility be elected into the convention, the chief scene of the opposition could only be the legislature.

Bancroft, Hist. of the U.S., vol.6, p.414

In January 1788 the senate unanimously voted thanks to the members from their state in the federal convention for their faithfulness. On the sixteenth, in the committee of the whole house of representatives, Charles Pinckney gave a history of the formation and the character of "the federal republic;" which was to operate upon the people and not upon the states. At once Lowndes objected that the interests of South Carolina were endangered by the clause in the constitution according to which a treaty to be made by two thirds of the senate, and a president who was not likely ever to be chosen from South Carolina or Georgia, would be the supreme law of the land. Cotesworth Pinckney condemned the reasoning as disingenuous. "Every treaty," said John Rutledge, "is law paramount and must operate," not less under the confederation than under the constitution. "If treaties are not superior to local laws," asked Ramsay, "who will trust them?" Lowndes proceeded, saying of the confederation: "We are now under a most excellent constitution—a blessing from heaven, that has stood the test of time, and given us liberty and independence; yet we are impatient to pull down that fabric which we raised at the expense of our blood." Now, Rawlins Lowndes had pertinaciously resisted the declaration of independence; and when, in 1778, South Carolina had made him her governor, had in her reverses sought British protection. He proceeded: "When this new constitution shall be adopted, the sun of the southern states will set, never to rise again. What cause is there for jealousy of our importing negroes? Why confine us to twenty years? Why limit us at all? This trade can be justified on the principles of religion and humanity. They do not like our slaves because they have none themselves, and, therefore, want to exclude us from this great advantage."

Bancroft, Hist. of the U.S., vol.6, p.415

"Every state," interposed Pendleton, "has prohibited the importation of negroes except Georgia and the two Carolinas."

Bancroft, Hist. of the U.S., vol.6, p.415

Lowndes continued: "Without negroes this state would degenerate into one of the most contemptible in the union. Negroes are our wealth, our only natural resource; yet our kind friends in the North are determined soon to tie up our hands and drain us of what we have."

Bancroft, Hist. of the U.S., vol.6, p.415

"Against the restrictions that might be laid on the African trade after the year 1808," said Cotesworth Pinckney on the seventeenth, "your delegates had to contend with the religious and political prejudices of the eastern and middle states, and with the interested and inconsistent opinion of Virginia. It was alleged that slaves increase the weakness of any state which admits them; that an invading enemy could easily turn them against ourselves and the neighboring states; and that, as we are allowed a representation for them, our influence in government would be increased in proportion as we were less able to defend ourselves. 'Show some period,' said the members from the eastern states, 'when it may be in our power to put a stop, if we please, to the importation of this weakness, and we will endeavor, for your convenience, to restrain the religious and political prejudices of our people on this subject.' The middle states and Virginia made us no such proposition; they were for an immediate and total prohibition. A committee of the states was appointed in order to accommodate this matter, and, after a great deal of difficulty, it was settled on the footing recited in the constitution.

Bancroft, Hist. of the U.S., vol.6, p.416

"By this settlement we have secured an unlimited importation of negroes for twenty years. The general government can never emancipate them, for no such authority is granted, and it is admitted on all hands that the general government has no powers but what are expressly granted by the constitution. We have obtained a right to recover our slaves in whatever part of America they may take refuge, which is a right we had not before. In short, considering all circumstances, we have made the best terms in our power for the security of this species of property. We would have made better if we could; but, on the whole, I do not think them bad."

Bancroft, Hist. of the U.S., vol.6, p.416

"Six of the seven eastern states," continued Lowndes, "form a majority in the house of representatives. Their interest will so predominate as to divest us of any pretensions to the title of a republic. They draw their subsistence, in a great measure, from their shipping; the regulation of our commerce throws into their hands the carrying trade under payment of whatever freightage they think proper to impose. Why should the southern states allow this without the consent of nine states? If at any future period we should remonstrate, 'mind your business' will be the style of language held out toward the southern states." "The fears that the northern interests will prevail at all times," said Edward Rutledge, "are ill-founded. Carry your views into futurity. Several of the northern states are already full of people; the migrations to the South are immense; in a few years we shall rise high in our representation, while other states will keep their present position."

Bancroft, Hist. of the U.S., vol.6, p.417

The argument of Lowndes rested on the idea that the southern states are weak. "We are weak," answered Cotesworth Pinckney; "by ourselves we cannot form a union strong enough for the purpose of effectually protecting each other. Without union with the other states, South Carolina must soon fall. Is there any one among us so much a Quixote as to suppose that this state could long maintain her independence if she stood alone, or was only connected with the southern states? I scarcely believe there is. As, from the nature of our climate and the fewness of our inhabitants, we are undoubtedly weak, should we not endeavor to form a close union with the eastern states, who are strong? We certainly ought to endeavor to increase that species of strength which will render them of most service to us both in peace and war. I mean their navy. Justice to them and humanity, interest and policy, concur in prevailing upon us to submit the regulation of commerce to the general government.

Bancroft, Hist. of the U.S., vol.6, p.417

Lowndes renewed his eulogy on the old confederation. "The men who signed it were eminent for patriotism and virtue; and their wisdom and prudence particularly appear in their care sacredly to guarantee the sovereignty of each state. The treaty of peace expressly agreed to acknowledge us free, sovereign, and independent states; but this new constitution, being sovereign over all, sweeps those privileges away."

Bancroft, Hist. of the U.S., vol.6, p.417

Cotesworth Pinckney answered: "We were independent before the treaty, which does not grant, but acknowledges our independence. We ought to date that blessing from an older charter than the treaty of peace; from a charter which our babes should be taught to lisp in their cradles; which our youth should learn as a carmen necessary, an indispensable lesson; which our young men should regard as their compact of freedom; and which our old should repeat ejaculations of gratitude for the bounties it is about to posterity. I mean the declaration of independence, made in congress the 4th of July 1776. This manifesto, which for importance of matter and elegance of composition stands unrivalled, confutes the doctrine of the individual sovereignty and independence of the several states. The separate independence and individual sovereignty of the several states were never thought of by the enlightened band of patriots who framed this declaration. The several states are not even mentioned by name in any part of it; as if to impress on America that our freedom and independence arose from our union, and that without it we could neither be free nor independent. Let us, then, consider all attempts to weaken this union by maintaining that each state is separately and individually independent, as a species of political heresy which can never benefit us, but may bring on us the most serious distresses."

Bancroft, Hist. of the U.S., vol.6, p.418

Lowndes sought to rally to his side the friends of paper money, and asked triumphantly: "What harm has paper money done?" "What harm?" retorted Cotesworth Pinckney. "Beyond losses by depreciation, paper money has corrupted the morals of the people; has diverted them from the paths of honest industry to the ways of ruinous speculation; has destroyed both public and private credit; and has brought total ruin on numberless widows and orphans."

Bancroft, Hist. of the U.S., vol.6, p.418

James Lincoln of Ninety-six pressed the objection that the constitution contained no bill of rights. Cotesworth Pinckney answered: "By delegating express powers, we certainly reserve to ourselves every power and right not mentioned in the constitution. Another reason weighed particularly with the members from this state. Bills of rights generally begin with declaring that all men are by nature born free. Now, we should make that declaration with a very bad grace when a large part of our property consists in men who are actually born slaves."

Bancroft, Hist. of the U.S., vol.6, p.419

Lowndes, following the lead of the opposition of Virginia, had recommended another convention in which every objection could be met on fair grounds, and adequate remedies applied. The proposal found no acceptance; but he persevered in cavilling and objecting. At last John Rutledge impatiently expressed a hope that Lowndes would find a seat in the coming convention, and pledged himself there to prove that all those grounds on which he dwelt amounted to no more than mere declamation; that his boasted confederation was not worth a farthing; than if such instruments were piled up to his chin they would not shield him from one single national calamity; that the sun of this state, so far from being obscured by the new constitution, would, when united with twelve other suns, astonish the world by its lustre."

Bancroft, Hist. of the U.S., vol.6, p.419

The resolution for a convention to consider the constitution was unanimously adopted. In the rivalry between Charleston and Columbia as its place of meeting, Charleston carried the day by a majority of one vote.

Bancroft, Hist. of the U.S., vol.6, p.419

The purest spirit of patriotism and union and veneration for the men of the revolution pervaded South Carolina at the time of her choice of delegates. Foremost among them were the venerable Christopher Gadsden and John Rutledge, Moultrie and Motte, William Washington, Edward Rutledge, the three Pinckneys, Grimke, and Ramsay; the chancellor and the leading judges of the state; men chiefly of English, Scotch, Scotch-Irish, and Huguenot descent; a thorough representation of the best elements and culture of South Carolina.

Bancroft, Hist. of the U.S., vol.6, p.419

The convention organized itself on the thirteenth of May, with Thomas Pinckney, then Governor of South Carolina, as president. The ablest man in the opposition was Edanus Burke; but the leader in support of the Virginia malcontents was Sumter. A week's quiet consideration of the constitution by paragraphs showed the disposition of the convention, when on the twenty-first Sumter, as a last effort of those who wished to act with Virginia, made a motion for an adjournment for five months, to give time for the further consideration of the federal convention. A few gave way to the hope of conciliating by moderation; but after debate the motion received only eighty-nine votes against one hundred and thirty-five. Three or four amendments were recommended; and then, at five o'clock in the evening of the twenty-third, the constitution was ratified by one hundred and forty-nine votes against seventy-three—more than two to one. As the count was declared, the dense crowd in attendance, carried away by a wild transport of joy, shook the air with their cheers.

Bancroft, Hist. of the U.S., vol.6, p.420

When order was restored, the aged Christopher Gadsden said: "I can have but little expectation of seeing the happy effects that will result to my country from the wise decisions of this day, but I shall say with good old Simeon: Lord, now lettest thou thy servant depart in peace, for mine eyes have seen the salvation of my country."

Bancroft, Hist. of the U.S., vol.6, p.420

The delegates of South Carolina to the federal convention received a vote of thanks. Those in the opposition promised as good citizens to accept the result. In 1765 South Carolina was one of the nine states to meet in convention for resistance to the stamp-act; and now she was the eighth state of the nine required for the adoption of the constitution.

Bancroft, Hist. of the U.S., vol.6, p.420

When the astonishing tidings reached New Hampshire, her people grew restless to be the state yet needed to assure the new bond of union; but for that palm she must run a race with Virginia.

Chapter 5:

The Constitution in Virginia and in New Hampshire,

May 1785-June 25, 1788

Bancroft, Hist. of the U.S., vol.6, p.421

FROM Virginia proceeded the southern opposition to the consolidation of the union. A strife in congress, in which the North was too much in the wrong to succeed, united the five southernmost states together in a struggle which endangered the constitution.

Bancroft, Hist. of the U.S., vol.6, p.421

In May 1785, Diego Gardoqui arrived, charged with the affairs of Spain, and seemingly empowered to fix the respective limits and adjust other points between two countries which bordered on each other from the Atlantic to the headspring of the Mississippi. On the twentieth of July 1785 congress invested Secretary Jay with full powers to negotiate with Gardoqui, instructing him, however, previous to his making or agreeing to any proposition, to communicate it to congress. The commission was executed, and negotiations immediately began. Jay held the friendship of Spain most desirable as a neighbor; as a force that could protect the United States from the piracies of the Barbary powers and conciliate the good-will of Portugal and Italy; as a restraint on the influence of France and of Great Britain; and as the ruler of dominions of which the trade offered tempting advantages. He therefore proposed that the United States, as the price of a treaty of reciprocity in commerce, should forego the navigation of the Mississippi for twenty-five or thirty years.

Bancroft, Hist. of the U.S., vol.6, p.421

On the third of August 1786, Jay appeared before congress and read an elaborate paper, in which he endeavored to prove that the experiment was worth trying. The proposal sacrificed a vitally important right of one part of the union to a commercial interest of another; yet the instruction which made the right to the navigation of the Mississippi an ultimatum in any treaty with Spain was, after three weeks' reflection, repealed by a vote of seven northern states against Maryland and all south of it.

Bancroft, Hist. of the U.S., vol.6, p.422

On the twenty-fifth of August, Secretary Jay was enjoined in his plan of a treaty with the king of Spain to stipulate the right of the United States to their territorial bounds, and the free navigation of the Mississippi from its source to the ocean as established in their treaties with Great Britain; and neither to conclude nor to Sign any treaty with the Spanish agent until he should have communicated it to congress and received their approbation.

Bancroft, Hist. of the U.S., vol.6, p.422

The members of the southern states were profoundly alarmed. On the twenty-eighth Charles Pinckney, supported by Carrington, in their distrust of Jay, sought to transfer the negotiation to Madrid; but in vain. The delegates of Virginia, Grayson at their head, stave to separate the commercial questions from those on boundaries and navigation. "The surrender or proposed forbearance of the navigation of the Mississippi" they said, "is inadmissible upon the principle of the right, and upon the highest principles of national expedience. In the present state of the powers of congress, every wise statesman should pursue a system of conduct to gain the confidence of the several states in the federal council, and thereby an extension of its powers. This act is a dismemberment of the government. Can the United States then dismember the government by a treaty of commerce? But Jay, supported by the North, persisted.

Bancroft, Hist. of the U.S., vol.6, p.422

Monroe still loyally retained his desire that the regulation of commerce should be in the hands of the United States, and his opinion that without that power the union would infallibly tumble to pieces; but now he looked about him for means to strengthen the position of his own section of the country; and to Madison on the third of September he wrote: "I earnestly wish the admission of a few additional states into the confederacy in the southern scale." "There is danger," reported Otto to Vergennes, "that the discussion may become the germ of a separation of the southern states." Murmurs arose that plans were forming in New York for dismembering the confederacy and throwing New York and New England into one government, with the addition, if possible, of New Jersey and Pennsylvania. "Even should the measure triumph under the patronage of nine states or even the whole thirteen," wrote Madison in October, "it is not expedient because it is not just." The next legislature of Virginia unanimously resolved "that nature had given the Mississippi to the United States, that the sacrifice of it would violate justice, contravene the end of the federal government, and destroy confidence in the federal councils necessary to a proper enlargement of their authority."

Bancroft, Hist. of the U.S., vol.6, p.423

The plan could not succeed, for it never had the consent of Spain; and if it should be formed into a treaty, the treaty could never obtain votes enough for its ratification. In the new congress, New Jersey left the North; Pennsylvania, of which a large part lay in the Mississippi valley, became equally divided; and Rhode Island began to doubt. But already many of Virginia's "most federal" statesmen were extremely disturbed; Patrick Henry, who had hitherto been the champion of the federal cause, refused to attend the federal convention that he might remain free to combat its result; and an uncontrollable spirit of distrust drove Kentucky to listen to Richard Henry Lee, and imperilled the new constitution.

Bancroft, Hist. of the U.S., vol.6, p.423

The people of Virginia, whose undisputed territory had ample harbors convenient to the ocean, and no western limit but the Mississippi, had never aspired to form a separate republic. They had deliberately surrendered their claim to the north-west territory; and true to the idea that a state should not be too large for the convenience of home rule, they seconded the desire of Kentucky to become a commonwealth by itself. The opinion of Washington that the constitution would be adopted by Virginia was not shaken. Relieved from anxiety at home, he found time to watch the gathering clouds of revolution in Europe, and shaped in his own mind the foreign policy of the republic. His conclusions, which on New Year's day 1788 he confided to Jefferson, his future adviser on the foreign relations of the country, were in substance precisely as follows: The American revolution has spread through Europe a better knowledge of the rights of mankind, the privileges of the people, and the principles of liberty than has existed in any former period; a war in that quarter is likely to be kindled, especially between France and England; in the impending struggle an energetic general government must prevent the several states from involving themselves in the political disputes of the European powers. The situation of the United States is such as makes it not only unnecessary but extremely imprudent for them to take part in foreign quarrels. Let them wisely and properly Improve the advantages which nature has given them, and conduct themselves with circumspection. By that policy, and by giving security to property and liberty, they will become the asylum of the peaceful, the industrious, and the wealthy from all parts of the civilized world.

Bancroft, Hist. of the U.S., vol.6, p.424

Nor did Washington cease his vigilant activity to confirm Virginia in federal opinions. Especially to Edmund Randolph, then governor of Virginia and in the height of his popularity, he addressed himself with convincing earnestness, and yet with a delicacy that seemed to leave the mind of Randolph to its own workings.

Bancroft, Hist. of the U.S., vol.6, p.424

Madison, likewise, kept up with Randolph a most friendly and persuasive correspondence. As a natural consequence, the governor, who began to see the impossibility of obtaining amendments without endangering the success of the constitution, soon planted himself among its defenders; while Monroe, leaving his inconsistency unexplained, was drawn toward the adversaries of Madison.

Bancroft, Hist. of the U.S., vol.6, p.425

The example of Massachusetts had great influence by its recommendation of amendments; and still more by the avowed determination of the defeated party honestly to support the decision of the majority. But while the more moderate of the malcontents "appeared to be preparing for a decent submission," and even Richard Henry Lee set bounds to his opposition, the language of Henry was: "The other states cannot do without Virginia, and we can dictate to them what terms we please." "His plans extended contingently even to foreign alliances."

Bancroft, Hist. of the U.S., vol.6, p.425

The report from the federal convention agitated the people more than any subject since the first days of the revolution, and with a greater division of opinion. It was remarked that while in the seven northern states the principal officers of government and largest holders of property, the judges and lawyers, the clergy and men of letters, were almost without exception devoted to the constitution, in Virginia the bar and the men of the most culture and property were divided. In Virginia, too, where the mass of the people, though accustomed to be guided by their favorite statesmen on all new and intricate questions, now, on a question which surpassed all others in novelty and intricacy, broke away from their lead and followed a mysterious and prophetic influence which rose from the heart. The phenomenon was the more wonderful, as all the adversaries of the new constitution justified their opposition on the ground of danger to the liberties of the people. And over all discussions, in private or in public, there hovered the idea that Washington was to lead the country safely along the untrodden path.

Bancroft, Hist. of the U.S., vol.6, p.425

In the time preceding the election the men of Kentucky were made to fear the surrender of the Mississippi by the federal government; and the Baptists, the reunion of church and state. The election of Madison to the convention was held to be indispensable. "He will be the main pillar of the constitution," thought Jefferson; "but though an immensely powerful one, it is questionable whether he can bear the weight of such a host." But the plan for a southern confederacy was crushed by the fidelity of South Carolina; and Washington, who had foreseen the issue, cheered Madison on with good words: "Eight affirmatives without a negative carry weight of argument if not eloquence with it that would cause even 'the unerring sister' to hesitate."

Bancroft, Hist. of the U.S., vol.6, p.426

On the day appointed for the meeting of the convention a quorum was present in Richmond. It was auspicious that Edmund Pendleton, the chancellor, was unanimously chosen its president. The building which would hold the most listeners was made the place of meeting, but Henry was alarmed at the presence of short-hand reporters from the Philadelphia press, as he wished "to speak the language of his soul" without the reserve of circumspection. During the period of the confederation, which had existed but little more than seven years, it had become known that slavery and its industrial results divided the South from the North; and this conviction exercised a subtle influence.

Bancroft, Hist. of the U.S., vol.6, p.426

George Mason, following the advice of Richard Henry Lee, and the precedent of Massachusetts, proposed that no question relating to the constitution should be propounded until it should have been discussed clause by clause; and this was acquiesced in unanimously. The debates which ensued cannot be followed in the order of time, for Henry broke through every rule; but an outline must be given of those which foreshadowed the future.

Bancroft, Hist. of the U.S., vol.6, p.426

Patrick Henry dashed instantly into the battle, saying: "The constitution is a severance of the confederacy. Its language, 'WE THE PEOPLE,' is the institution of one great consolidated national government of the people of all the states, instead of a government by compact with the states for its agents. The people gave the convention no power to use their name."

Bancroft, Hist. of the U.S., vol.6, p.427

"The question," said Randolph, "is now between union and no union, and I would sooner lop off my right arm than consent to a dissolution of the union." "It is a national government," said George Mason, losing his self-control and becoming inconsistent. "It is ascertained by history that there never was one government over a very extensive country without destroying the liberties of the people. The power of laying direct taxes changes the confederation. The general government being paramount and more powerful, the state governments must give way to it; and a general consolidated government is one of the worst curses that can befall a nation."

Bancroft, Hist. of the U.S., vol.6, p.427

"There is no quarrel between government and liberty," said Pendleton; "the former is the shield and protector of the latter. The expression 'We the people' is a common one, and with me is a favorite. Who but the people can delegate powers, or have a right to form government? The question must be between this government and the confederation; the latter is no government at all. Common danger, union, and the spirit of America carried us through the war, and not the confederation of which the moment of peace showed the imbecility. Government, to be effectual, must have complete powers, a legislature, a judiciary, and executive. No gentleman in this committee would agree to vest these three powers in one body. The proposed government is not a consolidated government. It is on the whole complexion of it a government of laws and not of men."

Bancroft, Hist. of the U.S., vol.6, p.427

Madison explained at large that the constitution is in part a consolidated union, and in part rests so completely on the states that its very life is bound up in theirs. And on another day he added: "The powers vested in the proposed government are not so much an augmentation of powers in the general government as a change rendered necessary for the purpose of giving efficacy to those which were vested in it before."

Bancroft, Hist. of the U.S., vol.6, p.427

The opposition set no bounds to their eulogy of the British constitution as compared with the proposed one for America. "The wisdom of the English constitution," said Monroe, "has given a share of the legislation to each of the three branches, which enables it to defend itself and to preserve the liberty of the people. In the plan for America I can see no real checks." "We have not materials in this country," said Grayson, "for such a government as the British monarchy; but I would have a president for life, choosing his successor at the same time; a senate for life, with the powers of the house of lords; and a triennial house of representatives, with the powers of the house of commons in England." "How natural it is," said Henry, "when comparing deformities to beauty, to be struck with the superiority of the British government to the proposed system. In England self-love, self-interest stimulates the executive to advance the prosperity of the nation. Men cannot be depended on without self-love. Your president will not have the same motives of self-love to impel him to favor your interests. His political character is but transient. In the British government the sword and purse are not united in the same hands; in this system they are. Does not infinite security result from a separation?"

Bancroft, Hist. of the U.S., vol.6, p.428

Madison on the fourteenth replied: "There never was, there never will be, an efficient government in which both the sword and purse are not vested, though they may not be given to the same member of government. The sword is in the hands of the British king; the purse in the hands of the parliament. It is so in America, as far as any analogy can exist. When power is necessary and can be safely lodged, reason commands its cession. From the first moment that my mind was capable of contemplating political subjects I have had a uniform zeal for a well-regulated republican government. The establishment of it in America is my most ardent desire. If the bands of the government be relaxed, anarchy will produce despotism. Faction and confusion preceded the revolutions in Germany; faction and confusion produced the disorders and commotions of Holland. In this commonwealth, and in every state in the union, the relaxed operation of the government has been sufficient to alarm the friends of their country. The rapid increase of population strongly calls for a republican organization. There is more responsibility in the proposed government than in the English. Our representatives are chosen for two years, in England for seven. Any citizen may be elected here; in Great Britain no one without an estate of the annual value of six hundred pounds sterling can represent a county; nor a corporation without half as much. If confidence be due to the government there, it is due tenfold here."

Bancroft, Hist. of the U.S., vol.6, p.429

Against the judiciary as constituted by the constitution Henry on the twentieth exceeded himself in vehemence, finding dangers to the state courts by the number of its tribunals, by appellate jurisdictions, controversies between a state and the citizens of another state; dangers to the trial by jury; dangers springing out of the clause against the impairment of the obligations of a contract.

Bancroft, Hist. of the U.S., vol.6, p.429

On the same day Marshall, following able speakers on the same side, summed up the defence of the judiciary system: "Tribunals for the decisions of controversies, which were before either not at all or improperly provided for, are here appointed. Federal courts will determine causes with the same fairness and impartiality as the state courts. The federal judges are chosen with equal wisdom, and they are equally or more independent. The power of creating a number of courts is necessary to the perfection of this system. The jurisdiction of the judiciary has its limit. The United States court cannot extend to everything, since, if the United States were to make a law not warranted by any of the enumerated powers, the judges would consider it as an infringement of the constitution. The state courts are crowded with suits; if some of them should be carried to a federal court, the state courts will still have business enough. To the judiciary you must look for protection from an infringement on the constitution. No other body can afford it. The jurisdiction of the federal courts over disputes between a state and the citizens of another state has been decried with unusual vehemence. There is a difficulty in making a state defendant which does not prevent its being plaintiff. It is not rational to suppose that the sovereign power should be dragged before a court. The intent is to enable states to recover claims against individuals residing in other states. This construction is warranted by the words."

Bancroft, Hist. of the U.S., vol.6, p.429

On the clause relating to impairing the obligation of contracts, Marshall said this: "A suit instituted in the federal courts by the citizens of one state against the citizens of another state will be instituted in the court where the defendant resides, and will be determined by the laws of the state where the contract was made. The laws which govern the contract at its formation govern it at its decision. Whether this man or that man succeeds is to the government all one thing. Congress is empowered to make exceptions to the appellate jurisdiction of the supreme court, both as to law and as to fact; and these exceptions certainly go as far as the legislature may think proper for the interest and liberty of the people."

Bancroft, Hist. of the U.S., vol.6, p.430

The planters of Virginia were indebted to British merchants to the amount of ten millions of dollars; and the Virginia legislature, under the influence of Henry, had withheld from these creditors the right to sue in the courts of Virginia until England should have fulfilled her part of the treaty of peace by surrendering the western posts and by making compensation for slaves that had been carried away; he now censured the federal constitution for granting in the case retrospective jurisdiction. Marshall replied: "There is a difference between a tribunal which shall give effect to an existing right, and creating a right that did not exist before. The debt or claim is created by the individual; a creation of a new court does not amount to a retrospective law."

Bancroft, Hist. of the U.S., vol.6, p.430

Questions as to the powers which it would be wise to grant to the general government, and as to the powers which had been granted, divided the convention. The decision of Maryland and South Carolina dashed the hope of proselyting Virginia to propose a separate southern confederacy; but Henry on the ninth still said: "Compared with the consolidation of one power to reign with a strong hand over so extensive a country as this is, small confederacies are little evils. Virginia and North Carolina could exist separated from the rest of America." But he limited himself to proposing that Virginia, "the greatest and most mighty state in the union," followed by North Carolina and by New York, which state he announced as being in high opposition, should hold the constitution in suspense until they had compelled the other states to adopt the amendments on which she should insist. He cited Jefferson as advising "to reject the government till it should be amended." Randolph interpreted the letter which Henry had cited, as the expression of a strong desire that the government might be adopted by nine states with Virginia for one of the nine; and two days later Pendleton cited from the same letter the words that "a schism in our union would be an incurable evil."

Bancroft, Hist. of the U.S., vol.6, p.431

On the eleventh and the seventeenth Mason introduced a new theme, saying: "Under the royal government the importation of slaves was looked upon as a great oppression; but the African merchants prevented the many attempts at its prohibition. It was one of the great causes of our separation from Great Britain. Its exclusion has been a principal object of this site and most of the states in this union. The augmentation of slaves weakens the states. Such a trade is diabolical in itself and disgraceful to mankind; yet by this constitution it is continued for twenty years. Much as I value a union of all the states, I would not admit the southern states into the union unless they agree to its discontinuance. And there is no clause in this constitution to secure the property of that kind which we have acquired under our former laws, and of which the loss would bring ruin on a great many people; for such a tax may be laid as will amount to manumission."

Bancroft, Hist. of the U.S., vol.6, p.431

Madison equally abhorred the slave-trade; but on the seventeenth answered, after reflection and with reserve: "The gentlemen of South Carolina and Georgia argued, 'By hindering us from importing this species of property the slaves of Virginia will rise in value, and we shall be obliged to go to your markets.' I need not expatiate on this subject; great as the evil is, a dismemberment of the union would be worse. Under the articles of confederation the traffic might be continued forever by this clause an end may be put to it after twenty years. From the mode of representation and taxation, congress cannot lay such a tax on slaves as will amount to manumission. At present, if any slave elopes to any of those states where slaves are free, he becomes emancipated by their laws; in this constitution a clause was expressly inserted to enable owners of slaves to reclaim them."

Bancroft, Hist. of the U.S., vol.6, p.432

Tyler supported Madison, speaking at large and with warmth: "This wicked traffic is impolitic, iniquitous, and disgraceful. It was one cause of the complaints against British tyranny; nothing can justify its revival. But for this temporary restriction, congress could have prohibited the African trade. My earnest desire is that it should be handed down to posterity, that I have opposed this wicked clause."

Bancroft, Hist. of the U.S., vol.6, p.432

On the twenty-fourth Henry raised a new cry on the danger of emancipation: "The great object of national government is national defence; the northern states may call forth every national resource; and congress may Say, 'Every black man must fight.' In the last war acts of assembly set free every slave who would go into the army. Slavery is detested; we feel its fatal effects; we deplore it with all the pity of humanity. Let that urbanity which I trust will distinguish Americans, and the necessity of national defence, operate on their minds; they have the power, in clear, unequivocal terms, to pronounce all slaves free, and they will certainly exercise the power. Much as I deplore slavery, I see that the general government ought not to set the slaves free; for the majority of congress is to the North and the slaves are to the South."

Bancroft, Hist. of the U.S., vol.6, p.432

The governor of Virginia first showed that the constitution itself did not, even in the opinion of South Carolina, menace enfranchisement; and thus proceeded: "I hope that there is no one here who, considering the subject in the calm light of philosophy, will advance an objection dishonorable to Virginia; that, at the moment they are securing the rights of their citizens, there is a spark of hope that those unfortunate men now held in bondage may, by the operation of the general government, be made free."

Bancroft, Hist. of the U.S., vol.6, p.432

The representative from Augusta county, Zachariah Johnson, complained that the bill of rights which the convention was preparing as an amendment to the constitution did not acknowledge that all men are by nature equally free and independent. "Gentlemen tell us," he said, "that they see a progressive danger of bringing about emancipation. The total abolition of slavery would do much good. The principle has begun since the revolution. Let us do what we may, it will come round."

Bancroft, Hist. of the U.S., vol.6, p.433

To the declamations of Henry that the adoption of the constitution would be the renunciation of the right to navigate the Mississippi, Madison, on the twelfth, after a candid relation of what had transpired in congress, and giving the information that New Jersey and Pennsylvania were now strenuous against even any temporary cession of the navigation of that river, made the further irrefragable reply: "The free navigation of the Mississippi is our right. The confederation is so weak that it has not formed, and cannot form, a treaty which will secure to us the actual enjoyment of it. Under an efficient government alone shall we be able to avail ourselves fully of our right. The new government will have more strength to enforce it." "Should the constitution be adopted," said Monroe on the thirteenth, "the northern states will not fail to relinquish the Mississippi in order to depress the western country and prevent the southern interest from preponderating." "To preserve the balance of American power," continued Henry, "it is essentially necessary that the right of the Mississippi should be secured, or the South will ever be a contemptible minority."

Bancroft, Hist. of the U.S., vol.6, p.433

"This contest of the Mississippi," said Grayson on the fourteenth, "is a contest for empire, in which Virginia, Kentucky, the southern states are deeply interested. It involves this great national question, whether one part of the continent shall govern the other. From the extent of territory and fertility of soil, God and nature have intended that the weight of population should be on the southern side. At present, for various reasons, it is on the other. If the Mississippi be shut up, emigrations will be stopped entirely; no new states will be formed on the western waters; and this government will be a government of seven states." To the last Grayson said: "The seven states, which are a majority, being actually in possession will never admit any southern state into the union so as to lose that majority."

Bancroft, Hist. of the U.S., vol.6, p.434

The power of the government to establish a navigation act by a bare majority was bitterly complained of by George Mason; by Grayson, who complained that the interests of the carrying states would govern the producing states; by Tyler, who mourned over his own act in having proposed to cede the regulation of commerce to the confederation, since it had led to the grant of powers too dangerous to be trusted to any set of men whatsoever. Complaint was further made that treaties were to go into effect without regard to the opinion of the house of representatives; and especially that there was no bill of rights, and that there was no explicit reservation of powers not delegated to the general government. In some parts of the country the settlers were made to dread a resuscitation of old land companies through the federal judiciary.

Bancroft, Hist. of the U.S., vol.6, p.434

The prohibition on the states to issue paper money weighed oil the minds of the debtor class; but it was not much discussed, for on that point George Mason and Richard Henry Lee were the great leaders in favor of the suppression of paper money "as founded upon fraud and knavery." And Mason had forced the assembly of Virginia in their last session to adopt a series of resolutions declaring that paper currency created scarcity of real money, and substituted for the real standard of value a standard variable as the commodities themselves, ruining trade and commerce, weakening the morals of the people, destroying public and private credit and all faith between man and man, and aggravating the very evils which it was intended to remedy. And yet there were those in the convention whose votes were swayed by the consideration that, if the constitution should be established, there would be an end of inconvertible bills of credit forever. But that which affected the decision more than anything else was that the constitution would bring with it to British creditors a right to recover through the federal courts claims on Virginia planters for about ten millions of dollars.

Bancroft, Hist. of the U.S., vol.6, p.435

The discussions had been temperately conducted till just at the last, when for a moment pretending that the acceptance of the constitution would make an end of the trial by jury, Henry said, on the twentieth: "Old as I am, it is probable I may yet have the appellation of rebel. But my neighbors will protect me." This daring drew out the reply that Virginia would be in arms to support the constitution; and on the twenty-fifth James Innes of Williamsburg, quoting against him his own words, said: "I observe with regret a general spirit of jealousy with respect to our northern brethren. If we had had it in 1775 it would have prevented that unanimous resistance which triumphed over our enemies; it was not a Virginian, a Carolinian, a Pennsylvanian, but the glorious name of an American, that extended from one end of the continent to the other." But the feeling was soon pacified, and the last words of Henry himself were: "If I shall be in the minority, I shall yet be a peaceable citizen, my head, my hand, and my heart being at liberty to remove the defects of the system in a constitutional way." The last word was from the governor of Virginia: "The accession of eight states reduces our deliberations to the single question of union or no union."

Bancroft, Hist. of the U.S., vol.6, p.435

For more than three weeks the foes of the constitution had kept up the onset, and day after day they had been beaten back as cavalry that tries in vain to break the ranks of infantry. For more than three weeks Henry and Grayson and Mason renewed the onslaught, feebly supported by Monroe, and greatly aided by the weight of character of Benjamin Harrison and John Tyler; day by day they were triumphantly encountered by Madison, on whom the defence of the constitution mainly rested; by Pendleton, who, in spite of increased infirmities, was moved even more deeply than in the beginning of the revolution; and by the popular eloquence of Randolph. These three champions were well seconded by George Nicholas, John Marshall, James Innes, Henry Lee, and Francis Corbin.

Bancroft, Hist. of the U.S., vol.6, p.436

On the twenty-fifth, after debates for three weeks, the malcontents had no heart for further resistance. The convention was willing to recommend a bill of rights in twenty sections, with twenty other more questionable amendments. The first motion was: "Ought the declaration of rights and amendments of the constitution to be referred by this convention to the other states in the American confederacy for their consideration previous to the ratification of the new constitution of government?" It was lost, having only eighty voices against eighty-eight. Then the main question was put, that the constitution be ratified, referring all amendments to the first congress under the constitution. The decision would be momentous, not for America only, but the whole world. Without Virginia, this great country would have been shivered into fragmentary confederacies, or separate independent states.

Bancroft, Hist. of the U.S., vol.6, p.436

The roll was called; and eighty-nine delegates, chiefly from the cities of Richmond and Williamsburg, from counties near the ocean, from the northern neck, from the north-western border counties, and from the counties between the Blue Ridge and the Alleghanies, voted for the constitution. Seventy-nine, mainly from other central and southern border counties, and from three fourths of the counties of Kentucky, cried No.

Bancroft, Hist. of the U.S., vol.6, p.436

The committee for reporting the form of ratification were Randolph, Nicholas, Madison, Marshall, and Corbin—all from among the staunchest supporters of the constitution.

Bancroft, Hist. of the U.S., vol.6, p.436

In the form which was adopted they connected with the ratification "a few declaratory truths not affecting the validity of the act;" and shielded the rights of the states by the assertion "that every power not granted by the constitution remains for the people of the United States and at their will."

Bancroft, Hist. of the U.S., vol.6, p.436

After the vote was taken, the successful party were careful not to ruffle their opponents by exultation. Henry showed his genial nature, free from all malignity. He was like a billow of the ocean on the first bright day after the storm, dashing itself against the rocky cliff, and then, sparkling with light, retreating to its home. It was more difficult for Mason to calm the morbid sensibility of his nature and to heal his sorrow at having abandoned one of the highest places of honor among the fathers of the constitution which he had done so much to initiate, to form, and to improve. He was pacified by words from Harrison and from Tyler, who held it the duty of good citizens to accept the decision of the majority, and by precept and example to promote harmony and order and union among their fellow-citizens. But that which did most to soothe the minority was their frost in Washington. "For the president," said Mason, "there seldom or never can be a majority in favor of one, except one great name, who will be unanimously elected." "Were it not for one great character in America," said Grayson, "so many men would not be for this government. We do not fear while he lives; but who beside him can concentrate the confidence and affections of all America?" And Monroe reported to Jefferson: "Be assured, Washington's influence carried this government."

Bancroft, Hist. of the U.S., vol.6, p.437

Nor was that influence confined to Virginia alone. The country was an instrument with thirteen strings, and the only master who could bring out all their harmonious thought was Washington. Had he not attended the federal convention, its work would have met a colder reception and more strenuous opponents. Had the idea prevailed that he would not accept the presidency, it would still have proved fatal.

Bancroft, Hist. of the U.S., vol.6, p.437

Virginia lost the opportunity of being the ninth state to constitute the union. While the long winter of New Hampshire intercepted the labors of husbandry, the fireside of the freeholders in its hundreds of townships became the scene for discussing the merits of the federal constitution with the delegates of their choice and with one another. Their convention reassembled in June. Four days served them to discuss the constitution, to prepare and recommend twelve articles of amendment, and, by fifty-seven voices against forty-six, to ratify the constitution. They took care to insert in their record that their vote was taken on Saturday, the twenty-first of June, at one o'clock in the afternoon, that Virginia by a vote at a later hour of the same day might not dispute with them the honor of giving life to the constitution.

Bancroft, Hist. of the U.S., vol.6, p.438

By their decision, accompanied by that of Virginia, the United States of America came formally into existence. As the glad tidings flew through the land, the heart of its people thrilled with joy that at last the tree of union was firmly planted. Never may its trunk be riven by the lightning; for its branches crash each other in the maddening storm; nor its beauty wither; nor its root decay.

Book Fifth: The Federal Government, June 1787

BOOK FIFTH

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The Federal Convention

June, 1787

Chapter 1:

The Constitution,

1787

Bancroft, Hist. of the U.S., vol.6, p.441

"THE American constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man;" but it had its forerunners.

Bancroft, Hist. of the U.S., vol.6, p.441

England had suffered the thirteen colonies, as free states, to make laws each for itself and never for one of the others; and had established their union in a tempered subordination to the British crown. Among the many guides of America, there had been Winthrop and Cotton, Hooker and Haynes, George Fox and William Penn, Roger Williams and John Clarke; scholars of Oxford and many more of Cambridge; Gustavus Adolphus and Oxenstiern; the merchants of the United Netherlands; Southampton and Baltimore, with the kindliest influences of the British aristocracy; Shaftesbury with Locke, for evil as well as for good; all the great slave-traders that sat on thrones or were fostered by parliament; and the philanthropist Oglethorpe, who founded a colony exclusively of the free on a territory twice as large as France, and though he had to mourn at the overthrow of his plans for liberty, lived to see his plantation independent.

Bancroft, Hist. of the U.S., vol.6, p.441 - p.442

There were other precursors of the federal government; but the men who framed it followed the lead of no theoretical writer of their own or preceding times. They harbored no desire of revolution, no craving after untried experiments. They wrought from the elements which were at hand, and shaped them to meet the new exigencies which had arisen. The least possible reference was made by them to abstract doctrines; they moulded their design by a creative power of their own, but nothing was introduced that did not already exist, or was not a natural development of a well-known principle. The materials for building the American constitution were the gifts of the ages.

Bancroft, Hist. of the U.S., vol.6, p.442

Of old, the family was the rudiment of the state. Of the Jews, the organization was by tribes. The citizens of the commonwealths of the Hellenes were of one blood. Among the barbarous tribes of the fourth continent, the governments and the confederacies all rested on consanguinity. Nations, as the word implied, were but large communities of men of one kin; and nationalities survive to this day, a source of strength in their unity, and yet of strife where two or more of them exist in their original separateness and are nevertheless held in subjection under one ruler. Rome first learned to cherish the human race by a common name and transform the vanquished into citizens.

Bancroft, Hist. of the U.S., vol.6, p.442

The process of assimilation which Rome initiated by war received its perfect development in the land where the Dutch and the Swedes, and in the country north-west of the Ohio the French, competed in planting colonies; where the English, the Irish, the Scotch for the most part came over each for himself, never reproducing their original nationality; and where from the first fugitives from persecution of all nations found a safe asylum. Though subjects of the English king, all were present in America as individuals.

Bancroft, Hist. of the U.S., vol.6, p.442

The English language maintained itself without a rival, not merely because those speaking it as their mother tongue very greatly outnumbered all others, and because all acknowledged English supremacy; but for the simplicity of its structure; its logical order in the presentment of thought; its suitableness for the purposes of everyday life; for the discussion of abstract truths and the apprehension of Anglo-Saxon political ideas; for the instrument of the common law; for science and observation; for the debates of public life; for every kind of poetry, from humor to pathos, from descriptions of nature to the action of the heart and mind.

Bancroft, Hist. of the U.S., vol.6, p.442 - p.443

But the distinctive character of the new people as a whole, their nationality, so to say, was the principle of individuality which prevailed among them as it had nowhere done before. This individuality was strengthened by the struggles with Nature in her wildness, by the remoteness from the abodes of ancient institutions, by the war against the traditions of absolute power and old superstitions, till it developed itself into the most perfect liberty in thought and action; so that the American came to be marked by the readiest versatility, the spirit of enterprise, and the faculty of invention. In the declaration of independence the representatives of the United States called themselves "the good people of these colonies." The statesmen who drew the law of citizenship in 1776 made no distinction of nationalities, or tribes, or ranks, or occupations, or faith, or wealth, and knew only inhabitants bearing allegiance to the governments of the several states in union.

Bancroft, Hist. of the U.S., vol.6, p.443

Again, this character of the people appeared most clearly in the joint action of the United States in the federal convention, where the variant prejudices that still clung to separate states eliminated each other.

Bancroft, Hist. of the U.S., vol.6, p.443

The constitution establishes nothing that interferes with equality and individuality. It knows nothing of differences by descent, or opinions, of favored classes, or legalized religion, or the political power of property. It leaves the individual alongside of the individual. No nationality of character could take form, except on the principle of individuality, so that the mind might be free, and every faculty have the unlimited opportunity for its development and culture. As the sea is made up of drops, American society is composed of separate, free, and constantly moving atoms, ever in reciprocal action, advancing, receding, crossing, struggling against each other and with each other; so that the institutions and laws of the country rise out of the masses of individual thought, which, like the waters of the ocean, are rolling evermore.

Bancroft, Hist. of the U.S., vol.6, p.443 - p.444

The rule of individuality was extended as never before. The synod of the Presbyterians of New York and Philadelphia, a denomination inflexibly devoted to its own creed, in their pastoral letter of May 1783, published their joy that "the rights of conscience are inalienably secured and interwoven with the very constitutions of the several states." Religion was become avowedly the attribute of man and not of a corporation. In the earliest states known to history, government and religion were one and indivisible. Each state had its special deity, and of these protectors one after another might be overthrown in battle, never to rise again. The Peloponnesian war grew out of a strife about an oracle. Rome, as it adopted into citizenship those whom it vanquished, sometimes introduced, and with good logic for that day, the worship of their gods. No one thought of vindicating liberty of religion for the conscience of the individual till a voice in Judea, breaking day for the greatest epoch in the life of humanity by establishing for all mankind a pure, spiritual, and universal religion, enjoined to render to Caesar only that which is Caesar's. The rule was upheld during the infancy of this gospel for all men. No sooner was the religion of freedom adopted by the chief of the Roman Empire, than it was shorn of its character of universality and enthralled by an unholy connection with the unholy state; and so it continued till the new nation—the least defiled with the barren scoffings of the eighteenth century, the most sincere believer in Christianity of any people of that age, the chief heir of the reformation in its purest form—when it came to establish a government for the United States, refused to treat faith as a matter to be regulated by a corporate body, or having a headship in a monarch or a state.

Bancroft, Hist. of the U.S., vol.6, p.444

Vindicating the right of individuality even in religion, and in religion above all, the new nation dared to set the example of accepting in its relations to God the principle first divinely ordained in Judea. It left the management of temporal things to the temporal power; but the American constitution, in harmony with the people of the several states, withheld from the federal government the power to invade the home of reason, the citadel of conscience, the sanctuary of the soul; and not from indifference, but that the infinite spirit of eternal truth might move in its freedom and purity and power.

Bancroft, Hist. of the U.S., vol.6, p.444 - p.445

With this perfect individuality extending to conscience, freedom should have belonged to labor. What though slavery existed and still exists in the older states known to history, in Egypt, in China, coming down continuously from an unknown date; what though Aristotle knew no mode of instituting a republican household but with a slave; and Julius Caesar, when Italy was perishing by the vastness of its slave estates, crowded them with new hordes of captives? What though the slave-trade was greedily continued under the passionate encouragement of the British parliament, and that in nearly all of the continent of Europe slavery in some of its forms prevailed? In America, freedom of labor was the moral principle of the majority of the people; was established, or moving toward immediate establishment, in a majority of the states; was by the old confederation, with the promptest and oft-repeated sanction of the new government, irrevocably ordained in all the territory for which the United States could at that time make the law. The federal convention could not interfere with the slave laws of the separate states; but it was careful to impose no new incapacitation on free persons of color; it maintained them in all the rights of equal citizenship; it granted those rights to the emancipated slave; and it kept to itself the authority to abolish the slave-trade instantly in any territory that might be annexed; in all other states and lands, at the earliest moment for which it had been able to obtain power.

Bancroft, Hist. of the U.S., vol.6, p.445

The tripartite division of government into legislative, executive, and judicial, enforced in theory by the illustrious Montesquieu, and practiced in the home government of every one of the American states, became a part of the constitution of the United States, which derived their mode of instituting it from their own happy experience. It was established by the federal convention with a rigid consistency that went beyond the example of Britain, where one branch of the legislature was still a court of appeal. Each one of the three departments proceeded from the people, and each is endowed with all the authority needed foil its just activity. The president may recommend or dissuade from enactments, and has a limited veto on them; but whatever becomes a law he must execute. The power of the legislature to enact is likewise uncontrolled except by the paramount law of the constitution. The judiciary passes upon every case that may be presented, and its decision on the case is definitive; but without further authority over the executive or the legislature, for the convention had wisely refused to make the judges a council to either of them.

Bancroft, Hist. of the U.S., vol.6, p.446

Tripartite division takes place not only in the threefold powers of government; it is established as the mode of legislation. There, too, three powers, proceeding from the people, must concur, except in eases provided for, before an act of legislation can take place. This tripartite division in the power of legislation—so at the time wrote Madison, so thought all the great builders of the constitution, so asserted John Adams with vehemence and sound reasoning—is absolutely essential to the success of a federal republic; for if all legislative powers are vested in one man or in one assembly, there is despotism; if in two branches, there is a restless antagonism between the two; if they are distributed among three, it will be hard to unite two of them in a fatal strife with the third. But the executive, and each of the two chambers, must be so chosen as to have a character and strength and popular support of its own. The government of the United States is thoroughly a government of the people. By the English aristocratic revolution of 1688, made after the failure of the popular attempt at reform, the majority of the house of commons was in substance composed of nominees of the house of lords, so that no ministry could prevail in it except by the power of that house; and as the prime minister and cabinet depend on the majority in the house of commons, the house of lords directly controlled the government not only in its own branch but in the commons, and through the commons in the nomination of the ministry. All three branches of the government were in harmony, for in those days, before the house of commons had entered successfully upon its long struggle for reform of the mode of its election, all three branches represented the aristocracy. In the United States, on the other hand, all the branches of power—president, senators, and representatives—proceed directly or indirectly from the people. The government of the United States is a government by the people, for the people.

Bancroft, Hist. of the U.S., vol.6, p.446 - p.447

To perfect the system and forever prevent revolution, power is reserved to the people by amendments of their constitution to remove every imperfection which time may lay bare, and adapt it to unforeseen contingencies. But no change can be hastily made. An act of parliament can at any time alter the constitution of England; no similar power is delegated to the congress of the United States, which, like parliament, may be swayed by the shifting majorities of party. As to the initiation of amendments, it could not be intrusted to the president, lest it might lead him to initiate changes for his own advantage; still less to a judiciary holding office for life, for, such is human nature, a tribunal so constituted and deciding by a majority, by whatever political party its members may have been named, cannot safely be invested with so transcendent a power. The legislatures of the states or of the United States are alone allowed to open the "constitutional door to amendments;" and these can be made valid only through the combined intervention of the state legislatures and of congress, or a convention of all the states elected expressly for the purpose by the people of the several states. In this way no change of the constitution can be made in haste or by stealth, but only by the consent of three quarters of the states after a full and free and often-repeated discussion. There is no legal road to amendment of the constitution but through the consent of the people given in the form prescribed by law. America, being charged with the preservation of liberty, has the most conservative polity in the world, both in its government and in its people.

Bancroft, Hist. of the U.S., vol.6, p.447 - p.448

The new nation asserted itself as a continental republic. The discovery was made that the time had passed for little commonwealths of a single city and its environs. The great Frederick, who had scoffed at the idea of attempting to govern an imperial domain without a king, was hardly in his grave when a commonwealth of more than twenty degrees in each direction, containing from the first an area six or seven times as large as the whole of Great Britain and Ireland, fifty or sixty times as great as the Netherlands or Switzerland, able to include more than a thousand confederacies as large as the Achaian, and ready to admit adjoining lands to fellowship, rose up in the best part of the temperate zone on a soil that had been collecting fertility for untold centuries. The day of the Greek commonwealth had passed forever; and, after the establishment of the representative system, it was made known that a republican government thrives best in a vast territory. Monarchy had held itself a necessity for the formation of large states; but now it was found out that even in them monarchy can be dispensed with; and the world was summoned to gaze at the spectacle of a boundless society of republican states in union.

Bancroft, Hist. of the U.S., vol.6, p.448

The United States of America are not only a republic, they are "a society of societies," "a federal republic." Toward foreign powers the country has no seam in its garment; it exists in absolute unity as a nation, with full and undisputed national resources. At home it is "a union," or "one out of many;" within its own sphere supreme and self-supporting. For this end it has its own legislature to make enactments; its own functionaries to execute them; its own courts; its own treasury; and it alone may have an army and a navy. All-sufficient powers are so plainly given that there is no need of striving for more by straining the words in which they are granted beyond their natural import.

Bancroft, Hist. of the U.S., vol.6, p.448

The constitution, the laws of the United States made in pursuance of it, and all treaties framed by their authority, are the supreme law of the land, binding the judges in every state even if need be in spite of the constitution and the laws of the state; and all executive, legislative, and judicial officers, both of the United States and of the several states, are to be sworn to its support. The constitution provides within itself for the redress of every wrong. The supreme court offers relief in a "case" of injustice or conflict with the constitution; the remedy for a bad law is to be sought through the freedom and frequency of elections; a fault in the constitution by its amendment.

Bancroft, Hist. of the U.S., vol.6, p.448

Except for the powers granted to the federal government, each state is in all things supreme, not by grace, but of right. The United States may not interfere with any ordinance or law that begins and ends within a state. This supremacy of the states in the powers which have not been granted is as essentially a part of the system as the supremacy of the general government in its sphere. The states are at once the guardians of the domestic security and the happiness of the in dividual, and they are the parents, the protectors, and the stay of the union. The states are members of the United States as one great whole; and the one is as needful as the other. The powers of government are not divided between them; they are distributed; so that there need be no collision in their exercise. The union without self-existent states is a harp without strings; the states without union are as chords that are unstrung. But for state rights the union would perish from the paralysis of its limbs. The states, as they gave life to the union, are necessary to the continuance of that life. Within their own limits they are the guardians of industry, of property, of personal rights, and of liberty. But state rights are to be defended inside of the union; not from an outside citadel from which the union may be struck at or defied. The states and the United States are not antagonists; the states in union form the federal republic; and the system can have life and health and strength and beauty only by their harmonious action. In short, the constitution knows nothing of United States alone, or states alone; it adjusts the parts harmoniously in an organized unity. Impair the relations or the vigor of any part, and disease enters into the veins of the whole. That there may be life in the whole, there must be healthy life in every part. The United States are the states in union; these are so inwrought into the constitution that the one cannot perish without the other.

Bancroft, Hist. of the U.S., vol.6, p.449

Is it asked who is the sovereign of the United States? The words "sovereign" and "subjects," are unknown to the constitution. There is no place for princes with unlimited power, or conquering cities, or feudal chiefs, or privileged aristocracies, ruling absolutely with their correlative vassals or subjects.

Bancroft, Hist. of the U.S., vol.6, p.449 - p.450

The people of the United States have declared in their constitution that the law alone is supreme; and have defined that supreme law. Is it asked who are the people of the United States that instituted the "general government"? The federal convention and the constitution answer, that it is the concurring people of the several states. The constitution is constantly on its guard against permitting the action of the aggregate mass as a unit, lest the whole people, once accustomed to acting together as an individual, might forget the existence of the states, and the states now in union succumb to centralization and absolutism. The people of the states demanded a federal convention to form the constitution; the congress of the confederation, voting by states, authorized that federal convention; the federal convention, voting likewise by states, made the constitution; at the advice of the federal convention the federal congress referred that constitution severally to the people of each state; and by their united voice taken severally it was made the binding form of government. The constitution, as it owes its life to the concurrent act of the people of the several states, permits no method of amending itself except by the several consent of the people of the states; and within the constitution itself the president, the only officer who has an equal relation to every state in the union, is elected not by the aggregate people of all the states, but by the separate action of the people of the several states according to the number of votes allotted to each of them.

Bancroft, Hist. of the U.S., vol.6, p.450

Finally, there is one more great and happy feature in the constitution. Rome, in annexing the cities around itself, had not given them equal influence with itself in proportion to their wealth and numbers, and consequently there remained a cause of dissatisfaction never healed. America has provided for admission of new states upon equal terms, and only upon equal terms, with the old ones.

Bancroft, Hist. of the U.S., vol.6, p.450

For Europe there remained the sad necessity of revolution. For America the gates of revolution are shut and barred and bolted down, never again to be thrown open; for it has found a legal and a peaceful way to introduce every amelioration. Peace and intercitizenship and perfect domestic free-trade are to know no end. The constitution is to the American people a possession for all ages; it creates an indissoluble union of imperishable states.

Bancroft, Hist. of the U.S., vol.6, p.450 - p.451

The federal republic will carry tranquillity, and freedom, and order throughout its vast domain. Will it, within less than a century, extend its limits to the capes of Florida, to the mouth of the Mississippi, to the region beyond the Mississippi, to California, to Oregon, to San Juan? Will it show all the Spanish colonies how to transform themselves into independent republics stretching along the Pacific till they turn Cape Horn? Will it be an example to France, teaching its great benefactor how to gain free institutions? In the country from which it broke away will it assist the liberal statesmen to bring parliament more nearly to a representation of the people? Will it help the birthplace of the reformation to gather together its scattered members and become once more an empire, with a government so entirely the child of the nation that it shall have but one hereditary functionary, with a federal council or senate representing the several states, and a house elected directly by universal suffrage? Will it teach England herself how to give peace to her groups of colonies, her greatest achievement, by establishing for them a federal republican dominion, in one continent at least if not in more? And will America send manumitted dark men home to their native continent, to introduce there an independent republic and missions that may help to civilize the races of Africa?

Bancroft, Hist. of the U.S., vol.6, p.451

The philosophy of the people of the United States was neither that of optimism nor of despair. Believing in the justice of "the Great Governor of the world," and conscious of their own honest zeal in the cause of freedom and mankind, they looked with astonishment at their present success and at the future with unclouded hope.

Chapter 2:

The Lingering States,

1787-August 2, 1788

Bancroft, Hist. of the U.S., vol.6, p.452

WHEN the constitution was referred to the states Hamilton revived a long-cherished plan, and, obtaining the aid of Jay and Madison, issued papers which he called The Federalist, to prepare all the states and the people for accepting the determinations of the federal convention. Of its eighty-five numbers, Jay wrote five, Madison twenty-nine, and Hamilton fifty-one. They form a work of enduring interest, because they are the earliest commentary on the new experiment of mankind in establishing a republican government for a country of boundless dimensions; and were written by Madison, who was the chief author of the constitution, and Hamilton, who took part in its inception and progress.

Bancroft, Hist. of the U.S., vol.6, p.453

Hamilton dwelt on the defects of the confederation; the praiseworthy energy of the new federal government; its relations to the public defence; to the functions of the executive; to the judicial department, to the treasury; and to commerce. Himself a friend to the protection of manufactures, he condemned "exorbitant duties on imported articles," because they "beget smuggling," are "always prejudicial to the fair trader, and eventually to the revenue itself;" tend to render "other classes of the community tributary in an improper degree to the manufacturing classes," and to "give them a premature monopoly of the markets;" to "force industry out of its most natural channels," and to "oppress the merchant."

Bancroft, Hist. of the U.S., vol.6, p.453

Madison commented with severe wisdom on its plan; its conformity to republican principles; its powers; its relation to slavery and the slave-trade; its mediating office between the union and the states; its tripartite separation of the departments; and Its mode of constructing the house of representatives. Hamilton began the work by saying that a wrong decision would not only be "the dismemberment of the union," but "the general misfortune of mankind; " he closed with the words: "A nation without a national government is an awful spectacle. The establishment of a constitution, in time of profound peace, by the voluntary consent of a whole people, is a prodigy, to the completion of which I look forward with trembling anxiety." During the time in which the constitution was in jeopardy Hamilton and Madison cherished for each other intimate and affectionate relations, differing in temperament, but one in purpose and in action. To the day of their death they both were loyally devoted to the cause of union.

Bancroft, Hist. of the U.S., vol.6, p.454

New York, having the most convenient harbor for worldwide commerce, rivers flowing directly to the sea, to Delaware bay, to the Chesapeake, to the Mississippi, and to the watercourse of the St. Lawrence, and having the easiest line of communication from the ocean to the great West, needed, more than any other state, an efficient general government; and yet of the thirteen it was the most stubborn in opposition. More than half the goods consumed in Connecticut, in New Jersey, in Vermont, and the western parts of Massachusetts, were bought within its limits and paid an impost for its use. During the war it agreed to give congress power to collect a five per-cent impost; as soon as it regained possession of the city it preferred to appropriate the revenue to its own purposes; and, as a consequence, the constitution called forth in New York the fiercest resistance that selfish interests could organize.

Bancroft, Hist. of the U.S., vol.6, p.454

To meet the influence of The Federalist, the republicans published inflammatory tracts, and circulated large editions of the Letters from the Federal Farmer by Richard Henry Lee. They named themselves federal republicans. Their electioneering centre was the New York custom-house, then an institution of the state with John Lamb as collector. After the fashion of the days of danger they formed a committee of correspondence and sought connections throughout the land. They sent their own emissaries to attend the proceedings of the Massachusetts convention, and, if possible, to frustrate its acceptance of the union. Their letters received answers from Lowndes, from Henry and Grayson, from Atherton of New Hampshire, and from Richard Henry Lee, of whom the last wrote that "the constitution was an elective despotism."

Bancroft, Hist. of the U.S., vol.6, p.455

At the regular meeting of the legislature in January 1788, Clinton recommended the encouragement of commerce and of manufactures, but sent in the proceedings of the federal convention without remark. All others remaining silent for twenty days, Egbert Benson, on the last day of January, proposed a state convention in the precise mode recommended by congress. Schoonmaker offered a preamble, condemning the federal convention for having exceeded its powers. Benson conducted the debate with rare ability, and the amended preamble gained but twenty-five votes against twenty-seven. In the senate the motion to postpone the question mustered but nine votes against ten. The convention was ordered; but in its choice the constitutional qualifications of electors were thrust aside, and every free male citizen of twenty-one years of age, though he had been a resident but for a day, might be a voter and be voted for.

Bancroft, Hist. of the U.S., vol.6, p.455

According to the wish of the Virginia opposition, the time for the meeting of the convention was delayed till the seventeenth of June. Of its sixty-five members, more than two thirds were enemies to the constitution. But it was found that the state was divided geographically. The seat of opposition was in Ulster county, the home of Governor Clinton, and it extended to the counties above it. The southern counties on the Hudson river and on Long Island, and the city of New York, were so unanimously for union as to encourage the rumor that they would at all events adhere to it. Clinton himself began to think it absolutely necessary that the state should in some form secure a representation under the new constitution.

Bancroft, Hist. of the U.S., vol.6, p.455

The greater number of his friends were, like him, averse to its total rejection; but, while some were willing to be content with recommendatory amendments, and others with explanatory ones to settle doubtful constructions, the majority seemed unwilling to be reconciled with less than previous amendments. All the while the people of the state were drifting toward union.

Bancroft, Hist. of the U.S., vol.6, p.456

On the seventeenth of June, fifteen days after the organization of the Virginia convention, that of New York met at Poughkeepsie and unanimously elected Clinton as its president. Among the delegates of the city of New York were Jay, Chief Justice Morris, Hobart, Livingston, then chancellor of the state, Duane, and Hamilton. On the other side the foremost men were George Clinton, the governor; Yates and Lansing, who had deserted the federal convention under the pretence that it was exceeding its power; Samuel Jones, a member of the New York bar, who excelled in clearness of intellect, moderation, and simplicity of character; and Melancthon Smith, a man of a religious cast of mind, familiar with metaphysical discussions, of undaunted courage, and gifted with the power of moderation.

Bancroft, Hist. of the U.S., vol.6, p.456

On the nineteenth the chancellor opened the debate, showing the superiority of a republic to a confederacy. Without a strong federal government and union New York was incapable of self-defence, and the British posts within the limits of the state would continue to form connections with hostile tribes of Indians, and be held in defiance of the most solemn treaties.

Bancroft, Hist. of the U.S., vol.6, p.456

In the course of the discussion every objection that had been made to the constitution either in Massachusetts or in Virginia was strongly stated; and replied to. Lansing, adhering to the system of the confederation, loved union; but professed to love liberty more. Melancthon Smith declared himself most strongly impressed with the necessity of union, and refused to say that the federal constitution was at war with public liberty. Hamilton, speaking in the spirit of gentleness and wisdom, contrasted the method of requisitions to be enforced by coercion of the states, with general laws operating directly on individuals; and he showed how greatly the new system excelled in simplicity, in efficiency, in respect for personal rights, in the protection of the public liberty, and, above all, in humanity.

Bancroft, Hist. of the U.S., vol.6, p.456

On the twenty-fourth swift riders, dispatched by Langdon, brought to Hamilton the tidings that New Hampshire as the ninth state had assented to the constitution; yet the vote did not decide New York. "Our chance of success depends upon you," wrote Hamilton to Madison. "Symptoms of relaxation in some of the leaders authorize a gleam of hope if you do well, but certainly I think not otherwise."

Bancroft, Hist. of the U.S., vol.6, p.457

Clinton claimed that he and his own partisans were "the friends to the rights of mankind;" their opponents "the advocates of despotism;" "the most that had been said by the new government men had been but a second edition of The Federalist well delivered. One of the New York delegates," meaning Hamilton, "had in substance, though not explicitly, thrown off the mask, his arguments tending to show the necessity of a consolidated continental government to the exclusion of any state government."

Bancroft, Hist. of the U.S., vol.6, p.457

On the twenty-seventh Hamilton replied by a full declaration of his opinions. "The establishment of a republican government on a safe and solid basis is the wish of every honest man in the United States, and is an object, of all others, the nearest and most dear to my own heart. This great purpose requires strength and stability in the organization of the government, and vigor in its operations. The state governments are essentially necessary to the form and spirit of the general system. With the representative system a very extensive country may be governed by a confederacy of states in which the supreme legislature has only general powers, and the civil and domestic concerns of the people are regulated by the laws of the several states. State governments must form a leading principle. They can never lose their powers till the whole people of America are robbed of their liberties."

Bancroft, Hist. of the U.S., vol.6, p.457

In answer to Hamilton on this and two other occasions, Clinton carefully set forth the principles on which he reposed. During the war he had wished for a strong federal government; be still wished a federal republic for the mutual protection of the states and the security of their equal rights. In such a confederacy there should be a perfect representation; but of that representation "the states are the creative principle," and, having equal rights, ought for their protection to be equally represented. The delegates and the senators of a state should be subject to its instructions and liable to be recalled at its pleasure, for the representation should be an exact and continuous representation of its reflection and judgment and will. Moreover, the senators should vote in their place not as individuals, but collectively, as the representation of the state. He would further have the members of congress depend on the states for support. Above all, he abhorred the idea of reducing the states to the degraded situation of petty corporations and rendering them liable to suits. "The sovereignty of the states he considered the only stable security for the liberties of the people against the encroachments of power."

Bancroft, Hist. of the U.S., vol.6, p.458

On the third of July, while the convention was still engaged in considering the constitution, and noting the propositions of amendments, the decisive news of the unconditional ratification of the constitution by Virginia broke on its members; and from that moment it was certain that they would not venture to stand alone against the judgment of every state in New England except Rhode Island, and every other state except North Carolina. The question at first became whether the constitution should be accepted with or without previous amendments. On the tenth Lansing offered a bill of rights, to which no one objected; and numerous amendments, of which the class relating to a standing army in time of peace, direct taxes, the militia, and elections to congress were made conditions of the ratification. After they were read, the convention, on the proposal of Lansing, adjourned, leaving an informal committee of equal numbers of both parties to bring the business by compromise to a quick and friendly decision. In the committee Jay declared that the word "conditional" must be erased before any discussion of the merits of the amendments. As this point was refused, the committee was dissolved; but already Melancthon Smith and Samuel Jones showed signs of relenting.

Bancroft, Hist. of the U.S., vol.6, p.459

On the eleventh Jay, taking the lead, moved the ratification of the constitution and the recommendation of amendments. After a long debate, Melancthon Smith interposed with a resolution which meant in substance that New York would join the union, reserving the right to recede from it if the desired amendments should not be accepted. Against this motion Hamilton, after vainly proposing a form of ratification nearly similar to that of Virginia, spoke on Saturday, the nineteenth, with such prevailing force that Smith confessed himself persuaded to relinquish it. At this Lansing revived the proposition to enter the union, but only with a reserved right to withdraw from it; and on the following Monday the question might be taken. Madison having resumed his place in congress, Hamilton wrote in all haste for his advice. On Sunday, Madison speeded an answer to Poughkeepsie, and on the morning of Monday, the twenty-first, Hamilton read to the convention its words, which were as follows:

Bancroft, Hist. of the U.S., vol.6, p.459

"My opinion is, that a reservation of a right to withdraw, if amendments be not decided on under the form of the constitution within a certain time, is a conditional ratification; that it does not make New York a member of the new union, and, consequently, that she could not be received on that plan. The constitution requires an adoption in toto and forever. It has been so adopted by the other states. An adoption for a limited time would be as defective as an adoption of some of the articles only. In short, any condition whatever must vitiate the ratification. The idea of reserving a right to withdraw was started at Richmond, and considered as a conditional ratification, which was itself abandoned as worse than a rejection."

Bancroft, Hist. of the U.S., vol.6, p.459

The voice of Virginia, heard through Madison, was effective. Following the example of Massachusetts, and appropriating the words of its governor, on the twenty-third Samuel Jones, supported by Melancthon Smith, proposed, like Hancock, to make no "condition" and to ratify the constitution "in full confidence" of the adoption of all needed amendments. Lansing's motion for conditions was negatived in committee by a vote of thirty-one to twenty-eight, and on Friday, the twenty-fifth, the convention agreed to the report of its committee of the whole in favor of the form of Samuel Jones and Melancthon Smith by thirty yeas to twenty-five nays, the largest vote on any close division during the whole session. This vote was purchased at the price of consenting to the unanimous resolution, that a circular letter be prepared to be laid before the different legislatures of the United States recommending a general convention to act upon the proposed amendments of the different legislatures of the United States. On Saturday, the twenty-sixth, the form of ratification of the constitution was agreed to by a vote of thirty against twenty-seven. More persons were absent from the vote than would have been necessary to change it. On the following Monday New York invited the governors of the several states in the union to take immediate and effectual measures for calling a second federal convention to amend the constitution. "We are unanimous," said Clinton, "in thinking this measure very conducive to national harmony and good government." Madison, as he read the letter, called the proposal a pestilent one, and Washington was touched with sorrow at the thought that just as the constitution was about to anchor in harbor it might be driven back to sea.

Bancroft, Hist. of the U.S., vol.6, p.460

But the city of New York set no bounds to its gladness at the acceptance of the constitution; the citizens paraded in a procession unrivalled in splendor. The miniature ship which was drawn through the streets bore the name of Hamilton. For him this was his happiest moment of unclouded triumph.

Bancroft, Hist. of the U.S., vol.6, p.460 - p.461

North Carolina held its convention before the result in New York was known. The state wanted geographical unity. A part of its territory west of the mountains had an irregular separate organization under the name of Frankland. Of the rest there was no natural centre from which a general opinion could emanate; besides, toward the general government the state was delinquent, and it had not yet shaken from itself the bewildering influence of paper money.

Bancroft, Hist. of the U.S., vol.6, p.461

"In this crisis," wrote Washington, "the wisest way for North Carolina will be to adjourn until the people in some parts of the state can consider the magnitude of the question and the consequences involved in it, more coolly and deliberately." The convention, which consisted of two hundred and eighty-four members, assembling on the twenty-first of July, elected as its president Johnston, then governor of the state, organized itself with tranquillity and dignity, and proceeded to discuss the constitution in committee, clause by clause. The convention employed eight days in its able de bates, of which very full and fair accounts have been preserved.

Bancroft, Hist. of the U.S., vol.6, p.461

First among the federalists, and the master mind of the convention, was James Iredell, who, before he was forty years old, was placed by Washington on the supreme bench of the United States. He was supported by William Richardson Davie, who had gained honor in the war and at the bar, and afterward held high places in North Carolina and in the union; by Samuel Johnston, Archibald Maclaine, and Richard Dobbs Spaight.

Bancroft, Hist. of the U.S., vol.6, p.461

The other side was led by Willie Jones of Halifax, noted for wealth and aristocratic habits and tastes, yet by nature a steadfast supporter of the principles of democracy. He was sustained by Samuel Spencer of Anson, a man of candor and moderation, and as a debater far superior to his associates; by David Caldwell from Guilford, a Presbyterian divine, fertile in theories and tenacious of them; and by Timothy Bloodworth, a former member of congress, who as a preacher abounded in offices of charity, as a politician dreaded the subjection of southern to northern interests.

Bancroft, Hist. of the U.S., vol.6, p.461

The friends of the constitution had the advantage of spreading their arguments before the people; on the other side Willie Jones, who held in his hand the majority of the convention, citing the wish of Jefferson that nine states might ratify the constitution, and the rest hold aloof for amendments, answered in this wise: "We do not determine on the constitution; we neither reject nor adopt it; we leave ourselves at liberty; there is no doubt we shall obtain our amendments and come into the union."

Bancroft, Hist. of the U.S., vol.6, p.462

At his word the convention on the first of August deferred the ratification of the constitution, and proposed amendments by one hundred and eighty-four votes against eighty-four. But harmony between the state and the new federal government was preestablished by a rule adopted on the next day, that any impost which congress might ordain for the union should be collected in North Carolina by the state "for the use of congress."

Bancroft, Hist. of the U.S., vol.6, p.462

The scales were ready to drop from the eyes of Rhode Island. That state, although it had taken no part in the federal convention and for a year and more had neglected to attend in congress, watched without disapprobation the great revolution that was taking place. Neither of the two states which lingered behind remonstrated against the establishment of a new government before their consent; nor did they ask the United States to wait for them. The worst that can be said of them is, that they were late in arriving.

Chapter 3:

The Federal Government of the United States,

1788-May 5, 1789

Bancroft, Hist. of the U.S., vol.6, p.463

IT was time for America to be known abroad as a nation. The statesmen of France reproached her unsparingly for failing in her pecuniary engagements. Boatmen who bore the flag of the United States on the father of rivers were fearlessly arrested by Spain, while Don Gardoqui, its agent, in private conversation tempted the men of Kentucky "to declare themselves independent" by the assurance that he was authorized to treat with them as a separate power respecting commerce and the navigation of the Mississippi.

Bancroft, Hist. of the U.S., vol.6, p.463

The colonists in Nova Scotia were already absorbing a part of south-eastern Maine, and inventing false excuses for doing so. Great Britain declined to meet her own obligations with regard to the slaves whom she had carried away, and who finally formed the seed of a British colony at Sierra Leone. She did not give up her negotiations with the men of Vermont. She withheld the interior posts, belonging to the United States; in the commission for the government of Upper Canada she kept out of sight the line of boundary, in order that the commanding officer might not scruple to crowd the Americans away from access to their inland water-line, and thus debar them from their rightful share in the fur-trade. She was all the while encouraging the Indian tribes within the bounds of New York and to the south of the western lakes to assert their independence. Hearing of the discontent of the Kentuckians and the men of west North Carolina, she sought to foment the passions which might hurry them out of the union, as far as it could be done without promising them protection.

Bancroft, Hist. of the U.S., vol.6, p.464

In England John Adams had, in 1786, vainly explained the expectation of congress that a British plenipotentiary minister should be sent to the United States. The bills regulating Newfoundland and intercourse with America were under the leadership of the same Jenkinson who had prepared the stamp act; and, with the acquiescence of Pitt, the men and the principles which had governed British policy toward America for most of the last twenty years still prevailed. In February 1788 the son of George Grenville, speaking for the ministry in the house of commons, said: "Great Britain, ever since the peace, has condescended to favor the United States." Moreover, the British government would take no notice of American remonstrances against the violations of the treaty of peace. Self-respect and patriotic pride forbade John Adams to remain.

Bancroft, Hist. of the U.S., vol.6, p.464

Adams and Jefferson had exchanged with each other their portraits, as lasting memorials of friendship; and Adams, on leaving Europe, had but two regrets: one, the opportunity of research in books; the other, that immediate correspondence with Jefferson which he cherished as one of the most agreeable events in his life. "A seven months' intimacy with him here and as many weeks in London have given me opportunities of studying him closely," wrote Jefferson to Madison. "He is vain, irritable, and a bad calculator of the force and probable effect of the motives which government. This is all the ill which can possibly be said of him. He is disinterested, profound in his views, and accurate in his judgment, except where knowledge of the world is necessary to form a judgment. He is so amiable that you will love him, if ever you become acquainted with him."

Bancroft, Hist. of the U.S., vol.6, p.464

In America the new constitution was rapidly conciliating the affections of the people. Union had been held dear ever since it was formed; and now that the constitution was its surest guarantee, no party could succeed which did not inscribe union, and with union the constitution, on its banner. In September 1788 the dissidents of Pennsylvania held a conference at Harrisburg. With the delegates from beyond the mountains came Albert Gallatin, a native of Geneva, and educated there in a republic of a purely federal form. Their proceedings bear the marks of his mind. They resolved for themselves and recommended to all others to acquiesce in the organization of the government under "the federal constitution, of which the ratification had formed a new era in the American world;" they asked, however, for its speedy revision by a general convention. All their actions were kept within the bounds of legality.

Bancroft, Hist. of the U.S., vol.6, p.465

In Virginia there had been a great vibration of opinion. Its assembly, which met on the twentieth of October 1788, was the first to take into consideration the proposal for another federal convention. The enemies to the government formed a decided majority of the legislature. No one of its members was able to encounter Patrick Henry in debate, and his edicts were registered without opposition. He had only to say, "Let this be law," and it became law. Taking care to set forth that so far as it depended on Virginia the new plan of government would be carried into immediate operation, the assembly, on the thirtieth, proposed a second federal convention, and invited the concurrence of every other state. Madison was the fittest man in the union to be of the senate of the United States: Henry, on the eighth of November, after pouring forth a declamation against his federal principles, nominated Richard Henry Lee and Grayson for the two senators from Virginia, and they were chosen at his bidding. He divided the state into districts, cunningly restricting each of them to its own inhabitants in the choice of its representative, and taking care to compose the district in which Madison would be a candidate out of counties which were thought to be unfriendly to federalism. Assured by these iniquitous preparations, Monroe, without scruple, took the field against Madison.

Bancroft, Hist. of the U.S., vol.6, p.466

In Connecticut, in October, the circular letter of New York had a reading among other public communications, but "no anti-federalist had hardiness enough to call it up for consideration or to speak one word of its subject."

Bancroft, Hist. of the U.S., vol.6, p.466

The legislature of Massachusetts concurred with Hancock, the governor, that an immediate second federal convention might endanger the union. The legislature of Pennsylvania put the question at rest by saying: "The house do not perceive this constitution wanting in any of those fundamental principles which are calculated to ensure the liberties of their country. The happiness of America and the harmony of the union depend upon suffering it to proceed undisturbed in its operation by premature amendments. The house cannot, consistently with their duty to the good people of this state or with their affection to the citizens of the United States at large, concur with Virginia in their application to congress for a convention of the states." This vote Mifflin, the governor, early in March 1789, communicated to the governor of Virginia, and the subject was beard of no more.

Bancroft, Hist. of the U.S., vol.6, p.466

Congress, as early as the second of July 1788, was notified that the constitution had received the approval of nine states; but they wasted two months in wrangling about the permanent seat of the federal government, and at last could agree only on New York as its resting-place. Not till the thirteenth of September was the first Wednesday of the following January appointed for the choice of electors of president in the several states; and the first Wednesday in March, which in that year was the fourth, for commencing proceedings under the constitution. The states, each for itself, appointed the times and places for electing senators and representatives.

Bancroft, Hist. of the U.S., vol.6, p.466

The interest of the elections centred in New York, Virginia, and South Carolina. In four districts out of the six into which New York was divided the federalists elected their candidates. Having in the state legislature but a bare majority in the senate, while their opponents outnumbered them in the house, each branch made a nomination of senators; but the senate refused to go into a joint ballot. For this there was the excuse that the time for a new election was close at hand. But the senate further refused to meet the house for the choice of electors of president, and this was an act of faction.

Bancroft, Hist. of the U.S., vol.6, p.467

The star of Hamilton was then in the ascendant, and he controlled the federalists; but only to make his singular incapacity to conduct a party as apparent as his swiftness and power of thought. He excluded the family of the Livingstons from influence. To defeat Clinton's reelection as governor, he stepped into the camp of his opponents, and with Aaron Burr and other anti-federalists selected for their candidate Robert Yates, who had deserted his post in the federal convention, but had since avowed the opinion which was held by every one in the state that the new constitution should be supported. New York at the moment was thoroughly federal, yet Clinton escaped defeat through the attachment of his own county of Ulster and the insignificance of his opponent, while the federalists were left without any state organization. In the new legislature both branches were federal, and, at the behest of Hamilton, against the remonstrances of Morgan Lewis and others, Rufus King, on his transfer of residence from Massachusetts to New York, received the unexampled welcome of an immediate election with Schuyler to the senate.

Bancroft, Hist. of the U.S., vol.6, p.467

In Virginia, Madison went into the counties that were relied on to defeat him, reasoned with the voters face to face, and easily won the day. Of the ten delegates from the state, seven were federalists, of whom one was from Kentucky. South Carolina elected avowed anti-federalists, except Butler, of the senate, who had conceded many points to bring about the union, and yet very soon took the alarm that "the southern interest was imperilled."

Bancroft, Hist. of the U.S., vol.6, p.467

Under the constitution the house of representatives formed a quorum on the first of April 1789. The senate on the sixth chose John Langdon of New Hampshire its president. The house of representatives was immediately summoned, and in the presence of the two branches he opened and counted the votes. Every one of the sixty-nine, cast by the ten states which took part in the election, was for Washington. John Adams had thirty-four votes; and as no other obtained more than nine, he was declared to be the vice-president. The house devolved upon the senate the office of communicating the result to those who had been chosen; and proceeded to business.

Bancroft, Hist. of the U.S., vol.6, p.468

"I foresee contentions," wrote Madison, "first between federal and anti-federal parties, and then between northern and southern parties, which give additional disagreeableness to the prospect." The events of the next seventy years cast their shadows before. Madison revived the bill which he had presented to congress on the eighteenth of March 1783, for duties on imports, adding to it a discriminating duty on tonnage. For an immediate public revenue, Lawrence of New York proposed a general duty ad valorem. England herself, by restraining and even prohibiting the domestic industry of the Americans so long as they remained in the condition of colonial dependence, had trained them to consider the establishment of home manufactures as an act of patriotic resistance to tyranny. Fitzsimons of Pennsylvania disapproved a uniform ad valorem duty on all imports. He said: "I have in contemplation to encourage domestic manufactures by protecting duties." Tucker of South Carolina enforced the necessity of great deliberation by calling attention to the antagonistic interests of the eastern, middle, and southern states in the article of tonnage. Boudinot of New Jersey wished glass to be taxed, for there were already several manufactures of it in the country. "We are able," said Hartley of Pennsylvania, "to furnish come domestic manufactures in sufficient quantity to answer the consumption of the whole union, and to work up our stock of materials even for exportation. In these cases I take it to be the policy of free, enlightened nations to give their manufactures that encouragement necessary to perfect them without oppressing the other parts of the community."

Bancroft, Hist. of the U.S., vol.6, p.468

"We must consider the general interests of the union," said Madison, "as much as the local or state interest. My general principle is that commerce ought to be free, and labor and industry left at large to find their proper object." But he admitted that "the interests of the states which are ripe for manufactures ought to have attention, as the power of protecting and cherishing them has by the present constitution been taken from the states and its exercise thrown into other hands. Regulations in some of the states have produced establishments which ought not to be allowed to perish from the alteration which has taken place, while some manufactures being once formed can advance toward perfection without any adventitious aid. Some of the propositions may be productive of revenue and some may protect our domestic manufactures, though the latter subject ought not to be too confusedly blended with the former." "I," said Tucker, "am opposed to high duties because they will introduce and establish a system of smuggling, and because they tend to the oppression of citizens and states to promote the benefit of other states and other classes of citizens."

Bancroft, Hist. of the U.S., vol.6, p.469

The election to the presidency found Washington prepared with a federal policy, which was the result of long meditation. He was resolved to preserve freedom; never to transcend the powers delegated by the constitution; even at the cost of life to uphold the union, a sentiment which in him had a tinge of anxiety from his thorough acquaintance with what Grayson called "the southern genius of America;" to restore the public finances; to establish in the foreign relations of the country a thoroughly American system; and to preserve neutrality in the impending conflicts between nations in Europe.

Bancroft, Hist. of the U.S., vol.6, p.469

Across the Atlantic Alfieri cried out to him: "Happy are you, who have for the sublime and permanent basis of your glory the love of country demonstrated by deeds."

Bancroft, Hist. of the U.S., vol.6, p.469

On the fourteenth of April he received the official announcement of his recall to the public service, and was at ten o'clock on the morning of the sixteenth on his way. Though reluctant "in the evening of life to exchange a peaceful abode for an ocean of difficulties," he bravely said: "Be the voyage long or short, although I may be deserted by all men, integrity and firmness shall never forsake me."

Bancroft, Hist. of the U.S., vol.6, p.470

But for him the country could not have achieved its independence; but for him it could not have formed its union; and but for him it could not have set the federal government in successful motion. His journey to New York was one continued march of triumph. All the way he was met with addresses from the citizens of various towns, from societies, universities, and churches.

Bancroft, Hist. of the U.S., vol.6, p.470

His neighbors of Alexandria crowded round him with the strongest personal affection, saying: "Farewell, and make a grateful people happy; and may the Being who maketh and unmaketh at his will, restore to us again the best of men and the most beloved fellow-citizen."

Bancroft, Hist. of the U.S., vol.6, p.470

To the citizens of Baltimore, Washington said: "I hold it of little moment if the dose of my life shall be embittered, provided I shall have been instrumental in securing the liberties and promoting the happiness of the American people."

Bancroft, Hist. of the U.S., vol.6, p.470

He assured the society for promoting domestic manufactures in Delaware that "the promotion of domestic manufactures may naturally be expected to flow from an energetic government;" and he promised to give "a decided preference to the produce and fabrics of America."

Bancroft, Hist. of the U.S., vol.6, p.470

At Philadelphia, "almost overwhelmed with a sense of the divine munificence," he spoke words of hope: "The most gracious Being, who has hitherto watched over the interests and averted the perils of the United States, will never suffer so fair an inheritance to become a prey to anarchy or despotism."

Bancroft, Hist. of the U.S., vol.6, p.470

At Trenton he was met by a party of matrons and their daughters, dressed mighty chief" who had rescued them from a "mercenary foe."

Bancroft, Hist. of the U.S., vol.6, p.470

Embarking at Elizabeth Point in a new barge, manned by pilots dressed in white, he cleaved his course swiftly across the bay, between gayly decorated boats, filled with gazers who cheered him with instrumental music, or broke out in songs. As he touched the soil of New York he was welcomed by the two houses of congress, by the governor of the state, by the magistrates of the city, by its people; and so attended he proceeded on foot to the modest mansion lately occupied by the presiding officer of the confederate congress. On that day he dined with Clinton; in the evening the city was illuminated. The senate, under the influence of John Adams and the persistency of Richard Henry Lee, would have given him the title of "Highness;" but the house, supported by the true republican simplicity of the man whom they both wished to honor, insisted on the simple words of the constitution, and prevailed.

Bancroft, Hist. of the U.S., vol.6, p.471

On the thirtieth, the day appointed for the inauguration, Washington, being fifty-seven years, two months, and eight days old, was ceremoniously received by the two houses in the hall of the senate. Stepping out to the middle compartment of a balcony, which had been raised in front of it, he found before him a dense throng extending to Broad street, and filling Wall street to Broadway. All were hushed as Livingston, the chancellor of the state, administered the oath of office; but when he cried, "Long live George Washington, President of the United States!" the air was rent with huzzas, which were repeated as Washington bowed to the multitude.

Bancroft, Hist. of the U.S., vol.6, p.471 - p.472

Then returning to the senate-chamber, with an aspect grave almost to sadness and a voice deep and tremulous, he addressed the two houses, confessing his distrust of his own endowments and his inexperience in civil administration. The magnitude and difficulty of the duties to which his country had called him weighed upon him so heavily that he shook as he proceeded: "It would be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being who presides in the councils of nations, that his benediction may consecrate to the liberties and happiness of the people of the United States a government instituted by themselves. No people can be bound to acknowledge the invisible hand which conducts the affairs of men more than the people of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency. There exists in the economy of nature an indissoluble union between an honest and magnanimous policy and public prosperity. Heaven can never smile on a nation that disregards the eternal rules of order and right. The preservation of liberty, and the destiny of the republican model of government, are justly considered as deeply, perhaps as finally, staked on the experiment intrusted to the American people."

Bancroft, Hist. of the U.S., vol.6, p.472

At the close of the ceremony the president and both branches of congress were escorted to the church of St. Paul, where the chaplain of the senate read prayers suited to the occasion, after which they all attended the president to his mansion.

Bancroft, Hist. of the U.S., vol.6, p.472

"Every one without exception," so reports the French minister to his government, "appeared penetrated with veneration for the illustrious chief of the republic. The humblest was proud of the virtues of the man who was to govern him. Tears of joy were seen to flow in the hall of the senate, at church, and even in the streets, and no sovereign ever reigned more completely in the hearts of his subjects than Washington in the hearts of his fellow-citizens. Nature, which had given him the talent to govern, distinguished him from all others by his appearance. He had at once the soul, the look, and the figure of a hero. He never appeared embarrassed at homage rendered him, and in his manners he had the advantage of joining dignity to great simplicity."

Bancroft, Hist. of the U.S., vol.6, p.472

To the president's inaugural speech one branch of the legislature thus responded: "The senate will at all times cheerfully co-operate in every measure which may strengthen the union and perpetuate the liberties of this great confederated republic."

Bancroft, Hist. of the U.S., vol.6, p.472

The representatives of the American people likewise addressed him: "With you we adore the invisible hand which has led the American people through so many difficulties; and we cherish a conscious responsibility for the destiny of republican liberty. We join in your fervent supplication for our country; and we add our own for the choicest blessings of heaven on the most beloved of her citizens."

Bancroft, Hist. of the U.S., vol.6, p.472

In the same moments of the fifth day of May 1789, when these words were reported, the ground was trembling beneath the arbitrary governments of Europe as Louis XVI. proceeded to open the states-general of France. The day of wrath, against which Leibnitz had warned the monarchs of Europe, was beginning to break, and its judgments were to be the more terrible for the long delay of its coming. The great Frederick, who alone of them all had lived and toiled for the good of his land, described the degeneracy and insignificance of his fellow-rulers with cynical scorn. Not one of them had a surmise that the only sufficient reason for the existence of a king lies in his usefulness to the people. Nor did they spare one another. The law of morality was never suffered to restrain the passion for conquest. Austria preyed upon Italy until Alfieri could only say, in his despair, that despotic power had left him no country to serve; nor did the invader permit the thought that an Italian could have a right to a country. The heir in the only line of protestant kings on the continent of Europe, too blind to see that he would one day be stripped of the chief part of his own share in the spoils, joined with two other robbers to divide the country of Kosciuszko. In Holland dynastic interests were betraying the welfare of the republic. All faith was dying out; and self, in its eagerness for pleasure or advantage, stifled the voice of justice. The atheism of the great, who lived without God in the world, concealed itself under superstitions observances which were enforced by an inquisition that sought to rend beliefs from the soul, and to suppress inquiry by torments which surpassed the worst cruelties that savages could invent. Even in Great Britain all the branches of government were controlled by the aristocracy, of which the more liberal party could in that generation have no hope of being summoned by the king to frame a cabinet. The land, of which every member of a clan had had some share of ownership, had been for the most part usurped by the nobility; and the people were starving in the midst of the liberality which their own hands extorted from nature. The monarchs, whose imbecility or excesses had brought the doom of death on arbitrary power, were not only unfit to rule, but, while their own unlimited sovereignty was stricken with death, they knew not how to raise up statesmen to take their places. Well-intentioned friends of mankind burned with indignation, and even the wise and prudent were incensed by the conscious endurance of wrong: while the lowly classes, clouded by despair, were driven sometimes to admit the terrible thought that religion, which is the poor man's consolation and defence, might be but an instrument of government in the hands of their oppressors. There was no relief for the nations but through revolution, and their masters had poisoned the weapons which revolution must use.

Bancroft, Hist. of the U.S., vol.6, p.474

In America a new people had risen up without king, or princes, or nobles, knowing nothing of tithes and little of landlords, the plough being for thin most part in the hands of free-holders of the soil. They were more sincerely religious, better educated, of serener minds, and of purer morals than the men of any former republic. By calm meditation and friendly councils they had prepared a constitution which, in the union of freedom with strength and order, excelled every one known before; and which secured itself against violence and revolution by providing a peaceful method for every needed reform. In the happy morning of their existence as one of the powers of the world, they had chosen justice for their guide; and while they proceeded on their way with well-founded confidence and joy, all the friends of mankind invoked success on the unexampled endeavor to govern states and territories of imperial extent as one federal republic.

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